



**SPEED POST**

B-33014/07/2020/IPC-II/TPP/892A

October 16, 2020

To,

The General Manager,  
M/s. Harduaganj Thermal Power Station,  
Uttar Pradesh Vidyut Utpadan Nigam Ltd.,  
Harduaganj, Aligarh - 202 127,  
Uttar Pradesh

**Sub: Modified Directions under Section 5 of the Environment (Protection) Act, 1986 regarding compliance of emission limit notified vide notification No.S.O.3305 (E) dated 07.12.2015 - reg.**

WHEREAS, taking into consideration pollution from thermal power plants, Ministry of Environment, Forest & Climate Change (MoEF&CC) had issued notification in the year 1984 laying out standards for thermal power plants (TPPs). Further, the stack height regulation was notified in the year 1989, effluent standard for TPPs was notified in the year 1986, revised temperature limit of discharge of cooling water from the plants was notified in the year 1999, and use of beneficiated coal in the plants was issued in June 2002. The fly ash utilization notification was also issued on 14th September, 1999 and amended in the year 2003 and 2009. Thereafter, MoEF&CC vide Notification No.S.O.3305 (E) dated 07.12.2015 amended emission limit for Particulate Matter (PM) and notified new limits for Sulphur dioxide (SO<sub>2</sub>), Oxides of Nitrogen (NO<sub>x</sub>) and mercury emission, and water consumption limit for coal/lignite based thermal power plants. As per the notification dated 07.12.2015, TPPs are required to achieve the notified limit within two years from the date of the notification i.e. by 07.12.2017;

WHEREAS, with the implementation of the amendment in the notification dated 07.12.2015, it is expected that there would be reduction in emission of PM, SO<sub>2</sub> and NO<sub>x</sub>, which in turn will help in improvement in Ambient Air Quality in and around TPPs, besides reduction of mercury emission, and reduction in water consumption in the thermal power plants;

WHEREAS, taking into consideration the technical challenges and time requirement for installation of Flue Gas Desulphurization (FGD) and other technologies to meet the new emission norms, the MoEF&CC vide its letter F. No. Q-15017/40/2007-CPW dated 07.12.2017 has directed CPCB to direct all the TPPs to ensure compliance with the norms laid down in the 07.12.2015 notification in accordance with the Revised Schedule for Electrostatic Precipitator (ESP) upgradation and FGD phasing submitted by the Ministry of Power (MoP) vide letter dated 13.10.2017 as well as NO<sub>x</sub> by year 2022;

WHEREAS, IIT, Kanpur in a study on "Air Pollution and Green House Gases (GHGs) in Delhi, January, 2016" indicated that there are 13 TPPs with a capacity of over 11000 MW in the radius of 300 kms of Delhi, which are expected to contribute to secondary particles. Hence, considering the impact of coal based power plants on ambient air quality in Delhi-NCR, the timelines given by Ministry of Power for TPPs located within 300 kms radius of Delhi were revised as December 31, 2019;

WHEREAS, in compliance to MoEF&CC direction dated 07.12.2017 following directions under Section 5 of Environment (Protection) Act, 1986, were issued on 11.12.2017 to M/s. Harduaganj Thermal Power Station, UPRVUNL:

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

- i. That plant shall install/retrofit Electrostatic Precipitators (ESP) immediately to achieve PM emission limit,
- ii. That plant shall install FGD by December 31, 2019 in Units 8 & 9 respectively so as to comply SO<sub>2</sub> emission limit,
- iii. That plant shall take immediate measure like installation of low NO<sub>x</sub> burners, providing Over Fire Air (OFA) etc. and achieve progressive reduction so as to comply NO<sub>x</sub> emission limit by the year 2019.

WHEREAS, the compliance of the directions mentioned at i to iii above regarding PM, SO<sub>2</sub> & NO<sub>x</sub> emission limits were reviewed by CPCB periodically with last such review on 30.12.2019.

WHEREAS, M/s. Harduaganj Thermal Power Station reported unit wise compliance status in respect of PM, NO<sub>x</sub> and SO<sub>2</sub> emission parameters informing that only feasibility study for installation of FGD has been completed, and letter of award (LOA) is yet to be issued, and thereby, failed to comply the directions issued under Section 5 of the Environment (Protection) Act, 1986 on 11.12.2017 for compliance of emission limit of PM and SO<sub>2</sub> /SO<sub>2</sub>.

WHEREAS, a show cause notice under section 5 of Environment (Protection) Act, 1986 was issued on 31.01.2020 to M/s. Harduaganj Thermal Power Station, UPRVUNL that why Units - 8 & 9 of the plant should not be closed down and Environmental Compensation be imposed for the continued non-compliance of the directions.

WHEREAS, a direction under section 5 of Environment (Protection) Act, 1986 was issued vide letter dated 08.05.2020 to M/s. Harduaganj Thermal Power Station, UPRVUNL to deposit Environmental Compensation @ Rs 18 lakh per month per non-compliant unit to CPCB by 5th day of the succeeding month for non-compliance of emission norms since 01.01.2020.

WHEREAS, the directions dt. 08.05.2020 of CPCB levying Environmental Compensation has been challenged in Hon'ble Supreme Court, and Hon'ble Court vide order dated 19.06.2020 in I.A. Nos. 53959 & 53962/2020 and 52536, 52538 & 53358/2020 has stayed the recovery of Environmental Compensation.

WHEREAS, after consultation with the MoEF&CC, Govt. of India, CPCB has informed Hon'ble Supreme Court on 30.08.2020 in I.A. Nos. 53959/2020 & 53962/2020, 52536/2020 & 52538/2020 and 59929/2020 & 59930/2020 that it has been decided that irrespective of the location of the plant whether situated within 300 km of Delhi or elsewhere, the timelines given in the "Revised Schedule" shall be adhered to. Accordingly, the timelines of the TPPs within 300 km from Delhi, which were advanced by CPCB, shall be modified to the timelines as per the "Revised Schedule" that was submitted by Ministry of Power, Govt. of India, and in such cases the related subsequent directions issued by CPCB to levy Environmental Compensation shall also be revised accordingly.

WHEREAS, the Ministry of Environment, Forest & Climate Change, Government of India, vide Notifications No. S. O. 157 (E) of 27.02.1996 and S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof.

*WGS*

**NOW, THEREFORE**, taking into consideration all material facts and in exercise of powers vested under Section 5 of the Environment (Protection) Act, 1986, the direction dated 11.12.2017 prescribing December 31, 2019 timeline for Units – 8 & 9 is modified to the extent that:

- I. The timelines to install FGD for Units – 8 & 9 may be read respectively as December 31, 2021 for Unit-8 and October 31, 2021 for Unit-9,
- II. The timelines to comply NOx emission limit may be read as December 31, 2022.

The compliance of the direction shall be reviewed by CPCB periodically and further direction, if required, shall be issued which may include directions for closure.

  
(Shiv Das Meena)  
Chairman

**Copy to:**

1. The Chairman  
Uttar Pradesh Pollution Control Board,  
Building No. TC-12V Vibhuti Khand,  
Gomati Nagar Lucknow – 226 010
2. The Joint Secretary (CP Division)  
Ministry of Environment, Forests and Climate Change  
Prithvi Wing, 2nd Floor, Room No. 216  
Indira Paryavaran Bhawan, Aliganj,  
Jor Bagh Road, New Delhi – 110 003
3. The Joint Secretary (Thermal),  
Ministry of Power,  
Shram Shakti Bhawan  
Rafi Marg, New Delhi – 110 001
4. The Regional Director,  
Central Pollution Control Board  
PICUP Bhawan, Ground Floor  
Vibhuti Khand, Gomti Nagar  
Lucknow – 226 010
5. The Divisional Head - IT, CPCB

  
(Prashant Gargava)  
Member Secretary