

BY SPEED POST

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August 25, 2017

To

The General Manager
Nabinagar Super Thermal Power Project
Nabinagar Taluk,
Aurangabad- 824 301
Bihar

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986 - Notice thereof.

WHEREAS, Thermal Power Plants are identified as one of the 17 categories of highly polluting industries in the country and been discharging environmental pollutants directly or indirectly into the ambient air and water, which pose constant threat to cause adverse effect on the air and water quality; and

WHEREAS, there is a need to inculcate habit of self-monitoring mechanism within the industries for complying with the prescribed standards and this can be achieved by the methods like installing online effluent and emission monitoring devices; and

WHEREAS, for strengthening the monitoring and compliance through self-regulatory mechanism, online emission and effluent monitoring systems need to be installed and operated by the developers and the industries on 'polluter pays principle'; and

WHEREAS, a direction under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 was issued on February 05, 2014 to all the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) for installation of online effluent monitoring systems; and

WHEREAS, CPCB has prepared and uploaded guidelines for online continuous monitoring system for effluent at CPCB website; and

WHEREAS, considering the requests/ representations received from industries/ industrial associations/ SPCBs / PCCs, an extension of time up to June 30, 2015 for installation of online monitoring systems was granted vide direction dated March 02, 2015 under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981; and

WHEREAS, a letter dated May 29, 2015 was issued by the Chairman CPCB to all SPCBs/PCCs informing that no further extension of time will be given after June 30, 2015 and withdrawal of consent to operate along with forfeit of bank guarantee of non-complying units will be the only option; and

WHEREAS, it is presumed that concerned SPCB/PCC has also issued a direction under section 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 to your unit to install online effluent monitoring system; and

WHEREAS, it has also been stipulated to install online continuous monitoring system for PM10, PM2.5, SO2 and NOx in all the stacks by Ministry of Environment, Forest & Climate Change while granting environmental clearance to thermal power plants; and

WHEREAS, it is observed that the requisite Online Effluent and Emission Monitoring Systems [OCEMS] are yet to be installed & connected with CPCB Server by M/s Nabinagar Super Thermal Power Project; and

WHEREAS, the time-line of 28.02.2017 for installation of OCEMS & their connectivity with CPCB Server, has been over long back; and

WHEREAS the Ministry of Environment & Forests, 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.

NOW, THEREFORE, in exercise of powers vested under Section 5 of the Environment (Protection) Act, 1986, M/s Nabinagar Super Thermal Power Project is hereby directed to explain the reasons as to why your plant should not be closed on account of non-compliance of the mandatory requirement of installation of requisite Online Emission & Effluent Monitoring Systems by 28.02.2017.

M/s Nabinagar Super Thermal Power Project is further directed for the following:

1. The Unit shall immediately initiate all necessary action for installation of online emission & effluent quality monitoring system as per the guidelines of the CPCB and their connectivity with CPCB Server;

2. The Unit shall immediately submit documentary evidences on OCEMS already installed or proposed to installed viz. type of instrument, name of supplier, parameters covered etc.
3. The Unit shall submit the latest status on the connectivity of online emission & effluent monitoring system with SPCBs/PCCs and CPCB servers;
4. The Unit shall upload compliance information on online monitoring at CPCB website under "Online Monitoring of Industrial Emission & Effluent".
5. The Unit shall submit all the relevant copies of the Environmental Clearances issued by MoEF&CC/ State EIA Authority and Consents issued by State Pollution Control Board under the Air (P&C of Pollution) Act, 1981 and Water (P&C of Pollution) Act, 1974.

M/s Nabinagar Super Thermal Power Project shall submit the reply and action taken report for compliance of above directions within 15 days from the date of issue of these directions failing which, it shall be presumed that the unit has nothing to say in this matter and action as deemed fit including prosecution shall be launched by CPCB under the provisions of the National Green Tribunal Act, 2010.

[S.P.S. Parihar]
Chairman

20/8/17

Copy to:

1. The Chairman
Bihar State Pollution Control Board
Parivesh Bhawan, Plot No. NS-B/2,
Paliputra Industrial Area, Patliputra,
Patna - 800 023 Bihar
2. The Additional Secretary [AKM-CP Division]
Ministry of Environment, Forests and Climate Change
Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road
New Delhi - 110 003
3. The Regional Director
Central Pollution Control Board
Southend Conclave, Block 502, 5th & 6th Floor
1582, Rajdanga Main Road, Kolkata - 700 107
4. The Divisional Head, IT, CPCB

[A.B. Akolkar]
Member Secretary


