

MOST URGENT
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OUT TODAY

No. 11-7/2010-IA-III
Government of India
Ministry of Environment and Forests
(IA-III Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi- 110003

Dated 16th September 2011

To,

M/s OPG Power Gujarat Private Limited
117, P. S. Sivaswami Salai
St. Ebba's Avenue
Mylapore
Chennai - 600 004

Sub: Show Cause Notice issued under Section 5 of Environment (Protection) Act, 1986 for violation of the provisions of the Coastal Regulation Zone Notification, 1991 by M/s OPG Power Gujarat Limited - regarding.

Whereas, the Ministry issued the Show Cause Notice (SCN) under Section 5 of Environment (Protection) Act, 1986 of M/s OPG Power Gujarat Private Limited vide letter of even number dated 15th December, 2010 (a copy of the SCN is at **Annexure- I**) in view of the reported violation of the Environment Impact Assessment Notification, 2006; and

2. Whereas, M/s OPG Power Gujarat Private Limited vide letter No. Nil, dated 30th December, 2010 has sought extension of time upto end January, 2011 for submitting the written submissions; and

3. Whereas, MoEF vide the letter of even number dated 2nd February, 2011 directed M/s OPG Power Gujarat Private Limited to be present for the oral hearing on 14th February, 2011 at 4:00 P.M. in the Conference Room, Society of Integrated Coastal Management, No. 9, Institutional Area, Lodhi Road, New Delhi and provide requisite information relevant to the SCN. Copy of the minutes at **Annexure - II**; and

4. Whereas, M/s OPG Power Gujarat Private Limited appeared for hearing and based on the hearing the Ministry vide letter of even number dated 23rd February, 2011 sought for additional information within fifteen days for the date of receipt of the letter; and

5. Whereas, M/s OPG Power Gujarat Private Limited vide letter No. Nil, dated 8.3.2011 submitted a written response to the information sought during the hearing, which inter-alia covered the proposal of close

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circuit cooling water system for restricting 3^o rising temperature, installation of 220 mt. high stack with twin flues along with online monitoring system, use of blended fuel with sulphur content not more than 1%, budget provision for CSR activities etc. and

6. Whereas, the Expert Appraisal Committee(Infrastructure) in its meeting held on 5-6th April, 2011 has appraised and recommended the laying of pipeline for intake and outfall and clearance has been issued in this respect vide letter dated 16th September 2011.

7. Now, therefore, the Ministry, after taking into account the information submitted by the project proponent during the hearing and thereafter for clarifying the issues and taking note of the clearance issued under CRZ Notification, hereby approves as final directions with imposition of following additional conditions to the environmental clearance issued by State Environment Impact Assessment Authority (SEIAA), Gujarat in October, 2010 :

- (a) For restricting 3^o c rise in temperature, closed circuit cooling water system, shall be adopted with induced draft cooling system. The water discharged will be less than 3,500 cu mts.
- (b) For control of emission, a 220 mt. high stack shall be installed along with online monitoring of SO_x and SPM.
- (c) Blended fuel shall be used with imported coal from Indonesia and mixed with Indian coal @70-30%. The sulphur content shall not be more than 1%.
- (d) The traffic study commissioned by M/s OPG Power Gujarat Private Limited to evaluate the impact of additional traffic due to the project shall be completed and submitted to the Ministry. M/s OPG Power Gujarat Private Limited shall upgrade and widen the existing road at the project cost.
- (e) The project proponent shall earmark Rs. 108 crores for various environmental activities and CSR purposes. As per the undertaking given by the project proponent they shall adopt the fishing village and provide facilities such as dispensary, school bus, fish drying facilities etc. The project proponent shall launch a stitching project that will provide employment opportunity.
- (f) It shall be ensured that the pipeline for intake and outfall channel in the inter tidal area and offshore area shall not affect the littoral movement causing shoreline change in the stretch. M/s OPG Power Gujarat Private Limited shall monitor the shoreline through reputed scientific organization, every six months, during construction and operation and shall submit report of the shoreline

change to the Gujarat Coastal Zone Management Authority(GCZMA) and the Ministry.

- (g) It shall be ensured that during construction and operation of the intake and outfall channel the movement of fishing vessels and the fishing by local communities are not affected.
- (h) M/s OPG Power Gujarat Private Limited shall undertake extensive mangrove plantation along the stretch in coordination with the local Forest Department or any other agency assigned by GCZMA.


(E. Thirunavukkarasu)
Deputy Director

Copy of information to:-

1. Member Secretary, Gujarat State Coastal Zone Management Authority, Forests and Environment Department, Block No. 14, 8th Floor, Sachivalaya, Gandhinagar - 382010, Gujarat.
2. Shri R.G. Shah, Member Secretary, State Level Environment Impact Assessment Authority Gujarat, Government of Gujarat, Gujarat Pollution Control Board, "Paryavaran Bhawan," Sector - 10A, Gandhinagar - 382010, Fax: 079-23222784.
E-mail: seiaa.gujarat.govt.in
3. Member Secretary, Gujarat Pollution Control Board, Gujarat Pollution Control Board, "Paryavaran Bhawan," Sector-10-A, Gandhinagar-382010

No.11-7/2010-IA-III
Government of India
Ministry of Environment and Forests
(IA-III Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003.

Dated the 15th December, 2010

To,
M/s OPG Power Gujarat Private Limited,
167, St. Mary's Road,
Alwarpet, Chennai-600018.

Sub: Show Cause Notice under Section 5 of Environment (Protection) Act, 1986 for violation of the provisions of Environmental Impact Assessment Notification, 2006 by M/s OPG Power Gujarat Private Limited - regarding.

Whereas, the Ministry of Environment and Forest (MoEF) had received a representation from Shri Bharat Patel, General Secretary, Machimar Adhikar Sangharsh Sangathan vide e-mail indicating violation of Environmental Impact Assessment Notification, 2006 for establishing the above project at village Bhadreshwar, taluka Mundra, district Kutch M/s OPG Power Gujarat Private Limited (the Unit), attached at Annexure-I of this notice; and

2. Whereas, Gujarat SEIAA issued environmental clearance vide No.SEIAA/GUJ/EC/1(d)/114/2009, dated 11th June, 2010 in which vide item No.12 of the Specific Conditions stipulates that, *"The project proponent shall not start any construction/project enabling activities unless and until environmental clearance as well as all requisite prior permissions/clearances are obtained"*.

3. Whereas, the Ministry had directed Dr. A. Senthil Vel, Additional Director, Ministry of Environment and Forests (MoEF) to undertake site visit and submit a report; and

4. Whereas, a site visit was undertaken by Dr. A. Senthil Vel, Additional Director alongwith the officials of the Gujarat Pollution Control Board and Gujarat Ecological Commission on 6th and 7th December, 2010; and

5. Whereas, a site visit report has been submitted by Dr. A. Senthil Vel, Additional Director, MoEF on 14th December, 2010, a copy of which is at Annexure-II of this notice; and

6. Whereas, the site visit report indicates that the unit has fenced the site with barbedwires; the site has been cleared of vegetation; soil from outside has been brought and used for levelling of the ground; a tar/metal road has been laid within the project site; large burrows has been dug up at the project site which the unit claims to be meant for soil testing and compaction testing; labour camps have been set up with temporary sheds; and

7. Whereas, the above construction activities demonstrate non-compliance with Specific Conditions item No.12 of the environmental clearance issued by Gujarat SEIAA vide No.SEIAA/GUJ/EC/1(d)/114/2009, dated 11th June, 2010, as the environmental clearance under CRZ for the intake and outfall channel for the project has not been obtained so far; and

*letter issued alongwith enclosures
16/12/10*

8. Now, therefore, under Section 5 of Environment (Protection) Act, 1986, you are hereby directed to show cause within fifteen days of the issue of this Notice as to why:-

- (i) The environmental clearance issued by SEIAA vide letter No.SEIAA/GUJ/EC/1(d)/114/2009, dated 11th June, 2010 should not be cancelled.
- (ii) M/s OPG Power Gujarat Private Limited should not maintain status-quo in respect of implementation of the project on the site.

9. It may be noted that if no response is received within fifteen days, appropriate orders as deemed fit will be passed under the circumstances of the case without any further notice to you. In case personal hearing is desired, it may be so indicated in your response.

10. These directions issue with the approval of the Competent Authority.

Encl's: As above


(Dr. A. Senthil Vel)
Additional Director

Copy to:-

Member Secretary, Gujarat Coastal Zone Management Authority, Forests & Environment Department, Government of Gujarat, Block No. 14/8, Sachivalaya, Gandhi Nagar - 382010.


(Dr. A. Senthil Vel)
Additional Director

OK

Minutes of the hearing with regard to the Show Cause Notice issued on 15th December, 2011 to M/s OPG Power Gujarat Private Limited held on 14th February, 2011 at 04:00 P.M. in Conference Room, SICOM, No.9, Institutional Area, Lodhi Road, New Delhi-110003.

Dr. Nalini Bhat, Advisor, Ministry of Environment and Forests alongwith Dr. A. Senthil Vel, Director, MoEF heard the representatives from M/s OPG Power Gujarat Private Limited on 14th February, 2011 in Conference Room, SICOM, No.9, Institutional Area, Lodhi Road, New Delhi-3. The list of participants present at hearing is at **Annexure-I.**

2. Dr. Nalini Bhat highlighted the issues indicated in the site visit report of Dr. A. Senthil Vel, who had visited the site on 6th – 7th December, 2010. Based on which the Show Cause Notice vide letter No.11-7/2010-IA-III, dated 15th December, 2010 was issued.
3. She invited representatives of M/s OPG Power Gujarat Private Limited to putforth their views. Shri V. Ravichandran from OPG submitted the written submissions with regard to the Show Cause Notice and indicated that the power plant of 300MW was accorded all necessary clearances under Environmental Impact Assessment Notification, 2006 on 11.6.2010. It was also mentioned that M/s OPG Power Gujarat Private Limited had conducted public hearing on two occasions for the same project as was directed by Hon'ble High Court of Gujarat in Writ Petition.
4. The State Environmental Impact Assessment Authority (SEIAA) had accorded clearance to the power project on 11.6.2010 with certain specific and general conditions. Shri Ravichandran informed that the company will abide by all the conditions stipulated in the environmental clearance including the stack height. Further, it is also informed that the proposal relating to pipeline intake and outfall has been submitted to Ministry and has been considered by Expert Appraisal Committee for clearance under Coastal Regulation Zone Notification.
5. Shri Ravichandran clarified that after the receipt of the Show Cause Notice dated 15th December, 2010 they have stopped all activities at the site. This has affected the working months and had led to delay in project. M/s OPG Power Gujarat Private Limited submitted the Orders of the Hon'ble High Court in Writ Petition No.7 of 2011 filed by Shri Hussain Salemamad Kara Vs State Environmental Impact Assessment Authority. In the Order the Hon'ble High Court has directed M/s OPG Power Gujarat Private Limited to await the decision orders of Ministry of Environment and Forests who have already initiated action in the matter.
6. With regard to the issues raised in the Show Cause Notice M/s OPG Power Gujarat Private Limited clarified that,-
 - (i) It was also clarified that M/s OPG Power Gujarat Private Limited have adopted the close circuit water through system in order to achieve 3°C rise in temperature. While the discharge standard in marine waters is a differential of 7°C.
 - (ii) For better disposal of emissions, stack height of 220m is proposed as against the requirement of 130m based on coal quality.
 - (iii) The blended fuel would be used with a ratio of 70:30 for domestic and Indonesian coal. The sulphur content would be around 0.5%.

- (iv) The project promoters have prepared a plan for using high tonnage trucks in place of low tonnage trucks in order to reduce the number of trucks plying to and fro on the road. Further, M/s OPG Power Gujarat Private Limited have assured of undertaking widening and strengthening of 1.5kms road from the National Highway to the project site. The proponent shall provide necessary drainage and footpath facility along the road.
- (v) For the phase-I, which has been accorded clearance, an amount of Rs.108crores has been earmarked for environmental purposes and about Rs.7crores for the corporate responsibility.
- (vi) M/s OPG Power Gujarat Private Limited assured that they would adopt a nearby fishing village and provide all facilities such as dispensary, internal road, electricity connections, cooking gas, school bus, water connection, toilets, fish drying facility etc., as a part of corporate social responsibility. For this purpose adequate budget would be earmarked and a dedicated staff appointed by M/s OPG Power Gujarat Private Limited to oversee the implementation of these facilities.

The hearing ended thanking the chair.

List of the representatives of M/s OPG Power Gujarat Private Limited who attended the hearing with regard to the Show Cause Notice issued on 15th December, 2011 to M/s OPG Power Gujarat Private Limited held on 14th February, 2011 at 04:00 P.M. in Conference Room, SICOM, No.9, Institutional Area, Lodhi Road, New Delhi-110003.

1. Dr. Nalini Bhat, Adviser, Ministry of Environment and Forests
2. Dr. A. Senthil Vel, Director, Ministry of Environment and Forests
3. Shri Vinod K. Agarwal, M/s OPG Power Gujarat Private Limited
4. Ms. Avantika Gupta, M/s OPG Power Gujarat Private Limited
5. Shri V. Ravichandran, M/s OPG Power Gujarat Private Limited
6. Shri Arvind Gupta, M/s OPG Power Gujarat Private Limited
