

Letter from Concerned Citizens and Organisations

Dr. Harsh Vardhan,
Minister of State (Independent Charge),
Environment, Forest & Climate Change,
Government of India, New Delhi.

19 June 2017

Subject:

ENSURE IMPLEMENTATION OF NEW NORMS FOR EMISSIONS AND WATER USE OF THERMAL POWER PLANTS

MOEFCC SHOULD BRING OUT 'STATUS OF IMPLEMENTATION - INTERIM REPORT' TO ALLAY FEARS OF NORMS NOT BEING MET

Dear Sir,

We are a group of concerned citizens and organisations who have been working on various social, environmental and natural resources issues related to coal fired thermal power plants (TPPs). In particular, we have been concerned with the serious implications of emissions from coal based thermal power plants, and the massive use of water by these facilities.

We are now shocked to learn from media reports¹ and postings² on the website of the Central Electricity Authority (CEA) that your Ministry and the CEA are in the process of diluting and extending the deadlines for some of the critical air emission and water use norms for thermal power plants. Hence this letter of concern, urging you to ensure that the norms are not diluted, and the notified timelines are strictly adhered to.

Background

In December 2015, the MoEFCC initiated a welcome first step towards addressing concerns about air pollution and high water consumption by thermal power plants, when it introduced the amendment to the Environment (Protection) Rules of 1986, bringing in new and tighter norms for emissions from coal based power plants and their water use³. New TPPs, that is TPPs installed after 1 January 2017 have to meet these norms at commissioning itself, while most existing TPPs have to do it by Dec 2017. If TPPs meet these norms, it will help ameliorate some of the impacts of TPP emissions and their large consumption of water.

¹ See Articles in The Wire and the Business Standard dated 8th June 2017 and 9th June 2017 <https://thewire.in/145405/air-pollution-thermal-plants/> and http://www.business-standard.com/article/economy-policy/300-thermal-plants-ignore-rules-to-adopt-pollution-norms-in-2020-not-2017-117060801228_1.html

² http://cea.nic.in/fgd_installation.html

³ <http://www.moef.gov.in/sites/default/files/Thermal%20plant%20gazette%20scan.pdf>

Reports hinting at dilution and extension cause for concern

Given this, reports, like those mentioned above, of the emission and water standards introduced in 2015 being diluted, or them being delayed are a cause of concern. In fact, even earlier there have been reports hinting at this.

Shri Ravindra Kumar Verma, chief of CEA, has reportedly said⁴, "Completely meeting requirements of revised environmental norms by December 2017 may not be feasible." Piyush Goyal, the power minister, told the Financial Times that the country's coal power stations, three-quarters of which are owned by the government, "will take some more time" to upgrade their technology and cut emissions⁵. Such reports have been appearing in the press from time to time, and such expectations are being expressed even in some conferences and workshops⁶.

In this context, we appreciate the statement⁷ made by Shri Dave, the then Minister for Environment, Forests and Climate Change, in the Lok Sabha on 28 March 2017 that "The revised emission standards for Thermal Power Plants were notified with respect to Particulate Matter (PM), SO₂, NO_x, Mercury (Hg) and water consumption on 7th December, 2015 and shall come into force from 6th December, 2017." This is an important message that the timeline for meeting the new standards has not changed.

However, given the extent of reports in the press, at conferences, and with many raising concerns about "genuine problems", it is important that the MoEFCC comes out with a more unambiguous, clearer statement that the norms shall not be diluted nor the timeline extended.

Need for an interim status report

Meanwhile, another part of the above mentioned statement in the Lok Sabha, that "An assessment in respect of level of implementation is due only after these standards come into effect" gives some cause for concern. One reason for the concern is that this statement creates the false impression that none of the standards have come into effect as yet. This is not correct, since the norms are already in effect for power plants that are installed after 1 Jan 2017, and these plants have to meet the norms of emissions, water use and zero waste water discharge right on commissioning.

We would like to highlight that there are 9 new units that have come online during January to March 2017. It is important that the compliance of these plants to the new standards be assessed and made public. This is particularly necessary because some of these plants would have been under construction when the new norms were notified, and the notification required such under-construction plants also to adhere to the norms. Hence, a status report on whether these plants are compliant with the new norms and are maintaining emissions and water use within the given limits

⁴ <http://indianexpress.com/article/india/green-norms-unmet-thermal-plants-get-more-time-and-lower-standards-ntpc-4514946/>

⁵ <https://www.ft.com/content/18268438-2e3e-11e7-9555-23ef563ecf9a>

⁶ For example, Conference on Environmental Compliance for TPPs at Hotel Pride Plaza Aerocity, New Delhi 23 Dec 2017, Organized by Deesha Power

⁷ Response of Minister Of State (Independent Charge) For Environment, Forest And Climate Change (Shri Anil Madhav Dave), to Unstarred Question No. 4274, Answered on 28.03.17 in Lok Sabha.

is necessary. Such a report needs to be prepared right away to help understand the status of the implementation of the norms and to ensure their effective application.

The second reason why the above statement is a cause for concern is that such an approach - deferring an assessment of implementation of the norms till the deadline of Dec 2017 - may itself lead to lack of proper implementation of the norms within the due date as it implies total inaction and complete lack of monitoring by the MoEFCC till Dec 2017.

The important issue here is that meeting these norms for emissions and for water consumption is going to require significant retrofits for many TPPs, the nature and extent of which would vary case by case. Such retrofits have a fair bit of lead time, and to ensure that the TPPs are ready to meet the new standards by Dec 2017 means that the process of planning, designing, ordering and erection of these retrofits/ equipment should be well on its course by now. It is imperative that the MoEFCC is seized of the status of this roll-out, else it, and the country, would be in for a rude surprise by Dec 2017 if it is found that many of the TPPs have not initiated such retrofits and other actions, or have initiated them too late. In that case, the MoEFCC and the country will find a *fait accompli* situation on hand, where there may be little choice left but to extend the deadline and/or dilute the norms.

The Proceedings⁸ of a stakeholder conference on *New Environmental Norms For The Power Sector* organized by the Centre for Science and Environment in Sept 2016 had noted that "...little progress has been made over the last nine months during which pre-execution work (need assessment, cost estimates and tariff application) could have easily been done." If even pre-execution work was not in place by Sept 2016, there are serious doubts about the preparatory work and the actual roll-out being on track.

To avoid such a situation of *fait accompli* in Dec 2017, it is necessary that the MoEFCC monitor on an ongoing basis the progress of the roll-out of TPP actions to meet the new norms. This would help give early-warning signals if some TPPs are likely to miss the targets, and also help these TPPs address the situation. Such monitoring can be based on self-reporting by the industries and monitoring by MoEFCC. In any case, this is not anything different from the standard practice of regular compliance monitoring reports by TPPs.

We therefore urge that the MoEFCC immediately initiate action to put together, and make public an interim status report on the implementation status of these norms.

This will not only convey clearly to the TPPs that the MoEFCC is serious about the implementation of the norms in the given time period, will put to rest all reports that from time to time raise the issues that "standards are going to be diluted, timelines are to be extended" but will also help identify issues that may likely delay the implementation of the norms for specific TPPs and help take corrective action.

Conclusion: Actions Urged From the Ministry

⁸ <http://cseindia.org/userfiles/new-environmental-norms-report.pdf>

In sum, we urge you to help put to rest all doubts that the new norms will be implemented in full, and in the given deadline, by:

1. Issuing an unambiguous, clear statement that the norms shall not be diluted nor the timeline extended.
2. Bringing out an interim status report of the roll-out of the norms by all the TPPs. This status report should have two parts. One, covering compliance by the TPPs already commissioned after 1 Jan 2017 where the norms are applicable right away, and another, covering the status of roll-out for the existing TPPs which have till Dec 2017 to meet the norms
3. MoEFCC issuing clear guidelines to all the under construction TPPs stating that they will have to implement the new norms before coming online.

With thanks and regards,

1. E A S Sarma, Former Union Power Secretary
2. Bittu Sahgal, Editor, Sanctuary Asia
3. Ramesh Agarwal, Jan Chetna, Raigarh, Chhattisgarh
4. Ravi Rebbapragada, Chair Person, mines, minerals & People
5. Ashok Shrimali, Secretary General, mines, minerals & People
6. Manoj Misra, Yamuna Jiye Abhiyaan, Delhi / Bhopal
7. Sreedhar, Environics Trust
8. Alok Shukla, Chhattisgarh Bachao Andolan, Raipur
9. Himanshu Thakkar, SANDRP, Delhi.
10. Shweta Narayan, Community Environmental Monitoring, Chennai
11. Ekta Shekhar, Whistle Blower Trust, Varanasi, Uttar Pradesh.
12. Rinchin, Dalit Adivasi Majdoor Sangathan, Raigarh, Chhattisgarh
13. Forum for Policy Dialogue on Water Conflicts in India
14. Sudha Bharadwaj, General Secretary, Chhattisgarh PUCL
15. Pooja Kumar, Coastal Resource Centre, Chennai
16. Nityanand Jayaraman, Vettiver Collective, Chennai
17. Babu Rao Kalapala, Scientist, Hyderabad
18. Soumya Dutta, Bharat Jan Vigyan Jatha & Beyond Copenhagen Collective
19. Kishor Rithe, President, Satpuda Foundation
20. Joe Athialy, Centre for Financial Accountability, New Delhi
21. Aruna Chandrasekhar, Independent journalist and researcher
22. Shamarukh Mehra, Silicosis Peedit Sangh, Barwani (M.P.)
23. Shankar Sharma, Power Policy Analyst, Mysore
24. Dr. Bhamy V Shenoy, Mysore.
25. K. J. Joy, SOPPECOM, Pune
26. Reecha Upadhyay, Help Delhi Breathe, Delhi
27. Latha Anantha and S.P.Ravi, River Research Centre and Chalakudy Puzha Samrakshana Samithi, Kerala
28. Vikrant Tongad, Social Action For Forest & Environment (SAFE), Noida, U.P.
29. Neha Bhadbhade, SOPPECOM, Pune
30. S K Tripathy, Omkar Sewa Samiti, Amethi
31. Dr Prabhakar Singh, Vikas Path Sewa Santhan, Chitrakoot

32. Rajdev Chaturvedi, GPS, Azamgarh
33. Jagriti Rahi, Vision, Varanasi
34. Sanjay Mishra, MGSS, Mau
35. Fr Anand, Vishwajyoti Jan Sanchar Kendra, Varanasi
36. Dhananjay Tripathy, RTE Forum, Varanasi
37. Awadhesh Kumar, BRD Gramin Vikas Samiti, Gorakhpur
38. Vinay Kumar, Dev excel Foundation, Varanasi
39. Hemant Nandan Ojha, Gyan Vigyan Samiti, Pratapgarh
40. V K Rai, Jawabdeh Nagrik Forum ,Bhadohi
41. Girdhari Bhai, Rashtriya Asahay Sewa Parishad, Allahabad
42. Pushpa Pal, Jan Shikshan Kendra, Ambedkarnagar
43. R. K. Singh, Ph.D.
44. Gorky Chakraborty, Kolkatta
45. Nafisa Barot, Utthan, Ahmedabad, Gujarat
46. Eklavya Prasad, Megh Pyne Abhiyan
47. Soma K. P.
48. Nandikesh Sivalingam, Greenpeace India.
49. Ritwick Dutta, Legal Initiative for Forest and Environment, and Environmental Lawyer, New Delhi.
50. Shripad Dharmadhikary, Manthan Adhyayan Kendra, Pune

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