

Government of Maharashtra

Tel. No. : 22852696

No. Appeal – 2015 /C.R53/ T.C.4
Office of the -
Environment Department, 15th floor,
New Administrative Building,
Mantralaya, Mumbai- 400 032
Date: 05/08/2015

To,

1) The Member Secretary,
MPCB, Kalptaru Point,
2nd floor, Sion – Matunga Rd.,
Sion, Mumbai – 400022.

2) M/s Western Coalfield Ltd.,
Gondegaon, Open Cast Mine,
At & Post Gondegaon, Tal. Perseoni,
Dist. Nagpur.

Sub.: Appeal filed by M/s Western Coalfield Ltd. V/s MPCB, under the provisions of the Water (P&CP) Act, 1974, & Air (P&CP) Act, 1981, before the Appellate Authority.

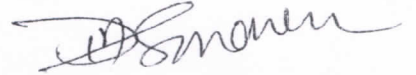
Ref.: Appeal heard on 23/06/2015 before the Appellate Authority.

Sir,

The above proponent filed an appeal before the Appellate Authority constituted under the provisions of the Water (P&CP) Act, 1974, & Air (P&CP) Act, 1981.

Please find herewith a copy of the order dated 30/07/2015 passed by the Appellate Authority, in the above matter for your kind information.

Yours faithfully,



(D M Sonawane)
Scientist –II,
Environment Dept.

D.A.: As Above

Copy Submitted to:

Principal Secretary, Environment Department, Room No.217 (Annex), Mantralaya,
Mumbai - 32.

web site

Before the Appellate Authority constituted under the provisions of
Water (Prevention & Control of Pollution) Act, 1974 & Air
(Prevention & Control of Pollution) Act, 1981

M/s Western Coalfield Ltd.,
Gondegaon, Open Cast Mine,
At & Post Gondegaon, Tal. Perseoni,
Dist. Nagpur.

Appellant

V/s

Maharashtra Pollution Control Board
Kalptaru Point, 2/3/4 floor,
Opposite Cineplanet,
Near Sion Circle, Sion (East)
Mumbai - 400 022.

Respondent

Date:-

ORDER

The appeal is filed by the Appellant under section 28 of the Water (P&CP) Act, 1974 & under section 31 of the Air (P&CP) Act, 1981, while aggrieved by the refusal of consent to operate vide letter dated 18/09/2014 issued by the Respondent Board. The appeal was heard on 23/06/2015, before the Appellate Authority.

During the course of hearing on 23/06/2015 Shri K. Chakroborty, General Manager (Environment) & Shri R. K. Singh, General Manager (Operation) were present on behalf of appellant. Shri S. K. Purkar, Law Officer & Mrs. N. Kubal, Assistant Law Officer were present on behalf of Respondent Board.

As per the submission made in appeal of the Appellant, they are operating and maintaining Pollution Control System to meet the consented parameters & also important measures being taken on regular basis such as for reducing fugitive emission & suppression of dust to maintain ambient air quality, 3 nos. of departmental water tankers have been provided to sprinkle water for suppression of dust at the places on Haul road, where dumpers / trucks ply and water sprinkling is done round 'o' clock in all 3 shifts along with one contractual water sprinkler tanker is being provided on coal transportation road.

The appellant contended that, the trucks transporting the coal are fully covered with tarpaulin and dense plantation of Bamboo plants in 3 tier system along with both sides of coal transportation road has been done. The special water spraying arrangement at unloading & crushing points of feeder breaker is also provided to suppress the dust at generation points itself. Massive tree plantation have been done around Coal Handling Plant & Weigh Bridge to control dust pollution. The construction of RCC road from Bunker to Check post has been taken up which is under progress.

The Appellant Industry has reported to have provided 100 KLD ETP consisting of primary and secondary treatment at workshops which is being operated & maintained on regular basis and treated water is recycled for washing of HEMM. Waste generated is disposed of from time to time to "Common Hazardous Waste Treatment Storage & Disposal Facility" (CHWTSDF) at Butibori. They have provided sedimentation tank for primary treatment of mine water & thereby discharging the same into natural drain & for arresting fines of OB dumps, cut off trenches are constructed at the base of over burden dump (OB dump).

The Appellant further relied upon the visit of field officer, MPCB of SRO Nagpur office to the Appellant Industry on 18/09/2014 & as per the visit report, it was observed that, 1) Mine is Operational 2) Water sprinkling on coal transportation roads by water tankers. 3) Coal trucks covered by tarpaulin. 4) Plantation observed on OB dumps, open land, avenue plantation along road from Coal Handling Plant to Dumri siding. 5) Reclamation (of O.B.) is in initial stage. 6) Workshop ETP is operational. Primary & Secondary treatment is provided. Treated effluent is recycled for washing purpose. 7) For Mine water primary treatment plant i.e. sedimentation tank is provided. Treated effluent is discharged into natural drain. 8) Cutoff trench are constructed at the base of OB dumps.

It was therefore, prayed for grant of renewal of consent to operate along with increase in capital investment.

The written submissions made by the Respondent Board taken on record, reveals that the appeal is filed against the refusal of consent letter no. BO/CAC-Cell/RO (Pune)/Refusal/CAC-1873 dated 18/09/2014. The Respondent Board issued consent to operate to the Appellant Industry vide letter No. BO/JD (APC)/EIC/NG-2873-09/O/CC-CAC-227 dated 01/02/2012 which was valid upto 31/12/2013 for mining activities of mine lease area of 1619.66 Ha. at Gondegaon, Tal. Parseoni, Dist. Nagpur stipulating certain terms & conditions. Thereafter, the

Appellant applied for renewal of consent on 06/11/2013 which was placed before consent appraisal committee (CAC) meeting held on 12/06/2014. It reveals from the report of Sub Regional Officer, MPCB, Nagpur that, the Appellant failed to provide sedimentation tank for treatment of mine discharge effluent & they are discharging mine water through bypass arrangement into local nalla. During the visit of SRO Nagpur to the Appellant Industry on 29/11/2013, it was observed that, the ETP provided by the Appellant to treat workshop effluent was not in operation & oily effluent was directly discharged into storm water line. The Appellant further failed to provide adequate water sprinkling arrangements as an Air Pollution Control System & therefore, the road between mine and Dumri consists of layer of fine coal on both sides of the Road, which give rise to emission of fine coal during the transportation activities of the coal. The Application for renewal of consent made by the Appellant has also increased capital investment from Rs. 114.06 crs. to Rs. 135.23 crs. without submitting any justification nor additional consent fees for increase in capital investment of Rs. 21.17 crs.

The Application for renewal of consent to operate was placed before the Consent Appraisal Committee (CAC) of the Respondent Board & after taking into consideration above non compliances, CAC decided to issue SCN for refusal of consent and accordingly the Respondent Board issued SCN vide letter dated 26/06/2014 to the Appellant. In consonance with said SCN the Appellant submitted point wise reply vide letter dated 09/07/2014.

The Appellant thereafter, once again submitted an application for renewal of consent which was placed before the Consent Appraisal Committee (CAC) of the Respondent Board on 28/08/2014 along with the Appellant's reply and present status report reported by SRO Nagpur vide dated 26/08/2014, which pertains to the observations made during the visit to the Appellant Industry on 04/07/2014. During the visit the Field officer at Nagpur, observed that, water sprinkling arrangement was not provided to both OB dumps and trucks were not fully covered with tarpaulin. From Gondagaon mine to dumping railway sliding, fugitive emissions were observed and water sprinkling was not observed. The sedimentation tank provided for treatment of mine water discharge. However, blackish coloured water with oil spillage was observed in local stream which ultimately meet Kanhan River Garland drain was not provided to over burden (OB dump) of Gondagaon mine which is active and near the WCL colony.

After taking into consideration the above non compliances, the CAC in its meeting held on 28/08/2014 had decided to issue refusal of consent to operate to the Appellant Industry and accordingly issued the same vide letter dated


18/09/2014, which the appellant have challenged before the Appellate Authority.

The Appellate Authority considered the written and oral submissions made by the parties. The Authority further had enquired with the officials of the Revenue Department at Nagpur as to whether the transportation of coal is done by trucks fully covered with tarpaulin and also whether other compliances of Pollution control are being complied. As reported by the officials of Revenue Department of Nagpur, the Appellant Industry is not carrying out activity of transportation of coal by trucks which are fully covered with tarpaulin, other pollution control arrangements are reportedly being complied. The Appellant admitted the above facts during the hearing & therefore, the Appellate Authority directed the Appellant Industry to submit an affidavit for compliance of above lapses on the part of the Appellant. The Appellant Industry vide letter dated 25/06/2015 submitted an affidavit dated 25/06/2015 duly affirmed by Sub Area Manager Gondgaon Sub - Area, Nagpur, in compliance of oral directions issued to them by the Appellate Authority during the course of hearing.

The Appellate Authority taking into consideration the affidavit dated 25/06/2015 submitted by WCL inclined to allow the appeal filed by the Appellant with a direction to the Respondent Board to scrutinize the application submitted by the Appellant as per the procedure laid down under the provisions of the Water (P&CP) Act, 1974 & the Air (P&CP) Act, 1981 for renewal of consent to operate to the Appellant's coal mine. The Respondent Board i.e. MPCB further directed to monitor the compliance of affidavit dated 25/06/2015 submitted by the Appellant before the Appellate Authority on a monthly basis and keep the record thereof.

RS Narayane
(R. S. Narayane)
Member
Appellate Authority

Not present
(R. B. Bambale)
Member
Appellate Authority


(Malini Shankar)
Chairperson
Appellate Authority