

Report No 80

EPCA response to the Affidavit filed on behalf of the Ministry of Environment, Forest and Climate Change on February 1, 2018.

**Writ Petition Civil No: 13029/1985
February 2, 2018**

Environment Pollution (Prevention and Control) Authority for NCR (EPCA)

	Date of direction of Hon'ble SC/issue	Status of action taken as per the IA of 1.2.2018	Comments of EPCA, if any and directions sought from the Hon'ble Court
1.	24.10.2017: Setting emission standards for SO ₂ , NO _x and SOX for 16+5+2 industries	MOEF&CC on January 29, 2018 has issued standards for 16 industries (R-16) In addition on December 29, 2017 it has issued standards for fertilizer and nitric acid (R-16).	SO ₂ and NO _x standards for 5 industries, limekiln, glass, ceramic, foundries, re-heating furnaces, which were included in the draft notification of 23.10.2017 <i>not yet issued</i> . However, MOEF&CC has informed EPCA that these are being processed and will be issued shortly.
2.	13.12.2017: Ban on import of pet coke: "MOEF to expeditiously take a final decision after consulting the stakeholders as well as EPCA in this regard"	The issue is under examination. The minutes of the meeting between MOEF&CC, DGFT and MOPNG suggest that the government is considering imports for industries that use pet coke in process and not as a fuel, irrespective of the location of the plant. The correspondence (R-12) shows that this is because of the expected deficit once the RIL's gasification plant is commissioned, which is expected to consume 9.1 mmt of petcoke (their production is 6.7 mmt). This will lead to	Awaiting final decision before commenting but <i>prima facie</i> , the estimates for deficit seem to be on the higher side, particularly, if pet coke will only be allowed in the industries where use is benign.

		deficit of 23.51 mmt in the country.	
3.	Permitted use of pet coke certain industry	MOEF has requested the Hon'ble Court to consider allowing the sale and use of calcinated pet coke in Aluminium industry and pet coke in calcium carbide based on reports from CPCB that this use is benign (R-4).	<p>May be allowed on the basis of the CPCB recommendations.</p> <p>However, EPCA would like to reiterate that this list of exemptions will soon lead to poor regulations unless:</p> <ol style="list-style-type: none"> a. CPCB is required to compile all this data it receives from state boards according to different industry type and make it available publicly. b. CPCB is required to compile the source of pet coke from the data it receives every quarter from state boards and make it available publicly. <p>EPCA is seeking directions from the Hon'ble Court on this.</p>
4.	Natural gas to be made available to power plants in NCR	Progress has been made in these deliberations. It is proposed that reduction in gas cost and continuous availability will allow one module (686.5 MW) of Bawana to run at full capacity – up from 250 MW currently. This will substitute 350 MW of power from Dadri-1 during winter months (R-8).	<p>This is excellent progress and all agencies must be commended for making this possible. This suggested scheme also points to how the use of cleaner gas can be scaled up in the NCR/country.</p> <p>The conditions for ensuring this are as follows (R-8):</p> <ol style="list-style-type: none"> a. MOPNG and PNGRB have to ensure that there supply of 1.564 MMSCDM domestic non-APM gas on continuous basis;

			<p>b. GAIL cuts gas transportation and marketing margins by half;</p> <p>c. PPCL (Pragati Power) shares the efficiency improvements to bring down generation costs.</p> <p>Based on this, the Hon'ble Court may direct that the Bawana Plant Unit 1 must begin working at full capacity by March 1, 2018.</p> <p>This scheme should be further explored to see how it could be implemented progressively to cover the full capacity of Bawana Plant.</p>
5.	Natural gas to be made available for power plants and industry	It is expected that bidding for city gas distribution (CGD) will be completed in all districts and states of NCR by March 2018	Progress to be tracked
6.	Measures to be taken to strengthen distribution of electricity in NCR	Letters have been written to secretaries of power department of all 3 NCR states to strengthen distribution of electricity	Progress to be tracked
7.	Comprehensive Action Plan for Air Pollution Control for Delhi	CPCB has issued directions to all concerned stakeholders for implementation of CAP as finalized by MOEF&CC (R-15)	<p>The entire plan <u>has not been notified</u>, as MOEF&CC has to hold further consultations with agencies to finalize timelines.</p> <p>EPCA understands from MOEF&CC that the process is underway and that the entire plan will be notified (barring 2.2.1 and 2.2.2),</p>

			<p>which are before the Hon'ble Court.</p> <p>EPCA has also requested MOEF&CC that the entire plan should be notified so that there is coherence in policy and that the directions do not lead to fragmented and piece-meal actions, which would defeat the objective of a comprehensive plan.</p>
8.	Comprehensive Plan for other cities with high pollution	The National Clean Air Programme has been formulated for 100 non-attainment cities	The plan is being finalized and EPCA will be able to provide comments once this is done.