

GCCI/DYSGR-2/NV/2019-20/9035

Date: 16/09/2019

Durgesh V. Buch
President

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Shri Prakash Jawdekar

Hon'ble Minister Environment, forest and Climate change,
Government of India,
Indira Pariyavaran Bhavan,
New Delhi.

Subject: **Request to pursue with MoEF&CC/CPCB for issuing Direction to SPCBs w.r.t. NGT order dated 23rd August 2019 and future line of action for CEPI Calculation for the year 2019-20.**

Respected sir,

Season's Greetings!

You are well aware that Hon'ble National Green Tribunal has passed an order on 23rd August 2019 in the matter of Original application No. 1038 of 2018 with respect to high CEPI scores of some industrial areas of the country.

In the State of Gujarat, 06 areas are considered as critically polluted and 01 as severally polluted by the Honorable NGT based on Central Pollution Control Board's submission of CEPI scores of 2018. The detail is as below;

Sr. No.	Name of Critically Polluted Areas (CPAs)	Air	Water	Land	CEPI Score
1	Vadodara	82.00	80.75	48.75	89.09
2	Ankleshwar	72.00	57.50	51.00	80.21
3	Vapi	66.00	75.00	30.00	79.95
4	Surat	46.00	68.25	56.00	76.43
5	Vatva – Narol (Ahmedabad)	57.00	66.00	25.50	70.94
6	Rajkot	51.75	61.50	45.75	70.62

Sr. No.	Name of Severely Polluted Areas (SPAs)	Air	Water	Land	CEPI Score
1	Bhavnagar	61.00	15.50	15.50	61.94



After Hon'ble NGT's Judgment of 10th July 2019, the senior representatives of Industrial associations of various parts of the Gujarat represented your good self and you were kind enough to understand various issues raised after order of Hon'ble NGT and also directed concerned officers to look into the matter and derive an amicable solution for sustainable industrial development.

On 23rd August, 2019, Hon'ble NGT has given directions to MoEF&CC and CPCB and clarify the stand of NGT on this matter. As per the directions, MoEF&CC has to devise an appropriate mechanism to ensure that new legitimate activity or expansion can take place after due precautions are taken in the areas in question by 'red' and 'orange' category of units. But till date there is no action taken by the MoEFCC and CPCB.

We would like to bring to your notice that in the absence of specific guidelines by MoEF&CC and CPCB to SPCBs, Gujarat Pollution Control Board (GPCB) has stopped to accept applications for Consent to Establish (CTE) / Consolidated Consent & Authorization (CC&A) for new units as well as expansion of existing units. After 10th July 2019, @440 nos. of applications are rejected citing NGT order.

Also it is learnt that State Environment Impact Assessment Authority (SEIAA), Gujarat has stopped to accept applications for Environment Clearance (EC) for new units as well as EC Amendment application for expansion of existing units.

It is also learnt that as there is no specific mapping in case of Vadodara and Surat, GPCB has considered both the districts as critical zone and applied similar restrictions as referred above.

If such situation is continued, we fear that the growth of industries in Gujarat which is already in a bad shape, will be dropped considerably.

The area wise estimated loss of production, revenue, and employment is mentioned below;



Sr. No.	Details	Figures						
		Ankleshwar & Panoli	Vatva-Narol	Surat	Vapi	Vadodara	Bhavnagar	Total
1	Industries to be affected (Nos.)	966	600	225	274	300	200	2,565
2	Expected Revenue Loss (Cr)	16,400	15,000	10,000	4150	3,000	3,000	51,550
3	New projects hold up in terms of Revenue and Employment (Nos.)	325	100	50	134	25	125	759
4	Expected Employment Loss (Nos.)	21,000	20,000	2,00,000	14,500	8,000	8,500	2,72,000
5	Expected Production Loss (MT/Month)	55,000	40,000	1,00,000	1,00,000	11,500	6,000	3,12,500
6	Employment Loss due to hold up of new industries (Nos.)	7,000	50,000	25,000	8,000	2,000	4,000	96,000

In view of all above, we propose to consider following criteria to ensure the justice to the “viable units” and “legitimate activity” as an interim arrangements and for sustainable industrial development. For further differentiating between “compliant” and “non-compliant” industries, kindly consider following criteria:

Compliant Industries – for expansion of existing industries for consented products /new products

Authority may identify the compliant industries on the following basis.

- Last 3 years’ track record on compliance of CC&A conditions of concerned industry.
- Use of Clean fuel (e.g. Eco friendly fuel) like Natural gas, Bio Coal or other fuel with adequate APCMs.
- Proper Hazardous waste management under Hazardous waste management Rule, 2016.
- PIAs having adequate common infrastructures such as CETP, TSDF, CHWIF, Common MEE, Common Spray Dryer etc.
- Effective Environment Management System of individual industries proposing for expansion/new products.
- Adoption of good environmental practices for abatement of pollution.
- The applications of those units who have already obtained Environment Clearance should be considered for CC&A, as they have already gone through an extensive technical procedure for EC.
- The industries under orange category may be considered for expansion/new products based on proposed EMS, as they have low pollution potential.

Non-Compliant Industries for expansion of existing industries for consented products /new products

- Industries which are issued closure notice from State PCBs or PCCs in last 3 years under various environment rules are getting revocation only after thorough compliances of Directions. The applications of such units should be considered with Adequacy/compliance certificate from Schedule-I/II auditors, as may be applicable.

- The applications of those units who have already obtained Environment Clearance may be considered for CC&A after verifying adequacy certificate.
- Appropriate Bank Guarantee may be levied only in case of gross violation.

You may direct concerned authority to consider relevant applications based on above criteria. We understand that this will be in line with the directions issued by Hon'ble NGT.

Meanwhile, Ministry of Environment, Forest & Climate Change may ask CPCB to carry out fresh monitoring, analysis & calculations of CEPI Index along with State PCBs & PCCs in transparent way and request NGT to lift blanket ban given on all PIAs until fresh CEPI Index is declared by CPCB. Then after based on fresh CEPI Index, follow the directions u/s 18(1)B dated 26.04.2016.

Future Line of Action for the Year 2019-20

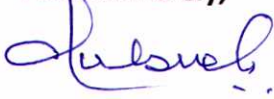
Considering all above negative impacts, we humbly request your kind self to pursue with MOEF&CC to issue directions to CPCB and SPCBs to incorporate following points for future calculation of CEPI Index.

1. The Action plan on control of pollution shall be prepare by CPCB and SPCBs which includes the source of pollution other than industries.
2. The SPCB shall measure and submit the reports of post monsoon CEPI score of 2019 as per revised CEPI guideline
3. The CEPI Score shall be calculated in the industrial area either to select Criteria pollutants of industries origin or source apportionment study shall be done and thereafter the contribution of the industries only is to be consider in CEPI calculation
4. The CPCB should give a counter sample of CEPI sampling to SPCB to analyse at their end and CEPI score shall be calculated jointly by CPCB and SPCB based on avg of analysis results of both the labs.
5. SPCB shall not reject any permissions regarding EC/ CCA renewal where there is compliance of Env. Laws and which shall be Irrespective of Areas and category of industries.

6. **MOST Important: The CEPI score shall not be used by any organisation for legal purpose.**

In anticipation of a positive action from your end.

Thanking you,
Yours Sincerely,



Durgesh Buch
(President)

C.C.

1. Shri Yogendra Pal Singh, Additional director, Ministry of Environment, Forest & Climate Change, Indira Pariyavaran Bhavan, New Delhi.
2. Shri S.P. Singh Parihar, Chairman, Central Pollution Control board, Parivesh Bhavan, East Arjun Nagar, New Delhi – 110 032.
3. Shri Rajiv Kumar Gupta, Chairman, Gujarat Pollution Control Board, Paryavaran Bhavan, Opp. Bij Nigam, CHH Road, Sector 10A, Gandhinagar, Gujarat 382010.
4. Shri Prashant Gargava, Member Secretary, Central Pollution Control Board, Parivesh bhavan, East arjun nagar, New Delhi – 110 032.
5. Shri N.M. Tabhani, Member Secretary, Gujarat Pollution Control board, Paryavaran Bhavan, Opp. Bij Nigam, CHH Road, Sector 10A, Gandhinagar, Gujarat 382010.