



Pollution Control Board, Assam

(Department of Environment & Forests, Government of Assam)

অসম প্রদূষণ নিয়ন্ত্রণ পৰিষদ

(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

NABL Accredited Testing Laboratory : Certificate No. TC-11384



LIFE
Lifestyle for
Environment

No. WB/SVR/T-816/19-20/303

Dated Guwahati, the 10th January, 2024

To

The Chief General Manager (D)
(Officiating) Head Drilling Services
M/s ONGC Limited, Assam Asset
Dist.: Sivasagar, Assam-785640
Email: hds_assam@ongc.co.in



DIRECTIONS UNDER SECTION 33(A) OF WATER (PREVENTION & CONTROL OF POLLUTION) ACT 1974 AND SECTION 31(A) OF AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981-REG.

WHEREAS, under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 no person shall without the previous consent of the State Board, establish or operate any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land;

WHEREAS, Section 21 of Air (Prevention & Control of Pollution) Act, 1981, no person shall without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area;

WHEREAS, you have applied for Consent to Establish (CTE) for oil/gas drilling at Well-LKHK vide OCMMS applications No. 2247273 dtd. 31.08.2023 followed by submission of application for Consolidated Consent and Authorization (CCA) vide OCMMS application no. 2277757 dtd. 29.09.2023;

WHEREAS, considering the proximity of the drilling location to a place of worship (Buddhist Monastery), the Board has requested ONGCL Authority to obtain No Objection Certificate (NOC) from the concerned authority of the said religious establishment in accordance with Section 25(3) of Water (Prevention & Control of Pollution) Act, 1974 vide letter No. WB/SVR/T-816/19-12/1878, dtd. November 01, 2023. However, desired response was received from M/s ONGCL;

WHEREAS, Board officials from the RLO-Sivasagar, PCBA have visited the location on 08.12.2023 and found that drilling at the said location was already completed and production testing job was in progress. Further, it was informed that the M/s ONGCL spudded the well from on 22.10.2023 without mandatory CTE and CTO from the Board;

WHEREAS, the Board, vide its letter No. WB/SVR/T-816/19-12/283 dtd. 18.12.2023, requested ONGCL to justify reason, if any, for completing drilling of a well without obtaining mandatory and prior CTE/CTO from the Board;

WHEREAS, a reply has been received from Shri Girindra Deka, CGM (Drilling) vide letter No. AA/SVS/DS/PCBA/23-24/ dtd. 04.01.2024. However, justifications of ONGCL, as submitted, are not acceptable to the Board;

WHEREAS, Board has already taken cognizance of the fact that M/s. ONGCL had violated provisions of the Water Act, 1974 and Air Act, 1981 as mentioned above in multiple occasions. On an earlier occasions, M/s ONGCL had started drilling activities at location KGDG located at Kuwargaon, Nemuguri, Dist.: Sivasagar and location LKHA at Cholapathar Shyam Gaon, Dist.: Charaideo. The Board had subsequently rejected the applications for CTE and CTO vide letter No. WB/G-295/21-22/186 dtd. 22.03.2023 and ONGCL was issued with necessary instruction to obtain CTE/CTO before spudding of an well;

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Head Office : Bamunimaidam, Guwahati - 781021, Assam : India.

Phone : 2652774 & 2550258 : Fax : 0361-2550259 ; Gram : POLLUTIONCONTROL

E-mail : membersecretary@pcbassam.org ; Website : www.pcbassam.org

Regional Offices at : Dibrugarh, Golaghat, Sivasagar, Tezpur, Guwahati, Bongaigaon, Nagaon & Silchar



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WHEREAS, ONGCL was informed earlier about the proactive role of PCBA to issue CTE/CTO in an expeditious manner by following a SOP, which was circulated to ONGCL. ONGCL has been found to ignore the mandatory provisions of the environmental legislations and continued drilling operation without obtaining necessary consent in case of Well#LKHK;

WHEREAS, Hon'ble NGT vide its order dtd. 19.02.2019 in O.A. No. 593/2017 (Paryavaran Suraksha Samiti & Anr. Vs Union of India & Ors.) directs and empowers SPCBs to collect Environmental Compensation Fine(ECF) from the defaulting units as per the formula mentioned herein under:

Environmental Compensation Fine

EC (Environmental Compensation) = PI×N×R×S×LF

PI = Pollution Index of industrial sector (80 for Red category)

N = Number of days of violation took place from 22.10.2023 to 10.01.2024=81 days.

R = A factor in Rupees (₹) for EC (250)

S = Factor of scale of operation (1.5 for large units)

LF = Location factor (1.00)

Accordingly, EC to be paid by M/s ONGC Limited is assessed as

EC = 80×81×250×1.5×1.00 = Rs. 24,30,000/-

NOW, THEREFORE, under the above facts and circumstances, Pollution Control Board, Assam is constrained to inform you that since you have repeatedly violated the provisions of law in force by undertaking drilling activities without obtaining prior mandatory consent from the Board and in exercising of powers conferred upon it under Section 33(A) of Water (Prevention & Control of Pollution) Act, 1974 as well as Section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended till date, you are directed to **CLOSE DOWN** all drilling and associated activities without compromising the environmental and safety requirements in the said location with immediate effect. You are also directed to comply with the following:

1. The unit shall pay Environmental Compensation of Rs. 24,30,000/- (Rupees twenty four lakhs thirty thousand) only within seven (7) days to Pollution Control Board, Assam (Account Name- Pollution Control Board, Assam, A/c No. 50100159537391; IFSC Code – HDFC0004678).
2. ONGCL shall obtain CTO from the Board to resume the drilling or other associated operation in well location Loc: LKHK.
3. ONGCL shall voluntarily declare all such drilling locations in which drilling has been started prior to obtaining the CTE/CTO from the Board.

It may be noted that failing to comply with any of the above directions, including payment of Environmental Compensation Fine, shall compel the Board to initiate legal actions against you as per provisions of Section 42 / 44 & 45, as deemed fit and proper under the Water (Prevention & Control of Pollution) Act, 1974.

(Arup Kr. Misra)
Chairman

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Memo No. WB/SVR/T-816/19-20/303-A
2390

Dated Guwahati, the 10th January, 2024

Copy to:

- 1) The Commissioner & Secretary to the Govt. of Assam, Environment & Forest Department, Dispur, Guwahati-6 for kind information.
- 2) The District Commissioner, Sivasagar – for kind information
- 3) The Regional Officer, RLO-Sivasagar, PCBA for information and necessary action.
- 4) The AEITO, IT Section, Head Office, PCBA-upload the letter in the Board's Website.
- 5) PA to the Chairman, PCBA for kind appraisal of the Hon'ble Chairman.


(Shantanu Kr. Dutta)
Member-Secretary