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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Department of Environment

Prani Sampad Bhawan, 5th Floor, LB-2, Sec-III, Salt Lake, Kolkata-106

No. EN/1527/T-VIII-6/01/2020

Dated, Kolkata 13th November, 2020

NOTIFICATION

The Governor is hereby pleased to order the publication of West Bengal Pollution Control Board's Circular bearing Memo No.243(2) 3L/WPB-B(1) 2019 dated 19.10.2020 regarding Policy for Use of Pet coke and Furnace Oil as a Fuel in the State of West Bengal in the *Kolkata Gazette* for general information of the public:—

WEST BENGAL POLLUTION CONTROL BOARD

Memo No.243(2) 3L/WPB-B(1) 2019

Date: 19.10.2020

CIRCULAR

Policy for Use of Pet Coke and Furnace Oil as a Fuel in the State of West Bengal

- I. Hon'ble Supreme Court of India vide its order dated 24.10.2017 passed in Writ Petition (Civil) No. 13029/1985 imposed a ban on the use of Pet Coke and Furnace Oil in industries in the NCR states of Haryana, Uttar Pradesh and Rajasthan, and vide order dated 17.11.2017 the Apex court also requested all State Governments and Union Territories to consider similar measures.
- II. Subsequently, the Hon'ble Supreme Court passed various Orders dated 13/12/2017, 05/02/2018, 16/07/2018, 26/07/2018, 09/10/2018 and in its Order dated 09/10/2018, took on record the report of Central Pollution Control Board (CPCB) regarding use of Pet Coke as feed stock in Calcined Petroleum Coke (CPC) units.
- III. Further, Sumit Kumar has filed an OA bearing 67/2019 before Hon'ble National Green Tribunal (NGT) and in the Order dated 28/03/2019 in the said matter, NGT has accepted report of the CPCB and directed the CPCB to issue appropriate directions in this regard to the concerned States indicating corrective measures against those who failed to comply with the directions.

- IV. In compliance of the aforesaid directions, the CPCB has issued directions u/s 5 of the Environment (Protection) Act, 1986 vide letter dated 23.08.2019 and directed all States and Union Territories for preparation of policy on use of Pet Coke and Furnace Oil as follows:
- State Government / Union Territory Administration shall formulate and enforce Fuel Policy regarding use of Pet Coke and FO in the State / UT in the light of various orders passed by Supreme Court regarding use of Pet Coke and FO in Writ Petition (C) 13029/1985.
 - State Government / Union Territory Administration through respective SPCB/PCC shall take strict action against any industry if found violating the Fuel Policy on use of Pet Coke and FO that will be enforced as above, using the powers conferred under environmental laws.
- V. In compliance of the above mentioned directions of the Central Pollution Control Board issued in the backdrop of various orders passed by the Hon'ble Supreme Court of India and Hon'ble National Green Tribunal, the following Policy on the Use of Pet Coke and Furnace Oil is, hereby, adopted in West Bengal.

1.0 Policy on use of Pet coke and Furnace Oil

This Policy Guideline is for the purpose of prohibiting and regulating the use of Pet Coke and Furnace Oil in different areas of the State of West Bengal in order to reduce air pollution and its impact on the environment.

(a) Pet Coke (PC)

Petroleum Coke or Pet Coke is a spongy & solid residue found at the bottom of the oil distillation column in refineries that can be burned as fuel in the same manner as coal typically having much higher energy content per unit mass. Such fuels of petroleum origin are traditionally the cheapest. At the same time, such materials are very rich in Sulphur and Volatile Organic Components which, on burning, emit extremely air polluting gases. Pet Coke can either be fuel grade (high in Sulphur and metals) or anode grade (low in Sulphur and metals). Pet Coke is over 80% Carbon and emits 5% to 10% more Carbon Dioxide (CO₂) than Coal on a per unit of energy basis when it is burnt.

(b) Furnace Oil (FO)

Furnace Oil (also known as Heavy Oil or Marine Fuel), is a fraction obtained from petroleum distillation, either as a distillate or a residue. This is made of long hydrocarbon chains, particularly alkanes, cycloalkanes and aromatics.

2.0 Prohibition on the Use of Pet Coke and Furnace Oil as Industrial Fuels

Use of Pet Coke and Furnace Oil as industrial fuel shall be prohibited in areas mentioned in Table 1.

Table 1

SI No	Areas where prohibition shall be in force	Identified by CPCB as
1.	Kolkata Municipal Corporation	Non-Attainment City (NAC) in terms of air quality
2.	Howrah Municipal Corporation	
3.	Barrackpore Municipality	
4.	Erstwhile Asansol Municipal Corporation	
5.	Erstwhile Raniganj Municipality	
6.	Durgapur Municipal Corporation	Non-Attainment City (NAC) in terms of air quality and also as a Polluted Industrial Area (PIA)
7.	Haldia Municipal Corporation	
8.	Select parts of Howrah	Polluted Industrial Area (PIA)
9.	Select parts of Asansol	
10.	Bandel	
11.	Siliguri Municipal Corporation	Other area

- 2.1 This prohibition in the above-mentioned areas shall come into effect from the date of publication of this Notification. In replacement of Pet Coke and Furnace Oil as industrial fuels, the following fuels will be allowed, subject to such conditions as may be imposed from time to time:
- i) Liquefied Petroleum Gas (LPG)
 - ii) Liquefied Natural Gas (LNG)
 - iii) Piped Natural Gas (PNG)
 - iv) Coal Bed Methane (CBM) / Compressed Natural Gas (CNG)
 - v) Naptha /Propane/Gasoline/Hydrogen/Methane
 - vi) Bio Gas
 - vii) High Speed Diesel (HSD)
 - viii) Light Diesel Oil (LDO)
 - ix) Low Sulphur Heavy Stock (LSHS)
 - x) Refuse Derived Fuel (RDF): To be used in Cement kiln & Waste to Energy Plant or any other unit allowed by the Central Government/State Government.
 - xi) Any other fuel with lesser pollution potential than Pet Coke and FO after obtaining specific approval from the West Bengal Pollution Control Board. WBPCB will consider such proposals with due cognizance to the existing restrictions on fuel use in different areas of the State.
- 2.2 Transition to the above-mentioned replacement fuels shall be achieved within a period of eighteen (18) months from the date of publication of this Notification.
- 3.0 In the rest of West Bengal, the use of Pet Coke and Furnace Oil as industrial fuel shall:
- (a) have to be replaced by use of any of the approved replacement fuels mentioned in Para 2.1 above;
- OR
- (b) use of Pet Coke and Furnace Oil as industrial fuel shall be subject to the installation of 90% recovery of SO₂ emissions, while large scale and medium scale units among them shall also be required to install continuous online emission monitoring system along with online data transmission facility to WBPCB and CPCB.
- 3.1 The time period for transition to an approved replacement fuel or for installation of systems as described above in Para 3 in rest of West Bengal shall be twenty four (24) months from the date of this publication of this notification.
- 4.0 Use of Pet-coke and Furnace Oil other than industrial fuel**
- Hereafter, use of Pet Coke and Furnace Oil may be allowed only in industries/ processes either as feed stock (Calcined Pet Coke (CPC) units, Aluminium industries) or where they get absorbed along with the product in the manufacturing process (Cement, Lime kiln, Calcium Carbide industries and gasification for use of feedstock) following the guidelines notified by the MoEF & CC, Gol vide NO. Q-18011/54/2018 - CPA dt. 10.09.2018. Further, Raw Petroleum Coke (RPC) in CPC units can be allowed subject to the condition of 90% recovery of SO₂ emissions.
- 4.1 However, for use of Furnace Oil other than industrial fuel, this unit shall be required to mandatorily install systems for 90% recovery of SO₂ emissions, while large scale and medium scale units among them shall also be required to install continuous online emission monitoring system along with online data transmission facility to WBPCB and CPCB. The timelines for such installations (as applicable) is given below:

Use of Furnace Oil as Feed stock or where it get absorbed along with product in manufacturing process			Time Line for Compliance from the Date of Circular
1.	Kolkata Municipal Corporation	Non-Attainment City (NAC) in terms of air quality	Within 18 months
2.	Howrah Municipal Corporation		
3.	Barrackpore Municipality		
4.	Erstwhile Asansol Municipal Corporation		
5.	Erstwhile Raniganj Municipality		
6.	Durgapur Municipal Corporation	Non-Attainment City (NAC) in terms of air quality and also as a Polluted Industrial Area (PIA)	
7.	Haldia Municipal Corporation		
8.	Select parts of Howrah	Polluted Industrial Area (PIA)	
9.	Select parts of Asansol		
10.	Bandel		
11.	Siliguri Municipal Corporation	Other area	
12.	Rest of West Bengal		Within 24 months

5.0 Import of Pet Coke

Import of Pet Coke would be regulated following the guidelines notified by the MoEF & CC, Gol vide NO. Q-I 8011/54/2018 - CPA dt. 10.09.2018 and other orders/ guidelines on the subject as may be issued from time to time.

- VI. The above instructions are issued under the provisions of clause (d) of section 2 of the Air (Prevention and Control of Pollution) Act, 1981 and as because under provision of section 19 (2) and 54 of the said Act the State Government has declared the entire State of West Bengal as Air Pollution control area vide Notification No EN/1696/A-1/99 dated 09.09.1999.
- VII. Non-compliance shall be viewed adversely and shall be dealt in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and the relevant laws and rules.

Sd/-

Rajesh Kumar
Member Secretary
West Bengal Pollution Control Board

By order of the Governor,

VIVEK KUMAR
Principal Secretary to the Government of West Bengal
Environment Department