



Environment and Social Compliance Audit Report

Independent Environmental, Health, Safety & Social (EHS&S) Compliance Assessment Report
Project Number: 44951-014
March 2017

BAN: Bibiyana II Gas Power Project

Prepared by ERM India Private Limited a member of Environmental Resources Management Group of companies on behalf of (Summit Bibiyana II Power Company Limited) for Asian Development Bank

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Asian Development Bank



**Summit Bibiyana II Power
Company Limited (SBIIPCL)**

Sixth Independent Environmental, Health, Safety & Social (EHS&S) Compliance Assessment during Operations Phase of Bibiyana II Power Project, *Habiganj, Bangladesh*

Draft Final Report

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ABBREVIATIONS

ADB	Asian Development Bank
BATS	Bangladesh Air Traffic Services
BCAS	Bangladesh Centre for Advance Studies
BIWTA	Bangladesh Inland Water Transport Authority
BPDB	Bangladesh Power Development Board
BRTA	Bangladesh Road Transport Authority
CAP	Corrective Action Plan
CCPP	Combined Cycle Power Plant
CDO	Community Development Officer
CDP	Community Development Plan
CIB	Chief Inspector of Boilers
CMT	Construction Management Team
CO	Carbon Monoxide
COD	Commercial Operations Date
DGM	Deputy General Manager
DOE	Department of Environment
DOEXP	Department of Explosives
EHS	Environment, Health and Safety
EHS&S	Environmental, Health, Safety and Social
EPC	Engineering, Procurement and Construction
ERM	Environmental Resources Management
ESAP	Environmental and Social Action Plan
ESIA	Environmental and Social Impact Assessment
ESMMP	Environmental and Social Management and Monitoring Plan
FNTP	Full Notice to Proceed
GIIP	Good International Industry Practices
GLC	Ground Level Concentration
GOB	Government of Bangladesh
GRM	Grievance Redress Mechanism
GSA	Gas Supply Agreement
GT	Gas Turbine
HIRA	Hazard Identification and Risk Assessment
HIRAC	Hazard and Risk Assessment and Control
HR	Human Resources
HRSG	Heat Recovery Steam Generator
HSD	High Speed Diesel
IA	Implementation Agreement
IFC	International Finance Corporation
IsDB	Islamic Development Bank
ISO	International Organisation for Standardisation
JCCR	Joint Committee for Community Relation
JGTDSL	Jalalabad Gas Transmission and Distribution System Limited
JHA	Job Hazard Analysis
JSA	Job Safety Analysis
L&FS	Life and Fire Safety
LLA	Land Lease Agreement
LPG	Liquid Petroleum Gas
LRP	Livelihood Restoration Plan
MoM	Minutes of Meeting

MSDS	Material Safety Data Sheet
NEPC	First Northeast Electrical Power Engineering Co
NEPC-S	Northeast Electric Power Engineering & Services Company
NGO	Non-Governmental Organisation
NO _x	Oxides of Nitrogen
OHSAS	Occupational Health and Safety Management System
OJT	On-Job Training
PAF	Project Affected Family
PGCB	Power Grid Company of Bangladesh
PM	Particulate Matter
PAH	Project Affected Household
PAP	Project Affected Person
PPA	Power Purchase Agreement
PPE	Personal Protective Equipment
RAP	Resettlement Action Plan
RFP	Request for Proposal
RMP	Rural Medical Practitioner
SBIIPCL	Summit Bibiyana II Power Company Limited
SIA	Social Impact Assessment
SIMCPL	Summit Industrial and Mercantile Corporation (Pvt.) Ltd
SO ₂	Sulphur Dioxide
SOP	Standard Operating Procedure
ST	Steam Turbine
TBT	Tool Box Talk
TK	Bangladeshi Taka
TNA	Training Need Assessment
TUV	TUV Austria Bureau of Inspection & Certification (Pvt.) Limited, Bangladesh
WB	World Bank
WHO	World Health Organisation

ERM India Pvt. Ltd. (ERM) was commissioned by Summit Bibiyana II Power Company Limited (SBIIPCL) in order to conduct independent monitoring/auditing of the Project (341MW natural gas fired combined cycle power plant (CCPP)), on behalf of the project financiers, which include Asian Development Bank (ADB), International Finance Corporation (IFC) and Islamic Development Bank (IsDB), after it was agreed by the Lenders and Borrower (SBIIPCL) to engage ERM in the role of **Financiers' Environmental and Social Adviser** for the purpose of the Borrower's *Compliance with Lenders' Environmental and Social Requirements*, and to respond to environmental and social concerns that the Lenders may have from time to time. The current assessment covers for the period September 2016 to November 2016 with site visit undertaken by the ERM team during 19th-21st December 2016.

Single cycle operation of the power plant commenced from 6th June 2015 with COD for combined cycle operations being declared on 28th December 2015. The EPC Contractor has completed the necessary construction and commissioning works regarding operation of combined cycle power generation. The O&M Contractor - China Northeast Electric Power Engineering and Services Co. Ltd (NEPC-S) has fully taken over the plant operation from the EPC contractor after issuance of Provisional Acceptance Certificate (PAC) by the SBIIPCL on 28th August 2016. However, the EPC Contractor will remain in the plant for two more years as part of construction guarantee/warranty with limited staff/personnel.

With project now in combined cycle operations and fully operated by the O&M contractor, SBIIPCL compliance to operational EHSS requirements has been assessed to be satisfactory. However, continued efforts need to be made by SBIIPCL towards tracking regulatory and operations ESMMP compliance on a regular basis, through development of a register comprising of all permit and ESMMP conditions. NEPC-S has already developed and started implementation of the EHS management system. Key observations are summarized below:

- With respect to EHSS regulatory permitting the project is found to be in compliance. SBIIPCL is assessed to have demonstrated satisfactory compliance to the operation phase ESAP and ESMMP commitments. The results of environmental monitoring being performed in-house as well as by third party laboratories indicated compliance with respect to applicable standards. However presence of sulphur dioxide in flue gas emissions (considering no sulphur content in the natural gas as confirmed by the gas supplier) and higher concentration of PM_{2.5} in comparison to PM₁₀ in ambient air needs to be subjected to further investigation including re-calibration of the monitoring equipment.
- Necessary compliance has demonstrated by NEPC-S towards implementation of the waste and chemical handling procedure. However

the aforesaid procedure need to be updated to include the applicable regulatory provision and key hazardous waste streams like ETP sludge which is found to be lacking.

- Efforts need to be made by NEPC-S to maintain the documents related to safety records, PPE provision, mock drills, composition of emergency response team etc. in format prescribed under the Bangladesh Labour Rules 2015.
- Quantitative Risk Assessment (QRA) study undertaken by TUV on October 2016. Based on the above study a community disclosure plan has been prepared to share the potential risks associated with the project operations and emergency response actions. The plan is in the process of implementation.
- TUV has been engaged by NEPC-S to conduct third party examination of lifting tools and equipment in accordance to the requirement of Bangladesh Labour Rules, 2015; however it is currently pending owing to lack of competency certificate in Form 30 by TUV. The same has been applied for by TUV to the Factory Inspector but is yet to be issued.
- NEPC-S is in the process of identifying a government approved contractor for certification of facility electrical wiring and earthing. The action is expected to be completed by June 2017.
- NEPC-S plans to conduct six monthly mock drills in coordination with Bangladesh Fire Service and Civil Defence starting December 2016. A request to this regard has been submitted to the concerned department by NEPC-S.
- Review of permitting records related to the contractors engaged by NEPC-S reveals that they possess valid trade licenses. With respect to subcontractor registration under Bangladesh Labour Rules 2015, the same is only available with Sohag Enterprises, with registration of other subcontractors – Tahsin and Rafi Enterprises currently under process.
- HR management system of SBIIPCL is presently observed to be lacking compliance w.r.t. certain applicable aspects as per Bangladesh Labour Law 2006 (BLL 2006) and Bangladesh Labour Rule 2015 (BLR 2015). Some of these gaps need direct attention of SBIIPCL. Whereas for other gaps, NEPCS should be asked to ensure compliance w.r.t BLL 2006 and BLR 2015. These gaps have been discussed under Section 3.2.2. of this report. SBIIPCL has committed to close these gaps at the earliest possible timeframe, however no clear timeline for closure of these gaps has been provided.
- Trainings to eligible identified PAPs under LRP program, is completed. Seed money distribution for supporting & promoting income generating ventures of PAHs is in process. IDEA (LRP implementing NGO) is observed to be monitoring and documenting use of seed money. The progress achieved so far, seems to be satisfactory as per the objectives and timeframe of LRP Programme.

SBIIPCL and NEPC-S have demonstrated satisfactory progress towards compliance to the regulatory obligations as recommended in the earlier audit report and this is to continue to sustain with their efforts to this regard. The compliance status with respect to the corrective action items as outlined in the report will be verified during the next visit to be undertaken by ERM in April 2017.

1.1

BACKGROUND

ERM India Pvt. Ltd. (ERM) was commissioned by Summit Bibiyana II Power Company Limited (SBIIPCL) in order to conduct independent monitoring/auditing of the Project (341MW natural gas fired combined cycle power plant (CCPP)), on behalf of the project financiers, which include Asian Development Bank (ADB), International Finance Corporation (IFC) and Islamic Development Bank (IsDB), after it was agreed by the Lenders and Borrower (SBIIPCL) to engage ERM in the role of **Financiers' Environmental and Social Adviser** for the purpose of the Borrower's *Compliance with Lenders' Environmental and Social Requirements*, and to respond to environmental and social concerns that the Lenders may have from time to time.

ERM was commissioned by SBIIPCL on 17th September 2014 for independent Environmental, Health, Safety and Social (EHS&S) Compliance Audit as an internal audit requirement. The first audit by ERM was conducted in the last week of September 2014 and final report of audit was submitted on 3rd November 2014. After the first EHS&S compliance audit, based on the discussions with lenders, SBIIPCL had engaged Bangladesh Centre for Advance Studies (BCAS) as Borrower's monitoring auditor/consultant for the compliance monitoring, considering that the same agency was involved during the Environmental and Social Impact Assessment (ESIA) of the Project. In order to conduct independent monitoring/auditing on behalf of the lenders, it was agreed by the Lenders and Borrower to engage ERM to periodic compliance audits.

The Project is a 341MW natural gas fired combined cycle power plant (CCPP) having one Gas Turbine (GT), one Heat Recovery Steam Generator (HRSG) and one Steam Turbine (ST). The Project is located at Parkul Village in Aushkandi Union under Nabiganj Upazilla of Habiganj District, Bangladesh. The audit was to primarily assess the compliance status of the project with respect to the *EHS&S Corrective Action Plan (CAP)* developed as part of the Independent EHS&S Compliance Audit reporting submitted by ERM on 3rd November 2014, IFC's *Environmental & Social Action Plan (ESAP)* as well as to verify the internal EHS&S, Labour and Social audit verification being conducted by BCAS in December 2016.

A total of 5 audits have been undertaken by ERM till date since September 2014, with this being the sixth in the series. The present audit was undertaken from 19th -21st December 2016 was to primarily assess the compliance status of the project with respect to the Project ESMMP, IFC ESAP and EHSS CAP as mentioned above.

The primary objective of this assignment was to assess the compliance status of the Project and its various components with respect to the agreed CAP between borrowers and lenders, IFC ESAP, Construction & Operations Phase Environmental & Social Management & Monitoring Plan (ESMMP) of the EIA, action plan resulting from labour and social audit by BCAS, applicable legal requirements and to identify any key EHS&S's issues (if any) for the Project:

The scope of the compliance audit was as follows:

- a) To assess the Project's compliance with the environment, health, safety and social (EHS&S) requirements of the audit framework (described subsequently);
- b) To review the effectiveness of implementation of mitigation measures and monitoring programmes at site developed as part of the ESIA study;
- c) To review the status of environment management, health and safety, protection of labour force, during construction and operation phases of the Project;
- d) To review the status of environmental and social action plan (ESAP) compliance, which came out from the first compliance monitoring during the construction stage conducted by ERM and social impact assessment (SIA) conducted by BCAS;
- e) To review the status of ESAP as formulated by IFC and agreed by SBIIPCL;
- f) To review the implementation of the resettlement action plan (RAP) and livelihood restoration plan (LRP) developed for the Project;
- g) To review the company's existing management system, standard operating procedures (SOPs) and training in relation to EHS&S and identification of areas for improvement/ enhancement;
- h) To review the health and safety records of site and compliance with respect to the site specific safety management system adopted by the O&M contractor and by the company; and
- i) To provide objective reports to the international lenders confirming compliance and if not, recommending additional corrective actions, as appropriate to the Project during construction and operation stages.

The combined cycle operations for the project started on 28th December 2015. With the Provisional Acceptance Certificate (PAC) issued by SBIIPCL to the EPC contractor on 28 August 2016, the present assignment has tried to assess the EHS&S performance of the O&M contractor i.e. NEPCS.

The EHS&S compliance assessment was carried out and evaluated against the following criteria:

- Applicable Local and National environment, occupational safety, health and social legislations;
- IFC Performance Standards on Social and Environmental Sustainability (2012);
- ADB Safeguard Policy Statement (2009);
- IFC/WB Environment, Health and Safety Guidelines – General and for Thermal Power Plants;
- Good International Industry Practices (GIIP) including elements of ISO 14001, OHSAS 18001 Occupational Health and Safety Management System;
- EHS&S CAP integral to the Independent EHS&S Compliance Audit Report of ERM dated 3rd Nov 2014;
- All requirements specified in the Labour Audit report prepared by BCAS dated 25 June 2015;
- All requirements and mitigating or monitoring measures specified in the ESMMP of the ESIA report prepared by BCAS dated July 2014;
- All requirement specified in the Environmental & Social Monitoring Report and Social Audit report prepared by BCAS dated December 2016; and
- All requirements and mitigating or monitoring measures specified in the ESIA as well as RAP and LRP.

1.4

ERM TEAM FOR SITE VISIT

A three member ERM team had conducted the site visit and consultations between 19th-21st December 2016. The composition of the ERM team was as follows:

- **Naval Chaudhary (Environmental Specialist):** Naval is working as Principal Consultant with ERM India in the Impact Assessment and Planning (IAP) division. He has master degree in environmental science and engineering from Indian Institute of Technology, Bombay and more than 12 years of experience in the field of environmental and social impact assessment (ESIA), environmental and social due diligence, environmental auditing, environmental permitting, air quality dispersion modelling, noise prediction and shadow flicker assessment. His work experience covers environmental assessment studies for a variety of sectors including Industry Sector (thermal power plant, fertilisers, pharmaceuticals, automobiles, oil and gas, hydropower, mining, steel, engineering, etc.); renewable energy (wind and solar power); Infrastructure Sector (Multi-Product SEZs, Sector Specific SEZs, Industrial Areas and Estates, and river bank erosion management); Submarine Cables; & Linear Projects (Highways, Railways). He has worked in varied geographies, which gives him a wide international perspective on issues. In last ten years he has worked in India, Bangladesh, United Arab Emirates, Ethiopia, Liberia, Nigeria, Nepal and Pakistan.
- **Subhradeb Pramanik (Health & Safety Specialist):** Subhradeb Pramanik holds a Master Degree in Environmental Science and is presently working as a Senior Consultant at ERM India in Kolkata office. He has over 12 years

of experience in field of EHS audits, due-diligence, site assessment and environmental impact assessments (EIAs) studies. Over the years he has played a key role in managing numerous projects in oil & gas, roads, mining, chemical, manufacturing, power and transmission sector. His primary focus and experience lies in the development and implementation of management systems, compliance monitoring, regulator reviews and EHSS performance audits. Apart from this he has also worked as a key EHS auditor for both Inogen Group and ARCADIS SENES India to support the implementation of their Due Diligence and Phase I & 2 programs for nearly 50 projects for key multinational clients in textile, metallurgical, chemicals and building sector.

- **Tufail Khan (Social Specialist):** Tufail Khan is a Senior Consultant with the Impact Assessment & Planning Practice at ERM India Pvt Limited. Over his 11 years of experience, Tufail have worked with SENES Consultants India Pvt (A Canadian Environment Consultancy firm), THDC India Ltd (A Mini Ratna PSU in Hydro power generation projects) and currently with ERM India Pvt Ltd at Gurgaon. Carrying out studies related to Social Impact Assessment and Resettlement & Rehabilitation have been his core functional areas throughout his total experience. Construction projects, Hydro power project, Thermal power projects, Wind power projects, solar power projects, mining projects etc. are the sectors wherein he has been actively involved and worked. Tufail has also long experience of implementing Resettlement & Rehabilitation action plan and working with communities at very grass root level.

1.5

APPROACH TO THE COMPLIANCE ASSESSMENT

The following approach and methodology was adopted for the current assignment.

Kick-Off Meeting

The site visit began with a kick off meeting with the SBIIPCL and NEPCS at the project site office. The kick off meeting helped in developing understanding on the current status of the Project implementation and developments at the site. The ERM team also explained the purpose of the assignment as well as shared the approach and key activities that were planned in the course of the audit.

Documents Review

The relevant Project documents pertaining to the EHS and social compliances were reviewed at the site. This was aimed at understanding the ongoing implementation, record maintenance, internal monitoring and reporting and mandatory regulatory compliances required for the project. Key documents reviewed include:

- a) Environment and Social Monitoring Report prepared by BCAS (December 2016);
- b) Environmental, Health, Safety & Social Monitoring Plan (SBIIPCL-EHS-007) prepared by SBIIPCL;
- c) CAP Status and Comments spreadsheet;
- d) NEPC-S Project Legal Register;
- e) NEPC-S Operational EHSS Procedures;;
- f) Records of online and manual stack emissions monitoring, ambient air and noise monitoring, surface, ground water and treated effluent sampling and analysis;
- g) Calibration records for continuous emission monitoring system and ambient air quality monitoring system;
- h) Environmental & Social Management & Monitoring (ESSMP) Compliance Status for Operations as prepared by BCAS (December 2016);
- i) Monthly Environmental Performance Report as submitted by SBIIPCL to Department of Environment (DoE), Bangladesh for September to November 2016;
- j) Accident & Incident Register;
- k) Accident/Investigation Report;
- l) Chemical and waste inventory sheet maintained by NEPC-S;
- m) Inventory of lifting equipment and pressure vessels;
- n) Sample set of Safety Training Records;
- o) Sample set of Monthly EHS Inspections & Daily Site Visit Observations;
- p) Annual EHS Training Calendar;
- q) Sample copies of HSE meetings;
- r) Sample copies of Monthly Reports for Operations;
- s) Renewed license copies of factory, Carbon dioxide, Diesel and Hydrogen storage;
- t) Monthly mock drill reports;
- u) Copy of group life insurance contract with Pragati Life Insurance Limited;
- v) Sample copies of inspection of PPEs and firefighting equipment;
- w) NEPC-S QRA Study Report;
- x) Green Belt Development Plan;
- y) Social Monitoring Report by BCAS (December 2016);
- z) Current status of implementation of livelihood restoration programme shared by SBIIPCL;
- aa) List of PAPs who have received seed money so far;
- bb) Update on implementation of CDP;
- cc) List of grievances lodged by local community and action taken thereupon by SBIIPCL;
- dd) Commitment register maintained by CDM;
- ee) Details of community consultation held during 6th EHSS assessment period;
- ff) Climate change and Adaptation Policy of Summit;
- gg) Committee report on back wage payment;

- hh) Manpower break-up of the SBIIPCL, NEPCS (O&M Contractor), NEPC (EPC Contractor);
- ii) HR Manual of the M/s. NEPCS (the Chinese contractor engaged for O&M of the plant);
- jj) Personal files, salary sheets of the employees and contract workers of M/s. NEPCS;
- kk) Legal Register, Human Resources (HR) Policy and Procedures of Summit Group;
- ll) Grievance Management Process and Records
- mm) Contract agreement b/w NEPCS & M/s. Tahsin Enterprise for cleaning & gardening work;
- nn) Payment sheet for October & November 2016 of contract workers engaged through Tahsin;
- oo) Sample copy of grievance check list used by O&M Contractor;

Site Visits and Physical Verification

The ERM team accompanied by the representatives of the project team undertook site visits of the key project components to assess the status and compliance with respect to EHS and social/labour issues and legal obligations. During the site visit, the team made physical and visual inspection/verification of the project operational component and associated activities. This was followed by consultations with the project affected communities. The different activities undertaken during the course of site visits included:

1. **Discussions and Interviews:** The team conducted detailed discussions and interviews with the site SBIIPCL personnel and relevant personnel of the O&M contractor (NEPC-S), employed to understand and assess the environmental, health and safety and labour related issues and their management onsite.
2. **Detailed Discussion with the communities and Community Development Officer (CDO) of SBIIPCL:** The ERM team had discussions with the PAPs who were imparted LRP trainings, the NGO (IDEA) hired for implementation of LRP and other local community members. The discussions included the following:
 - a) Perception of the project affected families (PAFs) on the implementation of LRP programme, seed money distribution, compensation package, rehabilitation measures, other welfare initiatives and issues surrounding them, if any;
 - b) Any legacy issues or open issues surrounding land acquisition, resettlement etc.
 - c) Community engagement activities by the CDO and perception of the locals towards these engagement related interventions;
 - d) Progress on livelihood restoration related intervention carried out by the project for the project affected families;

- e) Understanding vulnerability of the project affected persons;

Close Out Meeting

A close out meeting was held on 22nd December 2016 with the Senior Management Team of SBIIPCL and NEPC-S Management representatives at Sylhet. ERM briefed both SBIIPCL and NEPC-S Management team with the key observations and findings based on the site visit, discussions with the site personnel and contractors and review of the relevant documents and sought their responses to the observations/findings. ERM also had a Conference Call with SBIIPCL post completion of the site visit in order to get clarity on HR and labour related findings and to understand approach of Summit for closing these HR management related gaps.

The CAP and ESAP compliance status, identified gaps and actions required to close the gaps identified were also discussed during this meeting with the Senior Management. Some of the newly identified issues, associated with project operations were also briefed during the closing meeting.

Reporting

Information from various sources and direct observations made by ERM have been collated and compared against the reference framework.

1.6

LIMITATION

The report is based on information provided to ERM before, during the site visit and post the site visit. The findings and observations made herein are based on application of professional judgement. The findings should be viewed in the context of the applicable scope and objectives of the study and the limitation on time and resources made available to the consultants for the successful completion of the study. The Compliance Assessment was based on readily available information/ documentation, visual reconnaissance, and management interviews in course of site visit. Kindly also note that the scope of work did not include any sampling, analysis of environmental media, collection of primary data, engineering design or development of technical specifications or cost estimates among others.

ERM is not engaged in consulting or reporting for the purpose of advertising, sales promotion, or endorsement of any client interests, including raising investment capital, recommending investment decisions, or other publicity purposes. Client acknowledges this report has been prepared for their and their clients' exclusive use and agrees that ERM reports or correspondence will not be used or reproduced in full or in part for such purposes, and may not be used or relied upon in any prospectus or offering circular. Client also agrees that none of its advertising, sales promotion, or other publicity matter containing information obtained from this assessment and report will mention or imply the name of ERM.

Nothing contained in this report shall be construed as a warranty or affirmation by *ERM* that the site and property described in the report are suitable collateral for any loan or that acquisition of such property by any lender through foreclosure proceedings or otherwise will not expose the lender to potential environmental or social liability.

1.7

LAYOUT OF THIS REPORT

The report has been prepared in the following layout:

- Section 1:* (*this section*) provides a background of the assignment, objectives and scope of work, approach and methodology along with limitation of the review and report.
- Section 2:* Project Appreciation and Current Status of the Project
- Section 3:* Summary of Key Observations
- Section 4:* Compliance Status of the CAP & ESMMP and IFC ESAP
- Section 5:* EHS&S Regulatory Compliance Assessment
- Section 6:* Corrective action items identified based on this monitoring
- Section 7:* Conclusion

2.1 THE PROJECT

The project of 341 MW gas-fired Combined Cycle Power Station is developed by SBIIPCL by installing one Gas Turbine (GT), one Heat Recovery Steam Generator (HRSG) and one Steam Turbine (ST). Gas supply for the Project is from Bibiyana Gas Field and is being supplied by the Gas Supplier – Jalalabad Gas Transmission and Distribution System Limited (JGTDSL). Power generated by the Project is being evacuated through an existing 230 kV transmission line of the Power Grid Company of Bangladesh (PGCB).

2.2 PROJECT DEVELOPER

The project developer for the Bibiyana II Gas Power Project is Summit Bibiyana II Power Company Limited (SBIIPCL), which was incorporated in Bangladesh on 21st December 2010, as a joint venture of Summit Corporation Limited (SCL), which was formerly known as Summit Industrial and Mercantile Corporation (Pvt.) Ltd. and GE Energy LLC, a wholly owned subsidiary of General Electric Company. SCL is part of the Summit Group, an established financial entity and is experienced in the efficient management, operation and maintenance of similar facilities in Bangladesh. Summit Group is one of the largest Bangladeshi conglomerates and the industries under this conglomerate include communication, trading, energy, power and shipping.

2.3 CURRENT PROJECT STATUS

Table 2.1 below depicts important dates and timelines for SBIIPCL Project.

Table 2.1: Key Timelines – SBIIPCL Project

S. No.	Particular	Date
1	Date of signing Implementation Agreement (IA)	12 th May 2011
2	Date of signing Power Purchase Agreement (PPA)	12 th May 2011
3	Date of signing Gas Supply Agreement (GSA)	12 th May 2011
4	Date of Signing Land Lease Agreement (LLA)	12 th May 2011
5	Contract effective date	12 th May 2011
6	Implementation period as per contract	31 Mar 2013 - 31 Dec 2015
7	Required Simple Cycle Operation Date (RSCOD)	31 Dec 2014
8	Simple Cycle Operation Date	06 June 2015
9	Date of Financial Closure	08 July 2015
10	Required Commercial Operation Date	31 Dec 2015
11	Combined Cycle COD	28 Dec 2015

S. No.	Particular	Date
12	Issuance of PAC to the EPC Contractor	28 August 2016

Source: SBIIPCL

EPC Contractor is responsible to support the SBIIPCL and O&M team for two more years as part of construction guarantee/warranty with limited staffs.

2.4 ASSOCIATED PROJECT FACILITIES

Regarding work progress on the project associated facilities (not being constructed or financed by SBIIPCL) viz. gas pipeline, switchyard, access road, transmission line etc. an update has been provided in **Table 2.2** for reference. However, as clearly specified by the Borrower, the construction as well as operation and maintenance of these components rests with other parties (i.e. government entities).

Table 2.2 Project Associated Facilities – Status

S. No	Facility*	Area (acres)	Responsibility	Status (Work Completed)
1	Switchyard	26.0	PGCB	07 March 2015
2	Site Access Road	2.0	BPDB	29 November 2014
3	Gas Pipeline	8.5	JGTDSL	12 April 2015
4	Construction Laydown Area	14.0	BPDB/SBIIPCL	August 2013
5	Transmission Line	70 meters to switchyard	PGCB	28 February 2015

*Components not under financing by Lenders

Source: SBIIPCL and BCAS

The details of the project operational status and EHS performance for September to November 2016 have been presented in **Table 2.3** and **2.4** respectively.

Table 2.3 Operational Performance – September to November 2016

S. No.	Particular	Sep'16	Oct'16	Nov'16
1	Gross Generation, (MWH)	210108.8	213249.0	192073.3
2	Auxiliary Consumption (MWH)	6460.9	6629.6	6021.0
3	Total Export, (MWH)	203720.4	206619.4	186113.0
4	Total Import, (MWH)	72.5	0	60.57
5	Natural Gas Consumption (As per GT's RMS meter) (MSCF)	1385.2	1413.6	1297.2
6	Availability (%)	100	100	99.89
7	Equivalent Forced Outage Factor (EFOF) (%)	0	0	0.11
8	Plant Factor (%)	83	81.4	75.78
9	DM production (m ³)	8416	8674	6510
10	Clarified water production (m ³)	207063	150654	119254

Source: NEPC-S Monthly Report for Sep-Nov 2016

Table 2.4: EHS Performance – September to November 2016

S. No.	Particular	Sep'16	Oct'16	Nov'16
A	Environment			
1	Quantity of NOx Emission (tons)	13.0	7.29	6.3
2	Quantity of CO ₂ Emission (tons)	77614	76575	72618.5
3	Quantity of effluent (m ³)	6610	8893	6483
4	Quantity of sludge (kg)	4800	5000	1500
5	Quantity of Oily cloth (kg)	0	0	0
6	Quantity of used oil filter (pcs)	0	0	0
7	Quantity of used oil (litres)	0	0	0
8	Generation of medical waste (kg)	0.20	0.20	0.20
9	No. of environmental accidents	0	0	0
B	Health & Safety			
1	Fatality	0	0	0
2	Lost Time Accident (LTA)	0	0	0
3	First Aid Cases	0	0	0
4	Near Miss	1	0	0
5	Days since LTA	483	514	544

Source: NEPC-S Monthly Report for Sep-Nov 2016

EPC contractor are presently staying in plant with very limited number of manpower (19 Chinese & 14 Bangladeshi) for a period of 2 years since date PAC as part of as part of construction guarantee/warranty. SBIIPCL has deployed its limited staff (only 11 including 6 contract workers) at site to oversee O&M, Health & Safety and stakeholder engagement activities. O&M contractor i.e. NEPCS has maximum number of staff & workers (Presently it is 98).

Considering that the Project is already in combined cycle operations since last one year with COD for combined cycle operations declared in December 2015, efforts have been made by the ERM team to assess project EHSS performance for operations stage and also to verify compliance status of any pending EHSS related actions, which were put as corrective action plan in the last compliance audit of September 2016. The EHSS observations/findings made in this regard have been summarized in the subsequent sections below.

3.1 ENVIRONMENTAL, HEALTH & SAFETY

The observations made by the ERM audit team with respect to the project environmental, health and safety aspects as outlined in the CAP, ESMMP, ESAP and applicable local and national regulations have been tabulated under the various sub-sections below.

3.1.1 Legal Register

The Environmental, Health, Safety and Social Compliance Audit Report prepared by ERM dated November 2014 suggested development of a legal register for both construction and operations phases. SBIIPCL has prepared a permitting register for ensuring timely approval or renewal of all legal compliances of the project with respect to operations. **Table 3.1** below provides status of the various permits/licenses as applicable for construction and operational phase of SBIIPCL.

Table 3.1 EHS License/Permit Compliance Status for Operations Phase

S. No.	Permit/License	Issuing Authority	Issue date	Valid until	Status
1	Trade License	Aushkandi Union Parishad	3 rd July 2016	30 th June'17	In compliance
2	License for use of river water/ foreshore/jetty	Bangladesh Inland Water Transport Authority (BIWTA)	7 th Oct'15	28 th Aug'17	In compliance. However, the jetty is not currently being used by SBIIPCL.
3	Environment Clearance Certificate	Department of Environment (DOE)	21 st June'16	16 th June'17	In compliance
4	Permission for acid and alkali storage	Department of Explosives (DOEXP)	30 th Jun'16	30 th Jun'17	The license is valid for storage of sulphuric acid (12.6 KL); hydrochloric acid (12.6 KL) and sodium hydroxide (8 KL).
5	Fire Permit	Fire Service and Civil Defence	7 th June'16	30 th June'17	In compliance.

S. No.	Permit/License	Issuing Authority	Issue date	Valid until	Status
6	License for storage of Carbon Dioxide (6 KL capacity)	Department of Explosives (DOEXP)	5 th June'16	31 st Dec'17	In compliance.
7	License for Diesel Storage (4KL capacity)	Department of Explosives (DOEXP)	5 th Jan'16	31 st Dec'17	In compliance
8	License for Diesel Storage (1.36 KL capacity)	Department of Explosives (DOEXP)	9 th June, 2016	31 st Dec'17	In compliance
9	License for generation of Hydrogen and storage of Hydrogen inside plant	Department of Explosives (DOEXP)	5 th June'16	31 st Dec'17	In compliance. The license is valid for storage of 5KL of compressed gas and both storage and production of 143.1 KL of hydrogen
10	License for installation of High pressure Gas pipeline inside power plant	Department of Explosives (DOEXP)	13 th May'15	Entire project life cycle	In compliance
11	License of Boiler (IP, HP & LP Drum & Auxiliary Boiler)	Office of the Chief Inspector of Boilers (CIB)	12 th June'16	31 st Dec'16	In compliance.
12	Permission for Stack Erection	Bangladesh Air Traffic Services (BATS)	16 th Jun'14	Entire project life cycle	In compliance.
13	License for Power Generation	Bangladesh Energy Regulatory Commission (BERC)	22 nd June'16	28 th June'17	Provisional license obtained for generation of 349 MW power (gross) [GT 228 MW & ST 121 MW] in combined cycle mode.
14	Factories License	Deputy Chief Inspector of Factories	21 st July'15	30 th June'17	In compliance.
15	Groundwater abstraction permit for drinking purpose	Union Parishad	23 rd September'14	Entire project life	In compliance
16	Groundwater abstraction permit for alternate plant water supply	Union Parishad	February' 2016	Entire project life	In compliance

3.1.2

Environment Linked Observations

Some of the key observations linked to the Environmental performance of the project are mentioned below:

- NEPC-S has updated the legal EHS register to include the operations requirements; however it is still to incorporate the relevant provision of the *Petroleum Rules 1937, Pressure Vessel Rules 1995, Boiler Act 1923* including permit/license conditions. NEPC-S is also to commence with the compliance tracking of the conditions outlined in the legal register.
- With respect to Integrated Management System (IMS) certification, NEPC-S has engaged TUV to assist them in the certification process. Presently, both internal auditor training and gap analysis has been completed by Qtex Solution Limited and TUV respectively. Based on the IMS work plan prepared the certification is expected by May/June 2017.
- SBIIPCL has appointed an onsite Assistant Manager on 18 Sep 2016 to manage EHS performance for operations. He is adequately supported by EHS personnel based out of SBIIPCL Corporate office at Dhaka.
- SBIIPCL has installed and is operating a Continuous Emission Monitoring System (CEMS) to continuously monitor pollutant (CO, NO_x, PM₁₀, SO₂) concentration in flue gas emissions. Review of the results for the period Sep-Nov 2016 indicates compliance to the emission standards specified in the IFC EHS Guidelines for Thermal Power Plants and Bangladesh ECR, 1997. However, SO₂ was again detected in flue gas with values ranging within 8.36-16.13 mg/Nm³. Review of the natural gas quality report shared by Petrobangla (the gas supplier) on 15 Nov 2016 indicates the absence of sulphur in the gas.
- NEPC-S also conducts quarterly monitoring of stack emission through third party and results were found to be compliant to the standards specified in both IFC EHS Guidelines for Thermal Power Plants and Bangladesh ECR, 1997.
- NEPC-S to continue monitoring of ambient air quality (NO_x, PM₁₀, PM_{2.5}, SO₂ and SPM) at 3 village locations (*Parkul, Bongaon and Paharpur*) through third party agency. As per the Operations ESMMP such monitoring is now required to be undertaken on an annual basis. The results for May 2016 were found to be well within the Bangladesh National Ambient Air Quality Standards (NAAQS), However, pollutant parameters like Carbon Monoxide (CO) and Ozone (O₃) has not been covered as part of the monitoring in line with the revised NAAQS.
- SBIIPCL has installed 3 continuous ambient air quality monitoring stations (CAAQMS), which are installed on the top of dormitory, cooling water pump house and cooling tower. Review of the monitoring results for the period Sep-Nov 2016 reveals the ambient pollutant concentration viz. NO_x (0.83-191.97 µg/m³); PM₁₀ (8.38-38.41 µg/m³) and PM_{2.5} (1.07-35.93 µg/m³) to be in compliance with the ambient air quality standards specified in the Bangladesh ECR, 1997. The higher NO_x value has been attributed primarily to technical issues related to start-up and CAAQMS recalibration. However, even following recalibration in most cases the PM_{2.5} values is found to be higher than the PM₁₀ which may require further investigation to understand the potential causal factors.

- Ambient noise quality is being monitored at 11 locations (8 within the plant and 3 at nearby village of *Parkul*, *Bongaon* and *Paharpur*) in-house by NEPC-S on a monthly basis and by engaging a third party agency on a quarterly basis. The noise measured at the village locations were found to be slightly higher than the day and night time noise standards specified in Bangladesh ECR, 1997 for residential areas. This can possibly attributed to the construction work currently in progress for Bibiyana I and Bibiyana III sites abutting the project.
- For treated effluent, in-house monitoring is undertaken by NEPC-S including monitoring by third party agency to ensure conformance with the Bangladesh inland water discharge standards prior to its discharge into Kushiara River. Review of third party monitoring records for November 2016 reveals treated water discharges being monitored for 32 parameters only instead of 34, as specified in the Bangladesh ECR, 1997. The results in all cases were found to be in compliance with the Bangladesh inland water discharge standards. The report however does mention the sampling location and time including proper description of the sample. The next monitoring will be due in January 2017 in accordance to the operations ESMMP.
- NEPCS maintain daily water consumption records for Khusiyara river water intake with consumption found to vary within 832 to 8,198 kilolitre per day (KLD) for the period Sep-Nov 2016. In addition to the above, the site has also installed three deep tube wells to meet emergency water requirement. However, flow meter is yet to be installed for the wells connected to the cooling tower by NEPC to monitor the water consumption for this line.
- NEPC-S has developed a Waste Management Procedure for both hazardous and non-hazardous waste streams; however the same need to be updated to include the storage and disposal requirements of individual waste streams particularly ETP sludge, discarded chemical container etc. As recommended in the earlier audit report, the storage yard was found to be equipped with secondary containment. Further to that lined pits have been provided adjoining the hazardous waste yard to prevent any overflowing spill findings its way into the storm water. However, no spill kit was made available at the waste oil storage area as well.
- Hazardous waste and biomedical waste generate onsite is being managed through authorised third party vendors - M/s Rima Enterprise and M/s Medicare Diagnostics and Consultation Centre respectively. Signed contract is available with both the vendors who were also found to be possessing valid environmental clearance (EC) issued by the Department of Environment (DoE), Bangladesh. NEPC-S has undertaken audit of both the waste disposal facilities on 23 October 2016; however such evaluation does not cover compliance to EC requirements.
- NEPCS has developed a *Vehicle Management Standard (NEPC-O&M-P-PRO-13-03)*. In line with the standard, the onsite vehicles are being subjected to daily checks using a vehicle inspection checklist.

- SBIIPCL has developed a climate change adaptation policy which has been approved by the project COO and displayed at a conspicuous place within the facility premises.
- A plan has been prepared by SBIIPCL for developing green belt both within and outside the plant. The current survival rate of the species outside the plant is observed to be around ~6%, which is primarily attributed to the lack of proper upkeep and maintenance as well as ongoing construction works of Bibiyana I and III power plants. The implementation of green belt within the plant is found to be currently under progress with a total of 1,485 saplings reported to be planted till date.

3.1.3 *Health & Safety Linked Observations*

Some of the key observations on the health and safety aspects are as follows:

- The facility has updated the lifting machinery inventory which presently comprises of 20 overhead cranes and 48 chain pulley blocks. However the inventory is yet to cover the following lifting equipment's - 2 forklifts, 2 passenger lifts and 2 chain pulley blocks (used in the raw water pump house). Again external examination of the aforesaid lifting equipment's is found to be pending as TUV – the agency hired for such testing does not possess the required competency certificate in Form 30.
- As per the earlier recommendation, NEPCS has updated the training calendar to include training on waste management and consolidated EHS plan as specified in the SBIIPCL *Environmental Social Management Plan & Procedure (SBIIPCL-EHS-07)* for operations. Reportedly training calendar for 2017 is under preparation
- NEPC-S has updated the Emergency Preparedness and Response Plan to include the detailed roles and responsibilities of the Emergency Response Team (ERT), contact details of the offsite responders, details of firefighting resources, training & mock drill requirements. However, contact details of the onsite ERT team are yet to be covered as part of this Plan.
- SBIIPCL along with NEPC-S has utilised output of the QRA in the preparation of a Community Disclosure Plan. Reportedly, SBIIPCL is in the process of disclosing the potential emergency threats and response measures to the nearby communities in accordance to the plan.
- NEPC-S has notified a list of 45 EHS related procedures and rules to be executed for project operations. The additional 18 EHS procedures which have been incorporated to the aforesaid list have been formally notified to NEPCS and SBIIPCL personnel via email on 9 December 2016.
- NEPC-S has prepared a general permit/checklist for the following non-routine activities and the same incorporated in the *Work Permit Management Standard (NEPC-O&M-EHS-001-02)*. However, the aforesaid checklist is pending implemented by NEPC-S prior to undertaking any non-routine work/activity.

- Job Safety Analysis (JSA) is yet to be prepared for key process/activities viz. equipment lifting, boiler operations, hazardous waste handling, electrical maintenance, height work, confined space, fuel unloading and chemical handling. Further, NEPC-S is also to prepare and maintain a training register specifying details of workers required to undergo job-specific training for operations.
- For operations, NEPC-S has engaged a medical practitioner who is in charge of the first aid centre located in the ground floor of the Central Control Building (CCB). Reportedly, the practitioner is available 7 days a week from 8AM to 5PM.
- NEPC-S has also prepared a checklist for inspection of PPEs; however review of the same indicates it is more focussed towards availability and usage of PPEs instead of its overall performance. Presently PPE inspection is limited to only safety harness and Self Controlled Breathing Apparatus (SCBA).
- NEPC-S has identified hydrogen gas storage and natural gas pipeline (within site) as the potential high hazard zones based on the QRA study undertaken by TUV. NEPC-S have marked the aforesaid hazard zones on the site plan however NEPC-S is yet to develop hazard prevention and control plan for the said areas.
- The Caustic and Acid Handling Procedure has been updated by NEPC-S to include both hydrochloric acid and sulphuric acid. MSDS of all chemicals being used have also incorporated in the procedure. However the procedure to also include requirement specified in the chemical storage license and the applicable provision of the *Acid Control Act, 2002*.
- NEPC-S plans to conduct six monthly drills in coordination with Bangladesh Fire Service and Civil Defence. In this regard, SBIIPCL has made application to the Assistant Director, Fire Services and Civil Defence vide letter dated 4 December 2016 for conducting joint mock drill in December 2016.
- NEPC-S has developed and implemented a monthly inspection checklist for fire extinguishers and fire hydrants with records found to be maintained. In line with the earlier recommendation a similar checklist was found to be implemented for hose reels and smoke detectors except for automatic sprinkler systems.
- The facility has appointed a dedicated team for firefighting and first aid; however their details have not been maintained in Form 22 as specified in the *Bangladesh Labour Rules 2015*.
- QRA for the project has been undertaken by TUV Austria on October 2016 to assess and evaluate the risks from various processes and activities. The report finds the plant to be designed taking into account the potential industrial hazards with effective risk prevention and control measures already in place.

- Environmental Performance and Monitoring Reports (EPR) has been prepared and submitted to DoE for the period September to November 2016.
- As per the condition of boiler registration permit, boiler to be operated by certified boiler operator. Compliance status still need to be assessed based on availability and review of the certification copy of the personnel involved in boiler operations at the plant. A letter seeking confirmation on the same has been submitted by SBIIPCL to the Chief Inspector of Boiler on 20 March 2016. However a response to this regard is still awaited from the Boiler Inspector.
- SBIIPCL is yet to establish a Worker Participation Fund and a Workers Welfare Fund to comply with the provision of Bangladesh Labour Law and condition specified in the Factories License. SBIIPCL considers this requirement to be not applicable with respect to their current operations; however an exemption to this regard is yet to be obtained in writing from the Chief Inspector of Factories.
- TUV Austria Bureau of Inspection & Certification (Pvt.) Ltd., Bangladesh (TUV) has been engaged to perform annual examination of lifting tool and equipment's. However, TUV is not found to possess the required competency certificate in Form 30 to perform such examination. An application to this regard has already been made by TUV to the Chief Inspector of Factories vide letter dated 22 September 2016.
- Records review indicate that internal examination is limited to only chain hoists with records maintained in Form 24. Lifts and overhead travelling cranes operated by the facility is also required to be subjected to periodic examination under the provision of *Bangladesh Labour Rules 2015* and records maintained. As communicated by NEPC-S such examination to be undertaken following receipt of competency certificate by TUV.
- Safe working load was found to be displayed on the chain pulley blocks in use at the pump house of the facility. However the rope and slings used at the pump house for maintenance was not found to bear any information related to its safe lifting capacity.
- The facility is not found to maintain a Service Book in Form 7 and safety record book in consistent with the *Bangladesh Labour Rules 2015*. Further, the details of the contract workers have not been covered in Form 8 being maintained by NEPC-S.
- Testing/examination of pressure vessels in the form of air compressors, boilers, hydrogen and carbon dioxide storage tanks is pending and is subjected to issuance of competency certificate to TUV by Factory Inspector. Date of initial and subsequent hydrostatic testing has also not been displayed on the pressure vessels in operation.
- Subcontractor workers have not been covered under the medical examination program as implemented by NEPC-S through support of

Medicare Diagnostic. Records review indicate that certificate of fitness and medical examination records presently being maintained in prescribed formats (Form 26 and Form 26A) for only 32 personnel as per *Bangladesh Labour Rules 2015*.

- Registration of the following subcontractors - Tahsin Enterprise and Rafi Enterprise is pending and is likely to be completed by January 2017. Contractor registration is presently available for only Sohag Enterprise.
- NEPC-S is in the process of identifying a government approved contractor for certification of facility electrical wiring and earthing. The action is expected to be completed by June 2017.
- Records of PPEs provided to workers operating near machinery in motion have not been maintained in Form 23. Also provision of insulated mats is yet to be completed in front of all electrical panels at the fire pump house and hydrogen storage control room

3.2 SOCIAL OBSERVATION

3.2.1 Manpower engagement

Present strength of workforce employed in SBIIPCL power plant is classified under three types which include:

- SBIIPCL's direct staff deployed at site;
- Employees and contractual workers engaged by M/s. NEPC; and
- Employees and contractual workers engaged by M/s. NEPCS – Operation & Maintenance Contractor

SBIIPCL Staff

Manpower strength engaged through SBIIPCL was observed to be remaining unchanged in ERM's 6th visit. Presently 5 direct payroll staffs and 6 contract workers are engaged at site. *Table 3.2* provides break-up of the current manpower deployment.

Table 3.2 *Manpower engaged at power plant by Summit*

S. No	Designation	Number
<i>Payroll Staff</i>		
1	Operation Manager	1
2	Maintenance Manager	1
3	EHS Executive	1
4	Community Development Manager	1
5	Admin & Account	1
<i>Contract Workers</i>		
1	Driver	2
2	Kitchen staff	2
3	Cleaner	1
4	Office boy	1
Total		11

Source: SBIIPCL Site Officials

SBIIPCL has taken 2 vehicles on rent. Drivers are engaged through respective vehicle owners. Other contract workers are engaged through the labour supply contractor M/s. Resources & Solutions Ltd.

Workforce engaged by M/s. NEPC (EPC contractor)

Presently 19 Chinese staffs are engaged by M/s. NEPC. These staffs will stay in the plant for a period of two years from the date of PAC (Provisional Acceptance Certificate) which was issued to EPC on 28th August 2016.

Besides Chinese staff, M/s. NEPC has also engaged 14 Bangladeshi workers. These include 1 translator directly hired by NEPC and remaining are hired through contractors which includes 8 security guards, 1 cleaner, 1 driver and 3 kitchen staff.

Workforce engaged by M/s. NEPCS (Operation & Maintenance Contractor)

NEPCS has engaged total 98 payroll staffs and 7 contract workers as on 20th December 2016. Number of NEPCS payroll staff was 88 in previous (i.e. 5th EHSS Audit) of ERM. 10 additional staffs have been added during 6th EHSS assessment period (i.e. Sep 2016 to Dec 2016). *Table 3.3* highlights break-up of the manpower engaged through NEPCS.

Table 3.3 *Manpower engaged through NEPC-S in Power Plant as on 20th Dec 2016*

S. No	Department/Position	Number
<i>Bangladeshi</i>		
1	Operation	20
2	Maintenance	10
3	Officer (Admin)	8
4	Kitchen (Admin)	4
5	Office helper (Admin)	2
6	Driver (Admin)	2
7	EHS Officer	4
8	Fire fighter	2
9	Security	10
<i>Chinese</i>		
1	Operation	17
2	Maintenance	12
3	Admin	6
4	EHS	1
Total Staff		98

Source: NEPCS HR Department

Besides payroll staff, NEPCS has engaged 7 contract workers (1 supervisor and 6 cleaner) for cleaning & gardening work within the plant premises through a labour supply contractor M/s. Tahsin Enterprise.

3.2.2

Compliance against applicable regulatory provisions of Bangladesh Labour Act, 2006 (amendment 2013) and Bangladesh Labour Rules, 2015

ERM in its first ESDD report for SBIIPCL (November 2014) had highlighted certain gaps in Summit Corporate HR policy which is also applicable for SBIIPCL. Subsequently, as reported, SBIIPCL adopted HR policy and procedures of the parent company (i.e. Summit Corporation Limited - SCL) through its board meeting held on 11th June 2015 along with additional policies on the aspect of Non-employment of Adolescent & Children at Work, Anti-harassment and Abuse at Work, and Anti-discrimination policy. ERM reviewed these policies and found it to be aligned with requirements of labour act, 2006 and broad provisions of IFC Performance Standards-2.

During 6th EHSS compliance audit of SBIIPCL undertaken by ERM in December 2016, it was observed that HR management system of SBIIPCL is lacking compliance w.r.t certain applicable aspects as per Bangladesh Labour Law 2006 (BLL 2006) and Bangladesh Labour Rule 2015 (BLR 2015). Some of these gaps can directly be addressed by SBIIPCL, whereas for other gaps, NEPCS should be asked to ensure compliance w.r.t. BLL 2006 and BLR 2015.

Labour: Compliance status – SBIIPCL

Table 3.4 *Gaps identified w.r.t HR management practices of SBIIPCL*

S. No	Aspect	Legal Provision/ IFC PS-2 Requirements	Gap/Observation
1	Leave Entitlement	As required under BLL 2006, Summit HR policy should have at least provision of following mentioned leave besides festival holidays: <ul style="list-style-type: none"> • Sick leave of 14 days; • casual leave of 10 days; • Earned leave of 1 day after completing every 18 working days post completion of one year service to the establishment. 	<p>Apart from legal provision on leave entitlement, SBIIPCL HR policy (<i>which was approved through Summit Board Meeting on 11th June 2015</i>), have also provision for;</p> <ul style="list-style-type: none"> • Maternity leave of 180 days, • Paternity leave of 7 days, etc <p>However during consultation with SBIIPCL employees in 6th EHSS Audit, it was observed that Summit is actually still following its 2003 leave rules which entitles for only;</p> <ul style="list-style-type: none"> • 7 days of CL leave; • 7 days of sick/medical leave; and • 15 days of annual leave without encashment provision. <p>Besides this, maternity leave as provisioned under BLL 2006 is also being provided. Paternity leave is not part of actual leave policy.</p> <p><i>Thus it is evident that present CL leaves & Sick leave entitlement is less than the statutory requirement.</i></p> <p>In follow up discussion with Summit post completion of ERM's 6th EHSS visit, it was</p>

S. No	Aspect	Legal Provision/ IFC PS-2 Requirements	Gap/Observation
			<p>reported that a revision (of the HR Manual/ Service Rule with certain additions/ changes) has been proposed to the Board/ Senior Management of Summit and approval is currently pending.</p> <p>ERM has not been provided draft copy of revised HR manual/Service Rule. This would be reviewed in next EHSS audit.</p>
2	Insurance	BLL 2006 has provision for insurance for workers.	<p>Summit HR policy also entitles its employees for insurance. However it was observed during 6th EHSS audit that SBIIPCL staffs are not being provided any insurance.</p> <p>In follow up discussion with Summit post completion of ERM's 6th EHSS visit, it was reported that Summit is in talks with two vendors regarding premium pricing and benefits to be provided.</p> <p>HR department will finalise Insurance provision, once the Board agrees to the proposal. However no timeline towards completion of this activity was given by HR Department.</p>
3	Clear Communication on Terms of Employment	One of the key requirements under IFC PS-2 is related to clear communication of terms of employment to the employees.	<p>Summit has system of issuing appointment letter to each new joinee. Appointment letter describes about condition of employment.</p> <p>One of the conditions as mentioned in appointment letter says "leave and other facilities would be governed by Summit Rules & regulation". However Summit doesn't have formal system of sharing this Rules and Regulation book of the group with its employees.</p>
4	Approved Service Rule	Review of section-3 of BLL 2006; Rule-3, Rule-4, Rule-5 of BLR-2015 provides an understating that it is mandatory for Summit to have a 'Service Rule' approved by Inspector General. Content of Service Rule should be as per form-1 [Section 3 & Rule 3(2), Description of the condition of Service in the Service Rules] and Form-2 [Section 3 & Rule 3 (4), Number of appointed workers].	<p>Presently there is no such approved Service Rule for SBIIPCL in place.</p> <p>In follow up discussion with Summit post completion of ERM's 6th EHSS visit, it was reported that HR Manual/ Service Rule is being revised/ portions added and will be submitted for approval to Inspector General, once it is approved by the Board (Of Summit Corporation).</p>

S. No	Aspect	Legal Provision/ IFC PS-2 Requirements	Gap/Observation
5	Organogram	Rule-18 of BLR 2015 states <i>"Each owner will formulate the organogram with the service rules for his/her firm and it should be approved by the inspector general and the class, number and type of the workers will be mentioned in the organogram"</i> .	Presently no such approved organogram is in place.
6	Workers Social Security Fund	Rule-17(1) of BLR 2015 states <i>"Each contracting firm should open an account with any scheduled bank in the name of 'Workers' Social Security Fund' with the name of the firm within six months of the receipt of the license"</i> .	This Rule may apply to M/s. RSL who is supplying 4 workers to SBIIPCL. Summit need to check applicability of this clause for RSL and ensure compliance, if applicable.
7	Notice of Working hour for Adult workers	Rule 105 (1) of BLR 2015 states <i>"The working hours of adult workers have to be approved by the Inspector in accordance with Form-37, 37(a) or 37 (b) in respective cases"</i> . Further Rule 105 (2) states <i>"After receiving approval of the Inspector on the notice mentioned in Sub-section (1), the copy of the approved notice must be hung in an easily noticeable place so that all workers can be informed about it"</i> .	ERM understand that Summit as an owner of SBIIPCL, should be directly responsible for ensuring this compliance. Presently this rule is not being complied.

Compliance Status – NEPCS

Present HR Management system of the O&M contractor i.e. NEPCS was observed to be lacking following practices as required under BLR 2015;

- Rule-19 of BLR 2015 an establishment should maintain Register of workers, appointment Card, ID card information as per Form 6(A);
- Rule-22: of BLR 2015 an establishment should maintain and issue service book to each worker as per form 7;
- Rule- 23 of BLR 2015 an establishment should maintain Worker's Register as per Form-8;
- Rule-24 of BLR 2015 an establishment should maintain Leave Register as per Form-9;
- Rule-108 of BLR 2015 an establishment should provide a copy of leave book in Form-9 to every workers;
- Rule-44 of BLR 2015 an establishment should maintain cleaning register as per Form-20;

- Rule-111 of BLR 2015 an establishment should provide wage slip to every worker as per Form-38;
- Rule-118 of BLR 2015 an establishment should maintain nominee detail of the workers as per Form-41

Other observations on compliance status

ERM reviewed payment sheets, attendance register etc. of each category of workforce employed at site including EPC workers. It was observed that:

- Payment is aligned with minimum wage for workers engaged all three parties i.e. SBIIPCL, NEPCS and NEPC;
- Employment letter containing information on terms of employment has been provided by NEPCS to their payroll workers like security guards, kitchen staff, peon etc;
- Overtime requirement is not there for any category of workers as of now;
- Personal file is being maintained by NEPCS for their payroll staff and workers. SBIIPCL maintains personal file for their contract workers who are posted at plant;
- ERM had highlighted in its previous audit (4th & 5th EHSS audit) that one of the clause in overtime policy of NEPCS i.e. **Clause no: 1.7.1.1** states that 'Company must compensate overtime by 1.5 times of the employees normal hourly basic salary for each hour worked'. ERM had recommended updating this clause by defining overtime compensation rate @ twice of basic wage instead of 1.5 time of basic wage. In 6th EHSS audit, it was observed that NEPCS had updated overtime policy in its HR manual.

3.2.3 *Payment of minimum wage and overtime by EPC contractor*

ERM has been highlighting the issue of non-compliance w.r.t minimum wage for certain group of workers engaged in construction phase of the plant. Despite the regular reminder from Summit, the EPC contractor was observed to be non-compliant in terms of paying minimum wage for certain unskilled category of workers during construction Phase of the project. This issue was discussed with Summit in length in previous audit as well. (Refer 4th EHSS Compliance Assessment Report of ERM for further detail).

Now Project is already in operation stage and COD has also been received by the M&E contractor i.e. M/s. NEPCS on 28th Dec 2015. However the issue of paying balance amount of the applicable minimum wage rate for certain unskilled categories of the workers engaged by EPC contractor during construction phase, is yet to be resolved.

During ERM's 5th EHSS audit report, it was reported that SBIIPCL is in the process of preparing detailed list of workers engaged during construction phase, who are to be paid balance amount of their due wages in order to compensate and get aligned with minimum wage rate.

- It was also reported that payment of minimum wage would be settled via EPC contractor (NEPC) only.
- Summit would ensure the same by keeping on hold an amount of Taka 17,053,986/- from the money due to the EPC Contractor.

ERM had shared its observation in previous audit report that establishing the ESCROW account for settlement of the minimum wage could lead to a complicated procedure, because the labourers would be required to go to the bank as well.

During ERM's 6th EHSS audit site visit, it was informed that further development toward settlement of minimum wages has taken place.

- Summit has formed one committee at plant level, including incorporation of an independent member, to settle the issue of payment of Short Fall of Minimum Wages for labors working during the whole period of the construction works conducted by the EPC Contractor (NEPC). Committee members are:
 - Mr. Li Wenping, NEPC
 - Mr. Koushtuv Kanti Biswas, Community Development Manager, SBIIPCL (in capacity of Member Secretary)
 - Dr. Moinul Islam Sharif, BCAS
 - Mr. Xu Wei (Victor), General Manager, NEPCS
 - Mr. Hozyfa Ebne Seraj, Manager (Maintenance and Contract), SBIIPCL
- NEPC prepared one comprehensive list of the total number of workers (934) who did not receive the minimum wage payment for certain period of time when they have worked at the time of the construction phase of Bibiyana II plant.
- The EPC Contractor submitted the list to SBIIPCL and SBIIPCL shared the list of 934 workers with the Financers. On 11th October 2016, the advertisement of back wage payment was circulated in two local newspapers namely 'The Daily Express' and 'Daily Khowai'. ERM reviewed copy of the advertisement during site visit.
- Post advertisement, only 11 persons contacted CDM so far. Out of this 11, only 3 persons were found eligible for balance payment of their total due minimum wage amount, as per the list of 934 persons. These workers have been asked to furnish their Worker ID issued by NEPC during their engagement and their bank account information.

The committee member (constituted for settlement of minimum wage issue) held an internal meeting on 27th Nov 2016 to discuss about the way forward for settlement of the issue. Following action points were discussed in this internal meeting of the committee members:

- Responses from the workers have been very low. Only 11 persons reported so far post advertisement and only 3 of them were found eligible as per list of 934 beneficiaries. It was reported by SBIIPCL that a re-

advertisement of the list of beneficiaries will be carried out in the last week of December 2016;

- The eligible claimants (3) were assessed for payment eligibility after submission of National ID copies. They were told to submit Worker ID of NEPC and Bank Account Details. Moreover, the above list was signed by Committee Members and forwarded to BCAS for authenticity check and validation for processing payment;
- The person not being in the list but has the Worker ID of NEPC will be re-discussed after the re-advertisement;
- Copy of this meeting minute will be circulated with NEPC, NEPCS, SBIIPCL Management, BCAS and Financers.

Progress towards above mentioned action points for settlement of minimum wage issue, would be reviewed by ERM in next EHSS audit.

3.2.4 *R&R implementation status*

The project required land for establishing power plant and associated facilities which included construction laydown area, 2 km long access road, switchyard area and an 8.8 km long gas pipe line.

R&R implementation: ADB's financed Project Component

ADB's finance is limited to the Power Plant area.

- There were 31 Project Affected Households (PAHs) identified for the 11 acres land acquired for the power plant establishment. There were total 14 land owners on 11 acres private land acquired for the power plant establishment. Besides this, ESIA study for this project had identified 6 sharecroppers and 11 agriculture labourers whose primary source of livelihood was dependent upon the piece of land acquired for this project.
- Land compensation to 14 landowners has been paid by the concerned government department. ADB had provisioned for providing one time compensation of Tk 7,500 to each sharecropper PAH and Tk 8,000 to each agriculture labour PAH to offset their economic loss. This payment was released by SBIIPCL already to all concerned sharecropper and agriculture labour.
- It was also provisioned to give Tk 2 lacs (0.1 million= 1 lac) in addition to the land compensation amount paid by government, to one of the PAHs who became landless after land acquisition for power plant. This amount was disbursed in two instalments and it was informed that the affected household invested the additional compensation amount in opening a new grocery shop and was observed to be successfully running the shop currently.

PAHs of the entire project components (including associated facilities) are considered for Livelihood Restoration Programme as per Livelihood Restoration Framework (LRF) of IFC.

SBIIPCL has got Livelihood Restoration Plan (LRP) prepared through an external consultant and it was finalised after incorporating comments from IFC. The details of the LRP, status of implementation of LRP and limitations, if any are covered in Section below.

3.2.5 Livelihood Restoration Plan (LRP)

As reported in ERM's previous audit report, review of LRP reports indicates the following:

- The document provides detail on the process of identifying & finalising various trades suitable for skill enhancement training for the PAPs (Project Affected Person); listing of the choice of 396 PAPs for different training program;
- Total 396 project affected persons (PAPs) from 514 PAHs were identified for LRP;
- Detailed review of listing of the PAPs for different training program indicates that there was some problem in numbering of PAPs and hence 3 names were actually found to be missing. As the numbering was not proper therefore the total number PAPs surveyed in LRP should be 393 instead of 396.
- 21 PAHs out of the total PAHs (including PAHs of associated facilities) didn't opt for any livelihood training programme because they reported to be economically well off (Refer LRP Report prepared by external consultant for SBIIPCL) for detail of 21 PAHs).
- Listing of 14 PAHs & 58 Agriculture Labourers, who could not be traced during the survey process;
- The LRP covered listing of potential NGOs for LRP implementation including key steps & strategies that are to be followed while implementing LRP, key milestones of LRP implementation along with proposed timeline etc.

Progress on implementation of LRP training

One local NGO called as IDEA (Institute of Development Affairs) was engaged by SBIIPCL for LRP implementation w.e.f 1st Nov 2015. Total duration of the contract for LRP implementation is 2 years. Therefore IDEA will be in service till October 2017. Major progress of LRP implementation as observed in 6th EHSS audit was as follows:

- 13 feasible economic activities were identified in LRP and these include poultry and duck rearing, beef fattening, electrical house wiring, welding,

steed rod fabrication, snack food making and cooking, mobile servicing, computer, business management, goat and sheep rearing, agriculture/crop, vegetable and short duration fruit cultivation, tailoring and masonry and house painting;

- Total 373 PAPs could be finally identified for livelihood training as per LRP program and they have been provided livelihood training as per training need assessment conducted by IDEA. Training programme is completed now.

Detail on different training programmes attended by PAPs is provided in *Table 3.5*.

Table 3.5 *Training completion status under LRP as on December 2016*

S. No	Type of Training	Number of Participants	Training duration
1	Poultry		
	Batch 1	34	16 th Nov 2015 to 25 th Nov 2015 (10 days)
	Batch 2	31	26 th Nov 2015 to 5 th Dec 2015 (10 days)
	Batch 3	30	9 th Dec 2015 to 19 th Dec 2015 (10 days)
2	Sewing	7	16 th Nov 2015 to 10 th Dec 2015 (25 days)
3	Beef Fattening		
	Batch 1	26	7 th Dec 2015 to 20 th Dec 2015 (14 days)
	Batch 2	30	22 nd Dec 2015 to 31 st Dec 2015 (10 days)
	Batch 3	19	7 th Feb 2016 to 17 th Feb 2016 (10 days)
4	Agriculture	18	21 st Dec 2015 to 31 st Dec 2015 (11 days)
5	Computer	8	18 th Jan 2016 to 17 th Feb 2016(1 month)
6	Business		
	Batch 1	25	28 th Feb 2016 to 12 th March 2016 (14 days)
	Batch 2	28	18 th April 2016 to 28 th April 2016 (1 month)
	Batch 3	36	8 th May 2016 to 19 th May 2016 (12 days)
7	Fisheries	14	22 nd May 2016 to 30 th May 2016 (8 days)
8	Cooking	2	3 rd October 2016 to 18 th October 2016
9	Electrical	25	3 rd October 2016 to 18 th October 2016
10	Welding	17	28 th October 2016 to 3 rd November 2016
11	Masonry	7	21 st October 2016 to 27 th October 2016
12	Mobile servicing	16	21 st October 2016 to 27 th October 2016
	Total	373	

Source: SBIIPCL site data

Seed money distribution

Disbursements of seed capital to eligible PAHs have also been initiated. Current status on disbursement of seed money as on Dec 2016 is discussed below:

- Post completion of livelihood training, total 139 eligible PAHs were identified for seed capital which is being disbursed in 3 instalments;
- Seed money is being released in 3 instalments in the name of household head i.e. PAH himself or in the name of other family member nominated by consensus of all family member of that particular PAH;

- First instalment is released after completion of LR training by PAPs. Release of II & III instalments are subject to utilisation of previous instalments in the trade in which LR training have been imparted to PAPs;
- IDEA is monitoring utilisation of seed money by PAPs;
- Presently 67 PAHs have been released all 3 instalments (i.e. Tk 75000);
- 67 PAHs have been released two instalments of Tk 25000 each (i.e. Tk 50000); and
- Remaining 5 PAHs have received only first instalment so far (i.e. Tk 25000).

Consultation with beneficiaries of LRP programme

ERM had consultations with some of the participants who were imparted livelihood trainings by IDEA (NGO for LRP implementation). 15 participants including 4 women participants attended the consultation which was held at IDEA training centre. Key observations of the consultations were as follows:

- Poultry, beef fattening and business training have attracted maximum number of participants for the training program. These three activities are also quite prevalent in occupational pattern of the locals. Training enabled the participants to manage poultry and beef fattening in a better way. Participants learned about proper feeding process, identification of disease and ways of tackling those diseases etc.
- There is no veterinary centre nearby the project area. In this scenario, capacity building of the participants, especially in terms of identification of disease and taking necessary action such as way of giving injection and appropriate medicines etc., raised confidence among the participants for poultry and beef rearing activity.
- Business training also helped participants to run their petty shops in better way. Trainees felt a positive change in documentation of daily profit & loss, inventory of goods in their shops etc.;
- Fisheries training have been imparted mostly to PAHs of Resettlement Site. These PAHs have a small water body in front of their houses which they use for bathing, washing as well as for fishing purpose. Fisheries training enabled these PAHs to run their fisheries activity in a better way which has resulted in reduced mortality rate of fishes and good production in their small pond;
- For computer training, majority of the participants were students, studying in inter college or degree college. One of the participants has his own computer centre, being used commercially. This computer training raised his confidence for offering other services in his centre like internet surfing, data entry etc.;
- Distribution of seed money has given a boost to livelihood activities of the participants. Almost each participant has invested seed capital primarily in the livelihood activity where they have received training. For example participants have bought cows, chicks, sewing machines, invested in shops etc.

Plan for remaining LRP training program

Key deliverables of LRP program were as follows;

- 95% of selected PAH members motivated and confident to undertake economic activities;
- 95% of selected PAH member successfully completed skills and business training and graduated;
- 90% of trained graduates (PAH members) placed in self or wage employment and income raised minimum Tk 3000 more from the present level of income per month per member;
- 98% of trained PAH members have access to social facilities and safety (safe water and hygienic sanitation. 67 vulnerable PAH members started getting pension.

Assessment of the progress made so far against objectives of LRP implementation indicates that;

- Total 373 PAPs could be finally identified for livelihood training as per LRP program and all of them have been provided livelihood training as per training need assessment conducted by IDEA. This progress indicates completion of the first two key deliverables of LRP implementation as all selected PAPs have been covered in Livelihood training exercise;
- For raising income level of PAHs post completion of training exercise, seed capital in 3 instalments are being provided to eligible PAHs. Seed capital is largely being used by the beneficiaries in the trade where they have received training;
- Reinvestment of profit gained from investment of seed money, is being promoted and monitored by IDEA. Case studies for utilisation of seed money, increased income level of PAHs etc. are also being documented;
- Presently access of PAH to social facilities, safe water, hygienic sanitation etc. are being monitored and documented. However, quarterly reports of IDEA do not mention any progress towards this goal of LRP.

Old age pension

As per the 'SIA, RAP & LRF' document of IFC, 57 old age and 11 widows were identified under vulnerable category during the SIA survey process and they were considered eligible for getting Tk 1000 per month as pension under the RAP.

Reassessment of the vulnerable list was carried out by the IDEA (LRP implementation agency) during first quarter (November 2015 to January 2016). Key observations of the assessment were as follows:

- Total 49 persons under vulnerable category could be identified for pension scheme. However 'SIA, RAP & LRF' document have budgetary provision for 68 candidates for pension scheme;

- Total 24 Male could be identified till March 2016 for vulnerable group pension. 21 were from the baseline list of 'SIA, RAP & LRF' document and 3 were newly identified;
- 25 Female were identified. This includes 3 new cases and rest of them were from baseline list of 'SIA, RAP & LRF' document.
- For the verification and eligibility assessment, the candidates should submit photocopies of their National ID card and passport size photo.
- SBIIPCL will maintain one register for the payment and the candidates will give signatures upon receiving the monthly stipend from the concerned person.
- SBIIPCL will assess the eligibility and vulnerability of the upcoming candidates and include them for future considerations if there are any suitable cases for inclusion;

During 5th EHS&S compliance monitoring period it was reported that;

- Further assessment of vulnerable PAPs based on their ID card information indicates only 36 PAPs (18 male and 18 female) are identified for pension;
- Number of eligible PAPs have come down on account of two reasons which include;
 - 7 eligible PAPs died before starting disbursement of pension;
 - some of the PAPs were observed to be below age limit (65 years for male and 60 years for female) in order to become eligible for old age pensioner;
- Disbursement of pension to these 36 PAPs has been started since April 2016;
- SBIIPCL is maintaining a register of payment and signature from pensioner is also being taken;

It was reported that no additional eligible PAP were identified for old age pension during 6th EHS&S compliance assessment period. Total number of beneficiaries of old age pension still stand at 36.

3.2.6 *Cultivation over surface area along Gas pipeline route*

LRP doesn't cover the PAHs of Gas pipeline by citing its field observation that most of the landowners have resumed cultivation over the land where gas pipeline is laid. Remaining affected land owners will also start cultivation as soon as water level in the field comes down.

- As per SIA report, 168 land owners PAHs & 37 sharecroppers PAHs have been affected by land acquisition for Gas pipeline.
- Land owners PAHs have received compensation for their land loss and allowing them to cultivate their land in post construction phase of Gas pipeline will enable them to continue with their livelihood like before.

During 4th EHSS audit period, ERM had visited the entire stretch of 8.8 km Gas pipeline route in and made observations on whether the cultivation has started across the pipeline.

- It was observed that farmers have resumed cultivation over the surface area of entire stretch of Gas pipeline route except for one location (of about 200 to 250 meter long) in Manglapur Village; It was observed that this portion of land was not properly levelled by the contractor who was responsible for laying of pipeline and back filling the area.
- Based on discussion with two farmers of Manglapur village and SBIIPCL, it was noted that there were some protest by Manglapur farmers and these farmers were not present at the time of back filling work by the contractor. The concerned farmers of Manglapur village expected the levelling work to be done by SBIIPCL, so that cultivation over this land parcel could be resumed.
- This issue was shared with Summit and SBIIPCL management's response to this issue was: *"Cost of levelling 200 m of length is not much of an issue for SUMMIT to undertake such cost. As is already known, BPDB (Bangladesh Power Development Board) has constructed the gas pipeline (including re-fill work) under supervision of JGTDSL after acquisition of required land and right-of-way. This is fully in knowledge of the people in and around the gas pipeline track. The sensitivity here is - once we do such re-fill work in our name, SBIIPCL will be exposed as obligatory to undertake such work and more people will ask for something one way or the other. If we do the levelling work, we will have to do it by keeping BPDB and/or JGTDSL at the forefront as if they have done the levelling works before, not SBIIPCL. So, the plan we have thought of is - we engage in dialog with BPDB and JGTDSL and do the levelling work ourselves at our cost keeping them at the forefront in case they are unable to do levelling work themselves (at their cost) for reasons whatsoever. It can be done by the middle of April 2016, before the monsoon starts".*
- SBIIPCL had agreed for levelling work of remaining small portion of 8.8 km Gas Pipeline route in village Manglapur by keeping BPDB and/or JGTDSL at the forefront.

During 5th EHS compliance audit, it was observed that cultivation is going on in surrounding area of the location where levelling work was supposed to be undertaken.

- Further it was reported that SBIIPCL had identified a local contractor for ground levelling work. It was reported that levelling work would be initiated post harvesting of existing crops;

During current audit, i.e. 6th EHS compliance audit, the following observations were made:

- It was reported that contract for levelling work could not be finalised in view of very high rate quoted by contractor for the job. Surrounding area of the small patch (where levelling work was required) was again found to be cultivated with paddy crop;

- It was also reported by CDM that concerned community member have not come back with the issue of levelling work.
- However in order to ensure the claim that entire patch over gas pipe line is fit for cultivation and to prevent any grievance from concerned community in future, CDM is recommended to act proactively on this issue. CDM should revisit the area post harvesting of standing paddy crops nearby the small patch, should assess the current condition and identify the need for levelling work. Necessary action should be taken in case levelling work is required.

3.2.7

Community Development Plan

SBIIPCL was supposed to undertake certain actions regarding local community development as a part of Community Development Plan. *Table 3.6* highlights those actions and progress made against each of those actions. Since the project is now already in operation phase and PAC also achieved on 28th August 2016, therefore, there is a need to focus on CDP implementation as well.

The update in implementation of CDP as discussed in above mentioned table, indicates that SBIIPCL has completed some of the activities and timeline for remaining activities have been extended. As reported by Summit, IFC & ADB have also been informed about this extension of timeline for completion of remaining activities.

Table 3.6 Status on implementation of CDP

Sl. No.	Category of Expenditure	Cost (Tk)	Description	Timeline	Responsibility	ERM Remarks Dec 2016
1	Enhancement of Local Education (including non- formal education)	10,000,000	Free education materials, to reduce dropout of students and enhance construction of new building (modern toilet and drinking water facilities) & development of non-formal education facilities	January 2015	SBIIPCL	<p>15 schools were visited as a part of short listing process of school for spending the proposed budget. Among the shortlisted schools, one school (Parkul Primary School) was identified. The enhancement work of school infrastructure is proposed to be initiated after the formation of new school committee. CDM followed the case of formation of school committee and new school committee was formed. The School committee submitted one application to Summit vide dated 30th June 2016, requesting for;</p> <ul style="list-style-type: none"> • construction of four new class room; • 1 office room; • 2 toilets for students; • 1 toilet for teachers; and • Boundary wall for Parkul Primary school. <p>In 6th EHSS audit, it was reported that the proposal of school committee have been accepted by Summit. However completion date for the activities of this proposal is extended by December 2017.</p>
2	Establishment of a Library	3,000,000	Establishment of library, Furniture, Book Shelf, new books, Scientific Journal, Setting up Internet and related materials for modern education	January 2015	SBIIPCL	<ul style="list-style-type: none"> • A high school in Sherpur was identified for establishment of library. CDM had discussed with the school management committee and assessed the scope to develop the library. • No further action has been taken by Summit in this regard in 6th EHSS assessment period. Summit has extended deadline for completion of this activity by June 2017.
3	Enhance Health Service in existing centre	1,500,000	Doctors and technical staff, medicine supply in the existing Centre for 5 years	December 2014	SBIIPCL	<ul style="list-style-type: none"> • One doctor has already been employed. Since the community health complex situated adjacent the plant site is under government, the private doctor is is not allowed practicing at the premise. Hence, SBIIPCL has rented a separate place at Parkul (in front of the power plant beside CDM's Office) for ensuring access of local people to the Doctor's service at free of cost. • Facility of supplying free medicines has not been initiated. CDM reported that distribution of medicines requires permission from concerned medical officer of this region.
4	Enhancement of a Local	13,500,000	Civil structure, beds, medical equipment, lab facilities and	June 2015	SBIIPCL	<ul style="list-style-type: none"> • Local hospital is not available within 15 km area of the plant. SBIIPCL had made efforts by negotiating with health service providers in the region for utilising the budget capped for

Sl. No.	Category of Expenditure	Cost (Tk)	Description	Timeline	Responsibility	ERM Remarks Dec 2016
	Hospital		additional running cost.			enhancement of local hospital. Alternate opportunity for incurring this budget, is yet to be identified. Summit has revised deadline for this activity by June 2018.
5	Improvement of 3 km Road	2,600,000	Paved Road Sherpur-Bongaon	June 2015	SBIIPCL	<ul style="list-style-type: none"> Completed improvement from Sherpur to Plant (2.5 km). However the road has not yet been extended up to Bongaon. Development of paved road of remaining half kilometre which Sherpur to Bongaon, is pending. Visual inspection of this 0.5 km indicates that this road is brick soiled road and suitable for motor vehicle plying. It would be rather good to use balance amount under this head, for the development of access road in resettlement colony and paharpur (close by resettlement colony).
6	Installation of 5 tube wells	1,00,000	Parkul, Resettlement site Tk. 20,000 x 5 Tube well		SBIIPCL	<ul style="list-style-type: none"> SBIIPCL installed 5 tube wells at the Resettlement Site. However, all the installed tube wells were found to be contaminated with arsenic contents. So tube wells are closed and a signboard of 'not fit for use' in local language is placed. The families in Resettlement colony were observed to be using small pond in front of their houses for meeting domestic water requirement. Drinking water is being sourced from tube wells of other nearby houses. The <i>Kushiyara</i> river located about 300 meter away from the resettlement, also used as source of water including drinking purpose. No other alternate arrangement has been made by summit for drinking water supply in the resettlement colony.
7	Plantation Program	1,000,000	Along the access road and project site boundary	June 2015	SBIIPCL	<ul style="list-style-type: none"> Plantation was done on either sides of the access road connecting to Power Plant. Presently most of those plants were observed to be damaged/ disappeared. Although SBIIPCL has provided protection in form of a wooden cage for each plant. But these plants were reportedly damaged /uprooted by some local people during night time.
8	Monitoring & Evaluation of CDP	60,00,000	Total 13 Report for 5 years	December 2014 to December 2019	SBIIPCL	<ul style="list-style-type: none"> A ToR for engaging third party for monitoring and evaluation of CDP is prepared and floated. CDM has received proposals from two NGOs. Further action is awaited from SBIIPCL in order to finalise the contract for Monitoring & Evaluation of CDP. In 6th EHSS audit it was reported that one term of reference (ToR) was prepared and proposal was collected from a NGO. Few more proposals would be collected from other NGOs before freezing selection of NGO for Monitoring & Evaluation of CDP. It was also reported that deadline for this activity have been extended by June 2017;

Source: Community Development Officer, SBIIPCL

3.2.8 Stakeholder Engagement

Project has put in place different mechanism to engage project affected and general community and provided them the opportunity to register their concern.

- Project presently has a dedicated Community Development Officer (CDO) who was observed to be in regular touch with the neighbouring community.
- A formal grievance redress mechanism (GRM) for the community is also in place. Records of the grievances are maintained. **Table 3.7** highlights grievances received during assessment period of this monitoring (i.e. Sep to Dec 2016).
- A copy of SEP and GRM in local language is shared with sizeable number of PAHs. CDO also keeps local stakeholder including PAHs informed about the process of raising grievances, if any.

Table 3.7 *Grievances received during assessment period (Sep – 20th Dec 2016)*

S. No.	Issue	Grievance Details	Received on	Closed on	Remarks
1	Seed money distribution	Seed capital is not paid yet.	17 Sep 2016	23 Nov 2016	Due seed money was paid. Closed
2	vendor opportunity	Looking for vendor opportunity in the plant operation	17 Oct 2016	N27 Oct 2016	Suitable opportunity was provided. Closed
3	Compensation	Contract with NEPC was finished. Asking for due compensation	24 Nov 2016	27 Nov 2016	Due compensation provided. Closed

Source: SBIIPCL

Consultation with PAPs in Resettlement Colony

During 6th EHSS audit, ERM had a separate consultation with PAPs in the resettlement colony . About 12 PAPs took part in the consultation. Key points of the discussion were as follows;

- Total 27 PAPs from 15 PAHs from resettlement colony were covered in LRP programme. These PAPs received training in the area of fish culture, poultry, beef fattening, business management, welding and masonry;
- These PAHs have also been considered for seed money. Disbursement of seed money to these 15 PAHs, have also been initiated;

- A hand pump was provided in the resettlement colony at the time of shifting of resettled PAHs. However water was found to be contaminated with arsenic and unfit for drinking use. Residents are sourcing drinking water either from the hand pumps located at other nearby village or from the river water. Thus there is no drinking water supply within resettlement colony;
- Some of the residents feel that water quality may not be affected by arsenic in entire resettlement colony area. Residents expect from Summit to install another hand pump in another pocket of resettlement colony;
- Residents mentioned that there was a commitment from Summit for developing an access road for the colony. This commitment has not been fulfilled yet;
- Residents also complained about feeling a vibrating sound from the transmission line which is passing through the colony. Two structures were observed to be located just below the transmission line.

The compliance status based on the site visit and review of documents as on December 2016 has been presented in *Table 4.1* and *Table 4.2*. In order to define the status of various action items, colour coding has been used for easy referencing, which is as follows:

	Action Item Closed/ Complied		Satisfactory Progress
	Partially Complied		Not Complied/ Delay
	To be assessed during Operations/Decommissioning		

Table 4.1 CAP & ESMMP Compliance Status

S. No	Measures and/or Corrective Actions	Significance	Responsibility	Deliverable	Suggested Timelines for Completion*	Status provided by BCAS as on Dec 2016	Status	ERM Observations (as on 19-21 Dec 2016)
1	PS 1: Assessment and Management of Environmental and Social Risks and Impacts							
1.1	Form a Construction Management Team (CMT) to oversee EHS compliance of the Project during construction phase	High	SBIIPCL	CMT Formation	Within 1 month of 'date of deal closure' ¹ or November 2014, whichever is earlier	Complied.		Assessed and found to be in compliance by ERM during EHSS audit undertaken in May 2015. Refer ERM 2 nd EHSS Compliance Assessment Report.
1.2	Appoint a trained EHS Personnel for day to day monitoring of the EHS Plan and ESMMP implementation	High	SBIIPCL	EHS Officer for the Project	Within 1 month of date of deal closure or November 2014, whichever is earlier	Complied.		Assessed and found to be in compliance by ERM during EHSS audit undertaken in May 2015. Refer ERM 2 nd EHSS Compliance Assessment Report. For operations, the O&M contractor has in place an EHS Manager supported by 2 EHS personnel for managing EHS issues onsite. For SBIIPCL there an Assistant EHS Manager has been appointed on site very recently.
1.3	<ul style="list-style-type: none"> Ensure that all the records should also be made available in local language/ English by the EPC contractor Review of all the records being maintained as part of EHS Plan by the EPC contractor; 	High	SBIIPCL and EPC Contractor	Records Review and Corrective Actions	Within 2 months of date of deal closure or December 2014, whichever is earlier	Complied		Assessed and found to be in compliance by ERM during EHSS audit undertaken in May 2015. Refer ERM 2 nd EHSS Compliance Assessment Report.
	<ul style="list-style-type: none"> Review of all the records being maintained as part of EHS Plan by the O&M contractor; 	High	SBIIPCL and O&M Contractor	Records Review and Corrective Actions	Periodic	<p>NEPCS has updated the lifting equipment inventory (including lifting tools and tackles like metallic ropes and chains) through internal examination. TUV was engaged by NEPC (EPC Contractor) for examination of the lifting machines, tools and tackles.</p> <p>TUV has finished the task partially (excluding examination of the 100 tons crane). Besides, TUV does not possess the certificate for carrying out such examinations in Bangladesh. TUV has applied for competency</p>		<p>In accordance with the earlier recommendation, the facility has updated the lifting machinery inventory which presently comprises of 20 overhead cranes and 48 chain pulley blocks. However the inventory is yet to cover the following lifting equipment's - 2 forklifts, 2 passenger lifts and 2 chain pulley blocks (used in the raw water pump house). All the aforesaid equipment though subjected to examination internally, is pending validation testing by external agency – TUV Austria. This is primarily because TUV does not possess the required competency certificate in Form 30 as specified in the Bangladesh Labour Rules 2015. Documentation review indicates TUV has already made an application to the Chief Inspector of Factories for necessary registration vide letter dated 22 September 2016.</p> <p>The O&M contractor maintains an injury/illness log developed as part of the consolidated EHS plan. No injuries/illness has been recorded for the period Sept to Nov 2016.</p> <p>Update the lifting equipment inventory to include the passenger lifts, forklifts and chain pulley blocks (raw pump house). Undertake examination of lifting equipment by TUV following their registration under the provision of Bangladesh Labour Rules 2015.</p>

¹Date of deal closure has been assumed the date on which the lender/s give/s assurance to SBIIPCL for providing project finance.

S. No	Measures and/or Corrective Actions	Significance	Responsibility	Deliverable	Suggested Timelines for Completion*	Status provided by BCAS as on Dec 2016	Status	ERM Observations (as on 19-21 Dec 2016)
						certificate as to be issued by the Factory Inspector in Form 30 (Bangladesh Labor Rules, 2015). This is a new requirement from GoB.		
1.4	Display and communicate environment and health and safety policies of the company	High	SBIIPCL	Disclosure of company policies	Within 1 month of date of deal closure or December 2014, whichever is earlier	Complied.		Assessed and found to be in compliance by ERM during EHSS audit undertaken in May 2015. Refer ERM 2 nd EHSS Compliance Assessment Report.
1.5	Develop a social policy of the Project with defined objectives, principles and performance indicators.	Medium	SBIIPCL	Social Policy	Within 3 months of date of deal closure	Complied.		Assessed and found to be in compliance by ERM during EHSS audit undertaken in May 2015. Refer ERM 2 nd EHSS Compliance Assessment Report.
1.6	Develop and maintain legal register for all the Project components	Medium	SBIIPCL and EPC Contractor	Legal Register for Construction	Within 4months of date of deal closure for construction phase and quarterly review			Assessed and found to be in compliance by ERM during EHSS audit undertaken in September 2015. Refer ERM 3 rd EHSS Compliance Assessment Report.
	Develop and maintain legal register for all the Project components	High	SBIIPCL	Legal Register for Operation Phase on Combined Cycle basis	Within 3 months prior to the operation phase and half yearly review	Updating of the legal register is under process. Bangladesh labor rules 2015 is a newly amendment. SBIIPCL has already applied for permission for diesel storage in 1362 litres capacity tank as required under relevant provision of Bangladesh Petroleum Act, 1934.		<p>SBIIPCL has identified the applicable EHS permits/licenses (Refer Table 3.1) required during both construction and operational phases and their validity and approval status has been provided in Table 3.1.</p> <p>As recommended in the 19 Nov 2015 and 1 June 2016 ERM Audit report, SBIIPCL is in the process of preparing a legal register. Review of the legal register indicates that it is limited to the following regulations and permit conditions viz. <i>Bangladesh Labour Law 2006, Bangladesh Factories Rules 2015, Factories Rules, 1979, Environmental Conservation Act & Rules 1997, Electricity Rules 1937, Motor Vehicle Ordinance and conditions specified in the Environmental Clearance Certificate, Fire License, Acid and Alkali Storage License</i>. However, it is yet to cover the applicable requirements specified in the <i>Petroleum Rules 1937, Pressure Vessel Rules 1995, Boiler Act 1923</i> and conditions outlined in the license/permit related to diesel storage, carbon dioxide storage, hydrogen generation and storage and boiler operation.</p> <p>NEPC-S to comprehensively update the legal register to include relevant provision of the <i>Petroleum Rules 1937, Pressure Vessel Rules 1995, Boiler Act 1923 etc. including permit/license conditions</i>. The requirements specified in the legal register to be tracked and updated on a periodic basis.</p>
1.7	Comply with the findings (not aligned) and recommendations	High	SBIIPCL and EPC Contractor	Legal compliance	Within 2 months of date of deal closure or December 2014, whichever is earlier	Complied.		Refer Table 5.1 on Project EHS&S Regulatory Compliance Status
1.8	Develop the management plans as identified in the ESIA report and update the ESMMP with defined action items, responsibilities, monitoring indicators and review/ audit mechanisms	High	SBIIPCL	Management Plans as per ESIA requirement	Within 2months of date of deal closure or December 2014, whichever is earlier	Bird survey has been conducted focusing on the transmission line stretch (~70m). The report is expected to be furnished by December, 2016.		<ul style="list-style-type: none"> SBIIPCL has developed a Livelihood Restoration Plan and Public Relation Plan for the project in consultation with external agencies/experts. First migratory bird survey was conducted during 7th-8th December 2015 by Dr. Mohammad Firoj Jaman of Department of Zoology, University of Dhaka encompassing five Beels (water bodies) within the project study area. That study report did not indicate any change/disruption of migratory bird movement or habitat due to the project; however it is refers for an annual monitoring to be undertaken comprehensively assess the potential impact on migratory bird habitat, if any throughout the lifecycle of the project. Based on the recommendation second study was conducted

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								<p>by Dr. Jaman during 3rd – 5th December 2016. The study has also assessed impact on migratory birds and other wildlife due to:</p> <ul style="list-style-type: none"> loss of habitats through development of the Project Site/ infrastructure; disturbance as a result of increasing public activities; changes to the flow and surface water quality of the Kushiya River as a result of abstraction and/or discharges; collision with transmission cables; disturbance as a result of operational activities <ul style="list-style-type: none"> Focussed group discussions carried out as part of the study with the local people near the plant site revealed that: <ul style="list-style-type: none"> No casualties of birds occur due to the transmission line of power plant. Transmission line does not hinder the birds landing in that area. Bird used to fly about 150m high from the ground and about 50m high from the transmission line. Respondents claimed only a couple of incidents of electrocution of bat and black kite. However, no incident of migratory bird hit/ electrocution was reported. There is no intervention of the power plant and T-line (70 m) that may affect birds, particularly on the migratory birds in the project area. The report also stated that Important Bird Areas (IBA) and their flyway are far away from the project site, approximately 45 km away from the project site. Therefore, movements or flyway and flying mode of migratory birds may not change due to the establishment of power plant.
1.9	Develop an organisational structure for the construction and operation phase of the Project with defined roles and responsibilities	High	SBIIPCL	Organisation Structure – Construction	Within 2months of date of deal closure or December 2014, whichever is earlier	Complied		Assessed and found to be in compliance by ERM during EHSS audit undertaken in May 2015. Refer ERM 2 nd EHSS Compliance Assessment Report.
		Low	SBIIPCL	Organisation Structure – Operation on Combined Cycle basis	3 months prior to the operation phase	Complied		Assessed and found to be in compliance by ERM during EHSS audit undertaken in September 2015. Refer ERM 3 rd EHSS Compliance Assessment Report.
1.10	Training of SBIIPCL Staff and EHS team of EPC Contractor on ESMMP	High	EPC Contractor	Training Calendar (Construction)	Within 2 months of date of deal closure or December 2014, whichever is earlier	Complied.		Assessed and found to be in compliance by ERM during EHSS audit undertaken in September 2015. Refer ERM 3 rd EHSS Compliance Assessment Report.
1.11	Training of SBIIPCL Staff and EHS team of EPC Contractor on Operations ESMMP	Low	SBIIPCL	Training Calendar (Operation)	Within 2 months of Combined Cycle Operation	Complied. Training calendar has been updated with inclusion of training on waste management and consolidated EHS plan for operations.		With respect to operations NEPC-S has already developed a training calendar for 2016. As per the earlier recommendation, NEPCS has updated the training calendar to include training on waste management and consolidated EHS plan as specified in the SBIIPCL Environmental Social Management Plan & Procedure (SBIIPCL-EHS-07) for operations. Reportedly training calendar for 2017 is under preparation.
1.12	Mapping of training needs of SBIIPCL Staff and development of training calendar	High	SBIIPCL	Training Calendar	Within 2 months of Combined Cycle Operation	Complied		As discussed in Sl. No. 1.11 NEPC-S has developed a training calendar and the same has been based on a training need assessment survey undertaken by NEPC-S for respective department. The results of the surveys has been recorded and utilised to update the annual training calendar.
1.13	Develop an emergency response plan into a	Medium	SBIIPCL	Emergency Response Plan	1 month prior to the date of Combined Cycle	QRA study has been finished. Emergency		NEPC-S has already developed an Emergency Preparedness and Response Plan for implementation. The response plan has

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	consolidated document with: <ul style="list-style-type: none"> Identification of, including risks associated with all project components; Key community and environmental sensitivities (such as village settlements, ponds, etc.) and the potential of offsite consequences along with mitigation measures; A common communication and emergency response process flow for onsite emergencies as well as their communication to authorities offsite; Disclosure to communities in the vicinity of the project on the emergency readiness of the company in case of any incidents. 			for Operation Phase	Operation	response plan has been updated incorporating QRA study. ERT has been formed. The plan has incorporated details of the firefighting resources available and contact details of ERT members. Community disclosure plan has been prepared for offsite emergencies in line with QRA and Emergency Response Plan and it has been disclosed to relevant local people.		specified control measures for the following emergencies – fire and explosion, medical emergency, hazardous material release, natural hazards and terrorist threats. As recommended in the 8 Sep 2016 ERM Audit report, NEPC-S has updated the plan to include the details of firefighting resources and offsite emergency responders; however the contact details of the onsite ERT team is yet to be included in this Plan. As mentioned in the earlier audit report, the QRA for the project has now been completed by TUV Austria on October 2016 and the same utilised in the preparation of a Community Disclosure Plan. Reportedly, SBIIPCL is in the process of disclosing the potential emergency threats and response measures to the nearby communities in accordance to the plan. <i>NEPC-S to update the Emergency Response Plan for operations to include contact details of the ERT members. NEPC-S to ensure fast track completion of the community disclosure of the potential emergency situation and response actions.</i>
1.14	Review the emergency preparedness and response plan and include the necessary required emergencies and implement the same at the earliest.	High	EPC Contractor	ERP for construction phase	Within 1 month of date of deal closure or December 2014, whichever is earlier	Complied.		Assessed and found to be in compliance by ERM during EHSS audit undertaken in May 2015. Refer <i>ERM 2nd EHSS Compliance Assessment Report</i> .
1.15	Appoint a suitably qualified Emergency Coordinator for the Project	Medium	SBIIPCL	Emergency Coordinator for the Project	Within 2 months of date of deal closure or January 2015, whichever is earlier	Complied.		Assessed and found to be in compliance by ERM during EHSS audit undertaken in May 2015. Refer <i>ERM 2nd EHSS Compliance Assessment Report</i> .
1.16	Develop a Commitment Register as a part of stakeholder engagement process in order to document the outcomes of public consultations and respond to local community expectations, and ensure that these are communicated back to stakeholders and updates provided.	High	SBIIPCL	Commitment Register (Construction)	Within 2 months of date of deal closure	Complied.		Assessed and found to be in compliance by ERM during EHSS audit undertaken in September 2015. Refer <i>ERM 3rd EHSS Compliance Assessment Report</i> .
				Commitment Register (Operation)	Within 2 months of date of Combined Cycle Operation	Complied		Commitment registers were found to be maintained.
1.17	Consider preparing a detailed SEP with stakeholder profiling, key concerns, expectations, impact and influence, and risk rating of various stakeholder groups. It should include details on engagement strategy, disclosure, monitoring, reporting etc. The SEP should be subsequently updated with engagement records.	High	SBIIPCL	Updated SEP for the Project	Within 3 months of date of deal closure	Complied.		Assessed and found to be in compliance by ERM during EHSS audit undertaken in May 2015. Revised SEP document is prepared and disclosed with stakeholders.
2. PS 2: Labour and Working Conditions								
2.1	SBIIPCL while finalising its HR policy may consider the following aspects for inclusion: <ul style="list-style-type: none"> Roles and responsibilities associated with various positions need to be mentioned; Non-discrimination policy should be mentioned; HIV/ AIDS non- discrimination should also be spelt out; Working with Suppliers and contractors and non-employee workers may also be referred to; Non-tolerance of child labour and forced labour not only for employee, but for the non-employee workers if any Anti- Sexual Harassment Policy may be explicitly captured; 	High	SBIIPCL	HR Policy and Procedures	At the earliest	Partially Complied		Present HR management system of SBIIPCL is lacking compliance w.r.t certain applicable aspects as per Bangladesh Labour Law 2006 (BLL 2006) and Bangladesh Labour Rule 2015 (BLR 2015). Refer Section 3.2.2 of this report for detail on gaps related to labour aspect. Some of major corrective actions required from Summit in this regard is as follows; <ul style="list-style-type: none"> HR manual/Service Rule of Summit needs to updated and gets approved by Inspector General. Afterwards, approved HR manual/Service manual should get approved by board of directors of Summit and adopted by SBIIPCL; As per Rule 18 of BLR 2015, Organogram of the company should be approved by Inspector General; As per Rule 105 of BLR 2015, Working hours for adult workers should be approved by Inspector General and approved copy should be hung in notice board of the plant

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	All contractors and sub-contractors within the consortium should be required to apply the principles of the SBIIPCL HR Policy document and also ensure that their internal procedures follow local and international standards.							<ul style="list-style-type: none"> Summit is also required to ensure compliance of certain applicable rules of BLR2015 for their sub-contractors such as maintain attendance register, leave register, service book, cleaning register etc as specified under BLR-2015
2.2	<ul style="list-style-type: none"> HR Policy of the EPC contractor should comply with the provisions of SBIIPCL HR Policy. EPC contractor's local staffs' terms and conditions of employment to be put in compliance with SBIIPCL HR policy. The EPC contractor to provide contracts or clear terms and conditions highlighting the terms of employment. Or the same could be possibly hired through sub- contractors. Workers to be provided clear terms and conditions of employment. 	High	EPC Contractor	HR Policy and Procedures of EPC Contractor	Within 2 months of date of deal closure or December 2014, whichever is earlier	<p>EPC contractor has already received PAC and construction has also been finished. But the overtime and salary issue for EPC contractor has not been solved.</p> <p>O&M Contractor updated it's HR Policy in compliance with SBIIPCL HR Policy</p>		<p>The issue of compensating the workers with their due balance amount of applicable minimum wage is yet to be resolved. SBIIPCL has prepared a list of 934 workers who were engaged during construction stage of the project by the EPC contractor and are eligible for payment of balance amount of their due aggregate minimum wage. A committee is also formed for settling the issue of back wage calculation and payment.</p> <p>However a process has been initiated for identifying the workers and their due payment of balance amount of minimum wage.</p>
2.3	Improve the conditions of the migrant workers- better accommodation and clearly articulated terms and conditions of employment	High	EPC Contractor	Improved workers' accommodation	November 2014	Complied		A separate residential building is constructed within plant boundary wherein limited number of O&M staff is being provided accommodation arrangement. Living condition and amenities provided at this building are fine and no negative observation was witnessed there.
2.4	Clear labour construction camp guidelines to be formulated and shared with SPCBL II. The guidelines should take into consideration observations highlighted in the report.	High	EPC Contractor	Labour construction camp guidelines	Within 1 month of date of deal closure or November 2014, whichever is earlier	Complied.		Assessed to be in compliance by ERM during EHSS audit undertaken in September 2015. Refer <i>ERM 3rd EHSS Compliance Assessment Report</i> .
2.5	Ensure that the principles on non-discrimination and equal opportunity are included in the HR Policy Statement and that the EPC Contractor abides by the same while engaging local sub-contractor or contract workers.	High	SCBPL II	HR Policy of SCBPL II	Within 3 months of date of deal closure	Complied.		Assessed to be in compliance by ERM during EHSS audit undertaken in May 2015. Refer <i>ERM 2nd EHSS Compliance Assessment Report</i> .
2.6	<p>The Project should establish channels for management and workers to communicate and for the workers to place their concerns as well as suggestions.</p> <p>The grievance process should be made accessible for construction workforce and should enable workforce to raise anonymous complaints. The grievance records should be properly documented, tracked and reviewed for redressal of the Grievances.</p>	High	SCBPL II EPC Contractor	Grievance redressal mechanism	Within 1 month of date of deal closure or November 2014, whichever is earlier	Complied.		Assessed to be in compliance by ERM during EHSS audit undertaken in May 2015. Grievance redressal mechanism has been rolled out and grievances are accordingly being recorded.
2.7	The EPC contractor's position on non-employment of child, forced or bonded labour has to be clearly stipulated more specifically to the sub-contractors and their associated workforce. There should be proper checks and verification systems in place for the workforce to ensure no cases of child labour or forced labour are not allowed within the site premises.	High	EPC Contractor	HR Policy and Procedures of EPC Contractor	Within 1 month of date of deal closure or November 2014, whichever is earlier	Complied		Assessed to be in compliance by ERM during EHSS audit undertaken in September 2016.
2.8	Develop a site specific health and safety manual including SOPs and work permits required to protect the construction manpower (including subcontractors' personnel) from injuries.	High	EPC Contractor	SOPs for EHS Plan	Within 1 month of date of deal closure or November 2014, whichever is earlier	Complied		Assessed and observed to be in compliance by ERM during EHSS audit undertaken in May 2015 for constructions. Refer <i>ERM 2nd EHSS Compliance Assessment Report</i> .

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	Develop a site specific health and safety manual including SOPs and work permits required to protect the operation manpower (including subcontractors' personnel) from injuries.	High	O&M Contractor	SOPs for EHS Plan		Complied. Notified the release of additional EHS procedures to the NEPCS and SBIIPCL Operations Team. Updated the hot work permit including usage of appropriate PPEs, safety control provision and availability of fire watch. However, use of flame arrestors has been ensured neither in the procedures and work permits nor in actual work.		As discussed in ERM audit report dated 1 June 2016, NEPC-S has notified a list of 45 EHS related procedures and rules to be executed for project operations. Documentation review indicates that an additional 18 EHS procedures have been incorporated to the aforesaid list which has been formally notified to NEPCS and SBIIPCL personnel via email on 9 December 2016 as recommended by ERM in the previous audit report. As recommended in the 8 Sep 2016 ERM audit report, the hot work permit has been updated to include the appropriate PPEs viz. face shield, provision of safety controls like flame arrestors and availability of "Fire Watch".
2.9	Develop a work permit system to carry out non routine jobs at the construction site.	High	EPC Contractor	SOP for work permit system	Within 1 month of date of deal closure or November 2014, whichever is earlier	Complied.		Assessed and observed to be in compliance by ERM during EHSS audit undertaken in September 2015 during constructions phases. Refer <i>ERM 3rd EHSS Compliance Assessment Report</i> .
	Develop a work permit system to carry out for non-routine jobs in operation phase	High	O&M Contractor	SOP for work permit system and implementation		Complied. Developed a general permit/checklist for hazardous waste handling, unloading of diesel and carbon dioxide in conformance with the legal provisions. Updated the Work Permit Management Standard (NEPCO& M-EHS-001-02) incorporating the said permits.		Based on ERM recommendations, NEPC-S has prepared a general permit/checklist for the following non-routine activities viz. hazardous waste handling, acid and alkali handling and unloading of fuel (diesel) and carbon dioxide. The same has also been incorporated into the <i>Work Permit Management Standard (NEPC-O&M-EHS-001-02)</i> . However, the aforesaid checklist is not found to be implemented by NEPC-S prior to undertaking any non-routine work/ activity.
2.10	Prepare a Job hazard analysis for all the construction activity and same should be communicated to all the workers.	High	EPC Contractor	Job hazard analysis	Within 1 month of date of deal closure or November 2014, whichever is earlier	Complied		Assessed and observed to be in compliance by ERM during EHSS audit undertaken in February 2016 during constructions phases. Refer <i>ERM 4th EHSS Compliance Assessment Report</i> .
	Prepare a Job hazard analysis for all the operation activity and same should be communicated to all the workers.	High	O&M contractor	Job safety analysis	Within 1 month of the PAC	Complied. Job Safety Analysis (JSA) has been undertaken for all critical and routine tasks associated with operations viz. equipment lifting, boiler operations, hazardous waste handling, electrical maintenance, height work, confined space, fuel unloading and chemical handling. Besides, NEPCS imparts training to the workers on the same and records are maintained.		With project now in operations, the O&M contractor has developed a <i>Job Safety Analysis and Management Standard (NEPCS-O&M-P-PRO-04-01-001)</i> . The procedure requires a Job Safety Analysis (JSA) to be undertaken for all critical and routine tasks associated with operations. In accordance to ERM recommendation, JSA is yet to be prepared for key process/activities viz. equipment lifting, boiler operations, hazardous waste handling, electrical maintenance, height work, confined space, fuel unloading and chemical handling. <i>NEPC-S to develop JSA for all critical and routine works for operations and impart training to the workers on the same with such records maintained.</i>
2.11	Prepare a pre-use inspection checklist (activity and equipment specific) and same should be performed and attach with every permit before starting of activity.	High	EPC Contractor	Activity and equipment specific checklist	Within 1 month of date of deal closure or November 2014, whichever is earlier	Complied		Assessed and observed to be in compliance by ERM during EHSS audit undertaken in February 2016. Refer <i>ERM 4th EHSS Compliance Assessment Report</i> . Similarly for operations, pre-start safety considerations have been identified in the permit issued for height work activities.
2.12	Conduct train the trainer program to increase the	Medium	EPC Contractor	Training Records	Within 2 months of date of deal closure	Complied.		Assessed and observed to be in compliance by ERM during EHSS audit undertaken in September 2015. Refer <i>ERM 3rd EHSS</i>

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	knowledge of the safety department.							<i>Compliance Assessment Report.</i>
2.13	Recruit a qualified doctor to work at first aid centre	High	EPC Contractor	Qualified doctor at site clinic	Within 2 months of date of deal closure	Complied		Assessed and observed to be in compliance by ERM during EHSS audit undertaken in May 2015. Refer <i>ERM 2nd EHSS Compliance Assessment Report.</i> Similarly for operations, NEPC-S has hired a medical practitioner who is in charge of the first aid centre located in the ground floor of the Central Control Building (CCB). Reportedly, the practitioner is available 7 days a week from 8AM to 5PM.
2.14	Prepare an Accident & Investigation register to include the information related to the accident.	Medium	EPC Contractor	Accident & investigation register	Within 1 month of date of deal closure or November 2014, whichever is earlier	Complied. NEPCS now maintains records of accident and dangerous occurrences in Form 28 and submit the register on a six monthly basis to the Factory Inspector. However, no accident occurred during the reporting period		In line with the earlier audit recommendation, the facility is found to maintain an accident register in Form 28. Six monthly accident records for the period Jan-June have also been submitted in prescribed format (Form 28) to the Factory Inspector on 29 November 2016.
2.15	Carryout hazard identification and risk assessment (HIRA) for all construction and associated activities and preparation of SOPs	High	EPC Contractor	HIRA Register and SOPs	Within 2 months of date of deal closure or December 2014, whichever is earlier	Complied. Now, NEPC-S has been maintaining a total of 65 EHS procedures and management standards.		Assessed and observed to be in compliance by ERM during EHSS audit undertaken in February 2016. Refer <i>ERM 4th EHSS Compliance Assessment Report.</i> For operations as discussed in Sl. No. 2.8, NEPC-S has developed a total of 63 EHS procedures and management standards. The implementation of the same is currently under progress.
2.16	Carry out inspection for the potential hazards at the facility and provide the risk control as per the hierarchy of control.	High	EPC Contractor	Risk control measures	Within 1 month of date of deal closure or November 2014, whichever is earlier	Complied. QRA study has been finished.		Assessed and observed to be in compliance by ERM during EHSS audit undertaken in May 2015 during construction phase. Refer <i>ERM 2nd EHSS Compliance Assessment Report.</i> For operations stage, SBIIPCL has engaged a third party agency – <i>TUV Austria Bureau of Inspection & Certification (Pvt.) Limited</i> to perform a quantitative risk assessment study. The study has been completed on October 2016.
2.17	Provide training to workers, supervisors and employees on importance and usage of PPEs for different activities and organize PPE awareness program.	High	EPC Contractor	Training Calendar	As per Training Calendar	Complied.		Assessed and observed to be in compliance by ERM during EHSS audit undertaken in May 2015 during construction. Refer <i>ERM 2nd EHSS Compliance Assessment Report.</i>
2.18	Prepare a PPE program for the facility and program should cover the following essential elements: <ul style="list-style-type: none"> Workplace Survey; Selecting appropriate controls; Training; Maintenance; Audit of the program. 	High	EPC Contractor	PPE Implementation Program	Within 1 month of date of deal closure or November 2014, whichever is earlier	Complied. PPE matrix has been revised with activities related to hazardous waste handling and firefighting operations. Periodic PPE inspection is being carried out and record are being maintained. Use of PPEs by the sub-contracted workers has also been ensured.		As discussed in the earlier audit report, NEPC-S has developed a <i>Personal Protective Equipment and Safety Appliance Management Standard (NEPCS-O&M-P-PRO-03-01-002)</i> for operations. The procedure refers to the proper maintenance and periodic evaluation of PPEs such as safety helmets, safety belts/harnesses etc. in a specified format. As recommended, NEPC-S has updated the PPE matrix to include hazardous waste handling and firefighting operations. In addition, NEPC-S has also prepared a checklist for inspection of PPEs; however review of the same indicates it is more focussed towards availability and usage of PPEs instead of its overall performance. Presently PPE inspection is limited to only safety harness and Self Controlled Breathing Apparatus (SCBA). <i>Conduct periodic inspection of PPEs in use, particularly those involved in day to day activities like helmets, gloves, safety boots etc. Maintain the PPE inspection records in accordance to the checklist specified in the NEPC-S PPE Management Procedure.</i>
2.19	Prepare training modules for job specific trainings	High	EPC	Training	Within 2 months of date of	There are only 11 sub-		With project in operations the O&M contractor has prepared

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	and identify workers required to undergo job specific trainings.		Contractor	modules	deal closure or December 2014, whichever is earlier	contracted workers at the plant currently – 7 are cleaners and 4 are loading/unloading workers. Necessary trainings are ensured for them as and when needed based on the nature of their work by NEPC-S.		training presentation comprising of the following aspects viz. <i>Permit to Work, Fire Prevention & Protection; Injury & Illness Prevention; Pressure Vessel Safety; Power & Hand Tools Safety; Job Safety Analysis; Emergency Preparedness & Response; Material Lifting; PPE Use; Lock Out Tag Out; Confined Space Entry; and Machine Guarding.</i> <i>However, NEPC-S is yet to prepare and maintain a training register specifying details of workers required to undergo job-specific training for operations.</i>
2.20	Conduct the first aid training with the help of qualified first aider and make sure that first aiders are available at all times at facility.	High	EPC Contractor	First aid trainings	Within 2 months of date of deal closure or December 2014, whichever is earlier	Complied.		Assessed to be in compliance by ERM during EHSS audit undertaken in May 2015 during construction phase. Refer ERM 2 nd EHSS Compliance Assessment Report. NEPC-S for operations has identified 35 personnel for first aid certification training which has been imparted by Bangladesh Red Crescent Society during 27-29 March 2016. The certified first aiders are available round the clock throughout the facility.
2.21	Develop a standard operating procedure on incident investigation with roles and responsibilities.	High	EPC Contractor	Incident investigation SOP	Within 2 months of date of deal closure	Complied.		NEPC-S has developed an accident and incident investigation procedure for operations.
2.22	Start preparing the accident/ incident statistics for each and every area and start identifying the area of concerns and prepare an action plan to address the issues by mean of alternate work procedure, trainings, special attention to the high risk jobs, increase in number of supervisor for high risk jobs.	Medium	EPC Contractor	Statistical analysis of accident/ incident data and corrective action	Within 2 months of date of deal closure and monthly update of the same	Complied. The QRA Report serves as the dedicated hazard prevention and control plan. In addition, high risk zones have been identified on map.		NEPC-S has identified hydrogen gas storage and natural gas pipeline (within site) as the potential high hazard zones based on the QRA study undertaken by TUV. NEPC-S have marked the aforesaid hazard zones on the site plan however NEPC-S is yet to develop hazard prevention and control plan for the said areas. <i>A dedicated hazard prevention and control plan to be developed for high risk areas identified in consistent with the NEPC-S Hazardous Waste and Safety Risk Assessment Procedure (NEPCS-O&M-P-PRO-04-01).</i>
2.23	SBIIPCL will need to put in place a formal contractor management system to audit its contractors as well as those of the EPC contractor. The management system should include: <ul style="list-style-type: none"> Compliance checklist against the Applicable Standards including applicable requirements under BLR 2015 ; Criterion on contractor selection to minimize HSE or labour related risks and issues at the time of engagement; Monitoring and audit procedures; and <p>Further the EPC contractor and the sub-contractor should be made responsible for the insurance of the workers mobilised at the site.</p>	High	SBIIPCL	Contractor Management System	Within 2months of date of deal closure or December 2014, whichever is earlier	Considering the numbers of staff engaged at plant, provision of insurance is not applicable as per labour law of Bangladesh.		Plant has become fully operational for more than a year. Now major number of workforce in plant are engaged through O&M contractor NEPCS. The EPC contractor is also there and will stay till Dec 2017 as per condition of COD. Number of overall contract workers engaged through different entities (i.e. NEPCS, NEPC and SBIIPCL) has become quite less. Refer section 3.2.1 for detail. Nature of job of present contract workers is perennial and they are engaged in the category of security staff, kitchen staff, gardening worker, housekeeping etc. The O&M Contractor NEPCS has insurance provision for each worker hired by them. Insurance provision is not applicable for other contract workers. Present system of handling these contract workers shows that their terms of employment and working condition is being monitored and documented on regular basis. Adequate condition like defining working hour, overtime payment @ twice of ordinary wage rate, leave detail etc are mentioned in the contract agreement with labour supply contractor.
3	PS 3: Resource Efficiency and Pollution Prevention							
3.1	Ensure that all the ESMMP implementation requirements during construction phase are being clearly provided to the EPC contractor and implementation of mitigation measures along with records should be reviewed by EHS Officer of the	High	SBIIPCL and EPC Contractor	ESMMP implementation	As defined in ESMMP during construction phase	<u>Management System Certification:</u> ISO internal auditing training has been done. Next step is ISO		Presently the project is in operations with COD for combined cycle operations declared in December 2015. To this regard, NEPC-S has developed an <i>Environmental & Social Monitoring Plan (NEPCS-O&M-P-EHS-001-06)</i> in consistent with the Operations ESMMP as shared with SBIIPCL. The ESMMP requirements related to environmental monitoring and

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	SBIIPCL.		SBIIPCL			documentation. NEPCS has the plan to submit all documentations by April, 2017.		<p>associated aspects are being tracked by NEPC-S on a monthly basis and records shared with the SBIIPCL for reference.</p> <p>With project now in full operation efforts have been made by the ERM audit team to assess the compliance status of the ESMMP implementation for operations. A summary of the observations and recommendations made to this regard has been tabulated below:</p> <p><u>Management System Certification</u></p> <p>NEPC-S has initiated the process of certification for ISO 9001:2015 (Quality Management System), ISO 14001:2015 (Environmental Management System) and BS OHSAS 18001:2007 (Occupational Health Safety Management System). As part of this process, internal auditor training has been completed on 15-18 October 2016 by engaging Qtex Solutions Limited. Gap analysis of IMS has also been done by TUV on 15 December 2016. As per the IMS work plan prepared the certification is expected by May-June 2017.</p> <p>SBIIPCL has also appointed an onsite Assistant Manager on 18 Sep 2016 to manage EHS performance for operations. He is adequately supported by EHS personnel based out of SBIIPCL Corporate office at Dhaka.</p>
						<p><u>Flue Gas Emission</u></p> <p>CEMS stack emission data for CO, NOx, SPM, SO2 and mass for the months of September, October and November reveal that there is existence of SO2 in the stack emissions.</p> <p>TUV conducted tests for the stack emissions for SPM, PM10, NOx, SO2, CO, CO2, O2, temperature and flow rate. TUV test also reveals existence of SO2 in the stack emissions.</p> <p>Assessment of the quality of natural gas being used reveals that the supplied gas is completely sulphur free. Hence, is existence of SO2 in the stack emissions results by both CEMS and TUV seems to be illogical.</p>		<p><u>Flue Gas Emission</u></p> <p>As specified in operational phase ESMMP, SBIIPCL has installed and operating a Continuous Emission Monitoring System (CEMS) to continuously monitor pollutant (CO, NOx, PM₁₀, SO₂) concentration in stack emission. Review of the monthly average values for the period Sept-Nov 2016 for key pollutants viz. NOx (6.84-28.79 mg/Nm³) found to be in compliance with the standards specified in both IFC EHS Guidelines for Thermal Power Plants and Bangladesh ECR, 1997. SPM was not found to be monitored for flue gas during the above period due to technical problem with the CEMS.</p> <p>The presence of SO₂ was again detected in the main stack emissions with CEMS report showing values varying within 8.38-16.13 mg/Nm³. However review of the natural gas quality report shared by Petrobangla (the gas supplier) on 15 Nov 2016 reveals the absence of sulphur in the gas.</p> <p>In addition to continuous monitoring of stack emissions, NEPC-S has also appointed a third party to conduct flue gas monitoring on a quarterly basis. Results of the test undertaken by TUV dated November 2016 indicate compliance to both standards specified in both IFC EHS Guidelines for Thermal Power Plants and Bangladesh ECR, 1997. As recommended in ERM audit report dated 8 Sept 2016, such monitoring is found to now inclusive of flow rate and temperature of flue gas as specified in the ESMMP.</p>
								<p><u>Ambient Air Quality</u></p> <p>NEPC-S has undertaken monitoring of NOx (14-17 µg/m³); PM₁₀ (21-137 µg/m³); PM_{2.5} (8-18 µg/m³) and SO₂ (9-13 µg/m³)</p>

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								<p>at the surrounding villages of <i>Parkul, Bongaon</i> and <i>Paharpur</i> on 1-2 May 2016 by engaging M/s Adroit Environment Consultants Ltd. As per the operations ESMMP, ambient air quality monitoring is to be undertaken on an annual basis with next monitoring due on May 2017.</p> <p>SBIIPCL has installed 3 continuous ambient air quality monitoring stations (CAAQMS), which are installed on the top of dormitory, water pump house and cooling tower. The system is operational since December 2015. Review of the monitoring results for the period Sep to Nov 2016 reveals the ambient pollutant concentration viz. PM₁₀ (8.38-38.41 µg/m³) and PM_{2.5} (1.07-35.93 µg/m³) to be in compliance with the ambient air quality standards specified in the Bangladesh ECR, 1997. The concentration of NOx (0.83-191.97 µg/m³) for the period was found to exceed the standard in one case. This is reportedly attributed to technical issues related to start-up and CAAQMS recalibration. As suggested in the earlier audit report, NEPCS has recalibrated the CAAQMS on November 2016 with PM_{2.5} levels are found to be higher than PM₁₀ levels at the AAQ station placed at dormitory for the months October and November 2016. <i>Assess and establish the potential causal factors for higher PM_{2.5} values being recorded in comparison to PM₁₀.</i></p>
						Noise Quality		<p><u>Noise Quality</u></p> <p>NEPC-S performs monthly in-house monitoring of ambient noise at 8 locations within plant premises (near water pump house, cooling tower, clarifier, living area, gas station, GT building, transformer and hydrogen plant) and 3 village locations (<i>Parkul, Bongaon</i> and <i>Paharpur</i>). Review of the monitoring results within plant indicates compliance to both day and night time noise standards specified for industrial area under Bangladesh ECR, 1997 (except day time data near clarifier for October, 2016 which is slightly higher than DOE standard – 78.47 dBA in comparison to 75 dBA).</p> <p>On the other hand, most of the day time data for the 3 nearby villages were slightly higher than DOE standard – maximum 63.56 dBA in comparison to 60 dBA. It is to be noted that all the night time data were within acceptable limit of DOE standard. Hence, the slight deviation from maximum limit of day time noise could be attributed to the construction work currently in progress for Bibiyana I and Bibiyana III sites abutting the project.</p>

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						3rd party test will be done in next year (May). NEPCS noise monitoring report is being generated using logarithmic scales.		
					<p><u>Effluent Discharge</u></p> <p>NEPCS in-house monitoring for the months of September, October and November 2016 reveals that all the results for all the 10 parameters (pH, conductivity, temperature, turbidity, residual chlorine, TSS, TDS, BOD, COD and Fe) were within the range.</p> <p>Third party test has been done by TUV for 32 parameters in November, 2016. Results for all the 32 parameters were within acceptable limit of DOE standard.</p>		<p><u>Effluent Discharge</u></p> <p>Treated effluent from ETP and STP gets collected in a Common Monitoring Basin (CMB) prior to its discharge into Kushiyara River. All such discharges are being monitored by NEPC-S by engaging a third party (M/s TUV Austria) on a quarterly basis. Review of third party monitoring records for November 2016 reveals treated water discharges being monitored for a total of 32 parameters only, with results in all cases found to be in compliance to <i>Bangladesh ECR, 1997 inland water discharge standards</i>. The report however does mention the sampling location and time including proper description of the sample. The next monitoring will be due on January 2017 in accordance to the operations ESMMP.</p> <p>Monthly monitoring is also being conducted internally by NEPCS for the treated waste water prior to its discharge in Khusiyara River for the following parameters viz. pH, conductivity, temperature, turbidity, residual chlorine, total suspended solids (TSSS), BOD, COD and Iron (Fe). In all cases, the values were found to be in compliance with the ECR inland surface water discharge standards.</p> <p><i>NEPC-S to conduct half yearly monitoring of all inland water discharge parameters specified in Schedule 10 of the Bangladesh ECR, 1997 to check for conformance and also to assess ETP performance. Details of the sampling location, description and collection time to be also mentioned in the monitoring report.</i></p>	
					<p><u>Surface Water Quality</u></p> <p>3rd party test will be done in next year (May)</p>			<p><u>Surface Water Quality</u></p> <p>SBIIPCL has engaged <i>Bangladesh University of Engineering & Technology (BUET)</i> to monitor Kushiyara river water quality at 3 locations – at the discharge point and both 50 m upstream and downstream of the project. Review of the monitoring results for May 2016 reveals a total of 15 parameters being as referred in <i>Schedule 3 – Standards for Inland Surface Water of Bangladesh ECR, 1997</i>. The results of the parameters being monitored were found to be in compliance with the aforesaid standards. The next monitoring will be due in May 2017 as per operations ESMMP.</p>
								<p><u>Ground Water Abstraction</u></p> <p>NEPCS maintain daily water consumption records for the river water intake. Records review for the period Sep to Nov 2016 indicates consumption to vary within 832 to 8198 kilolitre per day (KLD). In addition to the above, the site has also installed three deep tube wells to meet emergency water requirement. However, flow meter is yet to be installed for the wells connected to the cooling tower by NEPC (the EPC contractor) to monitor the water consumption. As communicated the water meter installation is likely to be completed by February 2017.</p>

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								Ensure fast track installation of flow meter to the ground water pipeline connected to the cooling tower in line with ESMMP requirements.
						Storm Water Management In line with ERM's last observation.		<u>Storm Water Management</u> SBIIPCL has not made any provision of installation of oil water separators for storm water drainage system. This is assessed to be justified based on the fact that the project hazardous material and waste storages are covered along with necessary provision made to channelize any waste/chemical spillages through dedicated underground drainage system to a waste water collection basin for subsequent treatment.
						Waste Management NEPC-S has updated the Waste Management Procedure to include all notifiable hazardous waste streams and their storage and disposal requirements particularly for hazardous waste. NEPC-S has made a waste disposal contract/ agreement with Medicare Diagnostics and Consultation Centre to facilitate treatment and disposal of biomedical waste generated from the facility. NEPC-S Team visited to the said facility to assess and evaluate its biomedical waste management practices and has prepared an audit report on that visit. NEPC-S has ensured provision of secondary containment at the designated hazardous waste storage area including shifting of empty waste oil drums to a covered area. Sidewalls of the both storages have been raised considerably and all the outlet pipes (excluding the connecting pipes to the secondary containment pits) have been closed. Besides, the filled oil drums have been stored on trays for extra protection		<u>Waste Management</u> For the purpose of managing waste generated from operations NEPC-S has developed a <i>Waste Management Procedure</i> . A waste inventory developed as part of this procedure has also been implemented for monthly waste tracking. However as recommended earlier the procedure is yet to be updated to include ETP sludge including storage and disposal requirements particularly for hazardous waste. SBIIPCL has a designated and covered storage yard for hazardous waste equipped with secondary containment in form of drip trays as recommended in the earlier audit report. Further to that lined pits have been provided adjoining the hazardous waste yard to prevent any overflowing spill findings its way into the storm water. However, spill kits are yet to be made available at above yard to manage any accidental spills resulting from hazardous waste storage and handling. NEPC-S has engaged M/s Rima Enterprise and M/s Medicare Diagnostics and Consultation Centre for disposal of hazardous waste and medical wastes respectively. A contract to this regard has been signed between NEPC-S and Rima Enterprise on 1 June 2016 and is valid for a year. For medical waste, Medicare has accepted to treat and dispose of the biomedical waste generated from the facility. An agreement to this regard has been signed by both parties on 1 May 2016 and is valid for a year. Both the aforesaid waste contractors were found to be possess valid environmental clearance (EC) clearance certificate issued by the DOE vide letter dated 27 March 2016 for collection, treatment and disposal of biomedical and hazardous waste streams. NEPC-S EHS team visited the hazardous waste management facility of both M/s Medicare and M/s Rima Enterprises on 23 October 2016 for the purpose of reviewing the existing waste handling, treatment and disposal practices with an audit report being prepared. However, such waste disposal facilities is required to be evaluated to check compliance with the EC requirements and recommendation communicated to the concerned agency for necessary action. <i>NEPC-S to update the Waste Management Procedure to include all notifiable hazardous waste streams and their storage and disposal requirements particularly for hazardous waste. Perform assessment of the waste management practices of the third party waste disposal</i>

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								agencies in consistent with the requirements of the EC issued by Department of Environment, Bangladesh for such facilities. NEPC-S to ensure provision pill kits at the designated hazardous waste storage area.
					<p><u>Hazardous Material Management</u></p> <p>NEPCS has updated the Caustic & Acid Handling Procedure based on the review of chemical usage requirements for operations particularly for hydrochloric acid and sulphuric acid. The updated procedure has been maintained to bear MSDS of chemicals being stored and used for operations.</p>			<p><u>Hazardous Material Management</u></p> <p>NEPC-S has developed a <i>Caustic & Acid Handling Procedure (NEPC-O&M-P-EHS-001-03)</i> and is applicable for the following chemicals – sodium hydroxide, sodium hypochlorite, hydrochloric acid, sulphuric acid, ammonia and hydrazine. The procedure has also been updated in line with the earlier recommendation to include the Material Safety Data Sheets (MSDS) for the aforesaid chemicals. However, the procedure need to be updated to include the conditions of the license issued for onsite storage of acid under the provision of the Acid Control Act 2002 and subsequent rules.</p> <p><i>SBIIPCL to update the Caustic & Acid Handling Procedure to include the storage license requirements and any applicable provision of the Acid Control Act, 2002.</i></p>
								<p><u>Traffic Management</u></p> <p>For managing operations traffic, NEPCS has developed a <i>Vehicle Management Standard (NEPC-O&M-P-PRO-13-03)</i>. In line with the standard, the onsite vehicles are being subjected to daily checks using a vehicle inspection checklist.</p>
					<p><u>Occupational Health & Safety</u></p> <p>NEPC-S has undertaken identification, assessment and evaluation of all high risk activities associated with operations in consistent with the guidelines specified in the Hazardous Waste and Safety Risk Assessment System (NEPCS-O&M-P-PRO-04-01). NEPC-S has updated the consolidated EHS plan to include legal requirements as applicable for various operational activities like pressure vessel operation, use of lifting equipment, fuel unloading etc. The plan has been shared with all subcontractors for their review and agreement and signed copies have been maintained. EHS Committee composition has been updated including the registered medical practitioner</p>			<p><u>Occupational Health & Safety</u></p> <p>NEPC-S has prepared exclusive site safety induction modules/presentations for subcontractors, O&M employees and visitors. Induction training being imparted being recorded in an attendance signed by the participants. For subcontractors and O&M personnel, NEPC-S has also introduced a test module to assess the knowledge of the new joiners on various safety topics as discussed during the induction training. Records indicate a total of 42 subcontractor workers and 8 NEPC O&M staff have been covered under the induction training for the period Jan to Aug 2016.</p> <p>For project operations, NEPC-S – the O&M contractor has already developed a set of about 63 EHS procedures and standards along with a consolidated EHS Plan. As discussed in the earlier audit report, only 45 of the aforesaid procedures have been notified to the NEPCS and SBIIPCL Operations team. However documentation review indicates that an additional 18 EHS procedures have been incorporated to the aforesaid list which has been formally notified to NEPCS and SBIIPCL personnel via email on 9 December 2016 as recommended by ERM in the previous audit report.</p> <p>Review of the consolidated EHS Plan indicates that it refers to a risk assessment being undertaken of all the hazardous activities and subsequent identification of “high risk” areas. In this regard, NEPC-S has developed a <i>Hazardous Waste and Safety Risk Assessment System (NEPCS-O&M-P-PRO-04-01)</i> which outlines</p>

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						available onsite. Fr O&M staff engaged in dangerous operations, certificate of fitness and medical records have been maintained in Form 26 and Form 26A respectively.		<p>the risk identification, assessment and evaluation process. However, implementation of the same is still found to be pending. Again the operations EHS Plan does not refer to the legal requirements which need to be adhered for implementing this plan particularly in case of equipment lifting, fuel unloading, pressure vessel maintenance etc. Furthermore, NEPC-S has not shared the EHS Plan with the subcontractors, for their review and agreement as specified in the Operations ESMMP.</p> <p>NEPCS has categorised the site into 8 zones – gas turbine room, steam turbine room, Heat Recovery Steam Generator (HRSG), Switch Room and Production Building Area, hydrogen s generation station, Chemical Storage and Water Treatment Area, Pump House, maintenance workshop, warehouse and dormitory. The aforesaid areas are subjected to routine audit on a weekly/monthly basis jointly by shift in charge and EHS personnel by using an inspection checklist. This is found to be in compliance with the operations ESMMP requirement.</p> <p>For the period Sep-Nov 2016, only one near miss incident has been reported in the form of hydrochloric acid leak from the storage tank pipe on 29 Sep 2016. Review of the incident investigation report reveals that a total volume of 51 kg of acid has been released which has occurred due to corrosion of the transfer piping. No serious injury has been recorded from such incident. However, the site had not notified the incident to the Chief Inspector of Factories in Form 27B as prescribed under the Bangladesh Labour Rules 2015. However, based on the observation made by ERM during the site visit, SBIIPCL reported the incident to the Factory and Labour Inspectors Office in prescribed Form 27B on 27th February 2017. Acknowledgment of report was also reviewed by ERM.</p> <p>In line with ESMMP requirements an EHS Committee has been formed comprising representatives of both SBIIPCL and NEPC-S. The Committee meeting is scheduled on a monthly basis and is being chaired by the SBIIPCL Plant Manager. However the medical practitioner appointed by NEPC-S does not form an integral part of the EHS Committee as per Bangladesh Labour Rules requirement. NEPC-S conducts monthly site safety inspections along with observations of near misses/unsafe acts during daily site walkthroughs. The same is being shared with SBIIPCL on a periodic basis.</p> <p>For 2016, NEPC-S has undertaken medical examination of the operations workforce comprising of 75 personnel through a Medicare Diagnostic. Medical examination is found to be pending for at least 28 NEPCS personnel. Reportedly, subcontractor workers are also to be covered under the medical surveillance program. Records review indicate that certificate of fitness and medical examination records presently being maintained in prescribed formats (Form 26 and Form 26A) for only 32 personnel as per <i>Bangladesh Labour Rules 2015</i>. As communicated the preparation of the records in aforesaid formats is in progress by the registered medical practitioner and</p>

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								<p>is likely to be completed by January 2017.</p> <p>NEPC-S to undertake identification, assessment and evaluation of all high risk activities associated with operations in consistent with the guidelines specified in the Hazardous Waste and Safety Risk Assessment System (NEPCS-O&M-P-PRO-04-01). NEPC-S to update the consolidated EHS plan to include legal requirements as applicable for various operational activities like pressure vessel operation, use of lifting equipment, fuel unloading etc. The plan to be shared with all subcontractors for their review and agreement and signed copies to be maintained. Update the EHS Committee composition to include the registered medical practitioner available onsite. Update the medical examination program to include subcontractor workers with records maintained in Form 26 and Form 26A respectively.</p>
					<p><u>Emergency Preparedness & Response</u></p> <p>SBIIPCL is yet to ensure full participation of the operational workforce as part of the mock drills being undertaken. Maintain records of drills in Form 22-A and details of firefighting, first aid and rescue team in Form 22.</p> <p>NEPC-S has the plan to conduct the mock drill during late December, 2016. In this regard, local fire department representative has already been notified 15 days in advance.</p> <p>An inspection checklist has been developed and implemented by NEPC-S for fire hose reels and records for the same maintained</p>			<p><u>Emergency Preparedness & Response</u></p> <p>For details refer to S. No. 1.13 of Table 4.1</p> <p>In order to improve emergency response preparedness SBIIPCL along with NEPC-S performs emergency drills on a monthly basis. Review of records indicate two drills has been conducted for the period Sep-Nov 2016 for the following emergency scenarios – terrorism and traffic accidents; however the participation for the drills is limited to only 12-35 personnel and does not encompass the total operational workforce.</p> <p>In addition to the above, NEPCS also plans to conduct six monthly drills in coordination with Bangladesh Fire Service and Civil Defence. In this regard, SBIIPCL has made application to the Assistant Director, Fire Services and Civil Defence vide letter dated 4 December 2016 for conducting joint mock drill in December 2016. Reportedly, the mock drill date is to be confirmed by the fire department post 18 December 2016.</p> <p>Also as recommended in the earlier audit report, the details of the dedicated team for providing first aid, operating firefighting equipment and conducting rescue operations is yet to be maintained in Form 22 as specified in the <i>Bangladesh Labour Rules 2015</i>.</p> <p>There exist a total of 377 fire extinguishers, 83 fire hydrants & hose reels box, 3 fire water pumps, 19 fire buckets, 1 underground fire water storage tank (2500KL), 448 smoke detectors and 294 sprinklers. Automatic water spray firefighting systems are designed for steam turbine (ST) and ST oil system. Regarding maintenance of emergency response equipment's NEPC-S has developed and implemented a monthly inspection checklist for fire extinguishers and fire hydrants with records found to be maintained. In line with the earlier recommendation a similar checklist was found to be implemented for hose reels and smoke detectors except for automatic sprinkler systems.</p> <p>SBIIPCL to ensure full participation of the operational workforce as part of the mock drills being undertaken. Proactively follow up with Fire Department to finalise the mock drill date with details to be</p>

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								recorded in Form 22A. Maintain details of firefighting, first aid and rescue team in Form 22. Further an inspection checklist to be developed and implemented by NEPC-S for automatic sprinkler systems and records maintained.
3.2	Undertake regular monitoring of air emissions, water consumption, wastewater discharge, solid and hazardous waste disposal, noise levels, in line with the ESMMP	Low	SBIIPCL	ESMMP implementation	As defined in ESMMP during operation phase	Commendable progress achieved regarding Ambient Air Quality; Waste Water Discharge; Waste Management and Ambient Noise Quality.		For details please refer to S. No. 3.1- Ambient Air Quality; Waste Water Discharge; Waste Management and Ambient Noise Quality of Table 4.1.
3.3	Ensure that impacts associated with the decommissioning phase are assessed and addressed prior to eventual decommissioning.	Low	SBIIPCL	ESMMP for decommissioning phase.	1 to 2 years prior to eventual decommissioning.	Not due yet.		To be assessed during decommissioning phase for combined cycle operations. With project now in operations the offices and equipment's utilised for constructions will be decommissioned by the EPC contractor following release of the Provisional Acceptance Certificate (PAC) by SBIIPCL. Now with PAC issued by SBIIPCL to the EPC contractor on 28 August 2016, it is recommended SBIIPCL performs a site assessment study to identify any potential environmental issues/concerns and accordingly develop an action plan for managing the same.
3.4	Complete an annual GHG emissions estimation based on the actual operations of the Project during the operational phase.	Low	SBIIPCL	GHG estimation and reporting.	Annually, after one year of COD	CEMS emission data is available for every month regarding both CO2 and NOx.		No provision of CO2 emission monitoring is available in CEMS and hence actual CO2 emission monitoring and annual reporting is not possible. However, NEPC-S has initiated the process of calculating the GHG emissions in the form of CO2 emission (based on monthly gas consumption) and calculated N2O emissions as recorded by the CEMS.
3.5	Develop the climate adaptation policy and procedures in line with the requirements specified in the ESMMP.	Low	SBIIPCL	Climate Change Adaptation Policy	Within 12 months of COD (Plant Operations)	Drafted and under process of approval.		SBIIPCL has developed a climate change adaptation policy which has been approved by the project COO and displayed at a conspicuous place within the facility premises.
3.6	Provide organisational arrangements, capacity development and training measures and performance indicators for effective implementation of the ESMMP already developed for the Project.	High	SBIIPCL	Capacity building and setting up of performance indicators	1 month prior to COD	Organogram for both SBIIPCL and NEPC-S have been interlinked for implementation of ESMMP for operations.		<p>Organogram for project operations is available for both SBIIPCL and NEPC-S which are interlinked for implementation of ESMMP for operation as discussed in the ERM 8 Sep 2016 audit report.</p> <p>NEPC-S has identified the following HSE performance indicators which are being regularly monitored and their status submitted as part of the monthly operations report to both SBIIPCL and lenders. This includes:</p> <p><u>Environment</u></p> <ul style="list-style-type: none"> Quantity of nitrogen oxides and carbon dioxide emissions; Quantity of effluent generated Quantity of hazardous waste generated viz. waste oil, sludge, oily cloth etc. Quantity of biomedical waste generated Number of environmental accidents viz. fuel/chemical spills, stack emissions exceeding standards etc. <p><u>Health & Safety</u></p> <ul style="list-style-type: none"> Fatalities Lost Time Accidents (LTA) First Aid Cases Near Misses

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								<ul style="list-style-type: none"> Days since last LTA
3.7	Develop a Waste Management Plan for operation phase.	Low	SBIIPCL	Waste inventory and disposal options.	3months prior to start of Combined Cycle Operation	NEPC-S has reviewed and updated the Waste Management Procedure to encompass all hazardous waste streams likely to be generated during operations including their storage and disposal requirements.		<p>NEPC-S has developed a <i>Waste Management Procedure (NEPCS-O&M-P-EHS-001-09)</i> and the same shared with NEPC-S for implementation during the operations stage. The procedure outlines the categories of wastes, PPE requirements; roles and responsibilities and activities related to waste handling and disposal.</p> <p>Review indicates the procedure reveals that it does not cover the storage requirement of various waste streams including the specific disposal requirement of hazardous wastes such as ETP sludge. Further procedure does not cover the following hazardous waste streams viz. sludge generated from effluent treatment plant; discarded chemical containers and air filters. <i>NEPC-S to review and update the Waste Management Procedure to encompass all hazardous waste streams likely to be generated during operations including their storage and disposal requirements.</i></p> <p>In line with recommendation made in ERM Audit Report of 1 June 2016, NEPC-S has developed and implemented a waste inventory for tracking of storage and disposal of waste on a monthly basis.</p>
3.8	Develop a Hazardous Materials Management (HMM) Plans.	High	EPC Contractor	HMM Plan. – Construction phase	Within 2 months of date of deal closure or December 2014, whichever is earlier	Complied.		Assessed to be in compliance by ERM during EHSS audit undertaken in May 2015. Refer <i>ERM 2nd EHSS Compliance Assessment Report</i> .
		Low	SBIIPCL	HMM Plan – Operation Phase	3 months prior to start of Combine Cycle Operation	NEPCS has updated the Caustic & Acid Handling Procedure based on the review of chemical usage requirements for operations particularly hydrochloric acid and sulphuric acid. The updated procedure is maintained to bear MSDS of chemicals to be stored and used for operations.		<p>NEPCS has developed a <i>Caustic & Acid Handling Procedure (NEPCS-O&M-P-EHS-001-03)</i> and the same shared with NEPC-S for implementation during the operations stage. The procedure is intended to ensure safe handling of chemicals outlining the measures to be adopted related to storage, handling, first aid and accidental releases. .</p> <p>In line with ERM recommendation, the procedure has been updated to include both hydrochloric acid and sulphuric acid with MSDS of all such chemicals being annexed to the said procedure. NEPCS however is yet to include the conditions of the acid storage license in the procedure under the provision of the Acid Control Act 2002 and subsequent rules.</p> <p>In this regard it is recommended that <i>NEPCS updates the Caustic & Acid Handling Procedure to include the storage license requirement and the applicable provision of the Acid Control Act, 2002.</i></p>
3.9	<ul style="list-style-type: none"> Ensure that spillage kit is available at the HSD storage area. Provide drainage system to the HSD storage shed to collect the rain water and waste water generated after floor cleaning. Prepare a procedure for the HSD loading & unloading and spill control and trained workers for the same. Prepare a list of the authorised person and same should be pasted outside the storage shed area and access control system to be implemented. 	High	EPC Contractor	Spillage management plan	Within 1 month of date of deal closure or December 2014, whichever is earlier	Complied.		Assessed to be in compliance by ERM during EHSS audit undertaken in September 2015. Refer <i>ERM 3rd EHSS Compliance Assessment Report</i> .

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3.10	Develop a Standard Operating Procedure for Pest Management for the Project.	Medium	SBIIPCL	Standard Operating Procedure for Pest Management.	Within 3 months of COD	Training organized for target group of workers involved in the storage and handling of pesticides and records maintained.		Assessed to be in compliance by ERM during EHSS audit undertaken in September 2015. Refer <i>ERM 5th EHSS Compliance Assessment Report</i> .
3.11	Develop a Standard Operating Procedure on the use of Ozone Depleting Substances (ODS), with the focus being on no new systems or equipment use ODS.	Medium	SBIIPCL	Standard Operating Procedure on the use of Ozone Depleting Substances.	Within 3 months of COD	Complied previously.		Assessed to be in compliance by ERM during EHSS audit undertaken in September 2015. Refer <i>ERM 3rd EHSS Compliance Assessment Report</i> .
3.12	Ensure that emissions from on-road and off-road vehicles should comply with Schedule 6 (Standards for emissions from motor vehicles) of the <i>Environmental Conservation Rules, 1997 of GoB</i> .	Medium	SBIIPCL and EPC Contractor	Compliance checks of on-road and off-road vehicles.	Within 2months of date of deal closure or December 2014, whichever is earlier (with quarterly monitoring)	Complied		Assessed to be in compliance by ERM during EHSS audit undertaken in September 2015. Refer <i>ERM 5th EHSS Compliance Assessment Report</i> .
3.13	Ensure no use of asbestos containing material is specified in the design of the Project.	High	SBIIPCL	Written confirmation that no asbestos will be used in the Project development from newly purchased materials.	Within 1 month of date of deal closure	Complied.		Assessed to be in compliance by ERM during EHSS audit undertaken in May 2015. Refer <i>ERM 2nd EHSS Compliance Assessment Report</i> .
3.14	Conduct air quality dispersion modelling study with updated stack characteristics in the design	Medium	SBIIPCL	Updated air quality dispersion modelling	Within March 2015	Complied.		Assessed to be in compliance by ERM during EHSS audit undertaken in September 2015. Refer <i>ERM 3rd EHSS Compliance Assessment Report</i> .
4	PS 4: Community Health, Safety and Security							
4.1	Conduct a detailed QRA for the Project based on actual design and formulate an emergency response plan.	Medium	SBIIPCL	Quantitative Risk Assessment and Emergency Response Plan	3 months of COD	QRA study has been finished and an emergency response plan has been finalized based on QRA outputs.		<p>QRA for the project has been undertaken by TUV Austria on October 2016 to assess and evaluate the risks from various processes and activities. The report divides the whole plant systems into 49 location/segments by the inspector. Each segment was thoroughly inspected and assessed for: process analysis, data collection and analysis, hazard identification, preventive measure and emergency response, system analysis, risk analysis, worst case scenario consideration and quantitative risk assessment.</p> <p>In summary the report finds the plant to be designed taking into account the potential industrial hazards with effective risk prevention and control measures already in place. Review of the QRA study indicates that consequence analysis modelling has not been undertaken for the high hazard storages of hydrogen and diesel. Furthermore, natural gas pipeline has not been considered for assessing the risks resulting for any accidental failure such as leaks or ruptures.</p> <p><i>Update the QRA to include consequence analysis of the isolated flammable storages for hydrogen and diesel including natural gas pipeline (within plant). The threat zone plots for the aforesaid risk modelled to be overlaid on the site layout.</i></p>

S. No	Measures and/or Corrective Actions	Significance	Responsibility	Deliverable	Suggested Timelines for Completion*	Status provided by BCAS as on Dec 2016	Status	ERM Observations (as on 19-21 Dec 2016)
4.2	Develop a traffic management and logistics plan taking into consideration community safety	High	EPC Contractor	Traffic management plan.	Within 1 month of date of deal closure or November 2014, whichever is earlier	Complied previously.		Assessed to be in compliance by ERM during EHSS audit undertaken in September 2015. Refer <i>ERM 5th EHSS Compliance Assessment Report</i> .
4.3	Undertake specific communication on health hazards and mitigation measures on an ongoing basis against new activities and associated health and safety risks to the local community.	Medium	SBIIPCL	Communication on health hazards and mitigation measures.	Within 3 months of COD	Regular dialogue maintained by SBIIPCL with the communities to apprise them of the identified risks, appropriate control measures and response actions. A community disclosure plan has been prepared and shared with community.		SBIIPCL along with NEPC-S has utilised output of the QRA in the preparation of a Community Disclosure Plan. Reportedly, SBIIPCL is in the process of disclosing the potential emergency threats and response measures to the nearby communities in accordance to the plan.
4.4	Engage a suitably qualified professional to undertake a Life and Fire Safety (L&FS) review of the facility prior to commissioning and develop a Corrective Action Plan to address any identified deficiencies / gaps between the facility and the requirements of the WBG General EHS Guidelines.	Medium	SBIIPCL	Life and Fire Safety Review and Corrective Action Plan	1 month prior to the commissioning of combined cycle	Complied.		Assessed to be in compliance by ERM during EHSS audit undertaken in September 2015. Refer <i>ERM 5th EHSS Compliance Assessment Report</i> .
4.5	Ensure any future security arrangements shall comply with PS4 requirements. The SBIIPCL Grievance Mechanism should include security within its scope.	Low	SBIIPCL	Compliance check against PS4 requirement.	1 months of COD	Complied.		The O&M Contractor (NEPC-S) has employed 12 security guards for the plant. These security personnel are payroll employees of NEPC-S and their working conditions are regulated by HR policy of NEPC-S. They are doing 8 hour shift and payment is at par with applicable minimum wage.
5 PS 5: Land Acquisition and Involuntary Resettlement								
5.1	Ensure: <ul style="list-style-type: none"> Preparation of the Livelihood restoration plan; Documentation of the stakeholder engagement records; Maintaining proper records of the employment and vendor opportunity provided to the PAFs and the local community 	Medium	SBIIPCL	Livelihood restoration plan and stakeholder engagement	Within 3 months of date of deal closure (and periodic review)	Complied.		LRP implementation is in progress. Refer <i>Section 3.2.5</i> for further detail.
5.2	Continued engagement and resettlement monitoring by CDO.	Medium	SBIIPCL	Resettlement monitoring reports	Within 3 months of date of deal closure (and periodic review)	Complied		CDO is ensuring regular monitoring of LRP and other R&R aspects like disbursement of old age pension, seed money to eligible PAHs, regular interaction with stakeholders.
5.3	Establishment of a formal GRM for the PAFs and the community;	Medium	SBIIPCL	GRM for PAFs	Within 3 months of date of deal closure (and periodic review)	Complied		GRM is well established and functioning. GRM system is assessed to be in compliance by ERM in 6 th EHSS audit.
5.4	Consider preparing a detailed SEP with stakeholder profiling, key concerns, expectations, impact and influence, and risk rating of various stakeholder groups. It should include details on engagement strategy, disclosure, monitoring, reporting etc. The SEP should be subsequently updated with engagement records.	Medium	SBIIPCL	Updated SEP for the Project	Within 3 months of date of deal closure (and periodic review)	Complied		Revised SEP document is in place and disclosed to the stakeholders. Refer 5 th EHSS Compliance Assessment audit Report.
5.5	SBIIPCL should ensure payment of compensation to sharecroppers in line with the resettlement action plan and records should be maintained.	Medium	SBIIPCL	Records of compensation payment	After finalisation of CAP	Complied.		This was assessed to be in compliance by ERM in previous EHSS audit undertaken in Sep 2016. This issue can be closed now.
6 PS 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources								
6.1	Conduct six monthly construction phase monitoring	High	SBIIPCL	Terrestrial and	As defined in ESMMP	Complied.		Assessed to be in compliance by ERM during EHSS audit

S. No	Measures and/or Corrective Actions	Significance	Responsibility	Deliverable	Suggested Timelines for Completion*	Status provided by BCAS as on Dec 2016	Status	ERM Observations (as on 19-21 Dec 2016)
	of terrestrial and aquatic organisms			aquatic organism monitoring	during construction phase			undertaken in February 2016. Refer <i>ERM 4th EHSS Compliance Assessment Report</i> .
6.2	Develop greenbelt within the project boundary.	Low	SBIIPCL	Greenbelt Development	After completion of construction activities.	It is not possible to do plantation work around boundary as construction work of two more power plants are ongoing on 2 sides of the plant. Plantation took place inside plant. The O&M Contractor already engaged one third party for the maintenance of the plants. Under the circumstances, this CAP item might be closed.		As observed during the site visit the current survival rate of the planted saplings outside the plant is about 6% One of the primary reasons identified for such reduced survival rate is lack of proper maintenance as presently there exists no third party vendor for the same. In addition to that the construction works for Bibiyana-I and III power projects has been started and SBIIPCL has mentioned that it is difficult to maintain the greenbelt outside the plant premises due to construction activities, heavy vehicles movement on the access road. As recommended in the ERM Audit report of 1 June 2016, the facility has developed a green belt development plan. The implementation of the plan is observed to be under progress within the facility with a total of 1485 saplings reported to be planted till date. The details of phase wise implementation of the green belt development plan to be shared. It is therefore recommended that <i>SBIIPCL engages a third party vendor under an annual maintenance contract to improve green belt species survival rate within the plant premises.</i>
6.3	Include an invasive alien species management plan in the ESMMP for the construction and operational phases	Medium	SBIIPCL and EPC Contractor	Invasive alien species management plan.	Within 2 months of date of deal closure	Complied.		Assessed to be in compliance by ERM during EHSS audit undertaken in May 2015. Refer <i>ERM 2nd EHSS Compliance Assessment Report</i> .

Table 4.2 IFC ESAP Compliance Status

S. No	Measures and/or Corrective Actions	Deliverable	Schedule	Status	ERM Observations (as on 8 Sep 2016)
1	Upgrade the existing EHS Policy, EHS Management Procedures and EHSS Plan in accordance with the provision of IFC PSs, the ESMMP and findings of the EHSS Audit, and implement the EHS Management Procedure.	EHS Policy and EHSS Plan	31 Mar 2015		<p>SBIIPCL has prepared an EHSS Policy for operations and the same has been shared with NEPC-S – the O&M contractor for adoption and implementation. The policy was found to be displayed at conspicuous places within the site.</p> <p>As discussed earlier, NEPC-S has developed a list of 63 EHS related procedures and rules with only 45 of them being formally notified to the SBIIPCL and NEPC-S operations team. Documentation review indicates that an additional 18 EHS procedures have been incorporated to the aforesaid list which has been formally notified to NEPCS and SBIIPCL personnel via email on 9 December 2016 as recommended by ERM in the previous audit report.</p> <p>As recommended in the ERM Audit report of 1 June 2016, NEPC-S has developed a consolidated EHS plan for operations encompassing objectives, procedures, training requirements, performance indicators etc. to demonstrate compliance to the legal, ESMMP and IFC PS requirements. As mentioned in the earlier audit report, the operations EHS Plan is yet to be updated to include the legal requirements which need to be adhered for implementing this plan particularly in case of equipment lifting, fuel unloading, pressure vessel maintenance etc. Furthermore, NEPC-S has not shared the EHS Plan with the subcontractors, for their review and agreement as specified in the Operations ESMMP.</p> <p>Specific observations on the management plans for operations are given in S. No. 1.13, 3.1, 3.7, 3.8, 3.9, 3.10, 3.11 of Table 4.1.</p>
2	Obtain an Environmental, Occupational, Health and Safety (EHS) Management System (EHSMS) certified to ISO 18001 standards with IFC Performance Standards appropriately	ISO 14001 and OHSAS 18001 certification	Within 2 years of COD		<p>Please refer to S. No. 3.1 – “Management System Certification” of Table 4.1</p>

S. No	Measures and/or Corrective Actions	Deliverable	Schedule	Status	ERM Observations (as on 8 Sep 2016)
	incorporated.				
3	Development and implementation of SBIIPCL Human Resource Policy, Environmental Policy, Social Responsibility Policy and Health & Safety Policy/or Statement.	SBIIPCL Policies in place	31 Mar 2015		EHS, Social, and HR policies are in place. There are specific observations regarding leave policy of Summit. Refer section 3.2.2 of this report for detail.
4	Formation of SBIIPCL CMT and appointment of SBIIPCL's EHS Manager, CDO and Community Liaison Officer.	CMT. EHS Manager and CDO in place	15 February 2015		Assessed to be in compliance by ERM during EHSS audit undertaken in September 2015. Refer <i>ERM 3rd EHSS Compliance Assessment Report</i> .
5	Undertake labour audit covering own and subcontractor workers to assess compliance with national laws and IFC PS2 requirements. This will cover review of all HR Policies and Practices. Complete implementation of mitigation measures based on audit findings including those relevant to EPC contractor's management of labour issues	Labour Audit Report	31 March 2015 May 2015		Labour Audit report was carried out by BCAS. Outcome of the audit report was mentioned in previous audit report. there were some major gaps identified like non-compliance w.r.t minimum wage payment, overtime payment etc. for contract workers by EPC contractor (NEPCS). SBIIPCL was recommended to take actions to close the issues identified in labour audit report. Section 3.2.3 of this report update on current status on compliance w.r.t minimum wage.
6	Develop, communicate and operationalise the worker's grievance mechanism	Grievance Mechanism in place and conveyed to all stakeholders	March 2015		SBIIPCL has complied with this action plan and it was mentioned in previous audit report as well.
7	Complete implementation of corrective actions based on first EHSS audit findings as per the audit action plan and submits an action taken report.	Action taken report	31 March 2015		Implementation of corrective actions based on first EHSS audit findings are being audited internally by SBIIPCL through BCAS and are being verified by ERM during quarterly auditing. ERM's observations on each of the action item are presented in Table 4.1 . With project now in operations, the EHSS performance of the both SBIIPCL and NEPC-S is being evaluated by ERM in consistent with the lender and regulatory requirements, with specific recommendations given in italics text in Table 4.1 .

S. No	Measures and/or Corrective Actions	Deliverable	Schedule	Status	ERM Observations (as on 8 Sep 2016)
8	O&M stage I documentation for management of environment, health and safety performance appropriately incorporating IFC Performance Standards and Good International Industry Practices.	Completed EHSMS Manuals	1 month prior to Combined Cycle Operation		Please refer to S. No.1 of Table 4.2.
9	Duty of care procedures implementation in relation to hazardous waste treatment and disposal facility.	List of the identified hazardous waste facilities	28 February 2015		Please refer to S. No. 3.1 – “Waste Management” of Table 4.1
10	The Company will as part of its monitoring program continue to monitor bird species within the project area of influence	Half yearly compilation	Ongoing for two years		Second migratory bird survey was conducted during 3 – 5 December 2016 by Dr. Mohammad Firoj Jaman of Department of Zoology, University of Dhaka. Please refer to S. No. 1.8 of Table 4.1 for details.
11	Develop and implement Livelihood Restoration Plan	LRP in place and finalised in consultation with community and detailed PAH level LRP prepared and implementation complete	May 2015 (LRP development) August 2015 (for LRP implementation)		LRP is prepared. An NGO called as IDEA is engaged for LRP implementation. Refer section 3.2.5 for status on LRP implementation.
12	Develop and implement comprehensive stakeholder engagement plan and a detailed Grievance Mechanism for the community.	SEP in place and communicated to all stakeholders.	August 2015		SEP and GRM is prepared and disclosed with stakeholders. Refer section 3.2.7 of this report for detail.
13	Completion audit of the resettlement/ livelihood restoration activities demonstrating compliance with IFC PS5 or, if necessary, identifying any remaining gaps and corresponding corrective actions	Completion audit report and action taken report, if necessary	December 2016		As LRP implementation got delayed and it was recommended in previous audit report that time schedule for completion of audit report should be shifted to August 2017, considering the timeframe of LRP implementation activities. So SBIIPCL should stick to revised schedule for LRP implementation and its completion audit report.

In addition to the CAP & ESMMP compliance assessment the ERM team has performed an EHS&S compliance audit of the project for construction and operations phase. The audit has been conducted to assess project compliance with respect to applicable local and national regulations including key permit/license conditions and has been based on site visits, site personnel interviews and document reviews with the findings/observations being presented in *Table 5.1* for reference. In order to establish the compliance status, a risk rating with appropriate colour coding has been used for easy referencing, which is as follows:

High	Significant deviation/departure from EHS&S regulations/permit conditions leading to legal prosecution, imposition of hefty fines/penalties and or both requiring senior management intervention
Medium	Substantial deviation from EHS&S regulations/permit conditions resulting in limited legal liability managed through interventions at site management level
Low	Minor deviation from EHS&S regulations/permit conditions managed through intervention of project EHS manager/personnel
Information to be provided	Pending information to be shared for assessing compliance status

Table 5.1 EHS&S Regulatory Compliance Status

S. No	Regulatory Requirement	Finding/Observation as on 8 Sep 2016	Risk Rating	ERM Observations on 19 Dec 2016
1	Conditions of Environmental Clearance Letter dated 17 June 2015			
1.1	All parameters of effluent, gaseous emission, noise, solid waste, hazardous waste, etc. shall be within the limits in the Environment Conservation Rules (ECR) 1997. In case of non-coverage of ECR 1997 the World Bank Environment, Health and Safety Guideline shall be adhered to.	Refer to S. No. 3.1 – <i>Stack Emissions; Effluent Discharge; Waste Management; Noise Quality; Surface Water Quality</i> of Table 4.1.		Refer to S. No. 3.1 – <i>Stack Emissions; Effluent Discharge; Waste Management; Noise Quality; Surface Water Quality</i> of Table 4.1.
1.2	Comprehensive Environmental Performance report shall be submitted on a monthly basis to both the DOE offices.	Environmental Performance Reports (EPR) has been prepared and submitted to DoE for the period Sept to Nov 2016.		
1.3	There shall be specific format for Environment Monitoring. Environmental Monitoring Reports shall be made available simultaneously to DOE Head Quarter in Dhaka and Sylhet Divisional Office on a monthly basis during the construction & operation stage of the power plant.	Assessed and observed to be in compliance by ERM during EHSS audit undertaken in February 2016 during operations. Refer <i>ERM 4th EHSS Compliance Assessment Report</i> . Compliance status verified and confirmed by ERM in the current audit.		
1.4	The noise level of the Power Plant area shall not exceed the standard for industrial area mentioned in ECR, 1997.	SBIIPCL performs in-house monitoring of ambient noise quality on a monthly basis; while third party monitoring of ambient noise within the plant is conducted on a quarterly basis. Review of the internal noise monitoring records as well as the third party monitoring records of M/s Adroit Environment Consultants for May 2016 indicates compliance with both day and night time noise standards specified for industrial area under <i>Bangladesh</i> .		
2	Conditions of Boiler Registration			
2.1	Boiler to be operated by certified boiler operator	As per the condition of boiler registration permit, boiler to be operated by certified boiler operator. Compliance status still need		

S. No	Regulatory Requirement	Finding/Observation as on 8 Sep 2016	Risk Rating	ERM Observations on 19 Dec 2016
		<p>to be assessed based on availability and review of the certification copy of the personnel involved in boiler operations at the plant. This matter was discussed during the closing meeting and SBIIPCL has confirmed that no such permission is required; however, as this is part of the condition imposed in the permit, a clarification is required to be taken from the authority.</p> <p>A letter seeking confirmation on the same has been submitted by SBIIPCL to the Chief Inspector of Boiler on 20 March 2016. However a response to this regard is still awaited from the Boiler Inspector.</p>		
3	Conditions of Factories License			
3.1	First Aid Boxes to bear photographs of first aid responders	Assessed and observed to be in compliance by ERM during EHSS audit undertaken in February 2016 during operations. Refer <i>ERM 4th EHSS Compliance Assessment Report</i> . Compliance status verified and confirmed by ERM in the current audit.		
3.2	The occupier of the factory is required to set up a "Worker Participation Fund" and "Worker Welfare Fund" in accordance to the provisions of the Bangladesh Labour Law 2006.	As recommended in the ERM Audit Report dated 1 June 2016, SBIIPCL is yet to establish a Worker Participation Fund and a Workers Welfare Fund to comply with the provision of Bangladesh Labour Law and condition specified in the Factories License.		<p>As specified in the ERM audit report dated 1 June 2016 and 8 Sep 2016, the establishment of a Worker Participation Fund and a Workers Welfare Fund is still found to be pending. This is identified as a legal requirement as specified in the Bangladesh Labour Rules 2015 and the Factory License dated 21 June 2016.</p> <p>SBIIPCL considers this requirement to be not applicable with respect to their current operations; however an exemption to this regard is yet to be obtained in writing from the Chief Inspector of Factories.</p>

S. No	Regulatory Requirement	Finding/Observation as on 8 Sep 2016	Risk Rating	ERM Observations on 19 Dec 2016
4	Conditions of HSD Storage License			
4.1	The tank or tanks shall be supported on an approved foundation and shall be surrounded by a wall or embankment of substantial construction, or shall be partially sunk in an excavation. The enclosure thus formed shall contain only one of the following classes of petroleum, shall be of dimension sufficient to contain the quantity of petroleum specified under the class to be stored and shall be so constructed and maintained as to prevent the escape therefrom of any petroleum in the form of liquid, whether under the action of fire or otherwise.	Assessed and observed to be in compliance by ERM during EHSS audit undertaken in February 2016 during operations. Refer <i>ERM 4th EHSS Compliance Assessment Report</i> . Compliance status verified and confirmed by ERM in the current audit.		
4.2	All tanks shall be fitted with a vent pipe leading into the open air, the open end being covered with fine copper or other non-corroding metal wire gauze of mesh not less than 11 to the linear centimetre and fitted with a hood or the tank shall be fitted with an approved relief valve or other approved means for preventing dangerous internal or external pressures being produced.	Visual observation did not reveal the presence of any vent pipe or approved relief valves for the HSD storage tanks to prevent any generation of pressure from accumulation of dangerous vapour/fumes. However this needs to be confirmed based on review of the design document of the tanks.		Share design document of HSD tanks to assess the compliance status related to provision of vent pipes/approved relief valves.
4.3	The licensee to keep records and accounts of all petroleum in stock and issues and shall exhibit his stocks and records to the Inspector or a Sampling Officer	The chemical inventory sheet being maintained by NEPCS does not bear information of HSD storage and supplies.		As recommended in the ERM audit report dated 8 Sep 2016, the chemical inventory sheet has been updated to include storage and supply details of HSD.
5	Bangladesh Petroleum Act, 1934 & Petroleum Rules, 1937			
5.1	As per Section 7 of this Act any person is required to obtain a license for the transport or storage of class II petroleum if the total quantity in his possession at any one place does not exceed two thousand liters and none of it is contained in a receptacles exceeding one thousand litres in capacity.	As recommended in the ERM Audit Report of 1 June 2016, SBIIPCL has obtained license for the 1.36 KL diesel storage to fuel the generator set at the fire pump house during emergency. The license has been issued by the Chief Inspector of Explosives, Bangladesh on 9 June 2016 and is currently valid till 31 December 2016.		Assessed to be in compliance by ERM during EHSS audit undertaken in May 2015. Refer <i>ERM 5th EHSS Compliance Assessment Report</i> .

S. No	Regulatory Requirement	Finding/Observation as on 8 Sep 2016	Risk Rating	ERM Observations on 19 Dec 2016
5.2	77. Approval of vehicles for transport in bulk necessary. (1) Petroleum in bulk shall not be transported by land except under a license granted under these rule in a vehicle of a type approved in writing by the Chief Inspector.	Documentation review indicates the O&M contractor has engaged a vehicle owned by Mr. Rafiqul Islam for bulk transportation of diesel. The owner has obtained license for the same under the relevant provision of the Bangladesh Petroleum Act, 1934 which is valid till 31 December 2016		.
5.3	99. Marking of capacity of tanks: The capacity in litres of every tank in an installation shall be conspicuously marked on the tank.	As recommended in the ERM Audit Report of 1 June 2016, marking of the capacity of the 3 diesel storage tanks (2 X 2KL capacity and 1 X 1.36KL capacity) near the TG building is still found to be pending.		In line with the ERM audit recommendation dated 8 Sep 2016, diesel storage tanks at the emergency diesel generator area and fire pump has been conspicuously marked depicting their capacity as per the Petroleum Rules.
5.4	102. Earthing of tanks: All tanks or other receptacles for the storage of petroleum in bulk other than well-head tank or tanks or receptacles of less than 45,000 litres capacity containing class III petroleum, shall be electrically connected with the earth in an efficient manner by means of not less than two separate and distinct connections placed at opposite extremities of such tank or receptacle.	As observed during site visit, the diesel storage tank (1.36KL capacity) near the fire pump house was electrically grounded using a single phase earthing instead of double earth connection as required under Petroleum Rules.		In line with the ERM audit recommendation dated 8 Sep 2016, NEPC-S has provided double earthing design for the diesel storage tank near the fire pump house. Records of resistance of the earth systems are also being maintained.
5.5	103. Inspection of earth connections: The connections and contacts required by rule 102 shall be inspected and tested at least once in every year by an Inspector or Assistant Inspector of Explosives in the manner prescribed by the Chief Inspector.	The electrical earth connections for the licensed diesel storage tanks at the facility has not been subjected to annual testing by engaging competent person from the relevant authorities as per the Petroleum Rules 1937 provision		SBIIPCL has made an application to the Chief Controller of Explosives, Bangladesh vide letter dated 7 December 2016 requesting deputation of licensed personnel for examination of the earth connections of the diesel tanks and hydrogen storage. In line with the recommendation of the aforesaid department, NEPC-S - the O&M contractor of the project have already completed the testing of the earthing connections on 15 December 2016 with results found to be in conformance with the standards prescribed in the <i>Bangladesh</i>

S. No	Regulatory Requirement	Finding/Observation as on 8 Sep 2016	Risk Rating	ERM Observations on 19 Dec 2016
5.6	64. Filling and discharge of tanks: (1) Tank-wagons, lorries or carts transporting petroleum shall only be filled or discharged by means of metal pipes or armoured hose in which the armouring is electrically continuous throughout.	Reportedly during unloading of diesel, generation of static charges is prevented through use of dip rod in the tank vehicle, which is to serve as an earthing connection. However, no such electrical grounding is being provided to hose being used for transfer of diesel to the storage tank. Review of the fuel unloading procedure prepared by NEPCS also establishes the same.		<i>Pressure Vessel Rules, 1995.</i> The report have been forwarded to the concerned department vide letter dated 15 December 2016. In line with the ERM audit recommendation dated 8 Sep 2016, NEPC-S has provided earthing for the transferring hose during unloading of diesel into the storage tanks. The fuel loading and unloading procedure (<i>NEPC-O&M-P-PRO-15-01</i>) has also been updated to include this requirement.
5.7	107. Posting up of rules and conditions: Copies of the preceding rules in this Chapter and of the conditions of the licence shall be exhibited in a conspicuous place in every licensed installation and storage shed.	The license number and contact details of the Bangladesh Explosives Department were found to be only displayed at the licensed HSD storage yard. Such display does not include the conditions of the license and applicable provision of the Petroleum Rules 1937.		Update the fuel unloading procedure to include this as a key requirement. During the site visit it was observed that license condition including relevant provision of Chapter IV of the Petroleum Rules 1937 was displayed at the licensed diesel storage areas.
6	Bangladesh Labour Law 2006 (as amended 2013)/Bangladesh Labour Rules, 2015			
6.1	Rule 60 (A) & (D) of the Bangladesh Labour Rules, 2015 : No lifting machine and no chain, rope or lifting tackle, shall be taken into use in any factory for the first time in that factory unless it has been tested and all parts have been thoroughly examined by a competent person as approved by Government in Form 30 and a certificate of such a test and examination specifying the safe working load or loads and signed by the person making the test and the examination, has been obtained and is kept available for inspection.	The facility maintains an inventory of nearly 20 lifting equipment comprising of overhead cranes, chain pulley blocks and forklifts. However such inventory does not encompass other lifting tools in the form of metallic chains, slings, shackles and fibre ropes. Reportedly, the facility has engaged TUV for conducting examination of lifting equipment on an annual basis; with review of the contract indicating it is limited to only lifting equipment's like cranes, chain pulley block etc.		Based on discussion with SBIIPCL and NEPC-S personnel it is understood TUV does not possess the required competency certificate in Form 30 as specified in the <i>Bangladesh Labour Rules 2015</i> . An application to this regard has already been made by TUV to the Chief Inspector of Factories vide letter dated 22 September 2016. NEPC-S has lifting equipment inventory comprising of 45 chain hoist, 20 overhead travelling cranes and 2 lifts (at CCB and dormitory). Records review indicate that
	The records of all such examination to be kept in	Discussion with TUV representative it is		

S. No	Regulatory Requirement	Finding/Observation as on 8 Sep 2016	Risk Rating	ERM Observations on 19 Dec 2016
	Form 24.	understood that examination of lifting equipment is currently under progress. However, their competency certificate as issued by the Factory Inspector in Form 30 to conduct such examination is yet to be made available for review.		internal examination is limited to only chain hoists with records maintained in Form 24. Lifts and overhead travelling cranes operated by the facility is also required to be subjected to periodic examination under the provision of <i>Bangladesh Labour Rules 2015</i> and records maintained. As communicated by NEPC-S such examination to be undertaken following receipt of competency certificate by TUV.
6.2	Rule 60 (C) of the Bangladesh Labour Rules, 2015 : A table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working loads at different angles of the legs, shall be posted in the store in which the chains, ropes or lifting tackles are kept, and in prominent positions on the premises, and no chain, rope or lifting tackle not shown in the table shall be used	Safe working load were not found to be displayed at the chain pulley blocks in use at the diesel storage area (near Turbine building), a forklift and few slings and shackles kept within the store room.		Safe working load was found to be displayed on the chain pulley blocks in use at the pump house of the facility. However the rope and slings used at the pump house for maintenance was not found to bear any information related to its safe lifting capacity.
6.3	89. First-aid appliances : (1) there shall, in every establishment be provided and maintained, so as to be readily accessible during all working hours first-aid boxes or cupboards equipped with the contents prescribed by rules. (3) Every first-aid box or cupboard shall be kept in charge of a responsible person who is trained in first-aid treatment and who shall always be available during the working hours of the establishment.	As recommended in the ERM Audit Report of 1 June 2016, a total 35 personnel from the O&M team has been trained by the Bangladesh Red Crescent Society on first aid response. The training has been conducted during 27 -29 March 2016 with certificates being maintained. The name and photographs of the trained first aiders were also found to be displayed near such first aid boxes.		Assessed to be in compliance by ERM during EHSS audit undertaken in Sep 2016. Refer <i>ERM 5th EHSS Compliance Assessment Report</i> .
6.4	79. Dangerous operations : (d) providing for the protection of all persons employed in the operation or in the vicinity of the places where it is carried on and the use of any specified materials or processes in connection with the	During the site walkthroughs spill kits at the designated hazardous waste storage yard near the cooling tower were found to be absent. Additionally no secondary containment was observed at the storage shed		In line with the earlier recommendation, the site made provision of secondary containment at the hazardous waste storage yard. Additional a lined pit has been provided adjoining to the storage

S. No	Regulatory Requirement	Finding/Observation as on 8 Sep 2016	Risk Rating	ERM Observations on 19 Dec 2016
	operation; and € notice specifying use and precautions regarding use of any corrosive chemicals.	for discarded chemical containers identified as hazardous waste. Furthermore, discarded waste oil drums were found to be kept in the open on unpaved area near the cooling tower without any provision of secondary containment.		yard to manage any overflowing spills. However provision of spill kit at the aforesaid yard is still found to be pending.
6.5	6. Service Book: (1) Every employer shall, at his own cost, provide a service book for every worker employed by him.	Records review indicate a total of 93 workers being deployed for factory operations however a service book has not been maintained for each worker in a prescribed format (Form 7) as per the <i>Bangladesh Labour Rules 2015</i> .		In line with the earlier recommendation, NEPC-S is in the process of maintaining a service book for all workers in Form 7 as specified in the <i>Bangladesh Labour Rules 2015</i> . Reportedly, this action is likely to be completed by February 2017.
6.6	9. Register of Workers: (1) The employer of every establishment shall maintain a register of workers, to be available to the Inspector at all times during working hours.	The facility does not maintain register of workers in Form 8 as prescribed under the relevant provision of <i>Bangladesh Labour Rules 2015</i> .		The Form 8 being maintained is limited to only contract workers and does not encompass all workers in the facility. NEPC-S to ensure that Form 8 is extended to all workers (both permanent and temporary) at the facility.
6.7	90. Maintenance of Safety Record Book: In every establishment factory wherein more than twenty five workers are employed, shall maintain compulsorily, in the prescribed manner, a safety record book and safety board.	The factory operating with nearly 93 O&M workers presently does not maintain a safety record book and safety board to comply with this legal requirement.		Document review indicates the facility is <i>yet to prepare safety record book in consistent with requirements of the Bangladesh Labour Rules 2015</i> . Regarding maintenance of safety board it is currently limited to the display of number of safe working days, safe working hours, date and area of last recordable incident. However as required under the relevant provision of Bangladesh Labour Rules, the <i>display data to be updated to include date of mock drill & refilling of fire extinguisher, details of Safety Committee members etc.</i>
6.8	111. Notice of periods of work for adults and preparation thereof : There shall be displayed and correctly maintained in every establishment in accordance with the provisions of section 337,	As recommended in the ERM Audit Report of 1 June 2016, the notice of work period for adult workers is yet to be displayed at the facility premises.		A notice displaying the work period of permanent workers and contractors have been displayed at the NEPC-S dormitory.

S. No	Regulatory Requirement	Finding/Observation as on 8 Sep 2016	Risk Rating	ERM Observations on 19 Dec 2016
	a notice of periods of work for adult workers showing clearly the periods which adult workers may be required to work.			
6.9	Rule 183 (1) of the Bangladesh Labour Rules, 2015: The owner of each company, where at least fifty permanent workers work, will form a participating committee within 3 months of starting operations.	As recommended in the ERM Audit Report of 1 June 2016, the facility with a permanent O&M workforce of 95 personnel is yet to constitute a Participation Committee comprising representatives of both employer and workers. The function of the Participation Committee is to work towards improvement and maintenance of safety, occupational health, welfare and working condition at the factory.		Refer to <i>Sl. No. 3.2</i>
6.10	337. Abstracts of the Act, Rules and Regulations to be displayed: (1) The employer of every establishment shall cause to be displayed in a conspicuous and accessible place at or near the main entrance of the place of work or the establishment, as the case may be, a notice in Bangla containing an abstract of the important provisions of this Act and of the rules and regulation.	As recommended in the ERM Audit Report of 1 June 2016, the facility is yet to display the abstract of key provisions of Bangladesh Labour Law, 2006 and Bangladesh Labour Rules in local language i.e. <i>Bangla</i> at the main entrance. Furthermore, the facility has not displayed the contact details of Factory Inspector and registered medical practitioner in charge of the onsite first aid centre.		In line with ERM audit recommendation, NEPC-S has displayed the key provisions of the Bangladesh Labour Law 2006 in <i>Bangla</i> at the main entrance of the factory along with the details of the Factory Inspector and Medical Officer.
6.11	Rule 62 (1) of the Bangladesh Labour Rules, 2015: Every pressure vessel or plant in service shall be thoroughly examined by a competent person (i) externally, once in every period of six months; (ii) internally, once in every period of twelve months. Provided that if by reason of the construction of a pressure vessel or plant, a thorough internal examination is not possible, this examination may be replaced by a hydrostatic test which shall be carried out once in every period of two years and (iii) hydrostatically tested once in every period of four years.	The facility operates nearly 13 pressure vessels in the form of air compressors, boilers, hydrogen and carbon dioxide storage tanks. As recommended in the ERM Audit Report of 1 June 2016, the facility is yet to engage a competent agency/person approved by the Factory Inspector for pressure vessel examination in accordance to the frequency specified in the <i>Bangladesh Labour Rules, 2015</i> . As communicated, SBIIPCL plans to engage TUV for carrying out testing of pressure vessel; however their competency certificate as issued by the Factory Inspector in Form 30 is yet to be made available for review.		SBIIPCL and NEPC have engaged TUV as the third party agency for carrying periodic external examination of cranes, lifting equipment and pressure vessels. However TUV does not possess the required competency certificate in Form 30 as specified in the Bangladesh Labour Rules 2015. To this regard, TUV has already made an application to the Chief Inspector of Factories for necessary registration vide letter dated 22 September 2016. With competency registration of TUV pending, the facility is yet to conduct

S. No	Regulatory Requirement	Finding/Observation as on 8 Sep 2016	Risk Rating	ERM Observations on 19 Dec 2016
		Furthermore, the metal plate on the air compressors near turbine building were not found to bear the following information viz. design pressure and date of first and subsequent hydrostatic testing. This is required under <i>Rule 6 of the Pressure Vessel Rules, 1995</i> .		testing/examination of pressure vessels and records maintained in Form 25. The facility has displayed information related to test pressure on the pressure vessels. However marking of the vessels with date of initial and subsequent hydrostatic test is still pending.
6.12	Rule 55 (10) of Bangladesh Labour Rules, 2015: If possible, all workers or at least 18% of the workers employed in each department have to be trained on fire-fighting, emergency rescue operation, first aid and the usage of portable firefighting equipment's. Rule 55 (13) of Bangladesh Labour Rules, 2015: The Manager of the factory/institute shall prepare a 'Fire Fighting Plan', detailing the necessary steps to be taken if fire breaks out and the plan shall also include the procedures for making the same as effective.	Records review indicates that at least 35 members of the O&M workforce have been trained on use of firefighting equipment's. Also a specific firefighting and prevention plan has been prepared by the O&M contractor following the fire safety assessment study of the facility and in consistent with the Bangladesh Labour Rules requirement.		Assessed to be in compliance by ERM during EHSS audit undertaken in Sep 2016. Refer <i>ERM 5th EHSS Compliance Assessment Report</i> .
6.13	56. Ambulance room. (1) The ambulance room or dispensary shall be in charge of a qualified medical practitioner assisted by at least one qualified compounder and nurse and such subordinate staff as the Chief Inspector may direct. The medical practitioner shall always be available on call during working hours. (6) The occupier of every factory shall, for the purpose of removing serious cases of accident or sickness, provide in the premises and maintain in good condition a suitable transport unless he has made arrangements for obtaining such a transport from a hospital.	As recommended in the ERM Audit Report of 1 June 2016, the facility has appointed a full time registered paramedic who is in charge of the dedicated first aid room onsite. Furthermore, the facility has deployed a vehicle 24 X 7 for moving any serious or critical medical cases to the nearby hospital.		Assessed to be in compliance by ERM during EHSS audit undertaken in Sep 2016. Refer <i>ERM 5th EHSS Compliance Assessment Report</i> .
6.14	Rule 73 (1) of Bangladesh Labour Rules, 2015: The facility shall preserve the record of each	The factory does not maintain a register of accidents in Form 28 as specified under		In line with the earlier audit recommendation, the facility is found to

S. No	Regulatory Requirement	Finding/Observation as on 8 Sep 2016	Risk Rating	ERM Observations on 19 Dec 2016
	accident or mishap in a prescribed register in Form 28.	relevant provision of the <i>Bangladesh Labour Rules, 2015</i> . Furthermore, half yearly submission of accident data records to the concerned is found to be pending.	High	maintain an accident register in Form 28. Six monthly accident records for the period Jan-June have also been submitted in prescribed format (Form 28) to the Factory Inspector on 29 November 2016. Photographs and site visit to reveals provision of secure fencing/covering for the filter water tank drain overflow line and floor opening at the raw water pump house.
6.15	73. Pits, sumps, tunnel mouths, etc.: Where in an establishment any fixed vessel, sump, tank, pit or tunnel in such that, by reason of its depth, situation, construction or contents, it may be a source of danger, it shall be either securely covered or fenced.	No secure fencing or guarding was observed for the floor openings near traveling water screen at the raw water pump house and the filtered water tank drain overflow line near the cooling tower.		
6.16	Rule 333(a) of Bangladesh Labour Rules, 2015: the owner or manager of the establishment shall submit two sets of statements in prescribed form by the stipulated date to the inspector general , namely:--- (a) Half yearly statements as per Form-80 by 15 July; (b) Yearly statements as per Form-81 by 15 February.	With project in operations since December 2015, the facility has not yet submitted half yearly return/statement for the period Jan-Jun 2016 to the Factory Inspector in prescribed format i.e. Form 80.		As recommended by ERM, SBIIPCL has submitted half-yearly return for the period Jan-Jun 2016 in Form 80 to the Factory Inspector on 17 November 2016.
6.17	Rule 68 (4) & (6) of Bangladesh Labour Rules, 2015: The owner of the institute shall conduct the physical fitness test of the workers on his/her own cost, by a registered Physician, for dangerous activities and he/she would receive a Medical Certificate of each worker as per Form-26, certifying his fitness for performing the activities. The concerned Physician and the owner must preserve the copies of physical fitness certificate in separate registers as per the description of Form-26A.	The personnel engaged in dangerous operations onsite have not been issued a certificate of fitness by a registered medical practitioner in Form 26. Also, records of the medical examination undertaken for such workers have not been recorded in prescribed format (Form 26A).	High	For 2016, NEPC-S has undertaken medical examination of the operations workforce comprising of 75 personnel through a Medicare Diagnostic. Medical examination is found to be pending for atleast 28 NEPCS personnel. Reportedly, subcontractor workers are also to be covered under the medical surveillance program. Records review indicate that certificate of fitness and medical examination records presently being maintained in prescribed formats (Form 26 and Form 26A) for only 32 personnel as per <i>Bangladesh Labour Rules 2015</i> . As communicated the preparation of the records in aforesaid formats is in progress by the registered medical practitioner and is likely to be completed by January 2017.

S. No	Regulatory Requirement	Finding/Observation as on 8 Sep 2016	Risk Rating	ERM Observations on 19 Dec 2016
6.18	Rule 55 (14) of Bangladesh Labour Rules, 2015: Fire drills and emergency evacuation drills have to be arranged at least once in every six month period and the same has to be preserved in respective record books, in accordance with Form- 22A. In addition, the concerned Inspector and nearby Fire Service Station have to be informed minimum 15 days before the drills are held.	NEPC-S does not maintain records of the fire drills being undertaken in prescribed format (Form-22A). Further, NEPC-S has not communicated the schedule of the drill to the local fire department representative in advance in compliance to the <i>Bangladesh Labour Rules, 2015</i> .	High	In line with the earlier recommendation, SBIIPCL has made application to the Assistant Director, Fire Services and Civil Defence vide letter for conducting joint mock drill in December 2016. Reportedly, the mock drill date is to be confirmed by the department post 18 December 2016. SBIIPCL/NEPC-S to proactively follow up with Fire Department to finalise the mock drill date. The drill details to be recorded in Form 22A. The facility 36 trained firefighter and 35 certified first aiders however there details have not being maintained in Form 22 as recommended earlier (Refer ERM 5 th EHSS Compliance Assessment Report).
6.19	Rule 55 (10) of Bangladesh Labour Rules, 2015: The trained workers to be comprise of fire-fighting team, rescue team and first aid team (6% members in each team) and the records related to such workers have to be preserved in accordance with Form- 22.	The facility has a dedicated team for providing first aid, operating firefighting equipment and conducting rescue operations. However details of the aforesaid personnel have not been maintained in Form 22 as specified in the <i>Bangladesh Labour Rules 2015</i> .		Maintain details of the trained workers involved in firefighting, rescue operation and first aid response in Form 22.
6.20	Rule 7 (1) of Bangladesh Labour Rules, 2015: Application to be made by the labour supply contractor to the Chief Inspector as per Form-77 for purpose of obtaining registration and licensing in connection with its activities.	NEPC-S has engaged two subcontractors in the form of <i>Tahsin Enterprise</i> and <i>Sotota Enterprise</i> for supply of workers involved in housekeeping and O&M support activities. Reportedly, a total of 28 workers have been engaged by <i>Tahsin Enterprise</i> during the period May to June 2016. No details could be made available for the workforce supplied by <i>Sotota Enterprise</i> following commencement of combined cycle operations in December 2015. Review of permitting records related to the aforesaid contractors reveals they possess valid trade licenses. However, they were not found to be registered or licensed under the <i>Bangladesh Labour Rules, 2015</i> .		Document review indicates that the labour contractor - <i>Sohag Enterprise</i> has paid the requisite fee as part of the contractor registration process under the Bangladesh Labour Rules 2015. Application for registration for other contractor's viz. <i>Tahsin Enterprise</i> and <i>Rafi Enterprise</i> is in the process and likely to be completed by January 2017. NEPC-S to continue to follow up on fast track basis with the contractor to facilitate registration as per the Bangladesh Labour Rules 2015.

S. No	Regulatory Requirement	Finding /Observation as on 8 Sep 2016	Risk Rating	ERM Observations on 19 Dec 2016	
6.21	Rule 58 (2) of Bangladesh Labour Rules, 2015: The factory of the company before going to production or business or service, is required to take an appropriate certificate on electric wiring and earthing of the facility from any person or institution approved by the government.	The electrical wiring and earthing at the facility has not been certified by a competent person or an agency approved by the Government.		Reportedly, NEPC-S is in the process of identifying a government approved contractor for certification of facility electrical wiring and earthing. The timeline for completion of the action as specified in <i>ERM 5th EHSS Compliance Assessment Report</i> is by June 2017.	
6.22	Rule 68 (9) of Bangladesh Labour Rules, 2015: The data about the disbursement of personal safety equipment's that are required for performing the activities mentioned in Section 79 (d) must be preserved as per Form-23.			The site does not maintain records of PPEs in prescribed format (Form 23) which are being provided to workers operating near machineries in motion viz. bench drilling machines etc.	
7	Electricity Rules, 1937				
7.1	Rule 42, 45 & 49 of the Electricity Rules, 1937	Insulated rubber mats were not provided near the high/medium voltage electrical panels at the fire pump house and the acid and alkali storage area to serve for protection against electric shock. Further display of danger signage's on the electrical panels and instruction for restoration of persons suffering from electrical shock was lacking in the CCB electrical room.		Photographs and site visit reveal provision of insulated mats and display of danger signages at the high/medium voltage electrical panels of the CCR electrical room. However, provision of the same is yet to be completed in front of all electrical panels at the fire pump house and hydrogen storage control room. NEPCS has prepared instruction in both English and Bangla for the restoration of persons suffering from electrical shock with the same found to be under display at the electrical rooms as well.	
8	Pressure Vessel Rules, 1995				
8.1	Condition No 10 of the Renewed Hydrogen Generation & Storage License	The opening and closing direction of the valves installed on the hydrogen gas transportation pipeline (within the licensed premises) has not been distinctly marked.		As observed during the visit the opening and closing direction of valves have been marked on the pipeline laid within the licensed hydrogen generation and storage area.	
8.2	Rule 24 of the Pressure Vessel Rules, 1995	The area surrounding the hydrogen storage		As recommended in the earlier audit	

S. No	Regulatory Requirement	Finding/Observation as on 8 Sep 2016	Risk Rating	ERM Observations on 19 Dec 2016
		vessels i.e. the safety zone is found to be occupied with readily ignitable materials such as weeds and grasses.		report, NEPC-S has removed all ignitable material viz. weeds and grasses from the hydrogen storage premises with periodic checks being conducted.
8.3	Rule 31 (2) and (4) of the Pressure Vessel Rules, 1995	The electrical fixed lamps at the control room of the licensed hydrogen storage area were not found to be enclosed in flameproof fittings. Further, the electrical panels, switches, sockets etc. at the control room were not found to be made of flameproof material conforming to British Standard (BS) Specification No. 5345.		Provision of flameproof construction conforming to BS 5345 requirements for electrical panels, switches, sockets, fixed lamps etc. at the licensed hydrogen storage yard is still found to be pending.
8.4	Rule 32 of the Pressure Vessel Rules, 1995	The license for generation and storage of hydrogen has been obtained by the facility from the Chief Controller of Explosives, Bangladesh since 18 June 2015. Till date, the facility has not engaged licensed personnel to perform annual examination of the earth connections of the licensed premises as per the provision of this Rule.		Refer to <i>Sl. No. 5.5</i>

The corrective action items identified based on the assessment undertaken with respect to ESSMP, CAP, IFC ESAP commitments and labour audit & social monitoring performed has been presented in *Table 6.1*. This table also outlines the tentative timelines for completion of each of the action item as specified by SBIIPCL.

Table 6.1 *Corrective Action Items List*

S. No	Action Item	Responsibility	Completion Timeline*
A CAP, ESMMP& IFC ESAP			
1	Update the legal register to incorporate the conditions outlined in the applicable EHS permits and national regulations. Regularly monitor and document the compliance status of this legal register on a monthly basis.	NEPC-S	Continues update before fifth every month
2	Prepare a legal register of applicable requirements under BLR 2015, BLL 2006 and other legislation related to labour aspect of country. Periodic internal monitoring (preferably once in a quarter) should happen and compliance status be documented	NEPC-S & SBIIPCL	31.03.2017
3	Update the lifting equipment inventory to include the passenger lifts, forklifts and chain pulley blocks (raw pump house). Undertake examination of lifting equipment by TUV following their registration under the provision of Bangladesh Labour Rules 2015.	NEPC-S& SBIIPCL	30.04.2017
4	Update the Emergency Response Plan for operations to include contact details of the ERT members. Ensure fast track completion of the community disclosure of the potential emergency situation and response actions.	NEPC-S & SBIIPCL	31.03.2017
5	Ensure implementation of the non-routine work/activity checklist developed as part of the <i>Work Permit Management Standard (NEPC-O&M-EHS-001-02)</i> .	NEPC-S	31.03.2017
6	Develop JSA for all critical and routine works for operations and impart training to the workers on the same with such records maintained.	NEPC-S	31.03.2017
7	Conduct periodic inspection of PPEs in use, particularly those involved in day to day activities like helmets, gloves, safety boots etc. Maintain the PPE inspection records in accordance to the checklist specified in the NEPC-S PPE Management Procedure.	NEPC-S	31.03.2017
8	Prepare and maintain a training register specifying details of workers required to undergo job-specific training for operations.	NEPC-S	31.05.2017

S. No	Action Item	Responsibility	Completion Timeline*
9	Develop dedicated hazard prevention and control plan for high risk areas identified in consistent with the NEPC-S Hazardous Waste and Safety Risk Assessment Procedure (NEPCS-O&M-P-PRO-04-01).	NEPC-S	30.04.2017
10	Ascertain the possible reasons for the presence of SO ₂ in the flue gas emission	SBIIPCL	31.03.2017
11	Update the ambient air quality monitoring program to include Carbon Monoxide (CO) and Ozone (O ₃ as additional ambient air quality monitoring parameters.	NEPC-S	31.05.2017
12	Conduct quarterly monitoring of all inland water discharge parameters specified in Schedule 10 of the Bangladesh ECR, 1997 to check for conformance and also to assess ETP performance. Details of the sampling location, description and collection time to be also mentioned in the monitoring report.	NEPC-S	31.03.2017
13	Ensure fast track installation of flow meter to the ground water pipeline connected to the cooling tower in line with ESMMP requirements.	NEPC-S	31.03.2017
14	Update the Waste Management Procedure to include all notifiable hazardous waste streams and their storage and disposal requirements particularly for hazardous waste.	NEPC-S	31.03.2017
15	Perform assessment of the waste management practices of the third party waste disposal agencies in consistent with the requirements of the EC issued by Department of Environment, Bangladesh for such facilities.	NEPC-S	31.03.2017
16	Ensure provision of spill kits at the designated hazardous waste storage area.	NEPC-S	30.04.2017
17	Update the Caustic & Acid Handling Procedure to include storage license requirements and any applicable provision of the Acid Control Act, 2002.	SBPCL	31.05.2017
18	Update the consolidated EHS plan to include legal requirements as applicable for various operational activities like pressure vessel operation, use of lifting equipment, fuel unloading etc. The plan to be shared with all subcontractors for their review and agreement and signed copies to be maintained.	NEPC-S	31.03.2017
19	Update the EHS Committee composition to include the registered medical practitioner available onsite.	NEPC-S	31.03.2017
20	Notify the hydrochloric accident release incident to the Chief Inspector of Factories in prescribed format (Form 27B).	SBPCL	Completed
21	Update the medical examination program to include subcontractor workers with records maintained in Form 26 and Form 26A respectively.	NEPC-S	31.05.2017

S. No	Action Item	Responsibility	Completion Timeline*
22	Proactively follow up with Fire Department to finalise the mock drill date with details to be recorded in Form 22A. Maintain details of firefighting, first aid and rescue team in Form 22. Further an inspection checklist to be developed and implemented by NEPC-S for automatic sprinkler systems and records maintained	NEPC-S	31.03.2017
23	Update the QRA to include consequence analysis of the isolated flammable storages for hydrogen and diesel including natural gas pipeline within plant.	SBIIPCL	31.03.2017
24	Engage a third party vendor under an annual maintenance contract to ensure improvement in green belt species survival rate.	SBIIPCL	Engaged
B EHS Legal Compliance			
1	Seek an exemption towards setting up a Worker Participation Fund and a Workers Welfare Fund which is required as per Bangladesh Labour Law provision.	SBIIPCL	31.03.2017
2	Ensure that TUV engaged for lifting equipment testing obtains a competency certificate in Form 30 as issued by the Factory Inspector in Form 30.	NEPC-S	31.03.2017
3	Maintain records of lifting equipment in Form 24 following examination by a competent agency.	NEPC-S	31.05.2017
4	Ensure display of safe working load for the rope/slides found to be in use for maintenance activity at the water pump house.	NEPC-S	31.03.2017
5	Maintain a service book for all workers in Form 7 as specified in the <i>Bangladesh Labour Rules 2015</i> .	NEPC-S	30.04.2017
6	Maintain both safety record book and safety board in prescribed format for operations as specified in the Bangladesh Labour Law. Display data to be updated to include date of mock drill & refilling of fire extinguisher, details of Safety Committee members etc.	NEPC-S	30.04.2017
7	Engage a competent person certified in Form 30 to perform examination of pressure vessels in accordance to the frequency prescribed in the <i>Bangladesh Labour Rules, 2015</i> . Signed copies of all such examination to be maintained in Form 25.	SBIIPCL	30.04.2017
8	Display information related to test pressure and hydrostatic test (both initial and subsequent) is marked on all pressure vessels at the factory.	NEPC-S	31.03.2017
9	Coordinate with the labour supply contractors (Tahsin and Rafi Enterprise) for them to obtain necessary licenses/registration in Form 78 under the said Rules.	NEPC-S	31.05.2017
10	Obtain certification from government approved agency or personnel on the electrical wiring and earthing of the facility. Such certificate is required to be renewed every year subjected to inspection by licensed electrical inspector.	NEPC-S& SBPCL	31.05.2017

S. No	Action Item	Responsibility	Completion Timeline*
11	Maintain records of PPEs being supplied to workers operating near machinery in motion in Form 23.	NEPC-S	31.03.2017
12	Ensure provision of rubber mats near all electrical panels at the fire pump house and hydrogen storage control room.	NEPC-S	31.03.2017
13	Ensure flameproof construction conforming to BS 5345 requirements for electrical panels, switches, sockets, fixed lamps etc. at the licensed hydrogen storage yard.	NEPC-S	31.05.2017
C Labour Legal Compliance			
1	Update HR manual/Service Rule with adequate leave provision, insurance etc	SBIIPCL	31.05.2017
2	Get HR manual/service Rule approved by Inspector General. Revised HR manual/ Service Rule should be approved by board of directors of Summit and adopted by SBIIPCL	SBIIPCL	31.05.2017
3	Introduce a formal system of sharing HR policy/Service Rule with the new employee in HR management system of System	SBIIPCL	31.03.2017
4	Formulate an organogram of SBIIPCL and get it approved by Inspector General along with the Service rule as specified in Rule 18 of BLR 2015	SBIIPCL	30.06.2017
5	Check applicability of having 'Worker social security fund' as per Rule 17(1) of BLR 2015 for the labour supply contractor M/s. RSL and ensure compliance in case it is applicable	SBIIPCL	Not Applicable
6	Working hours detail in Form 37 as specified in Rule 105 of BLR 2015 should be approved by Inspector General and hung in notice board of the plant	SBIIPCL	30.06.2017
7	Maintain Register of workers, appointment Card, ID card information as per Form 6(A) as specified in BLR 2015;	NEPC-S	31.05.2017
8	Maintain and issue a copy of service book to each worker as per form 7 as specified in BLR 2015;	NEPC-S	31.05.2017
9	Maintain Worker's Register in Form-8 as specified in BLR 2015;	NEPC-S	31.03.2017
10	Maintain Leave Register in Form-9 as specified in BLR 2015;	NEPC-S	31.03.2017
11	Provide a copy of leave book in Form-9 to every workers as specified in BLR 2015	NEPC-S	31.03.2017
12	Maintain cleaning register as per Form-20 as specified in BLR 2015;	NEPC-S	31.03.2017
13	Provide a copy of wage slip to every worker as per Form-38 as specified in BLR 2015	NEPC-S	31.03.2017
14	Maintain nominee detail of the workers as per Form-41 as specified in BLR 2015	NEPC-S	31.03.2017

* Completion timeline are as agreed by SBIIPCL Management (as per email confirmation on 1st March 2017)

With project now in combined cycle operations and fully operated by the O&M contractor, SBIIPCL compliance to operational EHSS requirements has been assessed to be satisfactory. However, continued efforts need to be made by SBIIPCL towards tracking regulatory and operations ESMMP compliance on a regular basis, through development of a register comprising of all permit and ESMMP conditions. NEPC-S has already developed and started implementation of the EHS management system. Quality, environmental and occupational health and safety management system certification process is also satisfactory and the certification is expected within mid of Year 2017. .

More focus is required to ensure on EHS compliance, labour legal compliance (particularly with respect to the Bangladesh Labour Law 2006 and applicable provisions of the Bangladesh Labour Rules, 2015), trainings, monitoring and reporting as per the ESMMP as well as according to the developed procedures of EHS management system and sustain with the efforts being made to stay in compliance. The compliance status with respect to the corrective action items as outlined in the earlier sections will be verified during the next visit to be undertaken by ERM in April 2017 after internal compliance monitoring by BCAS in the last week of March 2017. .

Annex A

Photo-Documentation



Photo 1: Consultation with IDEA (NGO for LRP implementation)



Photo 2: Consultation with PAPs on LRP activities and use of seed money



Photo 3: Consultation with a PAP in Parkul Village



Photo 4: Consultation with PAPs in Resettlement Colony



Photo 5: Consultation with PAPs in Resettlement Colony



Photo 6: a structure below Transmission Line In Resettlement Colony



Photo 7: Transmission line in Resettlement colony



Photo 8: Access road along the drainage line for resettlement colony which is not developed

Photo-documentation



Photo 9: Safety Hazards Labels displayed at hazardous waste storage



Photo 10: Concrete bunds erected at the hazardous waste storage area



Photo 11: Concrete lined pits to collect accidental spills from hazardous waste storage



Photo 12: Display of safe working load on chain pulley block

Project : 0265459 Bibiyana – 6th EHSS Compliance Assessment Report, Bangladesh

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Photo-documentation



Photo 13: Safe working load not displayed on the chain pulley being operated at CW Pump House



Photo 14: Access to hose reel box near CW pump house blocked by material/equipment being stored

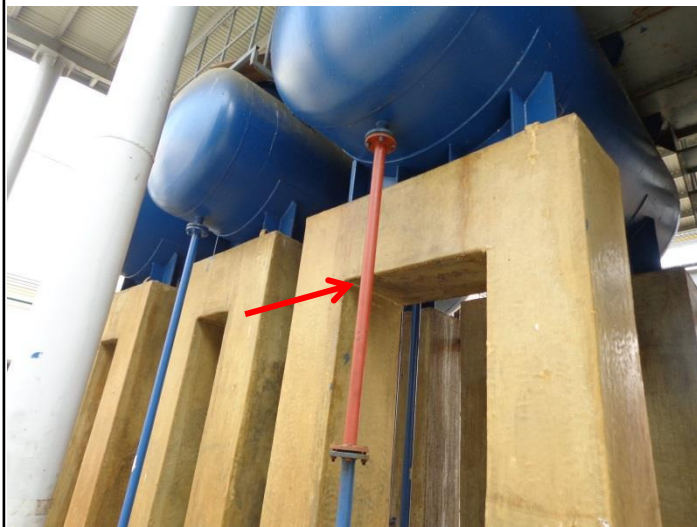


Photo 15: Damaged pipeline replaced at the acid storage area



Photo 16: Double earthing provided for the diesel storage tank near the fire pump house

Photo-documentation



Photo 17: Marking of capacity on the diesel storage tank near the fire pump house

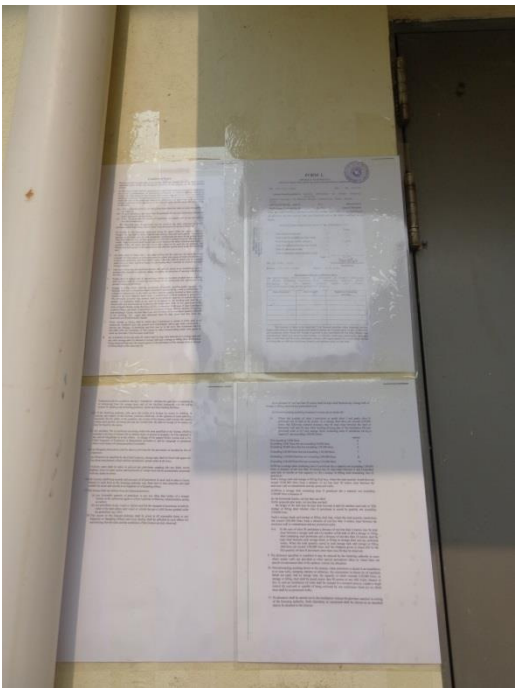


Photo 18: Diesel storage license and conditions posted at a conspicuous place



Photo 19: Safety Board maintained to display Safety KPIs



Photo 20: Display of Company of Health, Safety, Environment & Social Policies



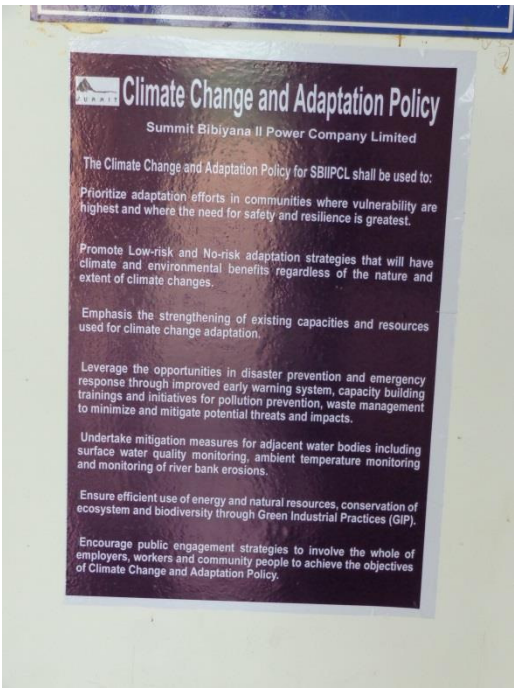


Photo 21: Display of Climate Change and Adaptation Policy

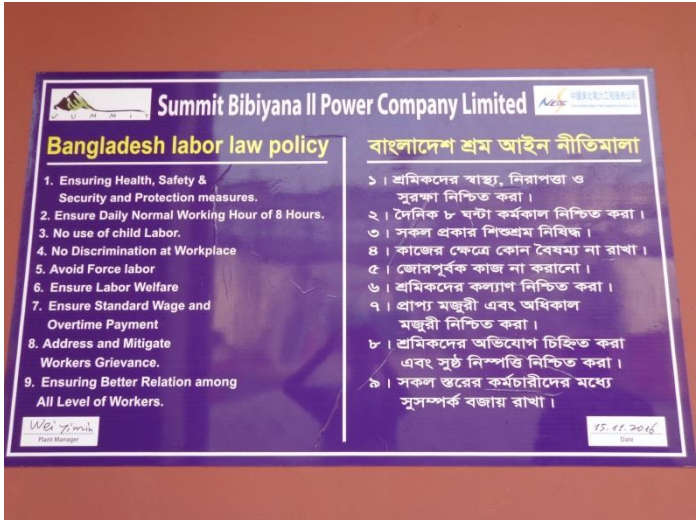


Photo 22: Display of abstract of Bangladesh Labour Regulations



Photo 23: Instructions displayed for restoration of persons suffering from electric shock



Photo 24: Spill Control Kits not made available at the hazardous waste oil storage area

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