



Environment and Social Compliance Audit Report

Independent Environmental, Health, Safety & Social (EHS&S) Compliance Assessment Report
Project Number: 44951-014
September 2018

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 Power
Company Limited (SBPCL)**

Tenth Independent Environmental, Health, Safety & Social (EHS&S) Compliance Assessment of Bibiyana II Power Project: *Habiganj, Bangladesh*

Final Report

4 September 2018

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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
ETP	Effluent Treatment Plant
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
PAC	Provisional Acceptance Certificate
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
SBPCL	Summit Bibiyana 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 Power Company Limited (SBPCL) in order to conduct independent environment, health, safety and social (EHSS) compliance monitoring/ auditing of its 341 MW natural gas fired combined cycle power plant (CCPP) (hereinafter referred to as “the Project”), 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 (SBPCL) 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 January 2018 to June 2018 with site visit undertaken by the ERM team during 17th-18th July 2018.

Single cycle operation of the project 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 SBPCL on 28th August 2016. However, the EPC Contractor will remain in the plant for two more years (i.e. till August 2018) as part of construction guarantee/ warranty with limited staff/ personnel. As discussed with SBPCL it is also understood that the aforesaid warranty period is likely to be extended by an additional year to deal with issues related to outages etc. which need to be addressed during scheduled shut down.

With project now fully operated by the O&M contractor (NEPC-S), the project compliance to operational EHSS requirements has been assessed to be satisfactory, with continual improvement being demonstrated by the project. NEPC-S has already developed and started implementation of the EHS management system. Key observations made during the 10th EHSS compliance audit are summarized below:

- With respect to EHSS regulatory permitting the project is found to be in compliance. SBPCL is assessed to have demonstrated satisfactory compliance to the operation phase ESAP and ESMMP commitments.
- The facility has obtained IMS Certification (ISO 9001: 2015, ISO 14001: 2015 and ISO 18001: 2007/ ELOT 1801: 2008) from M/s TUV Austria on 20 December 2017, which is found to be valid till 19 December 2020.
- The results of environmental monitoring being performed in-house as well as by third party laboratories indicated compliance with respect to applicable standards. However the surface water quality and drinking water program to be updated to include all parameters as specified in the

national regulations. . Reportedly, for analysis of the remaining parameters the Central Laboratory of M/s DPHE has been approached via letter dated 28 June 2018, with analytical results still being awaited.

- Review of the internal monitoring results of treated waste water for Jan-Jun 2018, reveals the concentration of Iron in treated waste (including cooling tower blowdown) to be in exceedance (except for Jan'18) to the standard (1 mg/l) specified in the aforesaid IFC EHS Guidelines.
- Spill prevention and control arrangements for lube oil storage tanks have now been evaluated by NEPC-S with report revealing the availability of emergency oil sump which shall be operated to meet any emergency or contingency situations like leakage or spillage. Furthermore as an additional control measure, NEPC-S plans to make provision of temporary bunds/containment using sand bags to control any spillage.
- Based on the earlier recommendations, quarterly calibration of the CEMS has been initiated by NEPC-S after recalibration in September 2017. This has resulted in more reliable monitoring data generation from CEMS. Results of CEMS and third party stack monitoring for NO_x, SO₂, CO and PM carried out in the month of June 2018 were compared and no abnormality in the results was observed.
- SBPCL has also installed three continuous Ambient Air Quality Monitoring Stations (AAQMS) within the plant premise, which are located at roof of dormitory building, cooling tower and cooling water pump house at a height of 10 to 14 m from ground level. These are used to monitor concentrations of pollutants (CO, NO_x, SO₂, PM_{2.5} and PM₁₀) along with meteorological parameters (wind speed, wind direction, temperature, rainfall, station pressure, relative humidity). Calibration of AAQMSs is carried out quarterly and this has resulted in improved data recording with lesser no. of abnormal results. However, more frequent review of results is required in order to take prompt action in case of any abnormal/ missing results.
- As per the relevant provision of the *Medical Waste Management & Processing Rules, 2008*, any vendor involved in the collection, transportation and disposal of medical waste is required to obtain necessary license from the competent authority. However such license was not found to be readily available for M/s Medicare Diagnostics involved in the collection and disposal of medical waste from the facility.
- As recommended in the earlier audit report, NEPC-S was required to conduct analysis of sludge for the following parameters viz. Phenols, Fluoride, Arsenic, Barium, Chloride and Sulphate which has not been covered in the monitoring undertaken during June 2017. This is required as specified in the Table 3 of the *Bangladesh Standards and Guidelines for Sludge Management (February 2015)*. However, analysis of the aforesaid parameters in the ETP sludge is still found to be pending.
- Biomedical waste is observed to segregated and stored in dedicated bins which are adequately labelled and colour coded in accordance to the provision of the *Medical Waste Management & Processing Rules, 2008*.

- NEPC-S has developed safe work procedures in both English and Bengali for the operation of lathe machines, bench drills, grinding machines, drilling machine etc. at the workshop. However review of the hazard identification and risk assessment document prepared related to operations of the aforesaid machines were found to be generic and incomplete as it does not specify the risk significance of such activities post adoption of safety controls.
- NEPC-S has conducted certification training on firefighting, fire prevention, rescue and first aid has been imparted to about 40 NEPC-S personnel by Bangladesh Fire Service and Civil Defence Director on 26-27 February 2018. The details of the NEPC-S firefighting, rescue and first aid team have not been furnished in Form 22 as specified in the *Bangladesh Labour Rules, 2015*.
- Medical fitness certificate has been granted in Form 26 and health register maintained in Form 26A for both NEPC-S and SBPCL employees as specified in the *Bangladesh Labour Rules 2015*. However the newly appointed Assistant Environment Manager is yet to be issued a medical fitness certificate in prescribed format.
- NEPC-S has commenced with monthly noise exposure monitoring at 8 high noise areas identified within the plant. Additionally, NEPC-S has also engaged M/s Bureau Veritas to conduct annual workplace monitoring at GT and ST location. In both the cases, the noise monitoring results at the GT & ST rooms, cooling tower and HRSG auxiliary pump house location were found to be in exceedance to the threshold noise exposure level of 85 dB(A).
- Lock Out Tag Out (LOTO) Tag fixed on the motor operated valve of the return line at raw water pump house does not bear information about the lock holder. Furthermore, the work permit system implemented by NEPC-S does not include a dedicated work permit for electrical work being undertaken.
- Safe load bearing capacity not marked on the racks used for storage of glass wool at the CW Pump House; also the racks were not found to be fixed to the floor using bolts to prevent toppling.
- NEPC-S has engaged Bureau Veritas (BV), Bangladesh to conduct periodic examination of the pressure vessels as they possess valid certification to this regard from the Factories Department, Bangladesh. However review of the inspection records reveals and it does not inspection of safety relief valves which is identified as a critical safety control for pressure vessel operation.
- With respect to regulatory compliance following key observations were made: lifting tools in the form of slings/ropes including the passenger lifts have not been subjected to periodic examination by competent person/agency; insurance coverage is limited to only Bangladesh NEPC-S employees; pending registration of labour supply contractors; provision of mechanical guards for rotating parts of lathes, drill machines and strainer

of WTP; and pending external examination and hydrostatic testing for pressure vessels.

- Consultation with beneficiary PAPs, indicate satisfactory progress in meeting objectives of LRP Programme. With respect to the pending LRP audit, efforts been made by SBPCL in selection of an experienced third party to carry out the previously mentioned work and on 29th August 2018 Mr. A K M Shahjahan was appointed as the evaluation consultant for both LRP and CDP.
- The progress towards implementation of some of the CDP action items particularly, those involving significant monetary investment viz. enhancement of local hospital, local education etc. were found to be slower.

Overall, SBPCL and NEPC-S have demonstrated satisfactory progress towards compliance to the regulatory and project financiers' EHSS obligations as recommended in the earlier audit report and this is to continue to sustain with their efforts to this regard.

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 December 2018/January 2019 after internal compliance monitoring by SBPCL or any third party in December 2018.

1.1

BACKGROUND

ERM India Pvt. Ltd. (ERM) was commissioned by Summit Bibiyana Power Company Limited (SBPCL) in order to conduct independent environment, health, safety and social (EHSS) compliance monitoring/ auditing of its 341 MW natural gas fired combined cycle power plant (CCPP) (hereinafter referred to as “the Project”), on behalf of the project financiers, which include Asian Development Bank (ADB), International Finance Corporation (IFC) and Islamic Development Bank (IsDB). It was agreed by the Lenders and Borrower (SBPCL) 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 SBPCL 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, SBPCL 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 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 following:

- *EHS&S Corrective Action Plan (CAP)* developed as part of the 1st Independent EHS&S Compliance Audit reporting submitted by ERM on 3rd November 2014;
- Operation phase ESMMP of the project;
- IFC's *Environmental & Social Action Plan (ESAP)*;
- CAP of 9th EHSS compliance audit conducted by ERM in December 2017; and,
- Internal EHS&S, Labour and Social audit verification being conducted by BCAS in July 2018.

A total of 9 audits have been undertaken by ERM till date since September 2014, with this being the tenth in the series. The present audit undertaken on 17th and 18th July 2018 was to primarily assess the compliance status of the project with respect to the Project ESMMP, IFC ESAP and EHSS CAP as mentioned above.

1.2 OBJECTIVES AND SCOPE OF WORK

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 borrower 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 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 SBPCL;
- 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 environment, 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 project financiers 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 SBPCL to the EPC contractor on 28th August 2016, the present assignment has tried to assess the EHS&S performance of the O&M contractor i.e. NEPC-S.

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 25th 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 2017; and
- All requirements and mitigating or monitoring measures specified in the ESIA as well as RAP and LRP.

A three member ERM team had conducted the site visit and consultations on 17th and 18th July 2018. 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 13 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 Principal Consultant at ERM India in Kolkata office. He has over 13 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.
- **Saumya Srivastava (Social Specialist):** Saumya is working as Consultant with ERM India for three years and has an overall working experience of five years. As a part of ERM Impact Assessment Team, Saumya has been engaged in assignments on conducting Environmental and Social Impact Assessments (ESIA), undertaking Environmental and Social Due Diligences (ESDDs) and Labour Audits, formulation of Environmental and Social Management Systems, etc. Her sectoral exposure in ESDDs comprises of Pulp and Paper manufacturing facilities, Oil manufacturing facilities, Waste to Energy converting facility, Poultry and Food Processing Facilities, Lead Acid Recycling facilities, Medical Equipment Distribution facilities, Housing Finance Companies, Mica Mines and Processing Units, Renewable Energy, amongst many others. Additionally, Saumya has also worked with Financial Intermediaries, Warehousing and Logistics Parks and Paper Mills, assisting them in the formulation of their Environmental and Social Management Systems. Prior to ERM, Saumya has worked on projects in Education, Community Development and Livelihood, Financial Inclusion, etc. where she has been involved in strategizing and monitoring of the project activities, identifying success and constraints of implementation and reporting.

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 SBPCL and NEPC-S at the project site office. The kick off meeting helped in developing understanding on the current status of the Project 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 (July 2018);
- b) Environmental, Health, Safety & Social Monitoring Plan (SBPCL-EHS-007) prepared by SBPCL;
- 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, ETP sludge and treated effluent sampling and analysis;
- g) Manual and 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 (July 2018);
- i) Monthly Environmental Performance Report as submitted by SBPCL to Department of Environment (DoE), Bangladesh for the period January to June 2018;
- j) Accident & Incident Register maintained in prescribed format as per Bangladesh Labour Rules 2015;
- k) Audit report of third party waste contractors;
- 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) Checklist of First Aid boxes;
- s) Safe Work Procedures for lathe and drill machines;
- t) Environmental Clearances for third party waste contractors;
- u) Sample copies of Monthly Reports for Operations;
- v) Mock drill reports;
- w) Sample copies of NEPC-S and SBPCL personnel medical records;
- x) Sample copies of inspection of PPEs and firefighting equipment;
- y) Social Monitoring Report by BCAS (July 2018);
- z) List of grievances lodged by local community and action taken thereupon by SBPCL;

- aa) Details of community consultation held during 10th EHSS assessment period;
- bb) Status report on back wage payment due for construction workers;
- cc) Manpower break-up of the SBPCL, NEPC-S (O&M Contractor), NEPC (EPC Contractor); and,
- dd) Grievance Management Process and Records.

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 SBPCL 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 of SBPCL:** The *ERM* team had discussions with the PAPs who were imparted LRP trainings in Parkul village and in Resettlement Colony area. The discussions included the following:
 - a) Perception of the project affected families (PAFs) on the impact of LRP programme, important of seed money to continue/upgrade livelihood source;
 - 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 at the site office on 18th July 2018 with the NEPC-S and SBPCL Management representatives. *ERM* briefed both SBPCL 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. The CAP and ESAP compliance status, identified gaps and actions required to close the gaps identified were also discussed during

this meeting. 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.

<i>Section 2:</i>	Project Appreciation and Current Status of the Project
<i>Section 3:</i>	Summary of Key Observations
<i>Section 4:</i>	Compliance Status of the CAP & ESMMP and IFC ESAP
<i>Section 5:</i>	EHS&S Regulatory Compliance Assessment
<i>Section 6:</i>	Corrective action items identified based on this monitoring
<i>Section 7:</i>	Conclusion

2.1 THE PROJECT

The project of 341 MW gas-fired CCPP is developed by SBPCL 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 Power Company Limited (SBPCL)¹, 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 SBPCL Project.

Table 2.1: Key Timelines – SBPCL 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

¹ In pursuant to the provisions of the Companies Act, 1994, the name of Summit Bibiyana II Power Company Limited (SBPCL) now stands changed to Summit Bibiyana Power Company Limited (SBPCL). The aforesaid change has been notified by the Registrar, Joint Stock Companies and Firms, Bangladesh vide letter dated 26 January 2017.

S. No.	Particular	Date
9	Date of Financial Closure	08 July 2015
10	Required Commercial Operation Date	31 Dec 2015
11	Combined Cycle COD	28 Dec 2015
12	Issuance of PAC to the EPC Contractor	28 August 2016

Source: SBPCL

EPC Contractor is responsible to support the SBPCL and O&M team for two more years (i.e. till August 2018) as part of construction guarantee/warranty with limited staffs. As discussed with SBPCL it is also understood that the aforesaid warranty period is likely to be extended by an additional year to deal with issues related to outages etc. which need to be addressed during scheduled shut down.

2.4 ASSOCIATED PROJECT FACILITIES

Regarding work progress on the project associated facilities (not being constructed or financed by SBPCL) 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/SBPCL	August 2013
5	Transmission Line	70 meters to switchyard	PGCB	28 February 2015

*Components not under financing by Lenders

Source: SBPCL and BCAS

The details of the project operational status and EHS performance during the first half-yearly compliance audit after the project financial completion (i.e. January to June 2018) have been presented in *Table 2.3* and *2.4* respectively.

Table 2.3 Operational Performance – January to June 2018

S. No.	Particular	Jan'18	Feb'18	Mar'18	Apr'18	May'18	Jun'18
1	Gross Generation, (MWH)	202645	197074	203477.4	221647	202230	221830.5
2	Auxiliary Consumption (MWH)	5790	2693	6111.5	6353.4	6091.6	6428.5
3	Total Export, (MWH)	197154	191669	197699.9	215337	196448.3	215524.4
4	Total Import, (MWH)	299	158.3	334.3	43.38	309.9	122.4

S. No.	Particular	Jan'18	Feb'18	Mar'18	Apr'18	May'18	Jun'18
5	Natural Gas Consumption (As per GT's RMS meter) (MSCF)	1341.1	1299.6	1339.4	1449.7	1325.7	1447.8
6	Availability (%)	89.1	93.83	87.28	98.84	85.86	100
7	Equivalent Forced Outage Factor (EFOF) (%)	0	2.52	12.72	1.16	0	0
8	Plant Factor (%)	77.6	83.6	77.86	87.7	77.31	87.73
9	DM production (m ³)	5925	5364	7627	8238	7021	8034
10	Clarified water production (m ³)	200729	196248	208559	245264	200375	244605

Source: NEPC-S Monthly Report for January to June 2018

Table 2.4: EHS Performance – January to June 2018

S. No.	Particular	Jan'18	Feb'18	Mar'18	Apr'18	May'18	Jun'18
A Environment							
1	Quantity of NOx Emission (tons)	13.762	13.324	13.72	14.65	13.39	14.38
2	Quantity of CO ₂ Emission (tons)	75012.7	72632.4	74755.5	82006.5	74239.6	81141.7
3	Quantity of effluent (m ³)	3954	4047	3370	1878	4860	6905
4	Quantity of sludge (kg)	0	0	0	0	0	0
5	Quantity of Oily cloth (kg)	0	0	0	0	0	0
6	Quantity of used oil filter (pcs)	0	0	500	650	800	1500
7	Quantity of used oil (litres)	30	30	0	0	0	0
8	Generation of medical waste (kg)	0.02	0.02	0.00	0.01	0.01	0.01
9	No. of environmental accidents	0	0	0	0	0	0
B Health & Safety							
1	Fatality	0	0	0	0	0	0
2	Lost Time Accident (LTA)	0	0	0	0	0	0
3	First Aid Cases	0	0	0	0	0	0
4	Near Miss	0	0	0	0	0	0
5	Days since LTA	939	970	998	1030	1060	1091

Source: NEPC-S Monthly Report for January to June 2018

Considering that the Project is already in combined cycle operations since last 31 months 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 December 2017. 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 EHS 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 EHSS Compliance Audit Report prepared by ERM dated November 2014 suggested development of a legal register for both construction and operations phases. SBPCL 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 operational phase of the project.

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	10 th July'18	30 th June'19	In compliance
2	License for use of river water/ foreshore/jetty	Bangladesh Inland Water Transport Authority (BIWTA)	29 th Aug'17	28 th Aug'18	In compliance. However, the jetty is not currently being used by SBPCL.
3	Environment Clearance Certificate	Department of Environment (DOE)	2 nd July '18	16 th June'19	In compliance
4	Permission for acid and alkali storage	Department of Explosives (DOEXP)	30 th June'18	30 th Jun'19	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	24 th June'18	30 th June'19	In compliance.
6	License for storage of Carbon Dioxide (6 KL capacity)	Department of Explosives (DOEXP)	3 rd January'18	31 st Dec'19	In compliance.
7	License for Diesel Storage (4KL capacity)	Department of Explosives (DOEXP)	3 rd January'18	31 st Dec'19	In compliance.
8	License for Diesel Storage (1.36 KL capacity)	Department of Explosives (DOEXP)	9 th June, 2016	31 st Dec'18	In compliance
9	License for generation of Hydrogen and storage of Hydrogen inside plant	Department of Explosives (DOEXP)	3 rd January'18	31 st Dec'19	In compliance.
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)	24 th April'18	23 rd June'19	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)	29 th June'18	28 th June'19	Provisional license obtained for generation of 349 MW power (gross) [GT

S. No.	Permit/License	Issuing Authority	Issue date	Valid until	Status*
14	Factories License	Deputy Chief Inspector of Factories	28 th June'18	30 th June'19	228 MW & ST 121 MW] in combined cycle mode. In compliance. In compliance In compliance
15	Groundwater abstraction permit for drinking purpose	Union Parishad	23 rd September'14	Entire project life	
16	Groundwater abstraction permit for alternate plant water supply	Union Parishad	February' 2016	Entire project life	

* Status as on July 2018

With Summit Bibiyana II Power Company Limited (SBIIPCL) now being renamed as Summit Bibiyana Power Company Limited (SBPCL) under the Companies Act 1994, it is imperative that all applicable licenses/permits (Refer *Table 3.1*) be amended to include this change in accordance to the provision of the relevant Bangladesh EHS regulations. In this regard in line with the earlier audit recommendation of ERM, this change is now reflected in all permanent licenses (ground water abstraction, high pressure gas pipeline, stack erection etc.) including permits for boiler installation, hydrogen, carbon dioxide and diesel storage etc.

3.1.2 *Environment Linked Observations*

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

- SBPCL along with NEPC-S has in place a legal register updated to include the applicable EHS regulations and permit/license conditions along with their compliance status. Recently NEPC-S has also made efforts to include the provision of the *Medical Waste (Management and Processing) Rule, 2008* and *Ozone Layer Depletion Substances (Control) Rules, 2004 (as amended 2014)*.
- The facility has obtained IMS Certification (ISO 9001: 2015, ISO 14001: 2015 and ISO 18001: 2007/ ELOT 1801: 2008) from M/s TUV Austria on 20 December 2017, which is found to be valid till 19 December 2020.
- SBPCL has installed a Continuous Emission Monitoring System (CEMS) in order to continuously monitor criteria pollutants (CO, NO_x, PM₁₀, SO₂) concentrations in flue gas emissions from main stack. Based on the earlier recommendations, quarterly calibration of the CEMS has been initiated by NEPC-S after recalibration in September 2017. This has resulted in more reliable monitoring data generation from CEMS. Results of CEMS and third party stack monitoring for NO_x, SO₂, CO and PM carried out in the month of June 2018 were compared and no abnormality in the results was observed. Monitoring results do comply with stipulated standards in Bangladesh Environment Conservation Rules, 1997 and IFC EHS Guidelines for Thermal Power Plants, 2008.
- SBPCL has also installed three continuous Ambient Air Quality Monitoring Stations (AAQMS) within the plant premise, which are located at roof of dormitory building, cooling tower and cooling water pump house at a height of 10 to 14 m from ground level. These are used to monitor concentrations of pollutants (CO, NO_x, SO₂, PM_{2.5} and PM₁₀) along with meteorological parameters (wind speed, wind direction, temperature, rainfall, station pressure, relative humidity). Calibration of AAQMSs is carried out quarterly and this has resulted in improved data recording with lesser no. of abnormal results. However, more frequent review of results is required in order to take prompt action in case of any abnormal/ missing results.
- NEPC-S has engaged Bureau Veritas for third party monitoring of ambient air quality at plant and nearby villages. The monitoring was conducted in

June 2018 for PM_{2.5}, PM₁₀, SPM, SO₂, NO_x, O₃, CO and CO₂. The results indicated the area as non-degraded airshed with pollutant concentrations well within the applicable Bangladeshi national ambient air quality standards as well as IFC/WB standards (*Interim Target -1*). Per the ESMP requirement, the next ambient air quality monitoring is due in June 2019.

- NEPC-S continues with the monthly in-house monitoring of ambient noise quality within the site premises and near sensitive receptors like village settlements of Parkul, Bongaon and Paharpur. Additionally, NEPC-S has also engaged a third party monitoring agency – Bureau Veritas to conduct ambient noise quality monitoring. Monitoring results for the period Jan-Jun 2018 within the plant reveals compliance to both day and night time noise standards specified for industrial area under Bangladesh ECR, 1997, with one exception at the RMS room where the night time noise level of 70.12 dB(A) marginally exceeded the standards. For the village locations, equivalent day time noise levels were found to be in conformance with the noise standards specified for mixed area. Exceedance to the night time noise levels compared to the standard of 50 dB(A) was noted in case for all the village locations. This could possibly be attributed to the construction work currently in progress for Bibiyana I and Bibiyana III sites abutting the project.
- For the year 2018, NEPC-S has undertaken analysis of treated waste water, by engaging a third party agency – M/s Department of Public Health Engineering (DPHE), Sylhet Zonal Lab. The monitoring program includes a total of 12 pollutant parameters with results found to be in conformance with the inland water discharge standard specified under *Bangladesh ECR, 1997*. Reportedly, for analysis of the remaining parameters the Central Laboratory of M/s DPHE has been approached via letter dated 28 June 2018, with analytical results still being awaited.
- NEPC-S have not evaluated the internally waste water analysis results with respect to the discharge standards specified in the IFC EHS Guidelines for Thermal Power Plants. Furthermore, review of the internal monitoring results for Jan-Jun 2018, reveals the concentration of Iron in treated waste (including cooling tower blowdown) to be in exceedance (except for Jan'18) to the standard (1 mg/l) specified in the aforesaid IFC EHS Guidelines.
- Surface water quality monitoring being undertaken in May 2018 is limited to only pH and total coliforms only, and does not include the DO and BOD as specified in Schedule 3 of the Bangladesh ECR, 1997. NEPC-S was also found to have discontinued monitoring of inland surface water at the treated waste water discharge location. This also includes monitoring of discharge water temperature at such location as specified in the earlier audit report.
- Drinking water analysis program is undertaken by NEPC-S by engaging a third party agency – M/s DPHE and is found to be limited to only 13 parameters in comparison to the 55 parameters specified in the Schedule 3B drinking water standards of the *Bangladesh ECR, 1997*. Reportedly, for analysis of the remaining parameters the Central Laboratory of M/s DPHE

has been approached via letter dated 28 June 2018, with analytical results still being awaited. The existing test results indicate exceedance to the coliform values prescribed for drinking water.

- Spill prevention and control arrangements for lube oil storage tanks have now been evaluated by NEPC-S with report revealing the availability of emergency oil sump which shall be operated to meet any emergency or contingency situations like leakage or spillage. Furthermore as an additional control measure, NEPC-S plans to make provision of temporary bunds/containment using sand bags to control any spillage.
- NEPC-S continues with its efforts to ensure that biomedical waste generated is segregated and stored in dedicated bins which are adequately labelled and colour coded in accordance to the provision of the *Medical Waste Management & Processing Rules, 2008*.
- Medical waste due to low volume of generation (0.15 – 0.25kg per month) is being disposed once or twice in a month. Relevant provision of the *Medical Waste Rules, 2008* of Bangladesh requires such waste to be disposed within 48 hours from generation. In this regard, necessary permission has been obtained from *Aushkandi Union Parishad* vide letter dated 18 June 2018 for extended storage of medical waste.
- As per the relevant provision of the *Medical Waste Management & Processing Rules, 2008*, any vendor involved in the collection, transportation and disposal of medical waste is required to obtain necessary license from the competent authority. However such license was not found to be readily available for *M/s Medicare Diagnostics* involved in the collection and disposal of medical waste from the facility.
- As recommended in the earlier audit report, NEPC-S was required to conduct analysis of sludge for the following parameters viz. Phenols, Fluoride, Arsenic, Barium, Chloride and Sulphate which has not been covered in the monitoring undertaken during June 2017. This is required as specified in the *Table 3* of the *Bangladesh Standards and Guidelines for Sludge Management (February 2015)*. However, analysis of the aforesaid parameters in the ETP sludge is still found to be pending.

3.1.3 *Health & Safety Linked Observations*

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

- In line with the earlier recommendation, NEPC-S has now developed safe work procedures in both English and Bengali for the operation of lathe machines, bench drills, grinding machines, drilling machine etc. at the workshop. However review of the hazard identification and risk assessment document prepared related to operations of the aforesaid machines were found to be generic and incomplete as it does not specify the risk significance of such activities post adoption of safety controls.
- NEPC-S has conducted certification training on firefighting, fire prevention, rescue and first aid has been imparted to about 40 NEPC-S

personnel by Bangladesh Fire Service and Civil Defence Director on 26-27 February 2018. The details of the NEPC-S firefighting, rescue and first aid team have not been furnished in Form 22 as specified in the *Bangladesh Labour Rules, 2015*.

- Medical fitness certificate has been granted in Form 26 and health register maintained in Form 26A for both NEPC-S and SBPCL employees as specified in the *Bangladesh Labour Rules 2015*. However the newly appointed Assistant Environment Manager is yet to be issued a medical fitness certificate in prescribed format.
- NEPC-S has commenced with monthly noise exposure monitoring at 8 high noise areas identified within the plant. Additionally, NEPC-S has also engaged M/s Bureau Veritas to conduct annual workplace monitoring at GT and ST location. In both the cases, the noise monitoring results at the GT & ST rooms, cooling tower and HRSG auxiliary pump house location were found to be in exceedance to the threshold noise exposure level of 85 dB(A).
- Lock Out Tag Out (LOTO) Tag fixed on the motor operated valve of the return line at raw water pump house does not bear information about the lock holder. Furthermore, the work permit system implemented by NEPC-S does not include a dedicated work permit for electrical work being undertaken.
- Safe load bearing capacity not marked on the racks used for storage of glass wool at the CW Pump House; also the racks were not found to be fixed to the floor using bolts to prevent toppling.
- Hard barricading not provided to prevent any form of direct access to the rotating/moving parts of the strainer installed as part of the Water Treatment Plant (WTP) in order to control any occupational safety risk for the personnel operating in and around such area.
- Monthly inspection of the sprinklers and hose reels does not include flow rate assessment in consistent with the fire protection flow requirements as specified in Bangladesh National Building Code (BNBC).
- NEPC-S has engaged Bureau Veritas (BV), Bangladesh to conduct periodic examination of the pressure vessels as they possess valid certification to this regard from the Factories Department, Bangladesh. However review of the inspection records reveals and it does not inspection of safety relief valves which is identified as a critical safety control for pressure vessel operation.

3.1.4 EHS Regulatory Compliance Status

- Environmental Performance and Monitoring Reports (EPR) has been prepared and submitted to DoE for the period January to June 2018.
- NEPC-S has engaged a third party agency M/s *Medicare* for the collection, transportation and disposal of medical waste being generated from the

facility. However, license required for such medical waste management by the agency under the relevant provision of *Medical Waste Rules, 2008* could not be made readily available for review.

- Necessary license of M/s Medicare involved in the collection, transportation and disposal of medical waste from the Site could not be made available for review. This is required under the relevant provision of *Medical Waste Rules, 2008*.
- SBPCL is yet to establish a Worker Participation Fund and a Workers Welfare Fund to comply with the provision of *Bangladesh Labour Law, 2006* and condition specified in the *Factories License*. Although an exemption has been sought by SBPCL to this regard however this has been cited as non-compliance based on the site visit undertaken by the Labour Inspector on 19 Sep 2017. No action has been taken by SBPCL to this regard yet.
- NEPC-S has engaged M/s TUV Austria to conduct an assessment of the electrical wiring and earthing of the facility in accordance to the provision of the *Bangladesh Labour Rules, 2015*. In accordance to regulatory requirement, NEPC-S is yet to engage an Inspector or Assistant Inspector of Explosives to conduct test of the earth connections of the licensed diesel storage tanks.
- NEPC-S has developed a lifting tool and equipment inventory along with their status of tests/examinations. However as specified in the earlier audit report such inventory is yet to incorporate the lifting tools in the form of slings/ropes which are being used for anchoring of chain host. The aforesaid lifting tools are also not covered as part of periodic examination program being implemented by NEPC-S in accordance to the *Bangladesh Labour Rules 2015*.
- The passenger lifts in operation at the facility premises is yet to be subjected to examination for the year 2018. Annual examination being undertaken for lifting tools and equipment's by Bureau Veritas (BV), Bangladesh is found to be limited to visual checks only and does not encompass physical verification as specified in the relevant provision of the *Bangladesh Labour Rules 2015*.
- In line with the earlier audit recommendation, NEPC-S now maintains service book for the contractual staff (security guards, canteen workers etc.) however it is not found to be maintained in prescribed format i.e. Form 7.
- Register of workers in Form 8 is being maintained for all workers except for the drivers hired and engaged by SBPCL through a third party agency. Furthermore, sample review of the aforesaid register reveals that it does not bear any information related to the compensatory holidays, working hours, work intervals and weekly holidays as specified in the said Form of the *Bangladesh Labour Rules 2015*.
- Working hours notified by SBPCL and NEPC-S have been approved by the Labour Inspector on 23rd January, 2018.

- As observed during the 9th EHSS Compliance Assessment Report and Labour Inspector report dated 30 Oct 2017, NEPC-S has now set up additional displays of the abstract of the *Bangladesh Labour Law, 2006* and *Bangladesh Labour Rules 2015* at conspicuous places within the facility premises.
- In accordance to the provision of the *Bangladesh Labour Rules, 2015*, NEPC-S is to conduct hydrostatic testing of pressure vessels once in every four years. However in consistent with the aforesaid requirements, there exists a total of nine (9) pressure vessels which are currently pending hydrostatic testing in June 2018. Reportedly, NEPC-S plans to conduct such hydrostatic testing in November 2018.
- With the *Bangladesh Labour Rules, 2015* requiring external examination of pressure vessels to be conducted on a six monthly basis, the same is found to be due in June 2018 for pressure vessels operated by NEPC-S. Furthermore, records of external examination were not available for at least six (6) pressure vessels listed in the inventory.
- As recommended in the earlier audit report, NEPC-S is yet to update the pressure vessel inventory to include the drying towers/tanks (4 nos) at the compressor room operating at a pressure 0.8 MPa.
- The rotating parts of the lathe and drill machines in operation at the facility workshop were still not found to be equipped with any fixed or movable guards in consistent with the requirements of the *Bangladesh Labour Act, 2006*.
- NEPC-S provides the letter of appointment, identity card and service book for all staff and contractual workers (only temporary identity cards are provided to third party workers engaged on contractual basis) in Form 6A and a leave register is maintained in Form 9 as specified under *Bangladesh Labour Rules 2015*.
- Registration of labour supply contractors viz. *Tahsin Enterprise, Rafi Enterprise, Sohag Enterprise* continues to remain pending. Similar findings has been made by the Labour Inspector vide its site visit report dated 4th January 2018.
- Group Insurance Policy has been provided by Pragati Life Insurance Limited and has been renewed for the year 2018 currently valid till 31 December 2018. However review of the premium paid receipt reveals that currently the insurance coverage is limited to only 38 no's Bangladeshi NEPCS employees as compared to the total workforce comprising of 106 no's NEPC-S and SBPCL employees including contract workers. In accordance to the relevant provision of *Bangladesh Labour Rules, 2015* a group insurance policy shall be initiated for each worker.

3.2 SOCIAL OBSERVATION

3.2.1 Manpower engagement

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

- SBPCL's direct staff deployed at site comprising of staff on payroll and staff engaged on contractual basis;
- Employees and contractual workers engaged by M/s. NEPC; and
- Employees and contractual workers engaged by M/s. NEPC-S - Operation & Maintenance Contractor

SBPCL Staff

Manpower strength engaged through SBPCL was observed to be remaining unchanged in ERM's 9th 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 SBPCL*

S. No	Designation	Number	Payroll
Payroll Staff			
1	Operation Manager	1	SBPCL
2	Maintenance Manager	1	
3	EHS Executive	1	
4	Community Development Manager	1	
5	Admin & Account	1	
Contract Workers			
1	Driver	2	Three Star Rent a Car and Russel Rent a Car
2	Kitchen staff	2	Resources and Solutions Ltd.
3	Cleaner	1	
4	Office boy	1	
	Total	11	

Source: SBPCL Site Officials

SBPCL has taken 2 vehicles on rent for which drivers are also provided by the respective companies.

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

Presently 16 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. There exists a probability of extension of the servicing contract of the EPC contractors after the review meeting in August 2018.

Besides Chinese staff, M/s. NEPC has also engaged 9 Bangladeshi workers. These include 3 workers (including one translator) directly hired by NEPC

and the remaining are hired through sub-contractors – 3 workers from Meghla Enterprise and 3 from Rafi Enterprise.

Workforce engaged by M/s. NEPC-S (Operation & Maintenance Contractor)

The total staff and workers engaged by NEPC-S is 96 as per the data made available during ERM's 10th visit for EHS&S compliance assessment.

Staff engaged by NEPC-S for certain operation like kitchen, firefighting & security, are employed on contract basis; the contract is entered directly between NEPC-S and workers for 3 months which gets renewed every three months. NEPC-S is deliberating on entering into 1 year contracts with these workers. *Table 3.3* highlights break-up of the manpower engaged through NEPC-S.

Table 3.3 *NEPC-S engaged Manpower in Power Plant during 8th EHSS Assessment*

S. No.	Department/Position	Nationality	Number	Employment Status
1	Operation	Bangladeshi	23	Regular
2	Maintenance	Bangladeshi	10	Regular
3	<u>Admin</u> Officer Kitchen Office Helper Security	Bangladeshi	10 5 2 12	Regular Contractual Contractual Contractual
4	<u>EHS</u> EHS Engineer/officer Fire Fighter	Bangladeshi	3 3	Regular Regular
Sub Total:			68	
5	Operation	Chinese	13	Regular
6	Maintenance	Chinese	8	Regular
7	Admin	Chinese	6	Regular
8	EHS	Chinese	1	Regular
Sub Total:			28	
Total O&M Staff			96	

Source: NEPC-S HR Department

NEPC-S has also hired contract workers from two manpower supply contractor as well.

- 7 contract workers (1 supervisor and 6 cleaners) for cleaning & gardening work within the plant premises, are engaged by NEPC-S through M/s. Tahsin Enterprise.
- 18 contractual workers through M/s. Rafi Enterprise and M/s Suhag Enterprises for regular maintenance activities.

ERM in its first ESDD report for SBPCL (November 2014) had highlighted certain gaps in Summit Corporate HR policy which is also applicable for SBPCL. Subsequently, as reported, SBPCL 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 them to be aligned with requirements of labour act, 2006 and broad provisions of IFC Performance Standards-2.

Labour: Compliance status – SBPCL

ERM had reported in previous audit (6th EHSS Audit) that HR management system of SBPCL lacks compliance w.r.t certain applicable aspects as per Bangladesh Labour Act 2006 (BLA 2006) and Bangladesh Labour Rule 2015 (BLR 2015). SBPCL had made some progress till ERM's 9th EHSS audit and there were some open issues. **Table 3.4** presents current status as on 10th EHSS audit upon actions taken by SBPCL to close the gaps in HR management system.

Table 3.4 SBIIPCL Corrective actions against Gaps identified in HR mgt. practices

S. No	Legal Provision/ IFC PS-2 Requirements	Gap/Observation in 6 th EHSS Audit	Observations in 9 th EHSS Audit	Observations in 10 th EHSS Audit
1	<p>Leave Entitlement</p> <p>As required under BLL 2006, Summit HR policy should have at least provision of following mentioned leave besides festival holidays:</p> <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, SBPCL 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 SBPCL 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 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>	<p>Corporate HR manual of Summit Group was revised and approved by board of directors in October 2017. ERM has reviewed the revised HR manual and key observations on present HR manual are as follows:</p> <ul style="list-style-type: none"> • Sick Leave & casual leave entitlement as described in revised HR manual of Summit, is aligned with BLL 2006; • Earned Leave (EL): ERM's observations related to EL entitlement are as follows: <ul style="list-style-type: none"> ○ As per revised HR manual, entitlement for EL is 15 days/year after confirmation; ○ BLL 2006 states 'EL should be calculated @ 1 day/18working days post completion of one year of service' {Refer section 117, clause 1 (a) of BLL2006}; ○ As per this EL calculation formula, EL entitlement could go up to 16. So it would be wise to define EL entitlement as per BLL 2006 requirements; ○ Revise HR manual states EL cannot be accumulated for more than 20 days. However as per BLL 2006, EL can be accumulated up to 40 days {Refer Section 117 clause 5 (a)} 	<p>No changes have been made to the HR Manual. The leave entitlements remain same as noted during 9th EHSS audit.</p>

S. No	Legal Provision/ IFC PS-2 Requirements	Gap/Observation in 6 th EHSS Audit	Observations in 9 th EHSS Audit	Observations in 10 th EHSS Audit
2	Insurance BLL 2006 has provision for insurance for workers.	Summit HR policy also entitles its employees for insurance. However it was observed during 6 th EHSS audit that SBPCL staffs are not being provided any insurance. In follow up discussion with Summit post completion of ERM's 6 th EHSS visit, it was reported that Summit is in talks with two vendors regarding premium pricing and benefits to be provided. 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.	Revised HR policy includes provision of insurance facility for summit employees. It was also reported during 9 th EHSS audit that process of getting insurance through a suitable insurance agency is in progress and expected to be finalized soon.	The provision of insurance coverage to all permanent employees and their dependents was understood to be made during the 10 th visit; however, there is no insurance coverage for the kitchen, housekeeping and cleaning staff engaged on contractual basis. It has been understood that these workers engaged on contractual basis but have a long association with the Summit Bibiyana facility.
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.	Summit has system of issuing appointment letter to each new joinee. Appointment letter describes about condition of employment. 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.	Revision is 'Existing Employee Information Pack' has not been initiated post finalisation of Summit HR manual. However Summit employee seems to be aware with the changes (like revision of leave entitlement, insurance facility etc.). HR department is advised to update 'Existing Employee Information Pack' and share with employees.	There is no change/ update in the Employee information pack
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 (IG). Content of Service Rule should be as per form-1 [Section 3 & Rule 3(2), Description of the condition of Service in the Service	Presently there is no such approved Service Rule for SBPCL in Service books maintained for contractual staff. In follow up discussion with Summit post completion of ERM's 6 th EHSS visit, it was reported that HR Manual/ Service Rule is being revised/ portions added and will be	There are few observations related to EL leave in revised HR manual (refer S.No:1 of this table). HR Department is advised to do needful and close these observations. Thereafter Summit is advised to either take legal opinion or visit office of Inspector General (Department of Inspection of Factories & Establishment) in Dhaka, for seeking clarification on requirement of IG approval over 'service rule' of Summit Group.	-There is no change in status. The Services Rules have not been approved by Inspector General.

S. No	Legal Provision/ IFC PS-2 Requirements	Gap/Observation in 6 th EHSS Audit	Observations in 9 th EHSS Audit	Observations in 10 th EHSS Audit
	<i>Rules] and Form-2 [Section 3 & Rule 3 (4), Number of appointed workers].</i>	submitted for approval to Inspector General, once it is approved by the Board (Of Summit Corporation).	As per ERM's understanding, having IG approval over service rule of Summit Group is required in accordance with BLL 2006.	
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.	Organogram for SBPCL is not yet approved as required under BLR2015.	The organogram was approved on 23 rd January 2018. The issue stands closed
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 SBPCL. Summit need to check applicability of this clause for RSL and ensure compliance, if applicable.	In previous 8 th EHSS audit, it was reported that Summit have checked applicability of this requirement and observed as 'not applicable' for its manpower supply contractor M/s. RSL. This issue stands closed.	No further action required.
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 SBPCL, should be directly responsible for ensuring this compliance. Presently this rule is not being complied.	SBPCL is not yet complied with this requirement. Based on request of SPCL, a labor inspector had visited plant and came across certain non-compliances. The list of those non-compliances also includes a point regarding approval of inspector over 'notice of working hours for adult workers as per form-37 of BLR-2015.	The working hours have been approved on 23 rd January 2018. The issues stands closed.

Compliance Status – NEPC-S

The O&M Contractor, NEPC-S was also observed to be lacking certain practices in their HR Management system in previous audit (6th EHSS Audit). In previous 8th EHSS audit, it was observed that NEPC-s had taken corrective actions and closed many of identified issues. Table 3.5 highlights current status of pending issues as observed in 9th EHSS audit;

Table 3.5 *NEPC-S Corrective actions against Gaps identified in HR mgt. practices*

S. No	Gaps identified in 6 th EHSS Audit	Status in 9 th EHSS Audit	Status in 10 th EHSS Audit
1	As per Rule 19 of BLL 2015; An establishment should maintain Register of workers, appointment Card, ID card information as per Form 6(A);	Complied	Complied
2	As per Rule 22 of BLL 2015; An establishment should maintain and issue service book to each worker as per form 7;	Complied	Complied
3	As per Rule 23 of BLL 2015; an establishment should maintain Worker's Register as per Form-8;	Complied	Complied
4	As per Rule 24 of BLL 2015; an establishment should maintain Leave Register as per Form-9;	Complied	Complied
	As per Rule 108 of BLL 2015; an establishment should provide a copy of leave book in Form-9 to every workers;	Complied	Complied
5	As per Rule 44 of BLL 2015; an establishment should maintain cleaning register as per Form-20;	Complied	Complied
6	As per Rule 111 of BLL 2015; an establishment should provide wage slip to every worker as per Form-38;	Complied	Complied
7	As per Rule 118 of BLL 2015; an establishment should maintain nominee detail of the workers as per Form-41.	Complied	Complied

Source: Discussion with NEPC-S during 10th EHSS Audit

It is evident from **Table 3.5** that NEPC-S has taken corrective action to align their human resource management system with the BLA 2015 & BLR 2016. Issuance of service book, leave book, wage slip etc. to the workers is also being undertaken.

Other observations on compliance status

Based upon request of SBPCL site management, a labour inspector from Department of inspection for factories & establishment (had visited plant and assessed current compliance status of the plant against requirements of BLA 2006 & BLR 2015. Further labour inspector intimated SBPCL about present non-compliances related issues vide letter dated: 30th October 2017. As per this letter, labour inspector also fixed up responsibility between SBPCL & NEPC-S for ensuring compliances as presented in the **Table 3.6** given below;

Table 3.6 Non-compliances against requirements of BLL 2006 & BLR 2015

S. No	Issue	Responsible	Status as on July 2018
1	Regularise security workers as they are engaged for more than a year (<i>Reference Section-4, BLL 2006</i>)	NEPCS	Not complied, expected to be closed in August 2018
2	Maintain worker register (<i>Reference Section-9, BLL 2006</i>)	NEPCS & SBPCL	Complied
3	Maintain safety record book, establish safety board & safety committee (<i>Reference Section-90 & 90 (A), BLL 2006</i>)	NEPCS	Complied
4	Maintain overtime register (<i>Reference Section-108, BLL 2006</i>)	NEPCS & SBPCL	Complied
5	Get working hours for staff & workers of SBPCL approved by labour department (<i>Reference Section-111 (8), BLL 2006</i>)	NEPCS & SBPCL	Workers attendance registers are maintained along with in time and out time and doesn't reflect any overtime work being performed.
6	Have provision for compensating workers (security workers) @ twice of ordinary wage rate and also provide one day leave for employing them on festival holiday (<i>Reference Section-118, BLL 2006</i>)	NEPCS	The status can be put as "Complied" based on records maintained. Complied
7	Establish welfare fund and participation committee (<i>Reference Section-234, BLL 2006</i>)	NEPCS	Not complied
8	File half yearly return (<i>Reference Rule 362, BLR 2015</i>)	NEPCS	Return filed Complied
9	Disclosure of excerpts of BLL 2006 & BLR 2015 at prominent places of the plant (<i>Reference Section-337, BLL 2006</i>)	SBPCL	Complied
10	Ensure that each of the sub-contractors obtain license from labour department (<i>Reference Rule 354, BLR 2015</i>)	SBPCL	Not complied.

Source: SBPCL and NEPC-S Site Management

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

ERM had highlighted 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. NEPC-S 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 SBPCL 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 labours 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, SBPCL (in capacity of Member Secretary)
 - Dr. Moinul Islam Sharif, BCAS
 - Mr. Xu Wei (Victor), General Manager, NEPC-S
 - Mr. Hozyfa Ebne Seraj, Manager (Maintenance and Contract), SBPCL
- 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 SBPCL and SBPCL 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 SBPCL 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, NEPC-S, SBPCL Management, BCAS and Financers.

During ERM's 7th EHSS audit site visit, following development were observed towards settlement of minimum wage for the workers engaged during construction phase;

- Fifth monthly committee meeting took place on the 9 April 2017. In the meeting, Mr. Li Wenping from NEPC, Mr. Koushtuv Kanti Biswas & Mr. Hozyfa Ebne Seraj from SBIIPCL and Mr. Xu Wei (Victor) from NEPC-S were present;
- As on 09 April 2017, more than 1000 people contacted with Community Development Manager (CDM) referring to the advertisement. Among them, 434 workers were found in the list;
- Responses from the workers as of the 9 April 2017 have significantly increased, among whom 434 are found in the list;
- The claimants (434) were checked for payment eligibility – the claimants submitted copy of their NID along with other papers, if any;
- Since number of eligible worker is high, so to avoid crowding and to ensure smooth payment procedure it is agreed in the committee meeting that payment will be made in groups i.e. fifty workers will be paid in the first month (April 2017);
- The compilation of the 50 eligible workers was signed off by Committee Members and will be forwarded to BCAS for authenticity check and validation for payment;
- SBPCL is currently communicating with the workers to collect their bank account details;

Progress towards further development for settlement of minimum wage issue, would be reviewed by ERM in next EHSS audit.

During ERM's 8th EHSS audit site visit, following development were observed towards settlement of minimum wage for the workers engaged during construction phase;

- The committee member (constituted for settlement of minimum wage issue) held 3 meetings in last 3 months in order to discuss about progress and facilitate the ongoing payment process of due minimum wage

payment to the construction workers. In total 8 meetings have been conducted so far since inception of this committee;

- About 550 workers have been identified and have been requested to submit necessary documents (such as National ID card);
- Payment has been released to 342 workers so far. Verification exercise for other workers is underway.

During ERM's 9th EHSS audit site visit, it was observed that total 550 workers out of the 934, have been identified and communicated by SBPCL site management for their due payment. Payment to 522 workers have been disbursed so far.

During ERM's 10th EHSS audit site visit, it was observed that total 718 workers out of the 934, have been paid the overtime payments for retrospective work done for EPC contractor during construction phase. inc the wage payments are being made in phases, currently 216 workers are yet to be paid. It has been reported that all the workers have been identified and the list of identified workers for the back dated wage payments has been displayed at the premises gates. The payments are being made in phases by conducting verification of the documents of the workers.

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 SBPCL 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.

SBPCL 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.

During the **10th EHSS audit**, visit to the Resettlement Colony was made and consultations were undertaken PAHs.

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 SBPCL) 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.

LRP: Training Implementation Status

One local NGO called as IDEA (Institute of Development Affairs) was engaged by SBPCL for LRP implementation w.e.f 1st Nov 2015. Total duration of the contract for LRP implementation was 2 years. Therefore IDEA has completed their service in the month of October 2017. Major progress of LRP implementation as observed in 9th EHSS audit were as follows:

- 13 feasible economic activities were identified in LRP and these include poultry and duck rearing, beef fattening, electrical house wiring, welding, steel 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. All due training are completed.

Refer ERM's 8th EHSS Audit report for detail on different training programmes attended by PAPs.

SBPCL has finalised consultant to conduct the LRP completion Audit and a ToR has been issued outlining the project background, objectives and scope of work. The Consultant will also be responsible for monitoring progress of CDP implementation activities and provide recommendations and required field level assistances to achieve positive CDP outcomes at community level. On 29th August 2018 Mr. A K M Shahjahan was appointed as the evaluation consultant for both LRP and CDP audit. As per the contract, Final LRP audit report will be submitted by January 30, 2019, whereas Final Monitoring and Evaluation Report of CDP will be submitted by July 2023.

LRP: Seed money distribution

Post completion of livelihood training, total 139 eligible PAHs were identified for seed capital. Later SBPCL identified 2 more households from landowner category who are entitled to seed money. Therefore total beneficiary PAHs for seed money has increased to 141. Seed capital was disbursed in 3 instalments. Disbursement of II & III instalments was subject to effective utilisation of previous instalments. IDEA was responsible for verifying utilisation and recommend for release of further due instalments.

Disbursement of seed capital to all eligible households' was completed as mentioned in the ERM's 8th EHSS audit carried out in the month of August 2017.

LRP: Consultation with beneficiaries during 6th EHS&S compliance Audit

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.

LRP: Consultation with beneficiaries during 8th EHS&S compliance Audit

During 8th EHS&S compliance Audit, ERM had consultation with a group of PAPs gathered in IDEA office for discussion on their LRP activities. **Table 3.7** provides name of participants who took part in consultation.

Table 3.7 *List of participants*

S. No	Name	Training received under LRP program
1	Jahanara Begum	Tailoring
2	Fatima Begum	Tailoring
3	Hena Begum	Poultry
4	Najma Begum	Poultry
5	Imran Hussain	Agriculture
6	Naimur Rahman	Electrical
7	Chand Miyan	Business training
8	Fuzail Rahman	Business training
9	Hafizur Rahman	Business training

Source: Community consultation during 8th EHS&S assessment visit

ERM observed in the consultation that

- PAPs have mostly invested their seed money in the trade where they received training and they feel that their economic condition has relatively

improved (from Pre Project period) especially after getting training and seed money.

- IDEA is providing technical support to the beneficiaries as and when any PAP approaches them.
- Other industrial development activities going round SBIIPCL plant is also providing additional opportunity for petty business activities.

During 9th EHS &S compliance audit, ERM had consultation with some of the PAPs in Resettlement Colony and with some of the PAPs in *Parkul* village, with the objective of understanding impact of LRP program over their current livelihood status. *Table 3.8* list out the person who took part in the discussion;

Table 3.8 *Participants of community consultations*

S. No	Name	Village
1	Mohammad Faisal	Resettlement Colony
2	Zainul	Resettlement Colony
3	Zaheer Mian	Resettlement Colony
4	Abdul Kadir	Resettlement Colony
5	Asiya Begum	Resettlement Colony
6	Rozina Begum	Parkul village
7	Sofia Begum	Parkul village
8	Afsara Begum	Parkul village
9	Hafiza Begum	Parkul village
10	Masood Mian	Parkul village
11	Nipa Begum	Parkul village
12	Njama Begum	Parkul village
13	Farroque Mian	Parkul village
14	Idrees Mian	Parkul village
15	Shejul	Parkul village

Source: Community consultation during 9th EHS&S assessment visit

Key observations of the consultations were as follows:

- Poultry and beef fattening seems to be most common livelihood activity among the PAPs out of the total trades for which trainings were imparted to them;
- There are good number of PAPs who have reinvested profit amount gained from one cycle of poultry and beef fattening;
- PAPs acknowledged reduced mortality rate in the poultry farm as they are now quite familiar with feed and medicine that is appropriate for the chicks; and,
- PAPs falling under landless & marginal farmer category are engaged in other part time activities as well like working as agriculture labour, construction labour etc.

During 10th EHS &S compliance audit, ERM team conducted consultations in the Resettlement Colony and Parkul village. The consultation were aimed at assessing the extent of utilization of LRP training and Seed money. The community participants mentioned that they have been making use of the skills learnt through Poultry and Cow fattening trainings. Tailoring trainings was understood as an area which is relatively less useful/ remunerative for the PAPs.

Additionally, petty shops and business set up from the seed money were also visited and the PAPs reported to utilising the training and seed money well. There was feedback that the CDO has regular visits to the village and the PAPs can access the CDO in case of any issues or concerns.

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.
- SBPCL will maintain one register for the payment and the candidates will give signatures upon receiving the monthly stipend from the concerned person.
- SBPCL 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;
- SBPCL is maintaining a register of payment and signature from pensioner is also being taken;

During 6th EHS&S compliance monitoring period, it was reported that no additional eligible PAP were identified for old age. Total number of beneficiaries of old age pension were same as 36.

During 7th EHS&S compliance monitoring period, one old age pension beneficiary died and one PAP became eligible (crossed 65 years) in January 2017. Therefore total number of old age pension beneficiary still remain as 36.

During 8th EHS&S compliance monitoring period, it was reported that there has not been any addition or deletion in number of beneficiary for old age pension. Payment is being released on time. Payment receipt register is being maintained as well.

During 9th EHS&S compliance monitoring period, it was reported that there has been one deletion on total number of pension holders as one of the PAP from Resettlement Colony (Ariful Bibi) has died. So monthly pension amount is being disbursed to 35 PAPs now.

Mohammad Faisal s/o Ariful Bibi (PH ID 08) from Resettlement registered his grievance during consultation with ERM regarding stoppage of disbursement of pension amount as her mother (who was entitled for pension) died last month. Faisal had got injured about 6 months back and he couldn't recover fully and not fit for doing any manual work. He had received seed money of 75,000 Taka that was largely spent on paying medical expense for his & her ailing mother treatment. So he was unable to invest this amount properly in any livelihood related activity like poultry. Pension amount of her mother used to be important source of sustenance for his family till her mother was alive. Faisal expects SBPCL to continue releasing of pension amount. Few local leaders have written letter to SBPCL to grant him pension, considering his vulnerability.

During 10th EHS&S compliance monitoring period, it was reported that there has been one deletion in total number of pension holders as one of the PAP from Resettlement Colony (Haji Abdul Noor) has died. So monthly pension amount is being disbursed to 34 PAPs now.

Consultations with Mohammad Faisal was also undertaken during visit to the Resettlement Colony and the same grievance was raised siting his inability to work ably to support a family of four. There has been no decision on the request of Mr Mohammad Faisal's request, highlighted during 9th Audit visit, in the box above.

3.2.6

Community Development Plan

SBPCL was supposed to undertake certain actions regarding local community development as a part of Community Development Plan. **Table 3.9** 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 SBPCL has completed some of the activities and timeline for

remaining activities have been extended. As reported by SBPCL, IFC & ADB have also been informed about this extension of timeline for completion of remaining activities.

Table 3.9 *Status on implementation of CDP*

Sl. No.	Category of Expenditure	Cost (Tk)	Description	Timeline	Responsibility	ERM Remarks Dec 2017
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	SBPCL	<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>During 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> <p>During 7th EHS&S compliance assessment, no progress was reported.</p> <p>During 8th EHS&S compliance assessment, it was reported that initial quote has been taken from 2 contractors for construction of 5 class rooms, 1 teacher room, 2 toilets, 1 library room and boundary wall in Parkul school. Quote is to be send to corporate for review and approval. CDM is waiting for go ahead from Summit corporate office for further actions like taking final quote from contractors, initiating tendering process etc. for initiating this activity.</p> <p>During 9th EHS&S compliance assessment, no further progress was reported. However it is to be noted here that revised timeline for completion of this activity is December 2017.</p> <p>During 10th EHS&S compliance assessment, it was reported that Consultant to support CDP Monitoring and Evaluation is in the process of selection and will take things forward once appointed. The appointment is reportedly under process and should get completed by end of August.</p>
2	Establishment of a Library	3,000,000	Establishment of library, Furniture, Book Shelf, new	January 2015	SBPCL	<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;

Sl. No.	Category of Expenditure	Cost (Tk)	Description	Timeline	Responsibility	ERM Remarks Dec 2017
			books, Scientific Journal, Setting up Internet and related materials for modern education			<ul style="list-style-type: none"> Summit has extended deadline for completion of this activity by June 2017; No action was taken in 7th EHS&S compliance assessment period; <p>During 8th EHS&S assessment period, CDM has received a proposal for supply of books and magazines a supplier (i.e. Zara Enterprises). The proposal has been forwarded by CDM to Summit Corporate office for approval which is awaited.</p> <p>During 9th EHS&S assessment period, no further progress was made. However revised timeline for this activity has already over which was June 2017.</p> <p>Additional FGDs have to be conducted by the consultants to be selected for CDP Monitoring and evaluation.</p>
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	SBPCL	<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 not allowed practicing at the premise. Hence, SBPCL 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 Hospital	13,500,000	Civil structure, beds, medical equipment, lab facilities and additional running cost.	June 2015	SBPCL	<ul style="list-style-type: none"> Local hospital is not available within 5 km area of the plant. SBPCL had made efforts by negotiating with health service providers in the region for utilising the budget capped for 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; <p>During 8th EHS&S assessment period No progress on this activity was reported in.</p> <p>During 9th EHS&S assessment period, status remains unchanged and no progress was reported.</p> <p>During 10th EHS&S assessment period, SBPCL management has reported that since tenure of providing support to the existing health centre (refer to S. No. 3) is going to end and there is a consideration to continue the same over a longer period. This will be depending upon the community accepting the same. In order to evaluate this proposition, SBPCL is planning to conduct focussed group discussions by the LRP implementation auditor (engaged recently).</p>

Sl. No.	Category of Expenditure	Cost (Tk)	Description	Timeline	Responsibility	ERM Remarks Dec 2017
5	Improvement of 3 km Road	2,600,000	Paved Road Sherpur-Bongaon	June 2015	SBPCL	<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 driving motor vehicle on this road; It was recommended in 6th EHS&S Audit that it would be good to use balance amount under this head, for the development of access road in resettlement colony and Paharpur (close by resettlement colony). <p>However SBPCL has not taken any decision on this recommendation till the site visit for 10th EHSS Audit.</p>
6	Installation of 5 tube wells	1,00,000	Parkul, Resettlement site Tk. 20,000 x 5 Tube well		SBPCL	<ul style="list-style-type: none"> SBPCL installed 5 tube wells at the Resettlement Site. However, all the installed tube wells were found to be contaminated with arsenic content. Therefore, tube wells were closed and signboards of 'not fit for use' in local language are 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. Reportedly, the Union Parishad is planning to install a deep tube well to cater to the drinking water requirements of the Resettlement colony. Till the 10 EHSS Audit, no alternate arrangement has been made by SBPCL for drinking water supply in the resettlement colony as reported during consultations with the PAPs in the Resettlement Colony as they continue to deal with high arsenic content in water.
7	Plantation Program	1,000,000	Along the access road and project site boundary	June 2015	SBPCL	<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 SBPCL 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	SBPCL	<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 SBPCL 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;

Sl. No.	Category of Expenditure	Cost (Tk)	Description	Timeline	Responsibility	ERM Remarks Dec 2017
						<p>During 8th EHS&S assessment, it was reported that Summit has scheduled a meeting with 2 agencies (IDEA and Devcon) for discussion on cost and scope of the assignment. Finalisation & rolling out agency for M&E of CDP is expected to be in place by next assessment.</p> <p>During 9th EHS&S assessment, status remain same and no further progress was reported.</p> <p>During 10th EHSS assessment also, the status has been unchanged. The process of selecting an external consultant to support monitoring and evaluation of CDP is still ongoing.</p>

Source: Community Development Officer, SBPCL

3.2.7 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.
- 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.

During 10th EHS&S compliance Audit, records of the stakeholder engagement/ grievances maintained were reviewed. **Table 3.10** highlights employees/ workers related grievances received during assessment period of this monitoring (i.e. January to June 2018).

Table 3.10 *Grievances received during assessment period (January 2018 – July 2018)*

S. No.	Issue	Grievance Details	Received on	Closed on	Remarks
1	Scuffle between community members and Security staff	<p>There was a community agitation at Gate no. 2 of the facility due to confusion between community members and Security Guards of the plant and in the process one community member slapped security guard.</p> <p>Resolution: Police was informed and Sub Inspector from local police station visited the facility and sorted the issue and cleared the confusion. The community members finally apologized to Summit Security Guard</p>	1 st March 2018	2 nd March 2018	

Source: SBPCL

The compliance status based on the site visit and review of documents as on July 2018 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 8 July 2018)	Status	ERM Observations (as on 18 July 2018)
1	PS 1: Assessment and Management of Environmental and Social Risks and Impacts							
1.1	Review of all the records being maintained as part of EHS Plan by the O&M contractor	High	SBPCL and O&M Contractor	Records Review and Corrective Actions	Periodic	<p>Bureau Veritas (BV), Bangladesh possessing valid certification conducted examination of 11 pressure vessels out of 18. The rest of the pressure vessels have not yet been tested.</p> <p>NEPC-S continues the good practice of maintaining injury/illness logbook. No injury/first aid case was reported for the period of December 2017 to June 2018.</p>		<p>NEPC-S has engaged Bureau Veritas (BV), Bangladesh possessing valid certification to conduct examination of pressure vessels been operated by the site. Review of the competency certificate issued in Form 30 to BV, Bangladesh indicates that the same is valid till October 2018. However the examination of pressure vessels, does not include inspection of safety relief valves to check the pressure at which is set to discharge.</p> <p>As recommended earlier, NEPC-S now maintains an injury/illness logbook at the infirmary. Review of the aforesaid logbook and discussion with medical practitioner in charge of the infirmary reveals no injuries/first aid cases being reported for the period January to June 2018. The same is also reflected in the monthly performance reports being prepared by NEPC-S.</p> <p>Update the pressure vessel examination program to include safety relief valves.</p>
1.2	Develop and maintain legal register for all the Project components	High	SBPCL	Legal Register for Operation Phase on Combined Cycle basis	Within 3 months prior to the operation phase and half yearly review	<p>SBPCL has updated the legal register through inclusion of all relevant provision of the Medical Waste (Management and Processing) Rule, 2008 and Ozone Layer Depletion Substances (Control) Rules, 2004 (as amended 2014).</p> <p>SBPL has renewed all the permits/licenses and the approval status is depicted in Table 2.3.</p>		<p>SBPCL 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>In line with the previous audit recommendations, the legal register has now been updated to include the relevant provision of <i>Medical Waste (Management and Processing) Rule, 2008</i> and <i>Ozone Layer Depletion Substances (Control) Rules, 2004 (as amended 2014)</i>.</p>
1.3	Comply with the findings (not aligned) and recommendations	High	SBPCL and EPC Contractor	Legal compliance	Within 2 months of date of deal closure or December 2014, whichever is earlier	Complied.		Refer Table 3.1 on Project EHS&S Regulatory Compliance Status
1.4	Training of SBPCL Staff and EHS team of EPC Contractor on Operations ESMMP	Low	SBPCL	Training Calendar (Operation)	Within 2 months of Combined Cycle Operation	NEPC-S has developed a training calendar for 2018 and the same has been based on a training need assessment survey undertaken by NEPC-S for respective departments. , NEPC-S has developed a training calendar for 2018comprising of the following training program/elements:		<p>As in 2017, NEPC-S has developed and currently implementing a training calendar for 2018 comprising of the following training program/elements:</p> <ul style="list-style-type: none"> • Fire Explosion Management • Bangladesh EHS Regulations • EHS Plan for Operations • Confined Space Safety

S. No	Measures and/or Corrective Actions	Significance	Responsibility	Deliverable	Suggested Timelines for Completion*	Status provided by BCAS (as on 8 July 2018)	Status	ERM Observations (as on 18 July 2018)
						<ul style="list-style-type: none"> • Fire Service, first Aid and Emergency rescue Training • Bangladesh Govt. Rules Regulation Training • EHS plan for operations • Confined Space Safety & Proper PPE usage training • Safety Training for Special Operator (Electrical, Lifting, Welding Cutting, Forklifts, Scaffolding) • Whole plan environmental equipment facilities & waste management Training • Factory site fixed fire equipment facilities training & Fire extinguisher use training • Basic electrical safety training • Power plant safety rules training (Permit to work) • Chemical leak handling training • Operation and maintenance daily safety and accidents cases discussion <p>Till June 2018, the trainings were organized in line with the training calendar.</p>		<ul style="list-style-type: none"> • Safety for critical operations • Waste Management • Firefighting Equipment operation • Basic Electrical Safety • Power Plant Safety Rules • Spill Prevention & Control <p>In addition to the above, certification training on firefighting, fire prevention, rescue and first aid imparted to about 40 NEPCS personnel Bangladesh Fire Service and Civil Defence Director on 26-27 February 2018.</p> <p>For the period January to June 2018, trainings have been imparted by NEPC-S to appropriate target groups on national EHS regulations; fire explosion management; operations EHS Plan; confined space safety and critical operations safety.</p> <p>For operations, NEPC-S has developed an induction training program for the newly recruited workforce in both English and Bengali (the local language). NEPC-S has also prepared a preliminary site safety introduction form in Bengali. Reportedly, this form is to be read and signed by the newly inducted workers prior to commencement of operations onsite. The same was reviewed and verified by ERM for the current audit period.</p>
1.5	Mapping of training needs of SBPCL Staff and development of training calendar	High	SBPCL	Training Calendar	Within 2 months of Combined Cycle Operation	As discussed in <i>Sl. No. 1.4</i> NEPC-S has developed a training calendar for 2018 and the same has been based on a training need assessment survey undertaken by NEPC-S for respective departments.		As discussed in <i>Sl. No. 1.4</i> 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.
1.6	Develop an emergency response plan into a 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 	Medium	SBPCL	Emergency Response Plan for Operation Phase	1 month prior to the date of Combined Cycle Operation	NEPC-S has been updating the Emergency Preparedness and Response Plan continually following ERM recommendations. Height work and confined space entry have been incorporated in the Emergency Preparedness and Response Plan in consistency with the IFC EHS Guidelines for Occupational Health & Safety.		<p>NEPC-S has already developed an Emergency Preparedness and Response Plan for implementation. The response plan has specified control measures for the following emergencies – fire and explosion, medical emergency, hazardous material release, natural hazards and terrorist threats. The Plan also bear the details of firefighting resources and offsite emergency responders; including the contact details of the onsite ERT team. Reportedly, nearby village communities also participated in the emergency mock drill organised by NEPC-S along with Sylhet Fire Station authorities on February 2018.</p> <p>As recommended in the earlier audit report, NEPC-S have now outlined the procedure to be followed for rescuing and recovery of personnel/workers involved in height work and confined space entry.</p>

S. No	Measures and/or Corrective Actions	Significance	Responsibility	Deliverable	Suggested Timelines for Completion*	Status provided by BCAS (as on 8 July 2018)	Status	ERM Observations (as on 18 July 2018)
	readiness of the company in case of any incidents.							
2.	PS 2: Labour and Working Conditions							
2.1	<p>SBPCL while finalising its HR policy may consider the following aspects for inclusion:</p> <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; <p>All contractors and sub-contractors within the consortium should be required to apply the principles of the SBPCL HR Policy document and also ensure that their internal procedures follow local and international standards.</p>	High	SBPCL	HR Policy and Procedures	At the earliest	<p>After revision of the HR policy of SBPCL previously, no further improvement took place so far.</p> <p>NEPC-S currently maintains workers register, overtime register, safety record book, establish safety board & safety committee. NEPC-S disclosed excerpts of BLL 2006 & BLR 2015 at prominent places of the plant. NEPC-S files half yearly return as well. However, tasks related to regularizing security staffs and provision compensatory payment @ double of wage rate and extra leave for working on festival holiday are still under process. NEPC-S also could not ensure obtaining license for its sub-contractors from Labor Department.</p>		<p>ERM had highlighted certain gaps in HR management system of SBPCL in ERM's 6th EHS&S audit. Actions were also taken by SBPCL and NEPCS to close gaps and align HR management system with the requirements of Bangladesh labour regulations.</p> <p>Attendance register, leave register, service book, cleaning register etc. are being maintained by both SBPCL and NEPC-S.</p> <p>SBPCL has done Group Term Life Insurance and Group Hospitalization Insurance with Delta Life Insurance Company Ltd. for the permanent employees of SBPCL. The insurances were done on the 1st November, 2017.</p> <p>In 9th EHS&S audit, it was observed that Earned Leave provision as defined in revised HR manual of Summit is not fully in sync with requirements of labour law.</p> <p>In the 10th EHSS audit also, no changes have been observed in light of the recommendations made during December 2017.</p>
2.2	<ul style="list-style-type: none"> HR Policy of the EPC contractor should comply with the provisions of SBPCL HR Policy. EPC contractor's local staffs' terms and conditions of employment to be put in compliance with SBPCL HR policy. 	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>SBPCL has completed the payments for 1st Phase of back-wages settlement involving 550 workers. SBPCL has commenced the 2nd phase of back-wages payment settlement that involves 215 eligible workers. Among them, 168 workers have already been paid. Remaining 47 workers will be paid by SBPCL after scrutiny of the papers submitted by the workers.</p> <p>SBPCL has sited printed list of the remaining 169 workers at several points outside the plant</p>		<p>ERM had been highlighting issue of minimum wage payment for construction workers right from the construction stage of the project. At the end, it was decided to compensate workers with due balance amount of applicable minimum wage.</p> <p>SBPCL had 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 was also formed for settling the issue of back wage calculation and payment. A process for identifying the workers was initiated so that their</p>

S. No	Measures and/or Corrective Actions	Significance	Responsibility	Deliverable	Suggested Timelines for Completion*	Status provided by BCAS (as on 8 July 2018)	Status	ERM Observations (as on 18 July 2018)
	<ul style="list-style-type: none"> 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. 					(including gate no. 2). Already a few workers have submitted papers to be covered under the 3rd phase.		<p>due payment of balance amount of minimum wage could be paid.</p> <p>As on ERM's 10th EHSS audit site visit, it was observed that total 718 workers out of the 934, have been paid the overtime payments for retrospective work done for EPC contractor during construction phase. The wage payments are being made in phases, currently 216 workers are yet to be paid.</p>
2.3	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	Job hazard analysis is in place, which has been further updated with the assessment of risk related to lathe and drill machine operations and appropriate risk control measures have been specified accordingly. Safe work practices for operation of these machines along with the other machines at the workshop are displayed in local language i.e. Bengali for ease of understanding by the local workforce. However, the displays were not permanent in nature, and one of the displays was found discarded on the floor due to improper method of pasting on the wall.		<p>In accordance to ERM audit recommendation as part of the 9th EHSS Compliance Assessment Report, NEPC-S has now developed safe work procedures in both Chinese and Bengali for operation of lathe machines, bench drills, grinding machines, drilling machine etc. at the workshop. Job Safety Analysis for operation of lathe and drill machines have also been developed in consistent with the recommendation and found to be adequate.</p> <p>However review of the hazard identification and risk assessment document prepared related to operations of the aforesaid machines were found to be generic and incomplete as it does not specify the risk significance of such activities post adoption of safety controls.</p> <p><i>Update the hazard identification and risk assessment matrix prepared for operations of critical machines viz. drill machines, lathe machines, bench drills etc. to include the risk significance status.</i></p>
2.4	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	PPE Program is in place. NEPC-S has updated the inspection checklist of PPEs bearing the references of the work permit number against which such checks are being performed.		<p>As discussed in the earlier audit report, NEPC-S has developed and maintains a location specific annual PPE inspection checklist in format as prescribed in the PPE Management Procedure. The primary purpose of the inspection has been to assess the availability and effectiveness of the PPEs in use at various locations within the site.</p> <p>Furthermore as recommended earlier, the PPE inspection checklist maintained for individual permits has now been updated to include the work permit number against which such checks/monitoring are being done.</p>
2.5	Prepare training modules for job specific trainings and identify workers required to undergo job specific trainings.	High	EPC Contractor	Training modules	Within 2 months of date of deal closure or December 2014, whichever is earlier	Training modules for job specific trainings are in place, and workers required to undergo job specific trainings were identified previously. Different job specific trainings have been found to be organized during the reporting period.		With project in operations the O&M contractor has prepared 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; Basic Electrical Safety and Machine Guarding.</i> Furthermore a training register has been developed for the following activities viz. low voltage electrical work, overhead travelling crane operation, forklift operations, scaffolding and demolition work, chemical leak handling, housekeeping, emergency response, visitor induction, electrical safety, critical operations safety and first aid and fire extinguisher use.
2.6	Conduct the first aid training with the help of qualified first aider and	High	EPC Contractor	First aid trainings	Within 2 months of date of deal closure or December 2014, whichever is earlier	First aid training was conducted during 27-29 March 2016. The certified first aiders are available round the clock throughout the facility.		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.

S. No	Measures and/or Corrective Actions	Significance	Responsibility	Deliverable	Suggested Timelines for Completion*	Status provided by BCAS (as on 8 July 2018)	Status	ERM Observations (as on 18 July 2018)
	make sure that first aiders are available at all times at facility.							Also as discussed in the earlier section, certification training on firefighting, fire prevention, rescue and first aid has been imparted to about 40 NEPC-S personnel by Bangladesh Fire Service and Civil Defence Director on 26-27 February 2018.
2.7	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	NEPC-S has updated the confined space entry program through inclusion of the underground tanks at the raw water intake house. NEPC-S ensured that all such tanks have been appropriately labelled and marked as confined space to prevent any unauthorized entry.		<p>The facility has developed a hazard prevention and control plan for the following key operations/activities:</p> <ul style="list-style-type: none"> • Confined Space Entry; • Liquid ammonia and other chemical operations; • Diesel loading and unloading; • Hot work; • Hydrogen production and storage; • LV and HV distribution operation; • Pressure vessel operations; • Operation hoist and lifting machineries; and • Work at height <p>The plan has been updated to include management measures/safety control available for operation of the natural gas pipeline and hydrogen gas storage. Furthermore as recommended in the 9th EHSS Compliance Assessment Report, confined space procedure has now been updated to identify the underground raw water tank at the intake house as a confined space. The tank was also found to be accordingly labelled to prevent any unauthorized entry.</p>
2.8	<p>SBPCL 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:</p> <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	SBPCL	Contractor Management System	Within 2months of date of deal closure or December 2014, whichever is earlier	The good practices have been found to be in place during the reporting period.		<p>Number of overall contract workers engaged through different entities (i.e. NEPC-S, NEPC and SBPCL) 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.</p> <p>The O&M Contractor NEPC-S has insurance provision for each worker hired by them. Insurance provision is not applicable for other contract workers.</p> <p>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 hours, overtime payment @ twice of ordinary wage rate, leave detail etc. are mentioned in the contract agreement with labour supply contractor.</p> <p>During the 10th compliance audit as well, the labour sub-contractors are without a valid Labour Licence to be issued by Department of labour.</p>

S. No	Measures and/or Corrective Actions	Significance	Responsibility	Deliverable	Suggested Timelines for Completion*	Status provided by BCAS (as on 8 July 2018)	Status	ERM Observations (as on 18 July 2018)
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 SBPCL.	High	SBPCL and EPC Contractor	ESMMP implementation	As defined in ESMMP during construction phase	<p><u>Management System Certification</u></p> <p>SBPCL has obtained Management System Certificates on ISO 9001: 2015, ISO 14001: 2015 and ISO 18001: 2007/ ELOT 1801: 2008 from TUV Austria in December, 2017. The certificates are valid till 19 December, 2020.</p>		<p>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 (NEPC-S-O&M-P-EHS-001-06)</i> in consistent with the Operations ESMMP as shared with SBPCL. The ESMMP requirements related to environmental monitoring and associated aspects are being tracked by NEPC-S on a monthly basis and records shared with the SBPCL 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>The facility has obtained IMS Certification from M/s TUV Austria on 20 December 2017 which is found to be valid till 19 December 2020.</p>
						<p><u>Flue Gas Emission</u></p> <p>NEPC-S keeps record of CEMS data continuously. CEMS data for the month of December, 2017 to June, 2018 were within permissible standards of DoE and IFC. Third party test of stack emission was conducted by Bureau Veritas (BV) on 11th June, 2018. The results of BV tests were also within permissible standards of DoE and IFC. BV results were: SPM (18.11 mg/Nm³); NO_x (17.21 mg/Nm³); SO_x (4.13 mg/Nm³) and CO (23 ppm), CO₂ (6.11%); O₂ (9.89%); Temperature (84.23 °C) and flow rate (101.23 m³/s).</p>		<p><u>Flue Gas Emission</u></p> <p>As specified in operational phase ESMMP, SBPCL has installed and operating a Continuous Emission Monitoring System (CEMS) to continuously monitor pollutant (CO, NO_x, PM₁₀, SO₂) concentration in stack emission. The recalibration work of CEMS was completed on September 2017 and after that quarterly calibration is being performed by NEPC-S. In addition to that annual stake emission monitoring was also performed by Bureau Veritas in June 2018. Results were found to be in compliance with both Bangladesh Environment Conservation Rules, 1997 and IFC EHS Guidelines for Thermal Power Plants viz. SPM (18.11 mg/Nm³); PM (3.34 mg/Nm³); NO_x (17.21 mg/Nm³); SO₂ (4.13 mg/Nm³) and CO (23 ppm). The CEMS results for Oct and Nov 2017 also showed similar trends - PM (0.94 - 1.94 mg/Nm³); NO_x (0.29 - 36.11* mg/Nm³); SO₂ (0.32 - 20.23* mg/Nm³) and CO (0.01-191.25* mg/Nm³).</p> <p>(* higher values of NO_x, SO₂ and CO were recorded during GT start-up)</p>
						<p>NEPC-S keeps record of AAQMS data continuously for 3 stations: station 1 - dormitory roof (east side of the plant); station 2 - cooling tower roof (north side of the plant) and station 3 - circulating water pump house (west side of the plant).</p> <p>ERM recommended for replacement of AAQMS from stations 1 and 2 anticipating cooling tower mist contributing higher PM_{2.5} concentration. However, NEPC-S did not replace the AAQMSs from their current locations. All the 3 AAQMSs were recalibrated quarterly – during the 1st week of January and April in 2018. It is to be noted that during the reporting period of 7 months of PM_{2.5} values were considerably within DoE and IFC standards at most of the times. However, station 3</p>		<p><u>Ambient Air Quality</u></p> <p>In accordance to the operations ESMMP requirement, NEPC-S has engaged Bureau Veritas to undertaken annual ambient air quality monitoring at three locations (near the main facility gate and the surrounding villages of <i>Parkul</i>, and <i>Paharpur</i>) outside the plant boundary. The pollutants concentrations recorded during June 2018 monitoring were as follows: NO_x (12.2 - 18.3 µg/ m³); SPM (91 - 105 µg/ m³); PM₁₀ (21 - 41 µg/ m³); PM_{2.5} (15 - 35 µg/ m³) and SO₂ (13.21 - 15.78 µg/ m³), CO (1 - 2 ppm). All monitoring results were found well within the applicable national standards as per ECR, 1997. The next third party monitoring is due in June 2019 as per the frequency specified in ESMMP.</p> <p>SBPCL has installed 3 continuous ambient air quality monitoring stations (AAQMS), which are installed on the top of dormitory, water pump house and cooling tower, which are at</p>

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					<p>readings used to be found quite abnormal for the months of March and June.</p> <p>Third party test of ambient air quality was conducted by Bureau Veritas (BV) on 11th June, 2018 at 3 locations – east side village area at Parkul, south side village area at Paharpur, at gate no. 2 of the plant. All The results of BV tests were also within permissible standards of DoE and IFC.</p> <p>It is further to be noted that The BV test station at gate no. 2 and dormitory are very closely located, whereas PM₁₀ measured by BV on 11th June was 41 and AAQMS’s minimum, maximum and average measures for dormitory roof were 71.34, 76.25 and 73.92 respectively.</p> <p>In brief, ERM was not happy with the readings of Stations 1 & 2 during last audit in December, 2017. At present, it appears that station 3 readings are anomalous on and often, while station 2 reading did not match with BV readings.</p> <p>It is further to be noted that EPC Contractor (NEPC) will be phased out in August, 2018. Hence, another 3rd party test might take place at all the 3 locations of AAQMS. Then AAQMS data might be compared with the third party test data. Before the 3rd party test, all the AAQMS instruments shall be recalibrated by NEPC-S at the presence of SBPCL and NEPC (EPC Contractor) representatives. If the compared results do not match, AAQMS instruments might be needed to be repaired or changed.</p>		<p>about 10 to 14 m above the ground level. The system is operational since December 2015. Based on previous observations NEPC-S has started quarterly calibration of all the three stations. Last two calibrations were conducted in the months of January and April 2018. However, calibration due in July was not carried out due to non-availability of the concerned person in charge. In order to check the quality of data getting captured in these 3 stations, maximum, minimum and average concentrations of NOx (1-hourly), PM10, PM2.5 and SO2 (24-hourly) were plotted for each month (from January to June 2018).</p>  <p>Review of the monitoring results for the period January to June 2018 revealed that:</p>	

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								<ul style="list-style-type: none"> PM10 concentrations were following a uniform trend during the reporting period for all the 3 stations. NOx and PM2.5 concentrations were abnormally higher at station 3. PM2.5 concentrations recorded were at higher side and exceeding the applicable standards most of the time. No records of NOx were available at all the 3 stations in the month of June 2018 and at 2 stations in the month of April 2018. <p>Above observations clearly state that the review of data is not being carried out in a regular frequency to take corrective actions. It is therefore recommended that monitoring data should be reviewed in a weekly basis and in case of any abnormal/ missing result, corrective action should be ensured.</p>
								<p><u>Noise Quality</u></p> <p>NEPC-S continued in-house monitoring of ambient noise at 8 locations within plant and 3 village locations. Review of the monitoring results within plant for the period Dec 2017 to June 2018 indicates compliance to both day and night time noise standards specified for industrial area under <i>Bangladesh ECR, 1997</i>. For the village locations, equivalent day and night time noise results were also in compliance with noise standards specified for mixed area under <i>Bangladesh ECR, 1997</i>.</p> <p>Third party noise test by BV on 11th June, 2018 reveals that night time readings at the villages varied from 51.3 -56.17 dB (standard: 50 dB), such high readings were attributed by the construction work currently under progress for Bibiyana I and Bibiyana III sites abutting the project. On the other hand, night time readings at near RMS room and cooling tower slightly crossed DoE limit (70.12 dB; standard: 70 dB), attributed by the outside construction works.</p>
								<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 and Paharpur</i>). Review of the monitoring results within plant for the period January to June 2018 indicates compliance to both day and night time noise standards specified for industrial area under <i>Bangladesh ECR, 1997</i> with one exception near RMS room, where the night time noise level monitored by third party agency is found to be marginally higher (70.12 dBA) with respect to the standard value of 70 dBA. Review of the third party ambient noise monitoring results dated 28 June 2018 for the village locations, revealed the equivalent day and night time noise results to vary within 54.1-58.2 dB(A) and 51.3-56.1 dB(A) respectively. This is found to be higher than the night time noise levels specified for mixed area and can be largely attributed to the construction work currently under progress for Bibiyana I and Bibiyana III sites abutting the project.</p> <p>All ambient noise monitoring were performed when plant was in running condition using the equipment - Sound Level Meter (Model TES 1251B).</p>
								<p><u>Effluent Discharge</u></p> <p>For the year 2018, the analysis of ETP treated water has been undertaken on 22 May, 2018 by Department of Public Health Engineering (DPHE) for 26 parameters. However, ERC 1997 recommended for testing of 33 parameters, all of which were not tested. Out of the tested 26 parameters, results for 12 parameters have been received from DPHE. The test report reveals that presence of coliform (faecal), coliform (total) and manganese were beyond acceptable standards.</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 Kushiara River. All such discharges are being monitored by NEPC-S by engaging a third party on an annual basis as specified in the ESMMP.</p> <p>For the year 2018, NEPC-S has undertaken analysis of treated waste water, by engaging a third party agency - M/s Department of Public Health Engineering (DPHE), Sylhet Zonal Lab. Review of the waste water analysis report dated 29 May 2018 indicates such test is limited to only 12 parameters in comparison to the 34 parameters specified in the <i>Schedule 10</i> of</p>

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								<p>Standards for Waste From Industrial Units or Projects Waste of the <i>Bangladesh ECR, 1997</i>. The results of treated waste water analysis report is found to be in compliance to the aforesaid standards. Reportedly, for analysis of the remaining parameters the Central Laboratory of M/s DPHE has been approached via letter dated 28 June 2018, with analytical results still being awaited.</p> <p>In addition to the above, NEPC-S also regularly (every 3-4 days) conduct analysis of the treated waste water for the following parameters prior to the discharge – pH, Conductivity, Temperature, turbidity, Residual Chlorine, TSS, TDS, BOD, COD and Iron to check conformance with the inland water discharge standards specified in in <i>Schedule 10 Bangladesh ECR, 1997</i>. However NEPC-S have not evaluated the results with respect to the discharge standards specified in the IFC EHS Guidelines for Thermal Power Plants. Furthermore, review of the internal monitoring results for Jan-Jun 2018, reveals the concentration of Iron in treated waste (including cooling tower blowdown) to be in exceedance (except for Jan'18) to the standard (1 mg/l) specified in the aforesaid IFC EHS Guidelines.</p> <p><i>Obtain the monitoring results for the remaining parameters (~22) in treated waste water from Central Laboratory of M/s DPHE on a fast track basis. Assess and evaluate the treated waste water monitoring results with the discharge standards specified in the IFC EHS Guidelines for Thermal Power Plants. Review the treatment process and make necessary intervention to ensure the concentration of iron in treated waste water conforms to the inland surface water discharge standards.</i></p>
						Surface Water Quality		<p><u>Surface Water Quality</u></p> <p>NEPC-S has engaged M/s DPHE to monitor Kushiara river water quality at only 2 locations –50 m upstream and downstream of Kushiara River. Review of the monitoring dated 29 May 2018 reveals a total of 2 parameters (pH and total coliforms) being monitored as referred in <i>Schedule 3 – Standards for Inland Surface Water of Bangladesh ECR, 1997</i>. Although the results of the parameters being monitored were found to be in compliance with the aforesaid standards, the surface water monitoring program does not include analysis for DO and BOD as per the aforesaid standards.</p> <p>NEPC-S is also found to be have discontinued monitoring of inland surface water at the treated waste water discharge location. This also includes monitoring of discharge water temperature as specified in the earlier audit report.</p> <p><i>Update the surface water monitoring program to include monitoring at an additional location i.e. treated waste water discharge point along with analysis of additional parameters viz. DO and BOD in inland surface water. Assess the surface water quality results with Standards of Water (Schedule 3, Rule 12 of ECR 1997).</i></p>
						For the year 2018, the analysis of ground water has been undertaken on 22 May, 2018 by Department of Public Health Engineering (DPHE) for 26		<u>Ground Water Abstraction</u>

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						parameters. However, ERC 1997 recommended for testing of 55 parameters, all of which were not tested. Out of the tested 26 parameters, results for 12 parameters have been received from DPHE. The test report reveals that presence of coliform (faecal), coliform (total), manganese and turbidity were beyond acceptable standards.		<p>NEPC-S maintain daily water consumption records for the river water intake. In addition to the above, the site has also installed three deep tube wells to meet emergency water requirement. NEPC has also installed flow meter for the wells connected to the cooling tower to monitor the water consumption</p> <p>NEPC-S undertakes analysis of both ground water and drinking water (ground water following treatment), by engaging a third party agency – M/s Department of Public Health Engineering (DPHE), Sylhet Zonal Lab. Review of the drinking water analysis report for 29 May 2018 indicates such test is limited to only 12 parameters in comparison to the 55 parameters specified in the <i>Schedule 3B</i> drinking water standards of the <i>Bangladesh ECR, 1997</i>. The results of May 2018 report is however found to be in compliance to the aforesaid standards except for coliforms, manganese and turbidity. Reportedly, for analysis of the remaining parameters the Central Laboratory of M/s DPHE has been approached via letter dated 28 June 2018, with analytical results still being awaited.</p> <p><i>Obtain the analytical results for the remaining ground water parameters from M/s DPHE on a fast track basis to assess compliance with the drinking water standards specified in Schedule 3B of Bangladesh ECR, 1997.</i></p> <p><i>Conduct in-house monitoring of coliforms on a regular basis to assess conformance with the standards specified in Bangladesh ECR, 1997.</i></p>
						<u>Storm Water Management</u>		<p><u>Storm Water Management</u></p> <p>SBPCL 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.</p> <p>In the earlier audit report it was identified that the waste oil lube oil storage tanks were found to be equipped with any secondary containment to prevent any accidental leakages/spills. This is important given the storm water drain is located in close proximity (<15m) of this waste lube oil storage. Based on the finding above, NEPC-S have undertaken an internal risk assessment of lube oil storage tanks to assess adequacy of the spill prevention and control arrangements. Review of the report reveals that lube oil storage tank is connected to the emergency oil sump which shall be operated to meet any emergency or contingency situations like leakage or spillage. Furthermore as an additional control measure, NEPC-S plans to make provision of temporary bunds/containment using sand bags to control any spillage.</p>
						<u>Waste Management</u>		<p><u>Waste Management</u></p> <p>For the purpose of managing waste generated from operations NEPC-S has developed a <i>Waste Management Procedure</i> which has been updated in line with the earlier audit recommendation to include ETP sludge, air filters. Furthermore, the procedure has</p>
						SBPCL has obtained permission Union Parishad for onsite storage of medical waste beyond 48 hours. During site visit, few waste oil drums at the hazardous waste storage yard were found without		

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						labeling and colour codes. Currently, NEPC-S maintains a waste generation checklist, which includes waste oil generation under the head of 'Hazardous Waste'. However, the checklist speaks nothing about disposal of the wastes, especially about waste oil.		<p>been updated to include specific storage, transportation and disposal requirements for various wastes being generated from operations. In consistent with the previous recommendation, the waste oil drums at the hazardous waste storage yard has now been labelled to indicate the name of hazardous waste including the nature and type of the hazard. Also the generation of waste oil was not found to be captured/updated in the waste tracking sheet being maintained by NEPC-S with no waste oil being disposed for the period Jan-June 2018.</p> <p>As mentioned in the earlier report, NEPC-S continues with its efforts to ensure that biomedical waste generated is segregated and stored in dedicated bins which are adequately labelled and colour coded in accordance to the provision of the <i>Medical Waste Management & Processing Rules, 2008</i>.</p> <p>Medical waste is being disposed on a monthly basis through <i>M/s Medicare Diagnostics</i>, owing to small volumes (~10-20 gms per month) being generated. As per the <i>Medical Waste Management & Processing Rules, 2008</i> of Bangladesh, the storage of such waste is limited to 48 hours, with permission required from the concerned municipal authority/Union Parishad to store such waste beyond this stipulated period. In this regard, considering such low generation quantities of medical waste, necessary permission has been obtained from <i>Aushkandi Union Parishad</i> vide letter dated 18 June 2018 for extended storage of medical waste.</p> <p>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. Reportedly, the Environmental Clearance (EC) certificate for Rima Enterprise has been renewed and is currently valid till 27 Feb 2019; whereas for Medicare Diagnostics the EC has been obtained from DoE vide letter dated 24 August 2017 and is currently valid for a year. As per the relevant provision of the <i>Medical Waste Management & Processing Rules, 2008</i>, any vendor involved in the collection, transportation and disposal of medical waste is required to obtain necessary license from the competent authority. However such license was not found to be readily available for M/s Medicare Diagnostics.</p> <p><i>Ensure that the third party agency involved in the collection, transportation and disposal of medical waste possess valid license for such activities in consistent with the requirements of the Medical Waste Management & Processing Rules, 2008.</i></p>
						<u>Occupational Health & Safety</u>		<u>Occupational Health & Safety</u>
						NEPC-S has updated its monthly noise monitoring program including workplace noise exposure monitoring at ST room, GT room, air compressor house, cooling tower, emergency diesel generator, circulation water pump house, multi-house water pump and HRSG auxiliary pump house. However, third party noise test was conducted between GT and ST only. NEPC-S has not yet carried out		NEPC-S 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

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					audiometric testing of workers operating at all high noise zones identified within the plant. NEPC-S confirmed that audiometric testing of workers will be included in annual health check up program, which is not yet due. NEPC-S has conducted illumination level inspection of the whole plant workplaces including HRSG and NEPC-S workshop. The inspection results are in compliance with the workplace illumination standards specified in the IFC EHS Guidelines for Occupational Health & Safety. NEPC-S has ensured that CCR will keep note as suspended action instead of closing the concerned item in case of LOTO Permit from now on. However, no evaluation and audit of the LOTO permit issue was conducted.			<p>personnel by using an inspection checklist. The same was verified during the visit undertaken by the ERM team.</p> <p>NEPC-S has completed the medical examination of its workforce which also includes lathe machine workers and kitchen staff. Medical fitness certificate has been granted in Form 26 and health register maintained in Form 26A for both NEPC-S and SBPCL employees as specified in the <i>Bangladesh Labour Rules 2015</i>. However the newly appointed Assistant Environment Manager is yet to be issued a medical fitness certificate in prescribed format.</p> <p>In consistent with the ERM audit recommendation in December 2017, NEPC-S has commenced with monthly noise exposure monitoring at 8 high noise areas identified within the plant. Additionally, NEPC-S has also engaged M/s Bureau Veritas to conduct annual workplace monitoring at GT and ST location. In both the cases, the noise monitoring results at the GT & ST rooms, cooling tower and HRSG auxiliary pump house location were found to be in exceedance to the threshold noise exposure level of 85 dB(A). In view of this it is recommended that NEPC-S develop and implement audiometric testing/examination program for the personnel operating in the aforesaid areas and also consider (in addition to PPEs) provision of necessary engineering controls to attenuate source noise levels.</p> <p>Workplace illumination monitoring records being maintained to check compliance with the minimum illumination limits specified for workplace as per the IFC EHS Guidelines. NEPC-S has implemented a dedicated checklist to assess the performance of the illumination related infrastructure at workplace. In line with the earlier recommendation, illumination monitoring has now been undertaken at HRSG and workshop as well.</p> <p>Lock Out Tag Out (LOTO) Tag fixed on the motor operated valve of the return line at raw water pump house does not bear information about the lock holder. Furthermore, the work permit system implemented by NEPC-S does not include a dedicated work permit for electrical work being undertaken.</p> <p>Safe load bearing capacity not marked on the racks used for storage of glass wool at the CW Pump House; also the racks were not found to be fixed to the floor using bolts to prevent toppling.</p> <p>Hard barricading not provided to prevent any form of direct access to the rotating/moving parts of the strainer installed as part of the Water Treatment Plant (WTP) in order to control any occupational safety risk for the personnel operating in and around such area.</p> <p><i>Carry out audiometric testing of workers operating at all high noise zones identified within the plant. Review the work permit procedure to introduce a dedicated permit for electrical work. Ensure all LOTO tags bear details of the personnel involved in lock out. Mark the glass</i></p>

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								<p>wools storage rack at the CW pump house with safe load bearing capacity and permanently fix the storage rack to the floor. Ensure provision of hard barricading to the rotating parts of the strainer installed as part of the WTP.</p> <p><u>Emergency Preparedness & Response</u></p> <p>NEPC-S has been updating the Emergency Preparedness and Response Plan continually following ERM recommendations. Height work and confined space entry have been incorporated in the Emergency Preparedness and Response Plan in consistency with the IFC EHS Guidelines for Occupational Health & Safety.</p> <p>NEPC-S has performed testing/check for the water sprinklers system installed at waste lube oil tank EDG room, diesel storage room, HRSG pump house, firefighting pump diesel storage tank. Few nozzles were found to not spraying water, which have already been tagged for maintenance.</p>
								<p><u>Emergency Preparedness & Response</u></p> <p>In order to improve emergency response preparedness SBPCL along with NEPC-S performs emergency drills on a monthly basis. The site has conducted a fire mock drill on 5 April 2018 along with Sylhet Fire Station. The entire workforce comprising of 89 personnel participated in the drill. The fire mock drill was undertaken in the presence of Senior Station Officer, Sylhet Fire Station and records maintained in prescribed format i.e. Form 22A as specified in the <i>Bangladesh Labour Rules 2015</i>. Such drills according to the relevant provision of the <i>Bangladesh Labour Rules 2015</i> is required to be undertaken on a six monthly basis, with the next drill being due on December 2018. However, the details of the NEPC-S firefighting, rescue and first aid team have not been furnished in Form 22 as specified in the <i>Bangladesh Labour Rules, 2015</i>. For the period January to June 2018, NEPC-S has performed drill on chemical spills and earthquake emergency.</p> <p>In line with the earlier audit report recommendation, NEPC-S has updated the Emergency Response and Preparedness Plan to include the details of the rescues team members in the Emergency Response Team (ERT) constituted. Furthermore, NEPC-S has also now developed rescue and recovery plans for work at height and confined space entry operations as specified in the IFC EHS Guidelines for Occupational Health & Safety.</p> <p>Regarding maintenance of emergency response equipment's NEPC-S has developed and implemented a periodic inspection checklist for fire extinguishers, fire hydrants, hose reels and smoke detectors with records found to be maintained. Document review indicates inspection of a total of 337 fire extinguishers and 84 hose reels and fire hydrants with records maintained. Weekly test undertaken for a total of 115 smoke detectors and fire pumps and records maintained. For the period January to June 2018, automated sprinklers test was found to be undertaken at raw water pump house, warehouse, lube oil tank, and diesel storage tanks.</p> <p>Review of the monthly inspection reports for sprinklers and hose reels reveals that it does not include flow rate assessment in consistent with the fire protection flow requirements as specified in Table 4.4.1 of the <i>Bangladesh National Building Code</i>.</p> <p>Update the details of the NEPC-S firefighting, rescue and first aid team being maintained in Form 22. Perform periodic inspection of the firefighting equipment's particularly sprinklers and hose reels in consistent with the requirements of the <i>Bangladesh National Building Code</i>.</p>
3.2	Undertake regular monitoring of air emissions, water consumption, wastewater discharge, solid	Low	SBPCL	ESMMP implementation	As defined in ESMMP during operation phase	Satisfactory progress, but not complied.		For details please refer to S. No. 3.1- <i>Ambient Air Quality; Waste Water Discharge; Waste Management and Ambient Noise Quality</i> of Table 4.1.

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	and hazardous waste disposal, noise levels, in line with the ESMMP																			
3.3	Ensure that impacts associated with the decommissioning phase are assessed and addressed prior to eventual decommissioning.	Low	SBPCL	ESMMP for decommissioning phase.	1 to 2 years prior to eventual decommissioning.	SBPCL has not yet conducted any site assessment study to identify any potential environmental issues/concerns regarding impacts associated with the decommissioning phase.		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 SBPCL. Now with PAC issued by SBPCL to the EPC contractor on 28 August 2016, it is recommended <i>SBPCL performs a site assessment study to identify any potential environmental issues/concerns and accordingly develop an action plan for managing the same.</i>												
3.4	Complete an annual GHG emissions estimation based on the actual operations of the Project during the operational phase.	Low	SBPCL	GHG estimation and reporting.	Annually, after one year of COD	NEPC-S is calculating the GHG emissions in the form of CO ₂ emission (based on monthly gas consumption) and calculated N ₂ O emissions as recorded by the CEMS. Total CO ₂ emission in 2017 was 772,838.7449 tons and total CO ₂ emission in 2018 till 30 th June was 459788.5748 tons. Total NO _x emission in 2017 was 147.97 tons and total NO _x emission in 2018 till 30 th June was 68.58 tons.		NEPC-S has initiated the process of calculating the GHG emissions in the form of CO ₂ emission (based on monthly gas consumption) and calculated N ₂ O emissions as recorded by the CEMS. Total CO ₂ emission in 2017 and mid of 2018 were as follows: <table><tr><td><i>GHG Emission</i></td><td><i>CO₂ (Tons)</i></td><td><i>N₂O (Tons)</i></td><td><i>CO₂e (Tons)</i></td></tr><tr><td>Jan – Dec 2017</td><td>772,838.74</td><td>147.97</td><td>816,933.8</td></tr><tr><td>Jan – Jun 2018</td><td>459788.57</td><td>68.58</td><td>480,225.4</td></tr></table>	<i>GHG Emission</i>	<i>CO₂ (Tons)</i>	<i>N₂O (Tons)</i>	<i>CO₂e (Tons)</i>	Jan – Dec 2017	772,838.74	147.97	816,933.8	Jan – Jun 2018	459788.57	68.58	480,225.4
<i>GHG Emission</i>	<i>CO₂ (Tons)</i>	<i>N₂O (Tons)</i>	<i>CO₂e (Tons)</i>																	
Jan – Dec 2017	772,838.74	147.97	816,933.8																	
Jan – Jun 2018	459788.57	68.58	480,225.4																	
3.5	Develop a Waste Management Plan for operation phase.	Low	SBPCL	Waste inventory and disposal options.	3months prior to start of Combined Cycle Operation	NEPC-S has engaged Bureau Veritas (BV) for testing of ETP sludge. Sludge sample has been collected by BV. However, test report has not yet been received.		For details please refer to S. No. 3.1 “Waste Management” of Table 4.1. As recommended in the earlier audit report, NEPC-S was required to conduct analysis of sludge for the following parameters viz. Phenols, Fluoride, Arsenic, Barium, Chloride and Sulphate which has not been covered in the monitoring undertaken during June 2017. This is required as specified in the Table 3 of the <i>Bangladesh Standards and Guidelines for Sludge Management (February 2015)</i> . However, analysis of the aforesaid parameters in the ETP sludge is still found to be pending. <i>Conduct analysis of all parameters of ETP Sludge as specified in the Bangladesh Standards and Guidelines for Sludge Management (2015) to assess the hazardous nature of the sludge, if any. Ensure the results for the parameter are expressed in the units as specified in the aforesaid standards.</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	SBPCL	Quantitative Risk Assessment and Emergency Response Plan	3 months of COD	Complied previously.		Assessed to be in compliance by ERM during EHSS audit undertaken in December 2017. Refer <i>ERM 9th EHSS Compliance Assessment Report</i> .												
4.2	Ensure any future security arrangements shall comply with PS4 requirements. The SBPCL Grievance Mechanism should include security within its scope.	Low	SBPCL	Compliance check against PS4 requirement.	1 months of COD	No complain received from the security personnel.		The O&M Contractor (NEPC-S) has employed 12 security guards for the plant. They are doing 8 hour shift and payment is at par with applicable minimum wage. These securities personal have access to grievance redressal system of SBPCL.												
5	PS 5: Land Acquisition and Involuntary Resettlement																			
5.1	Ensure:	Medium	SBPCL	Livelihood restoration plan	Within 3 months of date of deal closure	LRP implementation was completed previously. SBPCL is in the process of hiring a third party auditor for evaluation of LRP implementation.		LRP implementation is completed. Refer <i>Section 3.2.5</i> for further detail.												

S. No	Measures and/or Corrective Actions	Significance	Responsibility	Deliverable	Suggested Timelines for Completion*	Status provided by BCAS (as on 8 July 2018)	Status	ERM Observations (as on 18 July 2018)
	<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 			and stakeholder engagement	(and periodic review)			
5.2	Continued engagement and resettlement monitoring by CDO.	Medium	SBPCL	Resettlement monitoring reports	Within 3 months of date of deal closure (and periodic review)	CDM is ensuring regular monitoring of LRP and other R&R aspects like disbursement of old age pension, regular interaction with stakeholders.		CDO is ensuring regular monitoring of LRP and other R&R aspects like disbursement of old age pension, regular interaction with stakeholders.
5.3	Establishment of a formal GRM for the PAFs and the community;	Medium	SBPCL	GRM for PAFs	Within 3 months of date of deal closure (and periodic review)	GRM is well established and functioning.		GRM is well established and functioning as understood through consultations undertaken with PAHS in Parkul village and Resettlement Colony in July 2018.
6	PS 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources							
6.1	Develop greenbelt within the project boundary.	Low	SBPCL	Greenbelt Development	After completion of construction activities.	Green belt development plan is being implemented in a phase wise manner.		As recommended in the ERM Audit report of 1 June 2016, the facility has developed a phase wise green belt development plan which is being implemented in a phase wise manner.

Table 4.2 IFC ESAP Compliance Status

S. No	Measures and/or Corrective Actions	Deliverable	Schedule	Status	ERM Observations (July 2018)
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>SBPCL 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 SBPCL 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 NEPC-S and SBPCL 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 Dec 2016, NEPC-S has updated the consolidated EHS plan update to include the relevant provision of the Bangladesh Labour Law. Furthermore the plan has been shared with the subcontractors with signed copies being maintained.</p> <p>Specific observations on the implementation of the operations phase EHS management procedures please refer to Table 4.1 for details.</p>
2	Obtain an Environmental, Occupational, Health and Safety (EHS) Management System (EHSMS) certified to ISO 18001 standards with IFC Performance Standards appropriately incorporated.	ISO 14001 and OHSAS 18001 certification	Within 2 years of COD		Please refer to S. No. 3.1 – “Management System Certification” of Table 4.1
3	Development and implementation of SBPCL Human Resource Policy, Environmental Policy, Social Responsibility Policy and Health & Safety Policy/or Statement.	SBPCL Policies in place	31 Mar 2015		EHS, Social, and HR policies are in place. In 9 th EHS&S compliance assessment, it was observed that HR Policy of Summit has been revised and approved. However there are few issues regarding EL leave. The status of issues remains unchanged in 10 th EHSS Audit visit. Refer section 3.2.2 of this report for detail.

S. No	Measures and/or Corrective Actions	Deliverable	Schedule	Status	ERM Observations (July 2018)
4	Formation of SBPCL CMT and appointment of SBPCL'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> . A newly appointed Assistant Environment Manager has been stationed onsite since June 2018 onwards.
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 (NEPC-S). SBPCL 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. During 9 th EHSS audit, it was reported that SBPCL has made good progress with respect to identifying and compensating balance amount of due minimum wage payment to the eligible workers. During the 10 th visit as well, the labour sub-contractors are without a valid Labour Licence to be issued by Department of labour
6	Develop, communicate and operationalise the worker's grievance mechanism	Grievance Mechanism in place and conveyed to all stakeholders	March 2015		SBPCL 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 SBPCL through BCAS and are being verified by ERM during quarterly auditing. ERM's observations on each of the action item are presented in <i>Table 4.1</i> . With project now in operations, the EHSS performance of the both SBPCL and NEPC-S is being evaluated by ERM is consistent with the lender and regulatory requirements, with specific recommendations given in italics text in <i>Table 4.1</i> .

S. No	Measures and/or Corrective Actions	Deliverable	Schedule	Status	ERM Observations (July 2018)
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 <i>Dr. Mohammad Firoj Jaman of Department of Zoology, University of Dhaka</i> . The report concluded that the experts did not find any evidence of impact of the T-line on migratory birds, particularly on migratory ducks and therefore, further monitoring will not be required.
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 implementation is completed now.
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 SBPCL should stick to revised schedule for LRP implementation and its completion audit report. During 8 th EHSS audit, it was mentioned that SBPCL will take a decision on need to hire qualified third party for undertaking completion audit.

S. No	Measures and/or Corrective Actions	Deliverable	Schedule	Status	ERM Observations (July 2018)
					<p>During 9th EHS&S audit, it was observed that third party audit of LRP completion is not conducted.</p> <p>Till the 10th EHSS audit as well, the selection of consultant for conducting Completion Audit of LRP has not been done.</p>

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	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
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 – Stack Emissions; Effluent Discharge; Waste Management; Noise Quality; Surface Water Quality of Table 4.1.		Refer to S. No. 3.1 – Stack Emissions; Effluent Discharge; Waste Management; Noise Quality; Surface Water Quality of Table 4.1.
1.2	Comprehensive Environmental Performance report shall be submitted on a monthly basis to both the DOE offices.	SBPCL continues with the preparation and submission of monthly Environmental Performance Reports (EPR) to DoE on regular basis.		SBPCL continues with the preparation and submission of monthly Environmental Performance Reports (EPR) to DoE. Records indicate submission of EPRs to DoE for the period January to June 2018.
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.	Environmental monitoring reports are submitted in specified format on a monthly basis.		Assessed and observed to be in compliance by ERM during EHSS audit undertaken in February 2016 during operations. Refer ERM 4 th EHSS Compliance Assessment Report. 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.	NEPC-S continued in-house monitoring of ambient noise at 8 locations within plant and 3 village locations. Review of the monitoring results within plant for the period Dec 2017 to June 2018 indicates compliance to both day and night time noise standards specified for industrial area under <i>Bangladesh ECR, 1997</i> . For the village locations, equivalent day and night time noise results were also in compliance with noise standards specified for mixed area under <i>Bangladesh ECR, 1997</i> . Third party noise test by BV on 11th June, 2018 reveals that night time readings at the		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 and Paharpur</i>). Review of the monitoring results within plant for the period January to June 2018 indicates compliance to both day and night time noise standards specified for industrial area under <i>Bangladesh ECR, 1997</i> .

S. No	Regulatory Requirement	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
		villages varied from 51.3 -56.17 dB (standard: 50 dB), such high readings were attributed by the construction work currently under progress for Bibiyana I and Bibiyana III sites abutting the project. On the other hand, night time readings at near RMS room and cooling tower slightly crossed DoE limit (70.12 dB; standard: 70 dB), attributed by the outside construction works.		NEPC-S reportedly conducts third party monitoring of ambient noise on an annual basis. Review of the third party Ambient Noise Quality Report dated 11 June 2018 also reveals compliance to the standards specified in <i>Bangladesh ECR, 1997</i> with one exception near RMS room, where the night time noise level monitored by third party agency is found to be marginally higher (70.12 dBA) with respect to the standard value i.e. 70 dBA.
2	Conditions of Boiler Registration			
2.1	Boiler to be operated by certified boiler operator	Complied		Complied
3	Conditions of Factories License			
3.1	First Aid Boxes to bear photographs of first aid responders	Complied – the good practice is being continued.		Assessed to be in compliance by ERM during EHSS audit undertaken in December 2017. Refer <i>ERM 9th EHSS Compliance Assessment Report</i> . Compliance status has been verified and confirmed by ERM during 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.	No progress took place on this regard.		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. SBPCL considers this requirement to be not applicable with respect to their current operations with an exemption sought from the Deputy Inspector General, Moulvibazar vide letter dated 20

S. No	Regulatory Requirement	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
				March 2017. A site visit has been undertaken by the Labour Inspector, Department of Inspection for Factories and Establishment on 19 Sep 2017. Review of the site visit report reveals non-compliance cited by the Labour Inspector with respect to the constitution of a Worker Participation Fund and a Workers Welfare Fund as required under Rule 234 of the <i>Bangladesh Labour Act 2006</i> .
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.	Compliance status verified and confirmed by BCAS in the current audit.		Compliance status verified and confirmed by ERM in the current audit.
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	Compliance status has been verified and confirmed by BCAS during the current audit.		As mentioned in the 6 th <i>EHSS Compliance Assessment Report</i> , the chemical inventory sheet has been updated to include storage and supply details of HSD. Compliance status has been verified and confirmed by ERM during the current audit.
5	Bangladesh Petroleum Act, 1934 & Petroleum Rules, 1937			

S. No	Regulatory Requirement	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
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 liters in capacity.	Complied		Assessed to be in compliance by ERM during EHSS audit undertaken in December 2017. Refer <i>ERM 9th EHSS Compliance Assessment Report</i> . Compliance status has been verified and confirmed by ERM during the current audit.
5.2	<p>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.</p> <p>119. Renewal of License. (2) Every application for the renewal of a licence shall be made so as to reach the licensing authority not less than thirty days before the date on which the licence expires, and, if the application is so made, the premises shall be held to be duly licensed until such date as the licensing authority renews the licence or until an intimation that the renewal of the licence is refused has been communicated to the applicant.</p>	Currently, M/s Shapla Traders is engaged by NEPC-S for bulk supply and transportation of diesel. M/s Shapla Traders possesses license for transport of petroleum in bulk and the same is valid till 31 Dec 2019.		NEPC-S has engaged M/s Hazi Fotik Mia Filling Station for bulk supply and transportation of diesel. Reportedly, the aforesaid agency has engaged M/s Shapla Traders for supply of diesel onsite. Review of permit copy of the vendor indicates it possesses license for transport of petroleum in bulk under the relevant provision of the Petroleum Act 1934 and Petroleum Rules 1937 and the same is valid till 31 Dec 2019.
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.	Compliance status has been verified and confirmed by BCAS during the current audit.		Assessed to be in compliance by ERM during EHSS audit undertaken in Dec 2016. Refer <i>ERM 6th EHSS Compliance Assessment Report</i> . Compliance status has been verified and confirmed by ERM during the current audit.
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	Compliance status has been verified and confirmed by BCAS during the current audit.		Assessed to be in compliance by ERM during EHSS audit undertaken in Dec 2016. Refer <i>ERM 6th EHSS Compliance Assessment Report</i> . Compliance status has been verified and confirmed by ERM during the current audit.

S. No	Regulatory Requirement	BCAS Finding/Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
	separate and distinct connections placed at opposite extremities of such tank or receptacle.			
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.	NEPC-S engaged TUV Austria to conduct testing of the earth connections within the plant. TUV Austria conducted the tests on 25 th April at CCR, CW, HRSG, raw water area, main transformer area, hydrogen storage, RMS, diesel generator, diesel storage, CO2 tank, dormitory, warehouse & workshop, GT and ST.		<p>The site has engaged TUV Austria to conduct testing of the earth connections at the following locations within the plant viz. CCR, hydrogen storage, RMS, diesel storage, HRSG and Cooling Water. As mentioned in the earlier audit reports such test was found to be limited to only one isolated diesel storage tank supplying the fire pump.</p> <p>Furthermore as per the regulatory requirement, NEPC-S is yet to engage an Inspector or Assistant Inspector of Explosives to conduct test of the earth connections of the licensed diesel storage tanks.</p>
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.	Compliance status has been verified and confirmed by BCAS during the current audit.		Assessed to be in compliance by ERM during EHSS audit undertaken in Dec 2016. Refer <i>ERM 6th EHSS Compliance Assessment Report</i> . Compliance status has been verified and confirmed by ERM during the current audit.
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.	Compliance status has been verified and confirmed by BCAS during the current audit.		Assessed to be in compliance by ERM during EHSS audit undertaken in Dec 2016. Refer <i>ERM 6th EHSS Compliance Assessment Report</i> . Compliance status has been verified and confirmed by ERM during the current audit.
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	Bureau Veritas (BV), Bangladesh possessing valid certification conducted visual examination of 22 lifting equipment, 22 chain blocks, 59 eye bolts and 36 shackles on 12th December, 2017. However, the records of		As specified in the earlier audit observation, NEPC-S has now developed a lifting tool and equipment inventory along with their status of tests/examinations. However review of the inventory indicates that it is yet to

S. No	Regulatory Requirement	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
	<p>person as approved by Government in Form 24 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.</p> <p>The records of all such examination to be kept in Form 24.</p>	such tests have not been maintained in BLR prescribed format (Form 24).		<p>encompass the lifting tools in the form of slings/ropes which are being used for anchoring of chain host. These lifting tools are also not covered as part of periodic examination program being implemented by NEPC-S in accordance to the <i>Bangladesh Labour Rules 2015</i>.</p> <p>The passenger lifts being operated by the facility is pending annual examination by competent agency in accordance to the provision of the <i>Bangladesh Labour Rules 2015</i>. Review of the lift examination records maintained in Form 24 indicates that the same has been tested during July 2017.</p> <p>Reportedly, NEPC-S has engaged M/s <i>Bureau Veritas</i> holding valid competency certificate to perform annual examination of the lifting tools and machinery; however the same is found to be limited to visual checks only conducted during December 2017 and does not encompass physical verification as specified in the relevant provision of the <i>Bangladesh Labour Rules 2015</i>.</p>
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	Compliance status has been verified and confirmed by BCAS during the current audit.		Assessed to be in compliance by ERM during EHSS audit undertaken in Dec 2016. Refer <i>ERM 7th EHSS Compliance Assessment Report</i> . Compliance status has been verified and confirmed by ERM during the current audit.

S. No	Regulatory Requirement	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
6.3	<p>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.</p> <p>(1) In every establishment the first-aid box or cupboard equipped with the contents prescribed by rules shall be provided to be readily accessible during all working hours</p> <p>(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.</p> <p>Rule 76(5) of the Bangladesh Labour Rules, 2015 : The person employed for the supervision of the box or almirah and the relevant accessories and supplies must test the usefulness of the materials at least once in every 3 months period. In addition, the relevant materials have to be replaced one month before the expiry of them</p>	Compliance status has been verified and confirmed by BCAS during the current audit		Reportedly, there exist a total 7 first aid boxes placed at the facility to deal with any minor injuries or cuts. Sample review of the content of the first aid box at the maintenance department was found to be in conformance to the requirements specified under <i>Rule 76(5)</i> of the <i>Bangladesh Labour Rules 2015</i> . All such first aid boxes are periodically checked particularly for expired medicines, if any. NEPC-S has also implemented a monthly inspection tag for all first aid box maintained at the facility.
6.4	<p>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 operation; and notice specifying use and precautions regarding use of any corrosive chemicals.</p>	The good practices are in place.		In line with the earlier recommendation, the site has made provision of secondary containment and spill kit at the hazardous waste storage yard. Additional a lined pit has been provided adjoining to the storage yard to manage any overflowing spills.

S. No	Regulatory Requirement	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
6.5	6. Service Book: (1) Every employer shall, at his own cost, provide a service book for every worker employed by him.	Both NEPC-S and SBPCL have issued service books to all the staffs including security guards and canteen workers. Service books were not issued to the drivers, as they are engaged by the contracted vehicle owner, and the vehicles with drivers are hired on monthly basis for a stipulated payment package.	High	As recommended earlier service book has now been prepared and shared with all payroll staff of NEPC-S. However such service book is not found to be maintained in prescribed format (Form 7) for contractor workers engaged by SBPCL and NEPC-S.
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 register of workers did not include drivers, as they are engaged by the contracted vehicle owner.		Register of workers in Form 8 is being maintained for all workers except for the drivers hired and engaged by SBPCL through a third party agency. Furthermore, sample review of the aforesaid register reveals that it does not bear any information related to the compensatory holidays, working hours, work intervals and weekly holidays as specified in the said Form.
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.	Safety record book and safety board are in place.	Medium	Assessed to be in compliance by ERM during EHSS audit undertaken in Dec 2016. Refer <i>ERM 9th EHSS Compliance Assessment Report</i> . Compliance status has been verified and confirmed by ERM during the current audit.
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, a notice of periods of work for adult workers showing clearly the periods which adult workers may be required to work. (8) Two copies of the notice of the hours of work under this section shall be sent for approval to the Inspector before the work in an establishment begins.	Notice on working hour at the plant has been approved by the Labor Inspector, and copies of the same has been sited at several points of the plant.		Assessed to be in compliance by ERM during EHSS audit undertaken in Dec 2016. Refer <i>ERM 6th EHSS Compliance Assessment Report</i> . Compliance status has been verified and confirmed by ERM during the current audit.

S. No	Regulatory Requirement	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
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.	Refer to Sl. No. 3.2.		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.	NEPC-S has updated the abstract of the Bangladesh Labour Law, 2006 and Bangladesh Labour Rules 2015 and displayed at several points of the plant.		As observed during the 9 th EHSS Compliance Assessment Report and Labour Inspector report dated 30 Oct 2017, NEPC-S has now set up additional displays of the abstract of the <i>Bangladesh Labour Law, 2006</i> and <i>Bangladesh Labour Rules 2015</i> at conspicuous places within the facility premises.
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.	Bureau Veritas (BV), Bangladesh possessing valid certification conducted examination of 11 pressure vessels out of 18. The rest of the pressure vessels have not yet been tested. Records of the pressure vessel examination found to be maintained in prescribed format (Form 25 & Form 25A).		Review of the pressure vessel inventory revealed that there exist a total of 17 pressure vessels which is being operated by NEPC-S. Reportedly, these vessels due to their construction has been subjected to only external examination (ultrasonic testing) by a competent person from <i>M/s Bureau Veritas</i> on 21 November 2017. Document review indicates that the aforesaid agency possesses a competency certificate in Form 30 issued by the Factory Inspector General valid till 30 October 2018. Records of pressure vessel examination are being maintained in Form 25 and Form 25A in accordance to the relevant provision of the <i>Bangladesh Labour Rules, 2015</i> . However external examination of such pressure vessels due on June 2018 is found to be pending. Furthermore, such external examination is found to be limited to only 11 pressure vessels as

S. No	Regulatory Requirement	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
				<p>compared to the total of 17 vessels being listed in the inventory being maintained.</p> <p>As recommended in the earlier audit, NEPC-S is yet to include the drying towers/ tanks (4 no's) at the compressor room (operating at a pressure 0.8 Mpa) in the pressure vessel inventory being maintained.</p> <p>Review of the pressure vessel inventory indicates that there exist a total nine (9) pressure vessels which has been subjected to hydrostatic testing during the period Jan-Mar 2014. Per the <i>Bangladesh Labour Rules, 2015</i> all such vessel needs to be subjected to hydrostatic testing once in 4 years which is currently pending and is reportedly being planned sometime in November 2018.</p>
6.12	<p>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.</p> <p>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.</p>	Compliance status has been verified and confirmed by BCAS during the current audit.		Assessed to be in compliance by ERM during EHSS audit undertaken in Sep 2016. Refer <i>ERM 5th EHSS Compliance Assessment Report</i> . Compliance status has been verified and confirmed by ERM during the current audit.


S. No	Regulatory Requirement	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
6.13	<p>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.</p> <p>(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.</p>	Compliance status has been verified and confirmed by BCAS during the current audit.		Assessed to be in compliance by ERM during EHSS audit undertaken in Sep 2016. Refer <i>ERM 5th EHSS Compliance Assessment Report</i> . Compliance status has been verified and confirmed by ERM during the current audit.
6.14	Rule 73 (1) of Bangladesh Labour Rules, 2015: The facility shall preserve the record of each accident or mishap in a prescribed register in Form 28.	NEPC-S has submitted the accident register in Form 28 for the period of Jul-Dec 2017 and Jan-Jun 2018 to the Factory Inspector.		Assessed to be in compliance by ERM during EHSS audit undertaken in Sep 2016. Refer <i>ERM 6th EHSS Compliance Assessment Report</i> . Also as recommended during the earlier audit, NEPC-S maintains accident register in Form 28 with such records being submitted to the Inspector General on a six monthly basis. Records review indicate that accident register for Jan-Jun 2018 has been submitted to the Inspector General vide letter dated 4 June 2018.
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.	Compliance status has been verified and confirmed by BCAS during the current audit.		<p>Assessed to be in compliance by ERM during EHSS audit undertaken in Dec 2016. Refer <i>ERM 6th EHSS Compliance Assessment Report</i>.</p> <p>As recommended in the <i>8th EHSS Compliance Assessment Report</i>., NEPC-S has now provided gratings/ covering for the open floor wash drains at the multi-water pump house. The same was verified by ERM team during site</p>

S. No	Regulatory Requirement	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
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.	SBPCL has submitted half-yearly return for the period Jan-June 2018 in Form 80 to the Factory Inspector on 8 July 2018. The annual return for the year 2017 has also now been submitted in Form 81 to the Factory Inspector on 23 January 2018.		walkthroughs and review of photographic evidence shared by NEPC-S. Records indicate that NEPC-S has submitted both half-yearly and annual returns in prescribed format (Form 80 & 81) to the Inspector General vide letter dated 10 July 2018 and 23 January 2018 respectively.
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 annual examination will be due on August, 2018. NEPC-S has already collected quotations from third parties.		Records of medical examination of SBPCL and NEPC-S personnel including kitchen staff were found to be maintained in prescribed format i.e. Form 26 and Form 26 A as specified in the <i>Bangladesh Labour Rules 2015</i> . Reportedly, the annual medical examination for the year 2018 is planned to be conducted in August.
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.	Fire Service, first Aid and Emergency rescue Drill was organized by NEPC-S 26-27 February, 2018.		Assessed to be in compliance by ERM during EHSS audit undertaken in August 2017. Refer <i>ERM 8th EHSS Compliance Assessment Report</i> . Status has been reviewed and verified by ERM during the current audit with fire emergency drill conducted on 26-27 Feb 2018 by NEPC-S and SBPCL in presence of Sylhet Fire Station Officer.

S. No	Regulatory Requirement	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
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.	Compliance status has been verified and confirmed by BCAS during the current audit.		Assessed to be in compliance by ERM during EHSS audit undertaken in August 2017. Refer <i>ERM 8th EHSS Compliance Assessment Report</i> . Status has been reviewed and verified by ERM during the current audit.
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.	No progress took place on this regard.		As discussed in the earlier ERM audit reports, the following labour supply contractors - <i>Rafi Enterprise, Tahsin Enterprise and Sohag Enterprise</i> are still to be obtain necessary registration from competent authorities in relation to their activities as per <i>Bangladesh Labour Rules, 2015</i> . Similar findings has been made by the Labour Inspector vide its site visit report dated 30 October 2017
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.	NEPC-S engaged TUV Austria to conduct testing of the earth connections and electric wiring within the plant. TUV Austria conducted the tests on 25 th April, 2018.		As recommended in the previous audit reports, NEPC-S has engaged M/s TUV Austria to conduct an assessment of the electrical wiring and earthing of the facility in accordance to the provision of the <i>Bangladesh Labour Rules, 2015</i> . Such examination has been conducted by the aforesaid agency on 25 April 2018 and report issued to this regard on 3 May 2018. Although no issues/observations made by TUV as part of this report the examination was found to be executed on a sample basis being limited to electrical lines of cooling tower, gas turbine and ACW pump room.

S. No	Regulatory Requirement	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
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.	Compliance status has been verified and confirmed by BCAS during the current audit.		Assessed to be in compliance by ERM during EHSS audit undertaken in Dec 2016. Refer <i>ERM 7th EHSS Compliance Assessment Report</i> . Compliance status has been verified and confirmed by ERM during the current audit.
6.23	Rule 55 (2) of Bangladesh Labour Rules, 2015: In the factory with the floor area more than 90 sqmt and where fire incident can occur from other combustible objects except the combustible liquid, electric equipment's and combustible metals, a dry chemical powder fire extinguisher or such kind of portable fire extinguisher should be installed for each additional 90 sqmt of the designated bucket mentioned in the sub-rule (1).	Complied previously. All the fire extinguishers in the plant are checked every month.		As mentioned in the <i>7th EHSS Compliance Assessment Report</i> , NEPC-S has now made available requisite number of fire extinguishers at the LPG Gas Bank near the canteen area. Compliance status has been verified and confirmed by ERM during the current audit.
6.24	Section 67: Casing of new machinery, Bangladesh Labour Act, 2006: After the commencement of this Act, in every power driven machinery installed in an establishment- (a) every set screw, belt or key, or any revolving shaft, spindle wheel or pinion shall be so sunk, encased or otherwise effectively guarded so as to prevent danger; (b) all spur, worm and other toothed gearing, which does not require frequent adjustment while in motion, shall be completely encased, unless it is so situated as to be safe if it were completely encased.	No progress took place on this regard.		The rotating parts of the lathe and drill machines in operation at the facility workshop were still not found to be equipped with any fixed or movable guards in consistent with the requirements of the Bangladesh Labour Act, 2006.
6.25	Rule 19 of Bangladesh Labour Rules, 2015: (7) The information regarding the letter of appointment, identity card and service book should be kept as per Form- 6 (a).	No progress took place on this regard.		NEPC-S has started maintaining the letter of appointment, identity card and service book for its workers in the format (Form 6A) prescribed under the <i>Bangladesh Labour Rules 2015</i> ; however the contractual workers engaged through third party services are only provided

S. No	Regulatory Requirement	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
				with temporary identity cards and no appointment letters, service book maintenance etc. are not tracked.
6.26	Rule 24 of Bangladesh Labour Rules, 2015: (1) In accordance with the section 10, the leave register will be kept as per Form- 9 and the descriptions of the leave mentioned in the sections 115, 116 and 117 will be written down in it.	Currently, NEPC-S maintains the leave register for its workers in the format (Form 9) prescribed under the Bangladesh Labour Rules 2015.		NEPC-S has started maintaining the leave register for its workers in the format (Form 9) prescribed under the <i>Bangladesh Labour Rules 2015</i> .
7	Electricity Rules, 1937			
7.1	Rule 42, 45 & 49 of the Electricity Rules, 1937	Complied previously, and the good practices are being continued.		As mentioned in the <i>7th EHSS Compliance Assessment Report</i> , NEPC-S has now made provision for insulated mats at the front of all the electrical panels near the fire and raw water pump house. Compliance status has been verified and confirmed by ERM during the current audit.
8	Pressure Vessel Rules, 1995			
8.1	Condition No 10 of the Renewed Hydrogen Generation & Storage License	Compliance status has been verified and confirmed by BCAS during the current audit.		Assessed to be in compliance by ERM during EHSS audit undertaken in Dec 2016. Refer <i>ERM 6th EHSS Compliance Assessment Report</i> . Compliance status has been verified and confirmed by ERM during the current audit.
8.2	Rule 24 of the Pressure Vessel Rules, 1995	Compliance status has been verified and confirmed by BCAS during the current audit.		Assessed to be in compliance by ERM during EHSS audit undertaken in Dec 2016. Refer <i>ERM 6th EHSS Compliance Assessment Report</i> . Compliance status has been verified and confirmed by ERM during the current audit.
8.3	Rule 31 (2) and (4) of the Pressure Vessel Rules, 1995	EPC Contractor claims that the electrical panels, switches, sockets, fixed lamps etc. at the licensed hydrogen storage are flameproof – European Standard has been followed to ensure flameproof construction. They also		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.

S. No	Regulatory Requirement	BCAS Finding /Observation (as on 8 July 2018)	Risk Rating	ERM Observations on 18 July 2018
8.4	Rule 32 of the Pressure Vessel Rules, 1995	claim that compliance with European Standard shall cover the requirements of BS 5345 requirements. Refer to Sl. No. 5.5		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 SBPCL.

Table 6.1 *Corrective Action Items List*

S. No	Action Item	Responsibility	Completion Timeline*
A CAP, ESMMP& IFC ESAP			
1	Update the pressure vessel examination program to include safety relief valves.	NEPC-S	December 2018
2	Obtain the monitoring results for the remaining parameters (~22) in treated waste water from Central Laboratory of M/s DPHE on a fast track basis. Assess and evaluate the treated waste water monitoring results with the discharge standards specified in the IFC EHS Guidelines for Thermal Power Plants.	NEPC-S	December 2018
3	Update the hazard identification and risk assessment matrix prepared for operations of critical machines viz. drill machines, lathe machines, bench drills etc. to include the risk significance status.	NEPC-S	November 2018
4	Perform review of the ambient air quality data on a weekly basis and implement necessary corrective action in case of any abnormal/missing result.	NEPC-S	September 2018
5	Update the surface water monitoring program to include monitoring at an additional location i.e. treated waste water discharge point along with analysis of additional parameters viz. DO and BOD in inland surface water. Assess the surface water quality results with Standards of Water (Schedule 3, Rule 12 of ECR 1997).	NEPC-S	December 2018
6	Obtain the analytical results for the remaining ground water parameters from M/s DPHE on a fast track basis to assess compliance with the drinking water standards specified in Schedule 3B of Bangladesh ECR, 1997. Conduct in-house monitoring of coliforms on a regular basis to assess conformance with the standards specified in Bangladesh ECR, 1997.	NEPC-S	December 2018
7	Ensure that the third party agency involved in the collection, transportation and disposal of medical waste possess valid license for such activities in consistent with the requirements of the Medical Waste Management & Processing Rules, 2008.	NEPC-S	November 2018
8	Mark the glass wools storage rack at the CW pump house with safe load bearing capacity and permanently fix the storage rack to the floor.	NEPC-S	October 2018
9	Carry out audiometric testing of workers operating at all high noise zones identified within the plant.	NEPC-S	October 2018

S. No	Action Item	Responsibility	Completion Timeline*
10	Review the work permit procedure to introduce a dedicated permit for electrical work. Ensure all LOTO tags bear details of the personnel involved in lock out.	NEPC-S	November 2018
11	Update the details of the NEPC-S firefighting, rescue and first aid team being maintained in Form 22. Perform periodic inspection of the firefighting equipment's particularly sprinklers and hose reels in consistent with the requirements of the Bangladesh National Building Code.	NEPC-S	October 2018
12	Conduct analysis of all parameters of ETP Sludge as specified in the Bangladesh Standards and Guidelines for Sludge Management (2015) to assess the hazardous nature of the sludge, if any. Ensure the results for the parameter are expressed in the units as specified in the aforesaid standards.	NEPC-S	December 2018
B EHS Legal Compliance			
1	Establish a Worker Participation Fund and a Workers Welfare Fund as required under Bangladesh Labour Law.	SBPCL	December 2018
2	Update the lifting tool inventory to include slings/ropes being used for anchoring for chain-hoist blocks. Perform thorough examination of all lifting tools and equipment's through a competency agency with records of such test being maintained in prescribed format (Form 24).	NEPC-S	November 2018
3	Update the lifts examination program to include passenger lift and maintain such examination records in Form 24	NEPC-S	November 2018
4	Perform comprehensive physical verification of lifting tools and equipment's by engaging an authorised third party agency and maintain record in prescribed format.	NEPC-S	November 2018
5	Maintain a service book for the contractual staff viz. security guards, canteen workers in Form 7; and register in Form 8 for the drivers engaged by SBPCL	NEPC-S & SBPCL	December 2018
6	Update the pressure vessel inventory to include the drying tanks/towers at the air compressor room. These vessels are to be subjected to examination by Bureau Veritas, Bangladesh and records maintained in Form 25 & 25A.	NEPC-S	December 2018
7	Conduct hydrostatic testing and external examination of pressure vessels which have exceeded their third party inspection due date as per applicable regulations	NEPC-S	December 2018
8	Ensure the rotating part of the WTP strainer, lathe and drill machines are equipped with mechanical guards.	NEPC-S	December 2018
9	Ensure provision of flameproof construction conforming to BS 5345 requirements for electrical panels, switches, sockets, fixed lamps etc. at the licensed hydrogen storage yard	NEPC-S	September 2018
11	Finalise contract for developing infrastructures (5 class rooms, 1 teacher room, 2 toilets, 1 library room and boundary wall for Parkul School) under the budget earmarked for 'Enhancement of local education' in CDP.	SBPCL	March 2019
12	Finalise contract for providing necessary educational materials as per the proposal received from management committee of a high school in Sherpur village, under the budget earmarked for 'Establishment of library' in CDP.	SBPCL	March 2019
13	Freeze alternate opportunity for incurring budget earmarked for 'Enhancement of local hospital' in CDP, with the objective of improving health infrastructure in project region.	SBPCL	March 2019

S. No	Action Item	Responsibility	Completion Timeline*
C	Labour Legal Compliance		
1	Review EL provision is revised HR manual of Summit and align with BLL 2006 requirements.	SBPCL	March 2019
2	The labour sub-contractors should obtain a valid Labour Licence to be issued by Department of labour	SBPCL and NEPC-s	December 2018

* Tentative timelines and need to be reviewed by SBPCL and NEPCS

With project now in combined cycle operations and fully operated by the O&M contractor since last 31 months, SBPCL compliance to operational EHSS requirements has been assessed to be satisfactory. NEPC-S has already developed and started implementation of the EHS management system. Quality, environmental and occupational health and safety management system certification was also completed in December 2017 and valid till 19th December 2020.

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. In addition to that specific attention is required to conduct LRP completion audit and implementation of pending CDP activities as well as evaluation.

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 December 2018/ January 2019 after internal compliance monitoring by SBPCL or any third party in December 2018.

Annex A

Photo-Documentation

Photo-documentation



Photo 1: Glass wool storage rack at the CW Pump House not fixed to the floor using bolts



Photo 2: Safe working loading not marked on the glass wool storage rack at CW Pump House



Photo 3: Rotating parts of strainer of WTP lacking mechanical cover/guard.



Photo 4: Details missing on the LOTO tag on the motor operated valve of the return line at raw water pump house



Photo 5: Proper labelling on the waste oil drums at the hazardous waste storage

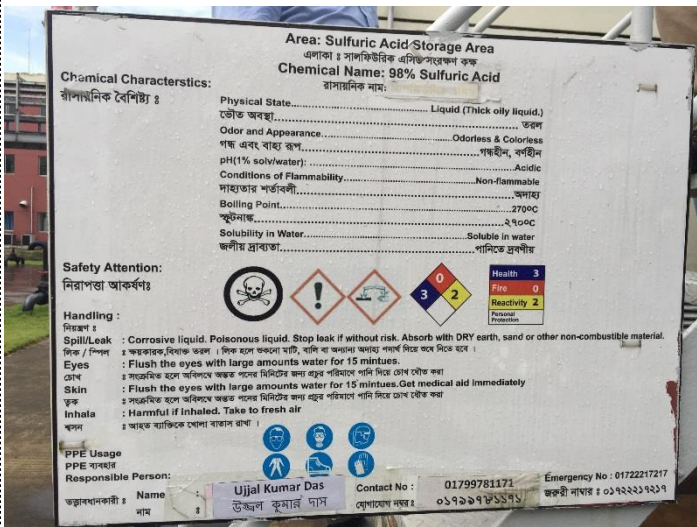


Photo 6: Display of safety related information at the isolated acid storage area



Photo 7: Segregated storage of biomedical waste in coloured and labelled container in OHC room.



Photo 8: Provision of insulated mats in front of electrical panels at the fire pump room



Photo 9: Abstract of Bangladesh Labour law displayed at the Control Room building



Photo 10: Display of emergency evacuation routes and fire extinguisher location on building floor plan



Photo 11: Provision of fire extinguisher at the LPG cylinder storage area near canteen.



Photo 12: Unsafe scaffolding observed at the acid and alkali storage yard.

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