

B-29016/04/06/IPC-I/

SPEED POST

March 03, 2017

To

All SPCBs/ PCCs
(as per the list)

SUB: DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 and THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 IN THE MATTER OF POLLUTION CONTROL IN 17 CATEGORY OF HIGHLY POLLUTING INDUSTRIES and ROG- REGARDING SELF MONITORING OF COMPLIANCE

WHEREAS, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, and under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the function of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive programme for the prevention, control or abatement of pollution of streams, wells and air pollution in the State/ Union territory and to secure the execution thereof; and

WHEREAS, under section 16 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs / PCCs; and

WHEREAS, following direction under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to all SPCBs/PCCs on 05.02.2014 for installation of online monitoring systems in the 17 category of highly polluting industries and grossly polluting industries located in Ganga basin area;

- a) To Install Online Continuous Stack Emission Monitoring Systems (OCSEMS) in 17 categories of highly polluting industries and in Common Hazardous waste and Biomedical waste incinerators for the parameters (industry/sector specific parameter) mentioned in the consent to operate/authorisation not later than by March 31,2015;
- b) To install online effluent quality monitoring system at the outlet of effluent treatment plants of the 17 category industries and in CETPs for the measurement of the parameters (industry/sector specific parameter) like flow, pH, COD, BOD, TSS and for other consented parameters as per the guidelines provided; not later than by March 31, 2015;
- c) To connect and upload the online emission and effluent monitoring data at SPCBs/PCCs and CPCB server in a time bound manner but not later than by March 31,2015;

- d) To ensure regular maintenance and operation of the online system with temper proof mechanism having facilities for online calibration;
- e) To submit bank guarantee of 25 % of the cost of online monitoring systems (emission and effluent whichever applicable) for ensuring timely installation of online monitoring systems within 90 days from the date of receipt of directions issued by SPCBs/PCCs to the industries;

WHEREAS, In order to sensitize the issues among SPCBs/PCCs, CPCB also highlighted the status of compliance of setting up online monitoring system in the conference of Chairman and Member Secretaries (February 21-22, 2014 at Bangalore and January 09, 2015 at Chandigarh) at the National as well as Regional level on online monitoring system; and

WHEREAS, CPCB has organized five interaction meets on 06/8/2014, 19/09/2014, 29/09/2014, 8/10/2014 and 16/10/2014 respectively to have an interaction with SPCBs, representative of industries, industrial associations and instrument suppliers on online monitoring system; and

WHEREAS, CPCB has already published guidelines for online continuous monitoring system for effluents on 07.11.2014; and

WHEREAS, a letter has been issued to all SPCBs/PCCs on October 31, 2014 and subsequent reminder sent on December 24, 2014 to provide action taken report to CPCB in the format before January 10, 2015; and

WHEREAS, considering the requests/ representations received from industries/ industrial associations/ SPCBs / PCCs, an extension of time up to June 30, 2015 for installation of online monitoring systems was granted vide direction dated March 02, 2015 under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981; and

WHEREAS, following modified direction under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to all SPCBs/PCCs on March 02, 2015;

- (i) All the industries will submit bank guarantee of 100 % of the cost of online monitoring systems (emission and effluent whichever applicable) for ensuring timely installation of online monitoring systems by 30.06.2015 and such bank guarantee will be discharged if they install the system before June 30, 2015.
- (ii) If the industries will not install the online monitoring system by June 30, 2015 their consent to operate of the industry shall be withdrawn and bank guarantee shall be forfeited.

WHEREAS, the issues were also discussed in the 59th Conference of Chairman & Member Secretaries held on April 08, 2015 at Delhi; and

WHEREAS, a letter vide dated May 29, 2015 was issued by the Chairman CPCB to all the SPCBs/ PCCs informing that no further extension of time will be given after June 30, 2015 and withdrawal of consent to operate along with forfeiture of bank guarantee of non-complying units will be the only option; and

WHEREAS, it was observed that despite of efforts made by the SPCBs/PCCs in their state for installation of online monitoring system, it had not yielded desired results and till June 30,2015, most of the industries were not transmitted on line data to the CPCB server; and

WHEREAS, a notice u/s 5 of the E(P) Act,1986 was issued to all the 17 category of highly polluting industries during July-August 2015 by the CPCB for installation of online monitoring system and provide connectivity with CPCB; and

WHEREAS, direction under section 5 of the E(P) Act,1986 was issued to the units vide letter dated July 27,2016 directing the unit to close down operation and not to restart the production till the online monitoring system installed and connected; and

WHEREAS, it has been observed that some of the industries have been operating without valid consent of SPCBs/PCCs; and

WHEREAS, following direction under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to all SPCBs/PCCs on February 09, 2017;

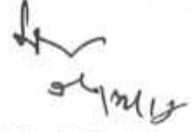
- (i) That State Pollution Control Boards (SPCBs)/ PCCs shall direct the all such units (Orange, red and green category) not to continue its operations till the Unit obtains valid consent to operate (CTO) from the SPCB/PCC.
- (ii) SPCB/PCC shall place names of all such defaulter units on its website and issue notices under Water and Air Act to seek consent and comply with stipulated standards.
- (iii) CPCB shall not revoke direction of closure in respect of all such units even after installation of online monitoring system and connectivity, till they possess valid consent of SPCBs/PCCs.

WHEREAS, revocation of direction by CPCB in respect of industries is contingent on compliance of its direction by those industries;

Now therefore, in exercise of the powers conferred under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18 (1) (b) of the Air (Prevention & Control of Pollution) Act, 1981 the following fresh directions are issued in partial modification of the above direction dated February 09, 2017;

1. That State Pollution Control Boards (SPCBs)/ PCCs shall direct all such units (Orange, red and green category) not to continue their operations till the Units obtain valid consent to operate (CTO) from the SPCB/PCC.

2. SPCB/PCC shall place names of all such defaulter units on its website and issue notices under Water and Air Act to seek consent and comply with stipulated standards.



(S. P. Singh Parihar)
Chairman



Copy to:

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2. I/c IPC-I, II, III, and IV
3. All Regional Directors, CPCB
4. I/c IT Division, CPCB
5. I/c IPC-V, CPCB



(A.B. Akolkar)
Member Secretary

o/c