

SPEED POST

F. No. B-29016(SC)/G-07/18/WM-II Div/ 6347

September 09, 2019

To

The Chairman  
Maharashtra Pollution Control Board  
Kalpataru Point, 3<sup>rd</sup> and 4<sup>th</sup> Floor  
Opp. Cinemax Theatre Sion (E)  
Mumbai-400022

**DIRECTION UNDER SECTION 18(1) (b) OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974, REGARDING CONTAMINATION OF GROUND WATER AND ESCAPING OF WASTEWATER FROM INDUSTRIAL UNITS LOCATED IN MAHAD INDUSTRIAL AREA, MAHARASHTRA**

WHEREAS, the Central Board, has delegated powers vested under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 to the Chairman, Central Pollution Control Board vide its resolution made on 133<sup>rd</sup> Board meeting item no. 3.12 dated 24<sup>th</sup> March, 2005 to issue direction under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 to State Board; and

WHEREAS, amongst others, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Board (SPCB), constituted under the Water (Prevention & Control of Pollution) Act, 1974 is to plan a comprehensive programme for prevention, control or abatement of pollution of streams and wells located in the State and to secure the execution thereof; and

WHEREAS, amongst others, under Section 16 of the Water (Prevention & Control of Pollution) Act, 1974, one of the functions of the Central Pollution Control Board (CPCB), constituted under the Water (Prevention & 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 to promote cleanliness of streams and wells in different areas of the State; and

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

WHEREAS, the Central Government has notified standards for discharge of environmental pollutants from industries and common effluent treatment plants (CETPs), under the Environment (Protection) Act, 1986 and rules framed under; and

WHEREAS, CPCB has been interacting with SPCBs regarding implementing effective monitoring mechanism to ensure compliance of effluent standards by CETPs and to stop direct discharge of untreated industrial effluent from industries/industrial area by-passing the CETP for the area; and

WHEREAS, in order to improve the status of compliance of the stipulated effluent standards by CETPs, CPCB has issued directions under section 18 (1) (b) of the Water (Prevention & Control

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of Pollution) Act, 1974, to SPCBs/PCCs, vide letter no. B-22013/2/PCI-III/2008, dated 02/09/2008 and modified directions vide letter no. PCI-SSI/CETPs Monitoring/Direction/2016 dated 31/03/2016; and

WHEREAS, CPCB received a complaint regarding environmental issues in Mahad Industrial area (Maharashtra) and the proposed Common Hazardous Waste Treatment Storage and Disposal Facility (CHWTSDF) of M/s Mumbai Waste Management Ltd. Mahad.; and

WHEREAS, the said area was jointly visited by officials of CPCB and Maharashtra PCB on 23/08/2016 and based on the inspection report, CPCB vide letter dated 20/09/2016 requested Maharashtra PCB to initiate following action:

A. Mahad Industrial Area

- a) To initiate detailed site assessment and remedial measures, if any, including imposition of liability as outlined in guidelines on "Guidelines on Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty" published by CPCB;
- b) To ensure that no runoff water from industries are allowed to escape from the unit by ensuring proper runoff collection within the units and management of same;
- c) To ensure resumption of operations of the AAQM stations and incorporate the monitoring facility for all specified parameters including Benzene being chemical/spent solvents units prevalent in the area. Further, mitigative measures shall also be initiated in case of higher concentrations, if any.
- d) To ensure that CETP operator initiates corrective measures to meet MPCB discharge standards (since the exceedance to the discharge standards observed w.r.t TSS, FDS, Sulphate and Fluoride). Further, online monitoring system shall also be properly calibrated and validated immediately.

B. Proposed CHWTSDF in Mahad

- a) To ascertain the depth of ground water table before allowing the proponent to carry construction work. Further, MPCB shall ensure that sitting of the Cell of the secured landfill site shall be such that ground water table shall be equal to or more than 02 m below the base of the landfill. If not, appropriate safeguards in design are to be taken or landfill shall be constructed over the ground level so as to meet the said criteria.
- b) Necessary safety measures shall be made to prevent any runoff/sub-soil hydrology from the hill side approaching towards the site, if any.
- c) Guard pond of adequate size shall be provided ensuring that no runoff water escapes from the TSDF site.
- d) Adequate leachate treatment shall be installed so as comply with the standards stipulated for treated effluent and the same shall be transported to nearby CETP. Alternatively, multiple effect evaporator shall be installed to treat the leachate.
- e) Maharashtra State Environment Impact Assessment Authority (SEIA) may have granted EC considering applicability of B1 or B2 category and in compliance with various provisions. However, Department of Environment, Govt. of Maharashtra, may look into the matter and take appropriate action, if any.

WHEREAS, the aforesaid Mahad Industrial area & proposed common hazardous waste TSDF was again visited by officials of CPCB, Regional Directorate, Vadodara and Maharashtra PCB on 13/08/2019 to verify the compliance status on the action points, listed above at A & B, and following observations are made:

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1. Based on the random industrial visit, it was observed that flood caused some units to temporarily shut down operation, disrupting ETP and damaged the online continuous effluent monitoring system (OCEMS) installed in ETP and also washed away the stored material in the premises.
2. Maharashtra PCB has neither conducted any site assessment study in MIDC area for remedial measures nor imposed liability, as communicated vide CPCB letter dated 20/09/2016. However, Maharashtra PCB has issued directions alongwith submission of bank guarantee and closure directions during December 2017 to July 2019, to the units located in MIDC Mahad area.
3. It was observed that one underground storm water drain having acidic pH was directly discharging in Temghar Nala near Plot No. A-15 which pertains to M/s Shree Hari Chemicals.
4. Out of 05 randomly inspected units, 02 units i.e. M/s Chemsol Industries (who was issued closure directions on 29/06/2019) and M/s Mallak Speciality were not in operation. M/s Mallak Speciality was not in operation due to damaged machinery. 01 Unit i.e. M/s Shree Hari Chemicals storing its hazardous waste under a shed and spent gypsum openly on the bank of Temghar Nalla and leachate management system was not provided in the shed. There is possibility of leachate run-off from the waste during rainy season to the Tamghar Nalla and finally to River Savitri. Further, there was no unauthorized discharge of wastewater or storage of hazardous waste with potential of runoff of leachate is observed from the remaining 02 units i.e M/s Vasundhara Rasayan Ltd. and M/s IPCA Ltd.  
Further, M/s Chemsol Industries (I) Pvt. Ltd. appears to be repeated violator w.r.t. discharging of substandard effluent into storm water drain which meets Temghar Nalla that further meets to River Savitri (a perennial fresh water resource to Mahad area) as similar observations were made w.r.t. to the same unit in previous CPCB report and closure directions was issued by MPCB in June, 2019.
5. Maharashtra PCB informed that 03 National Ambient Air Quality Stations have been made operational. However, during visit one of the monitoring stations located at administrative building of M/s Pearl Polymer was found not in operation. Further, Maharashtra PCB has provided monitoring data upto May, 2019 for only 03 parameters namely RSPM, NO<sub>2</sub> and SO<sub>2</sub>.
6. During visit CETP was found operational and as per analysis result provided on the Maharashtra PCB website, CETP meets prescribed discharge standards for pH, TSS, TDS, BOD and COD.  
During visit, it was also observed that OCEMS provided by CETP operator for pH, TSS, BOD and COD was not operational. It was informed that due to heavy rain OCEMS was also submerged causing damage to the system and sent to supplier for repairing. The OCEMS was last calibrated on 08/01/2019.
7. It was observed that proposed common TSDF site of M/s Mumbai Waste Management Ltd, Mahad, was unoccupied. No development/construction activity has been initiated so far. Maharashtra PCB officials informed that M/s Mumbai Waste Management Ltd could not initiate the project due to objection from nearby villagers and local NGOs.

WHEREAS, the above observations reveal that the Maharashtra PCB has not executed the action points listed at A to B above that were communicated vide aforesaid CPCB letter dated 20/09/2016. Further, no concrete actions have been initiated with respect to contamination of ground water and escape of waste water from industrial units in the form of run-off; operation of NAAQM stations and monitoring of other parameters including Benzene in ambient air and has not provided status on CETP compliance to prescribed discharge standard for FDS, Sulphate and Fluoride;

NOW, THEREFORE, in view of the above observations and in exercise of power conferred under 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974, Maharashtra SPCB is hereby directed to take appropriate measures for the compliance of following:

- i. Initiate detailed site assessment and remedial measures, if any, including imposition of liability as outlined in CPCB's guidelines on "Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty";
- ii. Ensure proper runoff collection system and management of same within the units so that no runoff water from industries is allowed to escape from unit;
- iii. Initiate actions for monitoring and analysis of other parameters specifically w.r.t Benzene in National Ambient Air Quality Stations;
- iv. Ensure that CETP operator comply with prescribed discharge standards (as specified by Maharashtra PCB) for all the parameters including FDS, Sulphate and Fluoride;
- v. Ensure that necessary action be taken on the proposed CHWTSDF in Mahad as communicated by CPCB vide its letter dated 20/09/2016

Receipt of these directions be acknowledged and point-wise action taken report on compliance of the above directions be submitted to this office within 15 days from issuance of this direction.



(S.P. Singh Parihar)  
Chairman

**Copy to:**

1. The Joint Secretary, HSM Division, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 003.
2. The Regional Director, Central Pollution Control Board, Parivesh Bhawan, Near Ward Office No-10, Subhanpura, Vadodara : To follow-up w.r.t. compliance of CPCB directions.
3. MS, CPCB, Delhi.
- ✓ 4. I/c IT Division, CPCB, Delhi



(Prashant Gargava)  
Member Secretary