



B-29016/04/06/IPC-I/ 14651

December 26, 2018

To,

Sh. Prabhanjan Dixit, VP (EHS)
M/s Nayara Energy Limited (Formerly Essar Oil Ltd),
Jamnagar-Okh Highway,
Vadinar Vill., Dist. Dwarka,
Gujarat - 361305

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986 - reg.

WHEREAS, the Oil Refineries industries are identified as one of the 17 categories of highly polluting industries which have been discharging environmental pollutants directly or indirectly into the ambient air and water, having potential threat to cause adverse effect on the water and air quality; and

WHEREAS, Unit has provided the connectivity of the online monitoring system of Stacks and for Effluent data to the CPCB as per detail registered by the unit on Aug 6, 2015; and

WHEREAS, Unit has shortlisted for inspection based on the SMS alerts received during 15 Feb- 15 March, 2018; and

WHEREAS, Central Pollution Control Board, Regional Directorate, Vadodara inspected the unit on May 02, 2018 and observed the following:

1. In FCC-R unit the measured CO value was BDL, but the OCEMS value was 320.37mg/Nm³, the value is within the GPCB prescribed limit of 400mg/Nm³.
2. In DCU -1 & 3 the measured CO value was BDL, but the OCEMS values in DCU-H1 576.65mg/Nm³, DCU-H3 240.27mg/Nm³ are exceeding the GPCB prescribed limit of 150 mg/Nm³
3. The unit has not provided OCEMS for the measurement of PM and SO_x in the stacks attached to SRU unit as per inspection report and CPCB, IT division report dated May 28, 2018
4. The unit has not installed online PM analysers in 13 Stacks out of 17 stacks except stack attached to CDU, VDU and FCCR unit as per IT division report dated May 28, 2018

WHEREAS, the unit has not installed online PM analysers in 13 Stacks which is non-compliance of the direction issued by CPCB under section 5 of the E(P) Act, 1986 and action as per law shall be initiated separately and environmental compensation charges will be imposed till the compliance is achieved; and

WHEREAS, based on above stated observations, Directions (notice) under section 5 of the Environment (Protection) Act, 1986, was issued to M/s Nayara Energy Limited (Formerly Essar Oil Ltd), on June 06, 2018 to show cause as to why your unit not be directed to close down all operational activities with immediate effect until following directions are compiled:

1. The unit shall take appropriate measures and calibrate the OCEMS system to reflect the correct value of CO emissions in the stacks attached to FCCR, DCU- 1 & DCU-3 unit so as to meet the GPCB prescribed norms.
2. The unit shall provide the OCEMS analyser in all stacks for the measurement of SO_x, NO_x, PM and CO.

WHEREAS, unit has submitted the reply to the Directions (Notice), vide letter dated June 15, 2018; and

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WHEREAS, unit has informed that they will complete the process w.r.t installation of PM analyzers in remaining stacks by December 31, 2018 and these 10 units have not taken any shut down since 2015 and planned for shut down of these units in December, 2018 as per e-mail dated October 13, 2018; and

WHEREAS, The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) to take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs and CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment; and

WHEREAS, as per formula derived for EC by CPCB, the total environmental compensation charges was calculated Rs 61,20,000 and same shall be deposited by the unit at CPCB within 15 days for the noncompliance period (June 06,2018 to December 26,2018):

WHEREAS, the Ministry of Environment & Forests, Government of India, vide Notifications No. S. O. 157 (E) of 27.02.1996 and S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof.

NOW, THEREFORE, in exercise of powers vested to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, and the Unit [M/s Nayara Energy Limited (Formerly Essar Oil Ltd, Gujarat] directed to deposit Rs 61,20,000/- within 15 days in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271). In case of non-compliance by the Unit action as deemed fit under the provisions of Environment (P) Act, 1986 shall be taken.

(S.P.Singh Parihar)
Chairman

Copy to:

1. The Member Secretary
Gujarat State Pollution Control Board
Sector 10-A, Gandhi Nagar - 382 043
Gujarat
2. The Advisor (CP Division)
Ministry of Environment, Forests and Climate Change
Prithvi Wing, 2nd Floor, Room No. 216
Indira Paryavaran Bhawan
Aliganj, JorBagh Road,
New Delhi - 110003
3. The Regional Director
Central Pollution Control Board
Parivesh Bhawan, Opp. VMC Ward Office No. 10
Subhanpura, Vadodra-390 023
4. The In-charge , IPC-VI , CPCB
5. The In-charge, IT, CPCB

28.12.18

(Prashant Gargava)
Member Secretary