



SPEED POST

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

14449

December 28, 2018

To

M/s Brahmaputra Cracker and Polymer Limited,
Lepetkata, Dibrugarh,
Assam- 786006

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

WHEREAS, the Petrochemical 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, the IT Division, CPCB on July 10, 2017 reported that the petrochemical unit M/s Brahmaputra Cracker and Polymer Limited, Dibrugarh, Assam (herein after referred as the Unit) neither registered nor provided online data connectivity for Online Continuous Emission and Effluent Monitoring System (OCEMS) to CPCB; and

WHEREAS, the Unit was inspected by the officials of CPCB, Regional Directorate, Shillong along with Pollution Control Board Assam during August 10-11, 2017 to assess the status of pollution caused by the Unit in a case in the Hon'ble NGT (O.A. No.-84/2017 (Dibrugarh Fishery Co-operative Society Ltd. Vs Union of India and ORS. NGT Kolkata on 06.07.2017) and following non-compliance were observed:

1. The Unit does not have a Valid CTO from Assam Pollution Control Board to operate the plant.
2. The Unit has not operated its Effluent Treatment Plant (ETP) properly to meet the industry specific standards.
3. The design of the oil & grease catch pit was not appropriate so as to minimize the oily effluent release to the Sesa River.
4. The analysis result of treated effluent was not meeting the industry specific standards {Guard Pond A- (pH-8.92 > 6.0-8.5; Oil & Grease- 17.40 mg/l > 5.0 mg/l; BOD- 33.70 mg/l > 15 mg/l; Suspended Solids- 99 mg/l > 20 mg/l; Sulphides -1.2 mg/L > 0.5 mg/L; Phosphate 6.46 mg/l > 3.0 mg/l); Guard Pond B- (Oil & Grease- 30.98 mg/L > 5.0 mg/L; BOD-33.70 mg/L > 15 mg/L; COD-194.34 mg/L > 125 mg/L; Suspended Solids-45 mg/L > 20 mg/L; Sulphides-3.6 mg/L > 0.5 mg/L; Ammonia- 17.53 mg/L > 15.0 mg/L; Phosphate-12.48 mg/L > 3.0 mg/L); Guard Pond C (pH -9.14 > 6.0-8.5; BOD -171.94 mg/L > 15 mg/L); COD -262.26 mg/L > 125 mg/L); Sulphides -1.0 mg/L > 0.5 mg/L); Eco Pond Outlet (Oil & Grease-7.55 mg/L > 5.0 mg/L; Sulphides -1.0 mg/L > 0.5 mg/L)}.
5. The unit carried ambient air quality monitoring through Eko Pro Engineers Pvt. Ltd., a third party Laboratory hired by the unit, and it was found that the ambient air quality sampling has not been done correctly.
6. The Unit has installed emission monitoring system in all stacks for monitoring of SOx CO & NOx but not provided connectivity of PM, CO, NOx & SOx to CPCB server.

7. The unit has not provided online data connectivity for online effluent monitoring system to CPCB server.
8. The Unit has not installed online Flow meter at ETP.
9. The Unit has not provided proper storage/shed for hazardous oily sludge generated in the ETP.

WHEREAS, a closure direction was issued to the Unit vide letter dated September 15, 2017 under Section 5 of the Environment (Protection) Act, 1986; and

WHEREAS, The Unit informed vide letter dated 20 September 2017 that they have complied with all the CPCB directions dated September 15, 2017 except Connectivity for Stack emission monitoring system & Effluent monitoring system to CPCB server, installation of Flow meter & Storage/shed for hazardous oily sludge generated in the ETP; and

WHEREAS, as per the IT Division, CPCB report dated November 28, 2017 the Unit has not provided the connectivity of OCEMS for PM parameter in 9 nos. of stacks; and

WHEREAS, the Unit vide letter dated December 14, 2017 submitted the undertaking duly notarized, Performance adequacy report of ETP, Third party treated Effluent & Air Emission monitoring laboratory analysis report, copy of consent renewal application and requested to revoke the closure direction; and

WHEREAS, the Unit informed vide email dated April 12, 2018 that they have provided the connectivity of OCEMS for PM parameter in all nine (09) stacks to CPCB server & requested to revoke the closure direction; and

WHEREAS, the connectivity for emission parameter PM in all 09 stacks was verified by IT Division, CPCB report dated April 13, 2018; and

WHEREAS, CPCB constituted a Three-member committee vide office order dated 03.10.2017 having representative(s) from CPCB and MoEF&CC for examination and recommendation for revocation of the closure direction issued by CPCB; and

WHEREAS, the Three-member committee in its meeting held on 18.05.2018 examined the compliance report submitted by the Unit and recommended that the Unit may be allowed to resume operation with a condition that the Unit will submit monthly ETP logbook record to CPCB and direction was revoked on May 29, 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 & 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 (EC) charges was calculated Rs 61,20,000 /- and same shall be deposited by the unit at CPCB within 15 days for the non-compliance period of 204 days as per CPCB direction dated May 29, 2018; and

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

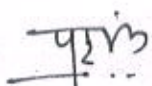
body or any other authority for violations of the standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof.

NOW, THEREFORE, in exercise of powers vested to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, and the Unit [M/s Brahmaputra Cracker and Polymer Limited, Dibrugarh, Assam- 786006] 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.


21/10/18
(S.P. Singh Parihar)
Chairman


Copy to:

1. The Chairman
Pollution Control Board Assam,
Bamunimaidam, Guwahati-781021
2. The Advisor (CP Division)
Ministry of Environment, Forests and Climate Change
Prithvi Wing, 2nd Floor, Room No. 216
Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road, New Delhi - 110003
3. The Regional Director:
Central Pollution Control Board
"TUM-SIR", Lower Motinagar,
Near Fire Brigade H.Q.,
Shillong -793014
4. IPC-VI, CPCB (Shri P.K. Gupta, Sc'E')
5. I/c, IT Division, CPCB, Delhi


(Prashant Gargava)
Member Secretary