



**BY REGISTERED AD**

January 07, 2019

B-29016/04/06/IPC-1/ 15248

To,

Chief Manager (HSE)  
M/s Indian Oil Corporation Limited (IOCL)  
Gujarat Refinery, P.O. Jawaharnagar  
Vadodara-391320,  
Gujarat

**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, a direction under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 was issued on February 05, 2014 to all the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) for installation of online emission monitoring system w.r.t. PM, CO, SO<sub>2</sub>, NO<sub>x</sub> parameters & online effluent monitoring system w.r.t. pH, TSS, COD, BOD and Flow parameters in Oil refineries industries; and

WHEREAS it was clarified that flow meter & web camera may be installed in case of Units with zero liquid discharge (ZLD) by March 31, 2015 vide guidelines uploaded on website of CPCB dated November 7, 2014; and

WHEREAS, Show Cause Notice under Section 5 of Environment (Protection) Act 1986, was issued by Central Pollution Control Board on July 22, 2015 to M/s Indian Oil Corporation Limited, Gujarat Refinery to show cause as to why the unit should not be closed down if, the unit has not complied fully with the directions issued w.r.t. installation of online emission and effluent monitoring system by June 30, 2015. Further it was directed to submit documentary evidence regarding status of installation and connectivity; and

WHEREAS, Central Pollution Control Board, Regional Directorate, Vadodara inspected the unit on January 31, 2017 and February 02, 2017 and observed that the unit disposes the treated effluent at effluent channel to convey into estuary of river Mahi and the treated effluent is exceeding the GPCB prescribed norms w.r.t. NH<sub>3</sub>-N (67.49 mg/l > 50 mg/l); and

WHEREAS, it was observed that the Online Monitoring System for Effluent monitoring was not operational on January 31, 2017 due to some problem in sensor & it was put in operation on February 02, 2017; and

WHEREAS, it was observed that location of Online Effluent Monitoring System is not at final discharge point; and

WHEREAS, on the basis of above stated observations, Central Pollution Control Board on April 11, 2017 issued show cause notice under Section 5 of Environment (Protection) Act 1986, to the unit that why the unit be not directed to close all manufacturing / production activity until it complies with the directions as specified therein; and

WHEREAS, the unit (M/s Indian Oil Corporation Limited, Gujarat Refinery) replied to the aforesaid show cause notice on May 03, 2017 and provided point wise compliance status of issued notice; and

WHEREAS, to verify the compliance status of directions of aforesaid show cause notice, Central Pollution Control Board Regional Directorate, Vadodara re inspected the unit on July 27, 2017; and

WHEREAS, it was observed that the final discharged effluent is exceeding the prescribed GPCB norms viz TSS (122 mg/l > 100 mg/l); COD (300 mg/l > 250 mg/l) and Flow of RO reject (234.5 m<sup>3</sup>/hour > 212 m<sup>3</sup>/hour); and

WHEREAS, on the basis of above stated observations directions under Section 5 of Environment (Protection) Act 1986, were issued by Central Pollution Control Board on August 21, 2017 to the unit to close down all operational activities with immediate effect; and

WHEREAS, it has been verified by the IT division of the CPCB on September 08, 2017 that the unit has provided the connectivity of the online monitoring system to the Central Pollution Control Board; and

WHEREAS, the Unit vide letter dated September 12, 2017 submitted the duly notarized undertaking, treated effluent monitoring laboratory analysis report and requested to revoke the closure direction; and

WHEREAS, the Unit has informed vide Self certificate dated September 12, 2017 that the unit has not stopped production; and

WHEREAS, the Unit has submitted an undertaking of September 12, 2017 that it has complied with all directions issued by CPCB and if plant is found non-compliant during verification by CPCB officials, the Unit will accept to close down operations immediately and shall not operate till full compliance is achieved; and

WHEREAS, the Unit has submitted treated effluent analysis report of MoEF & CC recognized laboratory vide letter dated 29.09.2017 and found that the concentration of TSS was 13.0 mg/l < 100 mg/l, COD (57.0 mg/l < 250 mg/l) within the GPCB norms; 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 25.10.2017 examined the compliance report submitted by the Unit and recommended that the Unit may be allowed to resume operation; and


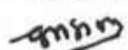
WHEREAS, revoke direction u/s 5 of Environment (Protection) Act, 1986 issued to the unit on October 31, 2017 in which it is mentioned that the unit has not closed its manufacturing operation after receipt of CPCB closure direction, which is non-compliance of the closure direction issued by CPCB under section 5 of the E(P) Act, 1986 vide letter dated August 21, 2017 for which action as per law shall be initiated separately; 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 charge was calculated Rs 21,60,000 and same shall be deposited by the unit at CPCB within 15 days for the non-compliance period (August 21, 2017 to October 31, 2017); and

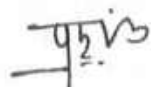
WHEREAS, the Ministry of Environment & Forests, Government of India, vide Notifications No. S. O. 157 (E) of 27.02.1996 and S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control 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 Indian Oil Corporation Limited, Gujarat Refinery) is directed to deposit Rs 21,60,000/- within 15 days in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0551271). In case of non-compliance by the Unit action as deemed fit under the provisions of Environment (P) Act, 1986 shall be taken.

  
10/08/17  
(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

  
(Prashant Gargava)  
Member Secretary