

**SPEED POST**

**B-502/IPC-III/Dist/2k18-19 723**

**08<sup>th</sup> August, 2018**

To

M/s K. K. Wagh SSK Ltd. (Distillery),  
A/p. Kakasaheb Nagar, Tal. Niphad, Dist. Nashik  
Maharashtra

**Sub: Closure Directions under Section 5 of the Environment (Protection) Act, 1986 regarding installation of on-line effluent and emission monitoring system**

**WHEREAS**, Distilleries are identified as part 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**, there is need to inculcate habit of self-monitoring within the industries for complying with the prescribed standards and this can be achieved by the methods like installing online effluent and emission monitoring devices; and

**WHEREAS**, CPCB has explored installation of Online Monitoring device in the other countries and has come to conclusion that the online monitoring devices are essential for improving compliance as the conventional monitoring systems not able to capture violations on regular basis; and

**WHEREAS**, for strengthening the monitoring and compliance through self regulatory mechanism, online source emission and effluent monitoring systems need to be installed and operated by the industries on 'polluter pays principle' ;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 and online effluent monitoring system w.r.t. pH, COD, BOD, TSS and Flow parameters in Distillery; and

**WHEREAS**, CPCB has held stakeholder consultations with industrial associations and SPCBs/PCCs on 06.08.2014, 19.09.2014, 29.09.2014, 08.10.2014, 16.10.2014, 09.01.2015, 08.04.2015 and 16.06.2015 regarding time bound implementation of installation of these devices; 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**, 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**, a letter 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**, concerned SPCB/ PCC have issued directions under section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and section 31A of the Air (Prevention & Control of Pollution) Act, 1981 to install the online monitoring system by June 30, 2015 and to submit bank guarantee of 100% of the cost of online emission & effluent monitoring system; and

**WHEREAS**, CPCB has already uploaded the sector specific requirement for the installation and connectivity of online emission and effluent monitoring systems for the 17 category of industries including distilleries, in the CPCB website at the following link; [http://cpcb.nic.in/upload/thrust-area/Distillery\\_29.12.16.pdf](http://cpcb.nic.in/upload/thrust-area/Distillery_29.12.16.pdf); and

**WHEREAS**, it has been observed from the list/status of 17 categories of industries posted by SPCB's on the India e-track portal of CPCB that **M/s K. K. Wagh, SSK Ltd. (Distillery), A/p. Kakasaheb Nagar, Tal- Niphad, Dist. Nashik, Maharashtra** (hereinafter referred to as 'the unit') is operating a Distillery industry and has not provided connectivity of OCEMS till date to SPCB/CPCB and CPCB is not able to verify the data connectivity from the unit, as on date; and

**WHEREAS**, CPCB, issued show cause notice to the unit dated 28.03.2018, as to why the unit shall not be directed to close down manufacturing operations, if the Unit has not complied fully with the directions issued w.r.t. installation of online emission & effluent monitoring. It was further directed to submit documentary evidence regarding status of installation and connectivity of online emission & effluent monitoring system; and

**WHEREAS**, CPCB did not receive any satisfactory reply to the notice issued and the unit has not provided connectivity of OCEMS to CPCB till date, as verified by the IT Division; 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; and

**NOW, THEREFORE**, in view of the failure of the unit w.r.t installation of online monitoring devices and providing its connectivity to CPCB in exercise of powers vested under Section 5 of the Environment (Protection) Act, 1986, it is hereby directed that **the unit, M/s K. K. Wagh, SSK Ltd. (Distillery), A/p. Kakasaheb Nagar, Tal- Niphad, Dist. Nashik, Maharashtra shall close down all manufacturing operations and shall not restart its operations until the**

unit provides connectivity of the required online monitoring devices to the CPCB/SPCB server. The unit shall obtain permission from CPCB for restarting manufacturing operations after complying with the directions. A copy of the sector specific requirement of CPCB for the distillery sector, available in the CPCB website, is enclosed for ready reference.

In case of default in compliance with the above directions by the unit, CPCB will be constrained to initiate appropriate action against the unit, in accordance with the provisions of the Environment (Protection) Act, 1986.

(S.P. Singh Parihar)  
Chairman

Copy to:

1. **The Member Secretary,**  
Maharashtra Pollution Control Board,  
Kalpataru Point 3rd & 4th floor,,  
Opp. Cine planet, Near Sion Circle, Sion (E)  
Mumbai- 400 022. : For information & ensuring compliance please.
2. **The Advisor (CP Division)**  
Ministry of Environment, Forest and Climate Change, Prithvi Wing, 2nd Floor, Room No. 216, Indira Paryavaran Bhawan, Aliganj, Jor Bagh Road, New Delhi - 110003 : For information please.
3. **The District Magistrate,**  
Dist-Nashik, Maharashtra : With request to ensure compliance of closure direction please.
4. **The Superintending Engineer,**  
Maharashtra State Electricity Distribution Company Limited. MSEDCL, Nashik Zone, First Floor, 115 to 118, Kharbanda Park, Dwarka Circle, Nashik, Maharashtra : With request to dis-connect the power supply for industrial operations of the unit please.
5. **The Regional Director**  
CPCB Regional Directorate(West)  
Central Pollution Control Board  
Parivesh Bhawan, Opp. VMC Ward Office No. 10, Subhanpura, Vadodara - 390 023 : For information & follow up please.
6. Divisional Head, IT Division, CPCB : For uploading at CPCB website please
7. The Div. Head, I.P.C-III, CPCB : For information please.

(Prashant Gargava)  
MEMBER SECRETARY