

Speed Post

B-33014/7/2018/IPC-II/

10870

September 12, 2018

To

**The Unit Head**

M/s Mahabali Cements Ltd.

Moder Toli, Nagaon Assam-782440

**Sub: Revoking of closure directions issued under Section 5 of the Environment (Protection) Act, 1986 regarding installation of on-line emission monitoring system**

Ref: 1. Notice under Section 5 of the Environment (Protection) Act, 1986 regarding installation of on-line effluent and emission monitoring system dated July 24, 2015  
2. Closure direction issued to the unit under Section 5 of the Environment (Protection) Act, 1986 dated 26.04.2016

WHEREAS, the cement 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, 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, 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 w.r.t. PM, SO<sub>2</sub>, and NO<sub>x</sub> parameters;

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 after June 30, 2015 will be given and withdrawal of consent to operate along with forfeiture of bank guarantee of non-complying Units will be the only option; and

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WHEREAS, concerned SPCB/PCC were expected to 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

WHEREAS, Show Cause Notice under Section 5 of Environment (Protection) Act 1986, was issued on July 24, 2015 to all cement plants including the unit M/s Mahabali Cements Ltd. Moder Toli, Nagaon Assam 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 monitoring system by June 30, 2015. Further, it was also directed to submit documentary evidence regarding status of installation and connectivity; and

WHEREAS, no confirmed information was received from the unit, in above context, therefore, on 26.04.2016, direction was issued to the unit to close down all its operations with immediate effect till online emission monitoring system are installed in stacks as notified process and the same are uplinked with CPCB server; and

WHEREAS, the unit, vide letter dated 27.08.2018 and 08.08.2018 requested to revoke closure direction as it had completed installation and connectivity of OCEMS with CPCB server has been established. The claim was verified by IT Division, CPCB on 21.08.2018; and

WHEREAS, the unit has submitted vide letter dated 07.08.2018, an inspection report dated 06.06.2018 of SPCB certifying that OCEMS is installed with stack attached to grinding process and only grinding shall be done in future.

WHEREAS, a meeting, of the three member committee, constituted for examination and recommendation for revocation of closure direction issued by CPCB was held on 29.04.2018 and the committee recommended that the closure direction issued to M/s Mahabali Cements Ltd. Moder Toli, Nagaon Assam may be revoked with the condition that unit shall submit performance audit report of emission control system from expert Govt. institute, yearly; and

Now THEREFORE, in view of the above and exercising the powers delegated to the Chairman, Central Pollution Control Board under section 5 of the Environment (Protection) Act, 1986 vide Ministry of Environment & Forests, Government of India Notifications No. S. O. 157 (E) of 27.02.1996 and S. O. 730 (E) dated 10.07.2002, closure direction issued to M/s Mahabali Cements Ltd. Moder Toli, Nagaon Assam dt. 26.04.2016 is hereby revoked. The unit shall submit performance audit report of emission control system from Govt. institute yearly. In case of non-compliance, appropriate action as deemed fit under the provisions of Environment (Protection) Act, 1986 will be initiated against the unit without any further notice.

  
[A. K. Mehta]  
Chairman

**Copy to:**

1	The Chairman Assam Pollution Control Board Bamunimaida Guwahati - 781 021, Assam	For information & ensuring compliance please.
2.	The District Magistrate District - Nagaon, Assam	
3.	The Chairman and Managing Director Assam Power Distribution Company Ltd. 4th Floor, Bijulee Bhawan Paltan Bazar, Guwahati-781 001, Assam	
4	The Regional Director Regional Directorate (North-East) Central Pollution Control Board TUM- SIR, Lower Motinagar Near Fire Brigade H.Q. Shillong - 793014	For information please.
5	The Additional Secretary (AKM) Ministry of Environment, Forests and Climate Change Prithvi Wing, 2nd Floor, Room No. 216 Indira Paryavaran Bhawan Aliganj, JorBagh Road, New Delhi - 110003	
6	The Divisional Head (PKG), IPC-VI, CPCB	
✓7.	The Divisional Head, IT, CPCB, Delhi	

(Prashant Gargava)  
Member Secretary

