

BY REGISTERED AD

B-505/IPC-III/Dist/2k18-19

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26th September, 2018

To

M/s Nandi Sahakari Sakkare Karkhane Niyamit
(Distillery Division), Survey No-90, 92 Krishnanagar,
Post-Hosur, Taluka & District-Vijayapura, Karnataka-586113

Revoking of directions Under Section 5 of the Environment (Protection) Act, 1986

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 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 had 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; and

WHEREAS, it had 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 Nandi Sahakari Sakkare Karkhane Niyamit (Distillery Division), Survey No-99, 92 Krishnanagar, Post-Hosur, Taluka & District-Vijayapur, Karnataka** (hereinafter referred to as 'the unit') is operating a Distillery industry and had not provided connectivity of OCEMS to SPCB/CPCB and CPCB was not able to verify the data connectivity from the unit; 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

WHEREAS, 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, CPCB issued closure direction to the unit on 08.08.2018, directing that the unit shall not restart its operations until the unit provides connectivity of the required online monitoring devices to the CPCB/SPCB server; and

WHEREAS, the unit vide letter dated 06.09.2018, has informed that the unit has installed continuous emission monitoring system, flow meters and cameras required for ZLD units and has provided connectivity of these systems to CPCB, and the same has been verified by the IT Division; and

WHEREAS, CPCB had constituted a three member Committee vide office order dated 03.10.2017 having representative(s) from CPCB and MOEF&CC for examination and recommendation of the revocation of closure directions issued by CPCB; and

WHEREAS, the Committee in its meeting held on 29.08.2018 reviewed the compliance made by the unit & verified the submitted supporting documents in line with the agreed criteria and recommended that the unit may be allowed to resume its manufacturing operation with certain conditions; and

NOW THEREFORE, in view of the compliance made by the unit to the direction issued by CPCB and in exercise of powers vested under Section 5 of the Environment (Protection) Act, 1986, the **M/s Nandi Sahakari Sakkare Karkhane Niyamit (Distillery Division), Survey No-90, 92 Krishnanagar, Post-Hosur, Taluka & District-Vijayapur, Karnataka** is allowed to resume its manufacturing operations subject to the following condition;

- a) It shall be ensured that the installed OCEMS devices are functioning properly & continuously and that data from that device are uninterruptedly transferred to CPCB. Any failure in his regard shall be rectified at the earliest.
- b) Unit shall ensure periodic calibration of the analyzers as per Standard Operating Procedure/recommendations of the supplier and submit the calibration results.
- c) Unit shall submit the adequacy assessment report of ZLD systems, including Mass & Water Balance, R.O/MEE design report and ground water monitoring report within 03 months of commencement of operations

In case of default in compliance with the above directions or any other exigencies, CPCB will be constrained to initiate further stringent action against the Unit, in accordance with the provisions of the Environment (Protection) Act, 1986, without any further notice.

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(Arun Kumar Mehta)
CHAIRMAN

Copy to:

1. The Member Secretary,
Karnataka State Pollution Control Board,
"Parisara Bhavan" 4th & 5th Floors, # 49,
Church Street, Bangalore-560 001

: For information & ensuring compliance of directions. The self-certificate provided by the unit may also be verified, please (copy attached)

2. The Advisor (CP Division)
Ministry of Environment, Forest and Climate
Change, Prithvi Wing, 2nd Floor, Room No.
216, Indira Paryavaran Bhawan, Aliganj, Jor
Nagh Road, New Delhi - 110003 : For information, pl
3. The Regional Director
CPCB, The Regional Directorate(South)
Nisarga Bhawan, 1st & 2nd Floor,
Thimmaiah Road, 7th D-cross
Shivanagar, Opp. Pushpanjali Theatre
Bangalore - 560 010 : For follow up and
ensuring compliance, pl
4. The District Magistrate,
Taluka & District-Vijayapura, Karnataka, : For information regarding
revoking of closure
direction, pl.
5. The Superintending Engineer,
Hubli Electricity Supply Company Ltd.,
(HESCOM), Corporate Office, Navanagar,
P.B.Road, Hubli-580025 : With request to restore
the power supply to the
unit, pl
6. The Div. Head, I.P.C-III, CPCB
- ✓ 7. The Div. Head, IT Division, CPCB


(Prashant Gargava)
MEMBER SECRETARY