



SPEED POST

F. No. B-100 KLD (08)/FDB/WQM-II/CPCB/2017-18 7949

15.10.2019

To

M/s Ganga Dairy,
Tulsipuram, Ramghat Road,
Atrauli, Aligarh-202280, Uttar Pradesh

**DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT,
1986 FOR REVOCATION**

WHEREAS, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries under the Environment (Protection) Act, 1986 and the rule framed there under; and

WHEREAS, Dairy units are identified as one of the Grossly 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 quality; 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 violation of emission and effluent standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof; and

WHEREAS, it is obligatory on the part of industries to install effluent treatment plants (ETPs) to comply with the effluent discharged standards as notified under the Environment (Protection) Act, 1986 and the rules framed there under and also to meet the consent conditions granted by State Pollution Control Board (SPCBs)/Pollution Control Committees (PCCs); and

WHEREAS, M/s Ganga Dairy, Tulsipuram, Ramghat Road, Atrauli, Aligarh-202280, Uttar Pradesh (hereafter referred to as the 'Unit') is involved in chilling and pasteurization of milk and manufacturing of ghee and milk powder; and

WHEREAS, the unit was jointly inspected by CPCB and UPPCB officials on 27.03.2018 and deficiencies were observed; and

WHEREAS, CPCB issued closure direction dated 14.05.2018 under section 5 of the Environment (Protection) Act, 1986 on the basis of deficiencies observed; and

WHEREAS, the unit's replies dated 28.07.2018, 07.02.2019, 10.04.2019 and 23.04.2019 were examined; and

WHEREAS, the unit was inspected by CPCB officials on 01.05.2019 for verification of compliance status and following observations were made:

1. The unit was found operational in violations of CPCB direction dated 14.05.2018 issued under section 5 of Environment (Protection) Act, 1986.

2. OCEMS display showed results as pH-7.95, COD-132.61 mg/l, BOD-16.15 mg/l, TSS-72.42 mg/l and Flow-9.9 m³/hr.
3. Untreated waste water was bypassed from the back wall of the ETP into an open permeable land. Analysis of samples showed **pH-5.81** against norms of 6.5-8.5, **COD-875 mg/L** against norms of 250 mg/L, **BOD-393 mg/L** against norms of 100 mg/L, **TSS-171 mg/L** against norms of 100 mg/L and **Oil & Grease-57 mg/L** against norms of 10 mg/L.
4. Existence of Bypass channel from inlet channel to open permeable land was observed.
5. It was informed by the unit's representative that it is operational since October, 2018 as per the revocation order of UPPCB, dated 08.02.2019. As per the documents collected, UPPCB had issued closure direction on 02.11.2018 to the unit and revocation direction was issued by UPPCB on 08.02.2019 only for two months.
6. The unit is in operation in violation of direction dated 14.05.2018 issued by CPCB and direction dated 02.11.2018 by UPPCB.
7. The treated effluent was discharged into open permeable pond across the road.

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) that "*The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. 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, CPCB issued direction dated **17.05.2019** under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with following directions;

1. The unit shall close down all its manufacturing operations with immediate effect and shall not resume its operations.
2. The unit shall dismantle all bypass arrangements immediately.
3. The unit shall not start its operation without complying with the above directions and written permission from CPCB.
4. The unit shall deposit Rs **22,37,500/-** only within 15 days in CPCB A/c No. 532702050000164 (Bank name: Union Bank of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271)/ demand draft in favour of EC by CPCB towards environmental compensation.

AND WHEREAS, the unit, **M/s Ganga Dairy, Tulsipuram, Aligarh**, submitted self-certificate dated 29.06.2019 and informed that the unit has closed all its manufacturing operations w.e.f., 24.06.2019; and

WHEREAS, CPCB vide letter dated **09.07.2019** asked the unit to deposit environmental compensation of Rs. 22,37,500/- within the given time period; and

WHEREAS, the unit was inspected by CPCB officials on **10.07.2019** for verification of their compliance status and following observations were made:

1. Bypass near ETP inlet was observed.

AND WHEREAS, CPCB vide letter dated 25.07.2019 asked the unit to dismantle Bypass arrangement and to deposit the EC levied on the unit; and

WHEREAS, the unit's reply dated 08.08.2019 was examined and following observations are made:

1. The unit has completely dismantled the structure of bypass arrangement.
2. The unit has submitted the photographs and videos of the dismantle structure of bypass.
3. The unit has not submitted Environmental Compensation.

AND WHEREAS, the unit was inspected by CPCB officials on 27.08.2019 to verify the claim of the unit and following observations were made:

1. Both bypass arrangements are observed as dismantled & concrete pathway laid.
2. The unit was not operational.

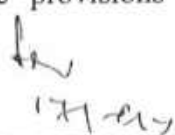
AND WHEREAS, CPCB constituted a three-member committee vide office order no. B-19001/NGRBA/CPCB/2017-18/11445 dated 27.09.2017, for examination of representations from the unit regarding recommendation for revocation of the closure direction issued by CPCB; and

WHEREAS, three-member committee in its meeting held on 17.09.2019 examined the replies of the Unit and recommended that the Unit may be allowed to resume operations; and

NOW THEREFORE, in view of the above mentioned observations and in exercise of the powers delegated to the Chairman CPCB, under section 5 of the Environment (Protection) Act, 1986, the unit **M/s Ganga Dairy, Tulsipuram, Ramghat Road, Atrauli, Aligarh-202280, Uttar Pradesh** is hereby directed to comply with the following:

- (i) The unit shall resume operation and shall treat their effluent to meet the effluent discharge standards as notified under Environment (Protection) Rules, 1986.
- (ii) The unit shall submit performance assessment report of the treatment system including analysis of treated effluent by the reputed government institute within 60 days.
- (iii) The unit shall immediately inform to CPCB regarding the date of resumption of operations.

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


(S. P. SINGH PARIHAR)
CHAIRMAN

Copy to:

- 1) **Member Secretary,**
Uttar Pradesh Pollution Control Board, : for information please.
Building No. TC-12V, Vibhuti Khand, Gomti
Nagar, Lucknow-226 010, Uttar Pradesh
- 2) **Joint Secretary, CP Division** : for information please.
Ministry of Environment, Forest and Climate
Change, Prithvi Wing, 2nd Floor, Room No.
216, Indira Paryavaran Bhawan, Aliganj, Jor
Bagh Road, New Delhi-110003
- 3) **Regional Director (North),** : for information please.
Central Pollution Control Board
Regional Directorate, PICUP Bhawan Vibhuti
Khand, Gomti Nagar, Lucknow - 226 010
- 4) **District Magistrate** : for information please.
Aligarh, Uttar Pradesh
- 5) **Managing Director** : [With a request to reconnect the
Paschimanchal Vidyut Vitran Nigam Ltd.,
Urja Bhawan, Victoria Park, Meerut 250001,
Uttar Pradesh
electricity supply to the unit]
- 6) ✓ I/c IT division, CPCB, Delhi : for uploading the direction at CPCB
website.
- 7) Master copy (Dairy), WQM-II Division. : for record


(Prashant Gargava)
MEMBER SECRETARY