



By Speed Post

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Date: 02.12.2019

To

Member Secretary,
West Bengal State Pollution Control Board,
Paribesh Bhavan, 10A, Block-L.A.,
Sector-III, Salt Lake City, Kolkata,
West Bengal - 700 098

SHOW CAUSE NOTICE UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 REGARDING ACTIONS ON INDUSTRIAL INSPECTION REPORTS OF JOINT INSPECTIONS BY CPCB AUTHORIZED TECHNICAL INSTITUTES AND STATE POLLUTION CONTROL BOARDS

WHEREAS, Ministry of Environment, Forests & Climate Change, Govt. of India, vide notification S.O. 157(E) of 27.02.1996 has delegated powers vested under section 5 of Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board (CPCB) to issue direction to any industry, Municipal Corporation, Municipal Council, Cantonment Board, any local or other Authority for the violation of emission and effluent standards notified among others, under the Environment (Protection) Rules, 1986 and other standards and norms; and

WHEREAS, CPCB in consultation with concerned State Pollution Control Boards (SPCBs) have inventorized Grossly Polluting Industries (GPIs) having potential to discharge effluent into river Ganga & its tributaries in five states of Uttarakhand, Uttar Pradesh, Bihar, Jharkhand and West Bengal; and

WHEREAS, in the meeting chaired by Principal Secretary to Prime Minister regarding "Clean Ganga Mission" on 04/11/2017, it was decided that inspection of Grossly Polluting Industries (GPIs) should be made an annual exercise; and

WHEREAS, a meeting was held on April 10, 2019 with officials of CPCB, NMCG, SPCBs and participating technical institutions for organizing annual inspection of GPIs wherein the following decisions were taken:

- i. Technical institutions shall be engaged for carrying out the compliance verification of the grossly polluting industries located in the main stem of river Ganga and its tributaries w.r.t. notified norms and consent conditions.
- ii. Concerned SPCBs and SMCGs shall nominate a nodal officer who will coordinate with technical institutions for participation in joint inspection.
- iii. Technical institutions shall inform their inspection schedule one week before to Nodal Officer SPCBs/SMCGs and NMCG and it will be sole responsibility of nodal officers of SPCBs/SMCGs to ensure participation of their officials in the inspection.

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- iv. Regarding analysis of samples, preference shall be given to laboratories recognized under E(P)A & Water Act. In case of unavailability, institute having adequate laboratory set-up, may use their own lab for sample analysis.
- v. All inspection report shall be forwarded to concerned SPCBs within 15 days of inspection by the technical institutions.
- vi. Dry inspection reports shall be prepared at site during industry visit and will be signed by all participating officials including officials from SPCBs/SMCGs. Signing of inspection reports shall be responsibility of the participating officials.
- vii. SPCBs shall process inspection reports and shall issue appropriate directions to industries in case of non-compliance within 30 days of receipt of inspection reports. In case of Show Cause Notices, the unit shall be re-inspected and closure directions shall be issued in case of non-compliance within 30 days.
- viii. SPCBs shall issue closure directions to units which were found temporary/permanent closed during third party inspections.
- ix. Concerned SPCBs shall take appropriate action within 15 days. Action will be uploaded on CPCB Portal as well. SPCBs will ensure follow up actions on Show cause notices within one month.
- x. Concerned SPCBs shall submit a tabulated weekly report on reports processed and action taken during last week on every Monday.

AND WHEREAS, Central Pollution Control Board vide letter dated April 24, 2019 issued sanction order to authorize 16 technical institutions for carrying out inspection of GPIs during April-July, 2019; and

WHEREAS, it has been observed that till November 28, 2019, 46 GPIs have been inspected in West Bengal and 46 inspection reports are made available to WBPCB by technical institutes; and

WHEREAS, CPCB vide DO letter dated 13.04.2018 requested Chief Secretary, Govt. of West Bengal to ensure timely action in respect of GPI inspections; and

WHEREAS, CPCB issued directions dated 22.07.2019 under section 18 (1) (b) of Water Act, 1974 to concerned SPCBs to take appropriate measures for compliance of following:

1. The concerned nodal officer of SPCBs shall coordinate with CPCB authorized technical institutions and nominate concerned officials from SPCB to participate in the joint inspection.
2. The concerned SPCB officials participating in the joint inspection will ensure to sign inspection reports at the inspection site.
3. All the samples shall be analyzed by environmental laboratories recognized under Environment (Protection) Act, 1986 or Water Act, 1974 preferably. In case of unavailability, institute having adequate laboratory set up, may use their own laboratories for sample analysis.
4. In case samples are being analyzed by SPCB labs, sample results shall be provided to the institutions within 15 days of samples being made available to labs.

5. SPCBs shall submit a tabulated weekly report on reports processed and action taken during last week on every Monday.
6. SPCBs shall process inspection reports of inspections carried out either jointly or by technical institutions and take appropriate action within 15 days. Action will be uploaded on CPCB Portal as well.
7. SPCBs shall issue appropriate directions in case of non-compliance within 30 days. Further in case of Show Cause Notices, the unit shall be re-inspected and closure directions shall be issued in case of non-compliance within 30 days. SPCBs will ensure follow up actions on Show cause notices within one month.
8. SPCBs shall issue closure directions to units which were found temporary/permanent closed during third party inspections.
9. The information of action taken on inspection reports along with a copy of directions shall be submitted through the web portal developed by CPCB for this purpose.

AND WHEREAS, CPCB reviewed status of inspection reports and action taken reports by SPCBs in a video conference held on 21.08.2019 and following decisions were made:

1. BSPCB mentioned that as on date, 24 inspection reports have been received. BSPCB will ensure that all the inspection reports would be processed within a week and compliance status shall be updated on portal.
2. UPPCB mentioned that 34 reports have been processed and actions have been uploaded. UPPCB agreed to process all the remaining inspections within next 10 days.
3. WBPCB mentioned that 41 reports have been received as on date. All the reports have been processed. 11 GPIs have been found non-complying for which directions have been uploaded on portal. Remaining are complying units. WBPCB was assured to upload compliance status of remaining units on portal as well within a week.
4. JSPCB agreed to process all the reports within a week.
5. UEPPCB mentioned that as on date, 20 reports have been received and all reports have been processed. However, compliance status of GPIs will be updated on portal within one week.
6. As per decision made in the meeting held on 28.05.2019, BSPCB, WBPCB and JSPCB agreed that list of GPIs provided to CPCB is final and no tributary-sub tributary is missing. UPPCB and UEPPCB shall review list and provide comments by 23.08.2019.
7. All the SPCBs agreed to process remaining inspection reports and to upload compliance status on portal by 31st August, 2019.

AND WHEREAS, CPCB vide letter dated 13.11.2019 requested WBPCB to provide updated compliance status of 48 Grossly Polluting Industries (GPIs) in the state; and

WHEREAS, WBPCB vide e-mail dated 14.11.2019 provided the status that which is examined and following observations are made:

1. Out of 48 GPIs, 46 have been inspected and reports are made available to WBPCB.
2. Out of 46 inspected GPIs, 30 are complying, 02 temporary closed and 14 are non-complying.

3. Out of 14 non-complying GPs, 11 were issued Show-cause directions in August, 2019 and Bank guarantees were executed/forfeited in case of 03 GPs
4. 11 GPs which were issued show-cause notices replied in September, 2019 and no further action has been taken by WBPCB with respect to these GPs till Nov 15,2019.
5. Temporary closed GPs are also neither issued closure directions nor re-inspected to verify compliance.

It is evident that inspite of CPCB direction dated 22.07.2019, meeting on 21.08.2019 and DO letter, WBPCB has shown lackluster approach and has not taken action in prescribed timeline, which is in violation of CPCB directions and will defeat the very purpose of the entire exercise resulting in potential threat to water pollution in river Ganga & its tributaries.

NOW, THEREFORE, in view of above observations and in exercise of the power delegated to Chairman, CPCB under section 5 of Environment (Protection) Act, 1986, Show cause notice is hereby served to explain the reasons as to why Member Secretary, WBPCB be not held accountable for non-compliance so far. In addition, directions are issued for ensuring following actions:

1. WBPCB shall complete actions in respect of non-complying/self-closed GPs within 15 days from the receipt of this notice.
2. Non-complying GPs shall be verified for compliance and closure directions shall be issued in case of non-compliance. GPs found closed during inspection shall be issued closure directions till compliance of Effluent Treatment Plant (ETP) is verified.

The action taken report shall be submitted to CPCB within 15 days of receipt of this notice failing which appropriate action as per the provisions of Environment (Protection) Act, 1986 shall be initiated.

(S.P.S. Parihar)
CHAIRMAN

Copy to:

1. Director General, : for kind information please
National Mission for Clean Ganga (MoWR, RD & GR)
1st Floor, Major Dhyan Chand National Stadium
India Gate, New Delhi - 110002

2. Chairman,
West Bengal State Pollution Control Board,
Paribesh Bhavan, 10A, Block-L.A.,
Sector-III, Salt Lake City, Kolkata,
West Bengal - 700 098 : for kind information and to
ensure compliance of the
direction please
3. Joint Secretary (CP Division), : for kind information please
Ministry of Environment, Forests, & Climate
Change, Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi - 110013
4. Regional Director, Regional Directorate,
Central Pollution control Board : for kind Information and to
ensure compliance of the
direction please
5. Incharge, IT Division, CPCB : for uploading on CPCB website
6. Master File, CPCB : to keep record


(Dr Prashant Gargava)
MEMBER SECRETARY