

BY REGISTERED AD

No.B-875(S)/IPC-III/2019-20/ 10207

December 18, 2019

To

M/s Bhairavnath Sugar Works,
A/p Vithal, Jaywant Nagra, Tal: Karmala,
Dist. Solapur,
Maharashtra-413203

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986

WHEREAS, Sugar 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, for strengthening the monitoring and compliance through self-regulatory mechanism, 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. Particulate Matter parameter & online effluent monitoring system w.r.t. pH, BOD, COD, TSS, Flow parameters in 17 categories of industries including Sugar; 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, in follow up to the directions issued to the SPCBs/PCCs, CPCB had issued show cause notices under section 5 of the Environment (Protection) Act, 1986 dated 24.07.2015 to 602 Sugar industries, including M/s Bhairavnath Sugar Works, Maharashtra-413203 hereinafter referred to as 'the unit', as to why the Unit should not be closed down if the Unit has not complied fully with the direction issued w.r.t. installation of online emission & effluent monitoring system by June 30, 2015. It was further directed to submit documentary evidence regarding status of installation and connectivity of online emission & effluent monitoring system in the format given in annexure; and

Dir. u/s 5 of E (P) Act, 1986 to M/s Shri Bhairavnath Sugar Works, Maharashtra

WHEREAS, no reply as recorded was filed by the said unit in response of the same; and

WHEREAS, in view of the above and in exercise of the powers delegated to the Chairman, Central Pollution Control Board under section 5 of the Environment (Protection) Act, 1986, the unit vide letter no. B-400(S)/2015-16/551/ dated 22.08.2016 was directed to close down their sugar mill and not to resume their manufacturing operation till installation and commissioning of online 24x7 monitoring system and networking of data with SPCB and CPCB, and to submit compliance to CPCB within 15 days on the receipt of the Closure Direction; and

WHEREAS, the unit has responded to the above said Closure Direction vide its letter dated 09.08.2017 and informed to have stopped all manufacturing operations on 24.12.2016 & complied with the CPCB's directions regarding installation and commissioning of online continuous effluent monitoring system (OCEMS) and asked for revocation of closure directions issued under Section 5 of E(P)A, 1986 dated 22.08.2016; and

WHEREAS, it has been observed that the unit has deliberately failed to respond the CPCBs closure directions and resumed operations during crushing season 2016-17 without seeking permission from CPCB which is non-compliance of the closure direction issued by CPCB dated 22-08-2016 under Section 5 of the E(P) Act, 1986; and

WHEREAS, based on the compliance made by the unit (M/s Bhairavnath Sugar Works) and verification by IT Division of CPCB, it was allowed to resume its manufacturing operations vide CPCB revoking directions u/s 5 of E(P)A, 1986 dated 07.09.2017. However, a separate clause was inserted in the revoke direction that action as per law shall be initiated separately.

WHEREAS, it has been noticed that even after CPCB's closure directions the unit has operated for 48 days during crushing season 2016-17 without obtaining revocation orders from CPCB.

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

Dir. u/s 5 of E (P) Act, 1986 to M/s Shri Bhairavnath Sugar Works, Maharashtra

said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment."

WHEREAS, in compliance of above quoted Hon'ble NGT order, a Committee was constituted by CPCB. As per the Committee recommendations one of the cases to be considered for levying penalty is 'not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.'

WHEREAS, as per formula derived for Environmental Compensation (EC) by CPCB, the total environmental compensation charges was calculated Rs. 14,40,000/- (Rupees Fourteen Lakhs & Forty Thousand Only) and same shall be deposited by the unit to CPCB immediately for the non-compliance period of 48 days during 07.11.2016 to 24.12.2016.

WHEREAS, a direction under Section 5 of the Environment (Protection) Act, 1986, was issued to the unit vide letter no. B-875(S)/IPC-III/2018-19/16269 dated February 05, 2019 directing it to deposit EC of Rs.14,40,000/- (Rupees Fourteen Lakhs & Forty Thousand Only) to CPCB.

WHEREAS, the unit appealed against the CPCB direction dated February 05, 2019 for submission of EC in Hon'ble NGT vide appeal no. 27/2019. *In this matter, Hon'ble NGT vide order dated 22.05.2019 directed CPCB to consider the views of the unit and to give opportunity of personal hearing to the unit.*

WHEREAS, as per the directives of Hon'ble NGT vide order dated 22.05.2019 an opportunity of personal hearing was accorded to the unit on September 18, 2019. After considering the viewpoints of the unit representative, it was resolved that EC amount levied may be reviewed considering date of connectivity as verified by IT, and in accordance with the CPCB policy on EC.

WHEREAS, as per the CPCB policy dated 04.09.2019 for levying EC for industries 'EC for non-compliance to CPCB's closure direction regarding installation & connectivity of OCEMS shall apply till establishment of initial uninterrupted data connectivity for all the specified parameters in all the permitted outlets/stacks, as verified by the IT division.' The IT division verified the date of establishment of initial uninterrupted data connectivity of OCEMS for all the specified parameters as 06.12.2016.

WHEREAS, as per formula derived for environmental compensation by CPCB, the revised EC amount was calculated Rs.08, 70,000 /-(Rupees Eight Lakhs and Seventy thousand only) for the non-compliance period of 29 days during 07.11.2016 to 05.12.2016.

Dir. u/s 5 of E (P) Act, 1986 to M/s Shri Bhairavnath Sugar Works, Maharashtra

NOW THEREFORE, in exercise of powers vested to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, the unit **M/s Bhairavnath Sugar Works, A/p Vithal, Jaywant Nagra, Tal: Karmala, Dist. Solapur, Maharashtra-413203** is directed to deposit Environmental Compensation of Rs.08, 70,000 /-(Rupees Eight Lakhs and Seventy thousand only) immediately in CPCB account No. 532702050000164 (Bank name: Union Bank of India, I.P. Extn Branch, Vikas Marg Extn., Delhi; IFSC UBIN0553271).

In case of failure of the unit to comply with the above directions action as deemed appropriate will be taken with the provisions under Environment (Protection) Act, 1986 without further notice.

(S.P.SINGH PARIHAR)
CHAIRMAN

Copy to:

1. **The Member Secretary,** : For information please
Maharashtra Pollution Control Board, 2nd, 3rd & 4th floor,
Opp. Cine planet, Near Sion Circle, Sion (E)
Mumbai- 400 022
2. **The Regional Directorate, (West)** : For information please
Central Pollution Control Board
Parivesh Bhawan,
Opp. VMC Ward Office No.10,
Subhanpura, Vadodara - 390 023
3. **The In-charge, IT Division, CPCB** : For uploading on CPCB website


(PRASHANT GARGAVA)
MEMBER SECRETARY

Dir. u/s 5 of E (P) Act, 1986 to M/s Shri Bhairavnath Sugar Works,
Maharashtra