



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

B-33014/7/2018-19/IPC-II/ 1054

27.12.2019

To

The Unit Head
M/s Jagdamba Industries Ltd
Durgapur Cement Ltd.
Bhringi more
Durgapur- 713 203
[West Bengal]

Sub: Revocation of closure directions cum Show cause Notice under Section 5 of the Environment (Protection) Act, 1986.

WHEREAS, the cement plants are identified as one of the 17 categories of highly polluting industries, discharging environmental pollutants directly or indirectly into the ambient air and water and having potential threat to cause adverse effect on the water and air quality; and

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 rules framed there under; 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 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, 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 systems w.r.t. PM, NO_x and SO₂ in cement industries; 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 directions 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PCCs informing that no further extension of time will be given after June 30, 2015 and consent to operate will be withdrawn along with forfeiture of bank guarantee of non-complying units; and

WHEREAS, concerned SPCBs/PCCs 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 17 category of highly polluting industries to install online monitoring systems by June 30, 2015 and submit bank guarantee of 100% of the cost of online emission & effluent monitoring system; and

M/s 'परिवेश भवान' इंडस्ट्रीज लि., Durgapur Cement, Durgapur [West Bengal]

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

WHEREAS, M/s Jagdamba Industries Ltd, Durgapur Cement Ltd, Durgapur [West Bengal was inspected by Regional Directorate – East of CPCB, Kolkata on August 17, 2017 to investigate high SMS alert/Offline status and assess compliance of the environmental norms and made following observations:

1. The unit was connected with CPCB through online continuous emission monitoring system (OCEMS) for only one stack which is a common stack of ball mill no. 3 & 4. However, the unit had one more common stack of ball mill 1 & 2 and the consent indicates that there were two coal fired slag driers attached to a common stack.
2. Source emission monitoring carried out at the common stack attached with Ball mill 3 & 4 and PM emission was found to be 46 mg/Nm³.
3. The online monitoring result of the same stack was observed as 257 mg/Nm³.
4. Proper and regular calibration of OCEMS and maintenance of log book for the same was required.
5. Common stack attached to ball mill no 3 & 4 was not as per the CPCB guidelines. One bypass connection was found before sampling port with the stack.
6. The unit should take measures to control fugitive emissions during loading and unloading of materials.

WHEREAS, the unit did not submit specific time bound action plan as directed vide letter dated 30.03.2017 w.r.t. time required to implement new emission norms of cement industry and PM was exceeding the new emission norms of 30 mg/Nm³; and

WHEREAS, in view of partial installation/connectivity of OCEMS and other shortcomings, direction u/s 5 of EPA, 1986 dated 18.10.2017 was issued to the unit to close all operations with immediate effect; and

WHEREAS, request of revocation of closure direction dated 23.04.2019 was received from the unit vide letter dated 25.04.2019 informing about the corrective measures taken by the unit; and

WHEREAS, M/s Jagdamba Industries Ltd, Durgapur, West Bengal was again inspected by CPCB, RD-Kolkatta during 02.05.2019 to verify compliance status due to high SMS alerts /offline status as per OCEMS data of the unit and following observations were made:

1. The unit was in operation and thus has non-complied closure direction dated 18.10.2018.
2. As per manual emission monitoring results, it was observed that PM emission from slag drier i.e. 521 mg/Nm³ is grossly exceeding the new emission norms of 30 mg/Nm³.
3. The unit did not have a valid consents. CTO has been expired on 31.12.2015. The unit has applied for renewal. Also the unit had never applied for Authorization under Hazardous And Other Wastes (Management and Transboundary Movement) Rules, 2016. Therefore, the unit needs to obtain the Consents and Authorization.
4. The unit should have a display board at factory main gate to display emission, solid waste and hazardous waste.
5. The unit should control fugitive emission by improving housekeeping in ball mill area and transfer points.
6. The unit should develop green belt inside the premises to control dust dispersion.

WHEREAS, the unit has been found operating in violation of the closure direction dt. 18.10.2017 of CPCB and no revocation has been issued to the unit till now; and



WHEREAS, a policy for imposing Environmental Compensation on industrial units for violation of directions issued by regulatory bodies has been framed in compliance of NGT order dt. 31.08.2018 in OA no. 593/2017; and

WHEREAS, letter dated 28.05.2019, 28.06.2019 and 22.08.2019 was sent to West Bengal SPCB to ensue closure of operation of the unit in compliance to the closure direction dated 18.10.2017; and

WHEREAS, revocation request dated 19.08.2019 was again received from the unit and as per IT division dated 30.08.2019, it was observed that the unit has installed OCEMS as per guidelines and thus reply dated 13.09.2019 was sent to the unit to submit requisite documents for revocation; and

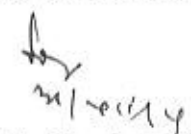

WHEREAS, vide letter dated 11.10.2019 the unit has submitted requisite documents for revocation and letter dated 24.10.2019, WB SPCB has submitted the confirmation report of closure direction, verifying that the unit was found closed during the inspection on 19-20.08.2019; and

WHEREAS the Ministry of Environment, Forest and climate change, 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, meeting of the three member committee, constituted for examination and recommendation for revocation of closure direction issued by CPCB was held on 09.12.2019 and the committee recommended that the closure direction issued to M/s Jagdamba Industries Ltd, Durgapur Cement, Durgapur, West Bengal may be revoked with the condition that the unit shall submit performance audit report of emission control system from Govt. institute within 60 days and obtain valid CTO from WB SPCB; 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 Jagdamba Industries Ltd, Durgapur Cement, Durgapur [West Bengal] dt. 18.10.2017 is hereby revoked with the condition the unit shall submit performance audit report of emission control system from same Govt. institute within 60 days and obtain valid CTO from WB SPCB. 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.

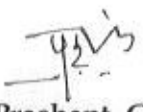
Further, it is directed to show cause as to why Environmental Compensation of Rs 30,000/- per day shall not be levied as per Environmental Compensation policy for operation period in non-compliance of closure direction dated 18.10.2018 as per CPCB Guideline on Environmental Compensation introduced in November 2018. The unit is given an opportunity to file its objection, if any, within 15 days from the date of issue of this Notice. 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


(S. P. Singh Parihar)
Chairman


M/s Jagdamba Industries Ltd, Durgapur Cement, Durgapur [West Bengal]

Copy for information & compliance to:

1. The Chairman
West Bengal Pollution Control Board
Paribesh Bhawan,
Bldg. No. 10 A, Block-L A, Sector - 3
Salt Lake City, Kolkata - 700 091
2. The District Magistrate
District - Durgapur
West Bengal
3. Joint Secretary-CP Division
Ministry of Environment, Forests
and Climate Change
Prithvi Wing, 2nd Floor, Room No. 216
Indira Paryavaran Bhawan
Aliganj, JorBagh Road, New Delhi - 110003
4. The Regional Director
Regional Directorate (Eastern)
Central Pollution Control Board
502, Southend Conclave
1582, Rajdanga Main Road
Kolkata - 700 107
5. ✓ The Divisional Head IT, CPCB, Delhi
6. The Divisional Head , IPC-VI, CPCB, Delhi


(Prashant Gargava)
Member Secretary