



# 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

**SPEED POST/ E-mail**

B-29016/04/06/IPC-1/13568

November 26, 2020

To

**M/s Assam Petrochemicals Limited,  
Namrup, P.O. Parbatpur, Distt.- Dibrugarh,  
Assam- 786623**

**Sub: Direction under Section 5 of the Environment (Protection) Act, 1986-reg.**

WHEREAS, the Petrochemical 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, the **M/s Assam Petrochemicals Limited, Dibrugarh, Assam** (herein after referred as the Unit) which comes under Petrochemical category, has installed the online continuous effluent monitoring system for the parameters pH, BOD, COD, TSS & Flow and online continuous emission monitoring system (OCEMS) for the parameter PM; and

WHEREAS, the Unit was inspected on October 29, 2017 by the officials from Central Pollution Control Board, Regional Directorate, Shillong under the surveillance of industrial Units based on SMS Alert of pH parameter during the month of August-September, 2017; and

WHEREAS, as per the IT Division, CPCB report dated December 29, 2017 on data connectivity with CPCB that the Unit has not installed/not provided online data connectivity for Online Continuous Emission Monitoring System (OCEMS) for CO, NOx, & SO<sub>2</sub> parameters at Station STACK\_1\_Boiler Reformer and APCL Boiler to CPCB; and

WHEREAS, a closure direction dated January 19, 2018 was issued to the Unit w.r.t non connectivity for Online Continuous Emission Monitoring System (OCEMS) for CO, NOx, & SO<sub>2</sub> parameters at Station STACK\_1\_Boiler Reformer and APCL Boiler; and

WHEREAS, the Unit vide letter dated February 07, 2018 requested to operate the unit till the new 500 TPD Methanol Plant is commissioned in September 2019 & phasing out of the existing unit; and

WHEREAS, CPCB issued a letter to the Unit on April 04, 2018 that non-compliance of the above direction will lead to levying environmental compensation charges for the period starting from 25.01.2018 to till the date of compliance; and

WHEREAS, the Unit vide letter dated May 14, 2018 submitted copy of purchase order for supply, installation & commissioning of Online Continuous Emission Monitoring System (OCEMS) and requested time period up to five months to complete the installation; and

WHEREAS, a reminder sent to the Unit by an email on December 11, 2018 to submit status of installation of online Continuous Emission Monitoring System (OCEMS) w.r.t CPCB direction dated 19.01.2018; and

WHEREAS, the Unit vide email dated December 12, 2018 informed that they have completed installation of OCEMS for SO<sub>2</sub>, NOx & CO and applied for online data transfer to CPCB & permission awaited; and

WHEREAS, the OCEMS connectivity for SO<sub>2</sub>, NOx & CO was verified by IT Division, CPCB report dated January 04, 2019; and

WHEREAS, an email sent to the Unit on 11.01.2019 to submit self-certificate & copy of valid Consent to Operate (CTO) for revocation of CPCB direction dated 19.01.2018; and

WHEREAS, the Unit vide email dated 05.02.2019 submitted self-certificate, copy of valid CTO up to 31.03.2019 from PCB Assam and stated that Unit has not stopped all its manufacturing operations in compliance to the direction; and

WHEREAS, CPCB constituted a Three-member committee vide office order dated 03.10.2017 having representative(s) from CPCB and MoEF&CC for examination and recommendation for revocation of the closure direction issued by CPCB; and

WHEREAS, the Three-member committee in its meeting held on 14.02.2019 examined the compliance report submitted by the Unit and recommended that the Unit shall ensure uninterrupted connectivity with CPCB server; 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) to take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs & ETPs and 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, the Unit was found non-compliance w.r.t. CPCB direction dated January 19, 2018 for the period of 344 days (January 25, 2018 to January 03, 2019), as per formula derived for environmental compensation (EC) by CPCB, the total EC charges was calculated Rs 1,03,20,000/- and same shall be deposited by the unit at CPCB within 15 days for the non-compliance period; and

WHEREAS, a direction under section 5 of E(P) Act, 1986 issued dated February 25, 2019 with conditions that the Unit shall ensure uninterrupted connectivity with CPCB server and directed to deposit Rs. 1,03,20,000/- within 15 days in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271) for the non-compliance; and

WHEREAS, the M/s Khaitan & Co LLP (on behalf of the Unit) vide letter dated May 24, 2019 requested for an opportunity of personal hearing to explain and clarify the issue; and

WHEREAS, the CPCB vide letter dated June 21, 2019 accepted the request from the Unit for personal hearing on June 25, 2019; and

WHEREAS, the Unit has failed to attend the Personal hearing on June 25, 2019 and apologised & again requested vide email dated July 11, 2019 for suitable time for personal hearing on July 26, 2019; and

WHEREAS, as per request of Unit, a personal hearing was given to the Unit on July 26, 2019 at CPCB to review the EC amount; and

WHEREAS, a meeting of CPCB in-house committee on EC was held on November 26, 2019 to review the environmental compensation levied on M/s Assam Petrochemicals Ltd., Assam and it was decided that EC may be levied as per the existing policy of CPCB (Office Order No. B-400 (S)/IPC-III/2019-20/1162 dated 04.09.2019); and

WHEREAS, CPCB vide letter dated December 10, 2019 informed the unit that no relaxation can be given to any industry as per the existing policy and directed the Unit to deposit the EC levied of Rs. 1,03,20,000 /- within 15 days in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271) for the non-compliance; and

WHEREAS, the Unit has failed to comply with CPCB direction vide letter dated December 10, 2019 till date; 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.

**NOW, THEREFORE**, in exercise of powers vested to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, the Unit **M/s Assam Petrochemicals Limited, Dibrugarh, Assam** is hereby directed to close all plant operations with immediate effect and shall not resume until it complies with the following directions:

1. The Unit shall deposit the EC levied of Rs. 1,03,20,000 /- within 15 days in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271) for the non-compliance.
2. The Unit shall not resume plant operation till written permission is obtained from CPCB for the same.

In case of failure to comply with the said directions necessary action as deemed fit under the provision of the Environment (Protection) Act, 1986 will be taken by Central Pollution Control Board, which includes criminal prosecution of the Unit Head and levying environmental compensation (EC).

  
(Shiv Das Meena)  
Chairman

**Copy to:**

1. The Chairman  
Pollution Control Board Assam,  
Bamunimaidam, Guwahati-781021
2. The Advisor (CP Division)  
Ministry of Environment, Forests and Climate Change  
Prithvi Wing, 2nd Floor, Room No. 216  
Indira Paryavaran Bhawan  
Aliganj, Jor Bagh Road, New Delhi - 110003
3. The District Magistrate/ Deputy Commissioner:  
Deputy Commissioner Office, Dibrugarh  
Mancotta Road, Railway Colony,  
Dibrugarh, Assam- 786003
4. The Chairman/ Managing Director:  
Assam Power Distribution Company Limited  
4th Floor, Bijulee Bhawan, Paltanbazar,  
Guwahati - 781001, Assam

Request to ensure closure of  
the Unit immediately.

Request to disconnect Industrial  
electricity Supply of the Unit  
except domestic and security purposes.

5. The Regional Director  
Central Pollution Control Board  
"TUM-SIR", Lower Motinagar,  
Near Fire Brigade H.Q.,  
Shillong -793014

6. IPC-VI, CPCB

7. ✓ DH- IT Division, CPCB, Delhi

8. DH- Law, CPCB, Delhi

  
(Prashant Gargava)  
Member Secretary