



Speed Post

File No. B-751 (581)/Textile/New/WQM-II/CPCB/2018-19

31-05-2019

04-06-2019

To,

M/s. A.K. INDUSTRIES,
85-B, DADANAGAR,
KANPUR -208022, UP

DIRECTIONS UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986

WHEREAS, the Textile, Dyeing & Bleaching industries are identified as one of the 17 categories of highly polluting industries which have been discharging effluent 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 Ministry of Environment, Forests 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 standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof; and

WHEREAS, the unit M/s. A. K. Industries, 85-B, Dadanagar, Kanpur-208022, UP (hereafter referred to as the 'Unit') is a textile unit; and

WHEREAS, CPCB issued directions to the Unit dated 16.03.2018 under section 5 of the Environment (Protection) Act, 1986 for compliance of following direction:

1. The unit may resume manufacturing operations only after obtaining valid consent to operate under Water and Air Acts with reduce discharge capacity as per application submitted to UPPCB.
2. The unit shall obtain NOC form CGWA for ground water abstraction.
3. The unit shall immediately inform to CPCB regarding the date of resumption of operations.
4. The unit shall operate ETP properly so as to ensure with the effluent discharge norms notified under Environment (Protection) Act, 1986.
5. The unit shall submit treated effluent analysis report to CPCB within 45 days of resumption of operations from a laboratory recognized under Environment (Protection) Act, 1986.
6. The Unit shall ensure continuous connectivity OCEMS with CPCB server.

AND WHEREAS, Units reply dated 13.11.2018 was received with the following submission:

1. The Unit is already having CTO, the UPPCB is of the opinion that the modified consent shall be issued after expiry of the validity of the existing consent & providing the necessary documents for reduction in discharge for the same the unit has already provided the UPPCB with their stock register and online flow meter monitoring data.
2. The Unit has applied for NOC for ground water abstraction to CGWA.
3. The Unit started production from 24.08.2018.
4. The Unit operates ETP and ensures that the discharge is as per the stipulated norms.
5. The Unit has submitted Laboratory test report from the final outlet of ETP.
6. The Unit has provided the details of online connectivity for flowmeter, which indicate compliance.

AND WHEREAS, as per the CPCB directions dated 16.03.2018, the Unit was permitted to operate only with reduced discharge capacity as per their consent application (8KLD for industrial discharge) which requires installation of Flowmeter and PTZ camera at the ETP outlet and provide connectivity to CPCB server for data transfer; and

WHEREAS, the Unit installed only flowmeter at the ETP outlet and PTZ Camera not installed; and

WHEREAS, the Unit has consent for discharge of 10 KLD which requires installation of OCEMS system for monitoring of parameters i.e., pH, BOD, COD, TSS and flowmeter; and

WHEREAS, the unit resumed its manufacturing operations from 24.08.2018 without obtaining valid consent to operate under Water and Air Acts with reduced discharge capacity as per consent application submitted to UPPCB, which is in violation of CPCB direction dated 16.03.2018; and

WHEREAS, the Unit was inspected by a team of officials from CPCB on 24.01.2019 for verification of compliance status and following observations are made:

1. The Unit was found non-operational in compliance of UPPCB directions for Kumbh Mela-2019.
2. The Unit has closed their process/production for the period of 05.02.2019 to 04.03.2019.
3. The Unit has applied for NOC from CGWA for groundwater abstraction from borewell.
4. The Unit has valid consents under Water and Air Act issued on 05.11.2015 with validity upto 31.12.2019 with permissible industrial discharge of 10 KLD for industrial discharge whereas hazardous waste authorization is valid upto 01.02.2021.
5. The Unit has ETP of 10 KLD capacity and was found non-operational during the visit.
6. The Unit has installed electromagnetic flowmeter at the outlet of ETP and provided connectivity with CPCB server.
7. The Unit has one coal based baby boiler with stack height of 12 m.
8. Flowmeter was found installed at the borewell of the Unit.
9. The hazardous waste storage area of the Unit was not found adequate for safe storage. The packaging and labelling of hazardous waste was not found as per hazardous waste Rule.
10. PTZ camera is not found installed at the Unit along with connection to CPCB server.

WHEREAS, CPCB issued closure directions to the Unit dated 28.02.2019 under section 5 of the Environment (Protection) Act, 1986 the unit; 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, in compliance of above quoted Hon'ble NGT order, cases to be considered for levying penalty are discharges in violation of consent conditions/ non-compliance with the directions, such as direction for closure due to non-installation of OCEMS/ non-adherence to the action plans submitted/ intentional avoidance of data submission or data manipulation by tampering OCEMS; and

WHEREAS, as per the methodology for assessing penalty and environmental compensation, the environmental compensation to be levied to the unit is calculated as **Rs. 10,80,000/-** (Rupees Ten Lakhs Eighty Thousand only) for the non-compliance period (24.08.2018 to 14.01.2019); and

WHEREAS, CPCB constituted a three-member committee vide office order dated 27.09.2017 having representative from CPCB, MoEF &CC and NMCG for examination and recommendation for revocation of the closure direction issued by CPCB; and

WHEREAS, the three-member committee in its meeting held on 24.05.2019 examined the replies of the Unit and recommended for allowing operation after obtain valid consent at reduce capacity and comply with following

1. The unit will submit Performance assessment of the treatment system including analysis of treated effluent by the same government institute within 60 days of resumption of operation.
2. State Pollution control board will ensure the reduction in discharge of effluent.
3. Valid CTO be obtained.

AND NOW, THEREFORE, in exercise of powers delegated to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, the Unit is directed to deposit **Rs. 10,80,000/-** in CPCB A/c No. **532702050000164** (Bank name: Union Bank of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271) in favour of EC by CPCB towards environmental compensation within 15 days from the date of receipt of direction and shall comply with the following directions:

- (i) The unit may resume manufacturing operations only after obtaining valid consent to operate under Water and Air Acts with reduced discharge capacity (8 KLD) as per consent application submitted to UPPCB.
- (ii) The unit shall obtain NOC form CGWA for ground water abstraction.
- (iii) The unit shall immediately inform to CPCB regarding the date of resumption of operations.
- (iv) The unit shall submit performance audit report of the treatment system including analysis of treated effluent by the same reputed government expert institute within 60 days.

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
03.06.2019

Copy to:

- 1 **Member Secretary**
Uttar Pradesh Pollution Control Board
Building No-TC- 12 V, Vibhuti Khand, Gomati Nagar,
Lucknow-226010 : [To ensure compliance of the
direction please]
- 2 **Joint Secretary (CP Division)**
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhavan, Jor Bagh Road,
New Delhi - 110 003 : [For kind information please]
- 3 **District Magistrate**
Collectorate Office, District;
Kanpur - 208022, Uttar Pradesh : [For kind information please]
4. **Chief Engineer**
Kanpur Electricity Supply Company Ltd.
Headquarter, Kesa House, 14/71 Civil Lines,
Kanpur, U.P. : [To re-connect the electricity
supply to the Unit]
- 5 **Regional Director,**
Regional Directorate,
Central Pollution Control Board,
Ground Floor, PICUP Bhawan, Vibhuti Khand,
Gomti Nagar, Lucknow-226010 (U.P.) : [For information]
- 6 ✓ The Incharge IT Division, CPCB, Delhi : [For uploading the direction at
CPCB website]
- 7 The Incharge WQM-II, CPCB, Delhi : [For kind information please]


(PRASHANT GARGAVA)
MEMBER SECRETARY

O/c

