



**SPEED POST**

F. No. B-100 KLD (05)/FDB/WQM-II/CPCB/2017-18/2863

18.06.2019

21

To

**M/s Kailash Dairy Limited,  
Rithani, Delhi Road, Meerut, U.P.**

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

**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 rule framed there under; 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 emission and effluent standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof; and

**WHEREAS**, M/s Kailash Dairy Limited, Rithani, Delhi Road, Meerut, U.P. (hereafter referred to as the 'Unit') is manufacturing skimmed milk powder, Ghee, Butter; and

**WHEREAS**, the unit was jointly inspected by CPCB and UPPCB officials on 27.03.2018 and found non-complying; and

**WHEREAS**, CPCB issued closure direction dated 07.05.2018 under section 5 of the Environment (protection) Act, 1986 to the unit; and

**WHEREAS**, the unit replies dated 22.05.2017 and 28.05.2018 were examined and following observations are made:

1. The unit has upgraded its ETP system up to tertiary treatment level for treatment of effluent to meet norms.
2. The unit has also dismantled its bypass arrangement available, and provided photographs of the same.
3. The unit was closed and sealed by district administration on 06.06.2018

**AND WHEREAS**, CPCB issued directions dated 07.08.2018 under section 5 of Environment (Protection) Act, 1986 to the unit to comply with the following directions,

- (i) The unit shall resume manufacturing operation for 60 days only and shall inform CPCB immediately after resumption of operations.
- (ii) The unit shall submit ETP performance audit report from National Dairy Research Institute (NDRI)/IITs to CPCB within 60 days from resumption of operation.

- (iii) The unit shall treat their effluent to meet the effluent discharge standards as notified under Environment (Protection) Rules, 1986.
- (iv) The unit shall stop manufacturing operations after 60 days and seek permission from CPCB for resumption of operations.

**AND WHEREAS**, the unit replies dated 20.12.2018 and 31.12.2018 were examined and following observations are made:

1. The Unit informed to resume of operation w.e.f 10.11.2018.
2. The Unit submitted the Environment Assessment report from IIT, Delhi on 31.12.2018, which indicates that the treated effluent is meeting the stipulated norms.
3. ETP system consists of oil & grease trap, equalization tank, tube settler, aeration tank, secondary clarifier and dual media filter.
4. The unit was permitted to operation till 09.01.2019, but unit continuing to be in operation beyond 60 days.

**AND WHEREAS**, inspection of the unit was carried out by CPCB team of officials on 07.02.2019 and following observations were made:

1. The unit was found operational at the time of inspection, which is in violation of direction dated 07.08.2018.
2. The unit has applied for renewal of consent under Water and Air act from UPPCB.
3. Analysis of treated effluent sample collected from ETP outlet shows BOD: 464 mg/l (as against the norm of 100 mg/l), COD: 668 mg/l (as against the norm of 250 mg/l), TSS: 210 mg/l (as against the norm of 150 mg/l), pH: 7.66 (as against the norm of 6.5-8.5) and Oil & Grease: 8 mg/l (as against the norm of 10 mg/l), which indicates that the unit is non-complying with prescribed norms.
4. The unit has applied for authorization from CGWA for groundwater extraction.
5. It is evident that the Unit is violating the CPCB direction dated 07.08.2018 and also standards as prescribed under Environment (Protection) Rules, 1986 and discharging partially treated/untreated effluent, thereby posing serious threat to the surface and groundwater quality.

**AND WHEREAS**, CPCB issued closure directions dated 05.03.2019 under section 5 of Environment (Protection) Act, 1986 to the unit; and

**WHEREAS**, the unit replies dated 14.03.2019, 23.04.2019, 29.04.2019 and 23.05.2019 were examined and following observations are made:

1. The unit has provided self-certificate that the unit has stopped all the plant operations w.e.f. 14.03.2019.
2. The unit has submitted ETP Adequacy report by CPPRI, Saharanpur, which indicates that ETP is adequate to treat the effluent generated from processing of 1,50,000 ltr milk per day to meet discharge standards provided ETP operates under optimum conditions. Also suggested for frequent removal of settled sludge from MSRL settler.
3. The unit is also advised to increase the capacity of sludge drying bed for proper handling of ETP sludge. The unit informed that they increased the capacity of sludge bed for handling of sludge.

**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, environmental compensation to be levied to the unit is calculated as **Rs. 04,00,000/- (Rupees Four lakhs only)** for the non-compliance period from (09.01.2019 to 13.03.2019); 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

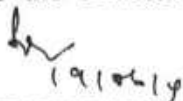
**WHEREAS**, the three-member committee in its meeting held on 24.05.2019 examined the replies of the Unit and recommended that:

- (i) The unit shall resume manufacturing operation for 60 days only and shall inform CPCB immediately after resumption of operations.
- (ii) CPCB will inspect plant within same period randomly and report be submitted before committee/or unit shall submit performance assessment of the treatment system including analysis of effluent by reputed government institute within 60 days.

**NOW, THEREFORE**, in exercise of powers delegated to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, the unit is directed close to down its manufacturing operations immediately and deposit **Rs.04,00,000/-** in CPCB A/c No. **532702050000164** (Bank name: Union Bank of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271) towards environmental compensation within 15 days from the date of receipt of direction and shall comply with the following directions:

1. The unit shall resume manufacturing operation for 60 days only and shall inform CPCB immediately after resumption of operations.
2. The unit shall submit performance assessment of the treatment system including analysis of effluent by reputed government institute within 60 days.
3. The unit shall stop manufacturing operations after 60 days and seek permission from CPCB for resumption of operations.

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

**Copy to:**

- 1) **Member secretary,** : for information please.  
Uttar Pradesh Pollution Control Board,  
Building No. TC-12V, Vibhuti Khand, Gomti  
Nagar, Lucknow-226 010, Uttar Pradesh
- 2) **Joint Secretary (CP) division** : for information please.  
Ministry of Environment, Forests and Climate  
Change, Prithvi Wing, 2<sup>nd</sup> Floor, Room No.  
216, Indira Paryavaran Bhawan,  
Aliganj, Jor Bagh Road, New delhi-110003
- 3) **District Magistrate,** : for information please.  
Lalkurti Bazar, Police lines,  
Meerut- 250001
- 4) **Managing Director** : [To re-connect the electricity supply to  
the Unit]  
Paschimanchal Vidyut Vitran Nigam Ltd.,  
Victoria Park, Meerut-250001
- 5) **Regional Director,** : for information please.  
Central Pollution Control Board  
Regional Directorate (North), PICUP Bhawan  
Vibhuti Khand, Gomti Nagar,  
Lucknow - 226 010
- 6) ~~1/c IT division, CPCB, Delhi~~ : for uploading the direction at CPCB  
website.
- 7) Master copy (Dairy), WQM-II Division. : For records.

  
(PRASHANT GARGAVA)  
MEMBER SECRETARY

ok