



**By Speed Post**

F. No. B-190019/NGRBA/CPCB/2018-19/2862

18.06.2019

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To,

**M/s Bhalotia Fabtek Pvt. Ltd.,  
B-6 & 7, Industrial Area,  
BIADA, Barari,  
Bhagalpur, Bihar**

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

**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 methods like installing online effluent and 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**, Hon'ble National Green Tribunal in its order dated 15<sup>th</sup> December, 2014 in the matter of Krishan Kant Singh Vs. M/s Hindustan Coca Cola Beverages Pvt. Ltd., Mehdiganj, Rajatalab, Varanasi stated that "It Seems appropriate introduction of online monitoring system for the industries needs to be explored and if it is possible to provide for joint online monitoring system"; and

**WHEREAS**, CPCB has explored installation of Online Monitoring device in the other countries and has come to conclusion that the online monitoring devices are essential for improving compliance as the conventional monitoring systems not able to capture violations on regular basis; and

**WHEREAS**, CPCB has held stakeholder consultations with industrial associations and SPCBs/PCCs on 06.08.2014, 19.09.2014, 29.09.2014, 08.10.2014, 16.10.2014, 09.01.2015, 08.04.2015 and 16.06.2015 regarding time bound implementation of installation of these devices; and

**WHEREAS**, a direction under Section 18 (1) (b) of Water (Prevention & Control of Pollution) Act, 1974 was issued on 5<sup>th</sup> February, 2014 to Ganga Basin State Pollution Control Boards (SPCBs)/Pollution Control Committee (PCC) for installation of online effluent monitoring systems w.r.t. pH, BOD, TSS, COD and Flow parameters in Grossly Polluting Industries; and

**WHEREAS**, it was clarified that flow meter & web camera may be installed in case of Units with Zero Liquid Discharge (ZLD) by March 31, 2015 vide guidelines uploaded on website of CPCB dated November 7, 2014; 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,2015 under Section 18 (1) (b) of Water (Prevention & Control of Pollution) Act,1974; 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,2015 and withdrawal of consent to operate along with forfeiture of bank guarantee of non-complying units will be the only option; and

**WHEREAS**, an office order dated 27<sup>th</sup> December, 2016 was issued by Member Secretary, CPCB directing the installation and connectivity of OCEMS by industries must be completed before February 28<sup>th</sup>, 2017; and

**WHEREAS**, the GPIs need to follow the guidelines published by CPCB for OCEMS available on the link [http://cpcb.nic.in/upload/thrust-area/revised-GUIDELINES-final-sent-for-publication-on-07.11.2014 . pdf](http://cpcb.nic.in/upload/thrust-area/revised-GUIDELINES-final-sent-for-publication-on-07.11.2014.pdf) and amended thereof; and

**WHEREAS**, CPCB has re-inventoried the GPI units in consultation with the concerned SPCBs during February, 2018 and as a result 39 new units have been identified as Grossly Polluting Industries (GPIs) operating in the Ganga main stem states; and

**WHEREAS**, the Ministry of Environment, Forest and Climate Change, Govt. of India, vide its notification S.O.157(E) dated 27.02.1996, has delegated the powers vested under Section 5 of the Environment (Protection) Act,1986 (29 of 1986) to the Chairman, Central Pollution Control Board (CPCB), to issue directions to any industry, Municipal Corporation, Municipal Council, Cantonment Board, any local or other Authority for the violation of emission and effluent standards notified under the Environment (Protection) Rules,1986 and other standards and norms; and

**WHEREAS**, CPCB issued Show Cause Notice under Section 5 of E (P) Act, 1986 dated 3<sup>rd</sup> May, 2018 to 26 newly added units to install OCEMS system and provide connectivity of OCEMS system with CPCB server for 24 × 7 data transmission within three (3) months from the date of said directions for the parameters mentioned in the guidelines and for submission of action plan for installation and connectivity within 15 days; and

**WHEREAS**, the three months' time assigned to the units to install OCEMS expired on 3<sup>rd</sup> August, 2018 and no response has been received from the above units and only 5 out of 26 units have installed OCEMS and connected with CPCB server; and

**WHEREAS**, CPCB issued closure direction dated 18.12.2018 under Section 5 of Environment (Protection) Act, 1986 to the unit; and

**WHEREAS**, the unit has submitted reply vide letters dated 01.06.2018, 26.02.2019, 01.05.2019 (Email) and 08.05.2019 (received on 21.05.2019) was examined and informed that OCEMS system has been installed and connected with CPCB server.

**WHEREAS**, CPCB constituted a three-member committee vide office order dated 27.09.2017 having representative from CPCB, Ministry of Environment, Forests & Climate Change and National Mission for Clean Ganga for examination and recommendation for revocation of the closure direction issued by CPCB; and

**WHEREAS**, The three-member committee in its meeting held on 04.06.2019 examined the replies of the Unit and recommended for revoke of the closure directions issued to unit dated 18.12.2018; and

**NOW, THEREFORE**, 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 following directions are directions are being issued to the unit:

1. The unit **M/s Bhalotia Fabtek Pvt. Ltd., B-6 & 7, Industrial Area, BIADA, Barari, Bhagalpur, Bihar** may resume manufacturing operations and shall immediately inform to CPCB regarding the date of resumption of operations.
2. The Unit shall treat their effluent to meet the effluent discharge standards as notified under Environment (Protection) Rules, 1986.
3. The Unit shall ensure continuous connectivity of OCEMS system to CPCB server.

In case of default in compliance with the above directions, CPCB will be constrained to initiate appropriate actions against the unit, without giving any further notice, in accordance with provisions of Environment (Protection) Act, 1986.

  
(S.P. SINGH PARIHAR)  
CHAIRMAN

**Copy to:**

1. **Member Secretary**  
Uttar Pradesh Pollution Control Board,  
Building No. TC-12 V, Vibhuti Khand  
Gomti Nagar, Lucknow-226010 : For kind information
2. **Joint Secretary (CP Division)**  
Ministry of Environment, Forests & Climate  
Change, Indra Paryavaran Bhavan,  
Jor Bagh Road, New Delhi - 110 003 : For kind information
3. **Regional Directorate,**  
Central Pollution Control Board,  
ZO (North), Ground Floor,  
PICUP Bhawan, Vibhuti Khand,  
Gomti Nagar, Lucknow, U.P.-226010 : For kind information
4. **District Magistrate**  
Bhagalpur, Bihar : For kind information
5. Incharge, IT Division, CPCB : For uploading on CPCBs  
website
6. Master copy WQM-II, CPCB : For record

  
(PRASHANT GARGAVA)  
MEMBER SECRETARY