



Speed Post

F. No. PJ-14011(12)/7/2023-WQM-II-HO-CPCB-HO 3882

Date: 05.09.2023

To,

M/s Mithila Dugdh Utpadak Sakhari Sangh Limited (Samastipur Dairy)
Industrial Area, Harpur Alowth
Dist - Samastipur
Bihar

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

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

WHEREAS, it is obligatory on the part of industries to install effluent treatment plants (ETPs) to comply with the effluent discharge standards as notified under the Environment (Protection) Act, 1986 and the Rules framed thereunder and also to meet the consent conditions granted by State Pollution Control Board (SPCBs)/Pollution Control Committees (PCCs); and

WHEREAS, M/s Mithila Dugdh Utpadak Sakhari Sangh Limited (Samastipur Dairy), Industrial Area, Harpur Alowth, Dist- Samastipur, Bihar (hereinafter referred as 'the Unit') is involved in the production of liquid milk, curd and ghee; and

WHEREAS, the Unit was inspected by CPCB officials under the 'Environmental Surveillance of 17 categories of high pollution potential industries and common facilities, based on OCEMS data programme' on 02.05.2023 and following observations were made:

1. The industry was found operational at the time of inspection.
2. The industry processes raw milk with consented capacity of 500 KLD. Based on the receiving and dispatch report, the industry dispatched 353640 Kg or 343339 litres of milk on the day of inspection.
3. The industry was found bypassing untreated effluent outside its boundary into municipal drain; also, canteen / toilet wastewater was mixing with the bypass drain. Effluent samples were collected from the bypass drain and the analysis results of bypass showed pH- 6.2 (against 6.5-8.5), BOD-861 mg/L (against 30 mg/L), COD- 1387 mg/L (against 250 mg/L) and TSS- 304 mg/L (against 100 mg/L).

'परिवेश भवन' पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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

4. The analysis result of the wastewater samples collected from ETP outlet showed pH- 6.8 (against 6.5-8.5), BOD- 10 mg/L (against 30 mg/L), COD- 45 mg/L (against 250 mg/L) and TSS-18 mg/L (against 100 mg/L) was found to be in compliance with the consented discharge norm by Bihar State Pollution Control Board (BSPCB). However, bypass drain discharge, collected from the point directly below the plant boundary, contains high organic matter in terms of BOD (861 mg/L) and COD (1387 mg/L) with slightly acidic nature (pH-6.2).
5. Environmental information display board was not displayed at the main entrance / gate.
6. OCEMS is installed at the final outlet of the ETP and connected to the BSPCB and CPCB servers. However, the sensors were not calibrated. Also, due to technical issue with the login credentials, the archived data was not shown / provided during inspection.
7. Online emission monitoring system was not installed at boiler stack.
8. The unit has provision for the discharge of untreated/partially treated effluent into recipient drain.
9. Algal growth was found in final settling tank indicating that improper maintenance / operation of ETP.
10. The industry is maintaining good housekeeping in the plant premises as well as at ETP.
11. Flow meter or V-notch was not installed at inlet of the ETP.

AND WHEREAS, CPCB issued directions dated **12.06.2023** under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall immediately dismantle bypass arrangements and stop discharge of untreated/partially treated effluent and ensure that all effluent streams are integrated and routed through ETP.
2. The unit shall submit the adequacy assessment report of ETP prepared by reputed government institutes such as IIT, NIT, NEERI etc. and accordingly upgrade/augment their ETP.
3. The unit shall report to CPCB and Bihar SPCB regarding closure of manufacturing operations immediately on receipt of this direction and also submit 'Self-Certificate' (format enclosed) for closure of operation.
4. The unit shall seek permission from CPCB, before start of its manufacturing operations.

AND WHEREAS, the unit vide letter dated 19.06.2023 submitted the following:

1. The unit has dismantled the by-pass arrangement through which untreated/partially treated effluent was discharged.
2. The adequacy assessment report of ETP will be submitted in 15 days.
3. Unit is a cooperative organization which serves as a livelihood for farmers, livestock rearing rural population of the region. The services of unit come under emergency services.
4. Being the co-operative sector dairy industry, the unit requested permission to continue the operation of the dairy plant.

AND WHEREAS, the unit was re-inspected by CPCB officials on 19.07.2023 to verify the compliance status and following observations were made:

1. The industry was found operational at the time of inspection.
2. The unit did not completely shut down its manufacturing process as per the closure direction. It had diverted the entire can milk receiving and chilling operation to the local

bulk chilling plants in order to ensure less generation of effluent and meet the effluent discharge norms.

3. The unit has dismantled the by-pass arrangement through which untreated/partially treated effluent was discharged.
4. The analysis result of the wastewater samples collected from ETP outlet showed pH- 8.1 (against 6.5-8.5), BOD- 17 mg/L (against 30 mg/L), COD- 60 mg/L (against 250 mg/L) and TSS-42 mg/L (against 100 mg/L), which indicate compliance with the consented discharge norm by Bihar State Pollution Control Board (BSPCB).
5. Display board for environmental information has been installed at main gate of the unit.
6. OCEMS is installed at the final outlet of the ETP and connected to the BSPCB and CPCB servers. The OCEMS sensors were calibrated on 29.04.2023. Technical issues regarding OCEMS login credentials have been resolved by the Unit.
7. OCEMS for particulate matter has been installed at both LPG boiler stacks (4.5 T and 1.9 T).
8. Flow meter has been installed at inlet of ETP. Logbook for the same is also being maintained.
9. Equalization tank has been converted into anaerobic tank and dual media filter has been installed at the final outlet point.

AND WHEREAS, the unit has submitted the adequacy assessment report of ETP on 14.08.2023, prepared by NIT Patna, which was examined and following observations were made:

1. The unit has installed ETP of 120 KL capacity, based on two stage biological treatment system upto tertiary level of treatment.
2. Estimated effluent generation in dairy plant is about 90 KLD.
3. The Hydraulic Retention Time of inlet tank is ~10 hours, aeration tank-I is 42 hours and aeration tank-II is ~41 hours, which is adequate
4. The pollution load removal efficiency of ETP is 98% for BOD, 90% for COD, 85% for TSS and 83% for Oil & Grease.

AND WHEREAS, the OCEMS connectivity for effluent and emission was verified by IT Division, CPCB on 21.08.2023 and the OCEMS were found connected to CPCB server; and

WHEREAS, The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of O.A. No. 593/2017 (WP (CIVIL) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) that "*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, Unit was found operational in violation of CPCB closure direction dated 12.06.2023. The unit vide its reply dated 19.06.2023 submitted that the by-pass line has been dismantled and same was verified by the inspection team on 19.07.2023. Considering the by-pass of untreated/partially treated effluent through by-pass line from 02.05.2023 (date of inspection) to 18.06.2023 (date of demolition of by-pass line) the environmental compensation of Rs. 3,00,000/-

(Rupees Three Lacs only) for the non-compliance period from 02.05.2023 to 18.06.2023 has been calculated as per methodology for assessing penalty and environmental compensation. The details of calculation of environmental compensation are as under:

From	To	N	PI	R	S	LF	Total Amount
02.05.2023	18.06.2023	48	50	250	0.5	1	$EC = N \times PI \times R \times S \times L.F$ $EC = 48 \times 50 \times 250 \times 0.5 \times 1$ $= \text{Rs. } 3,00,000/-$

***EC calculations details:** N= No. of days of violation; PI= Pollution Index of Industrial Sector; R= A factor in Rupees for EC; S= Scale of operation; LF= Location factor

NOW, THEREFORE, in view of the above observations and in exercise of the powers delegated to the Chairman, Central Pollution Control Board under Section 5 of the Environment (Protection) Act, 1986, the closure direction dated 12.06.2023 issued to M/s Mithila Dugdh Utpadak Sahkari Sangh Limited (Samastipur Dairy) is hereby revoked. The unit shall resume its manufacturing operations after obtaining Consolidated Consent & Authorization (CCA) from Bihar State Pollution Control Board (BSPCB).

Further, the Unit is also directed to Show Cause as to why the environmental compensation of **Rs. 3,00,000/- (Rupees Three Lacs only)** shall not levied for the non-compliance of closure directions dated 12.06.2023 for the period from 02.05.2023 to 18.06.2023, during which the unit continued to operate with by-pass arrangements.

You are hereby given an opportunity to file your objections (if any) to the above direction within 15 days from the date of receipt of this direction. In case of default in compliance of above directions CPCB will be constrained to initiate appropriate action against the Unit in accordance with the provisions of the Environment (Protection) Act, 1986.


 (TANMAY KUMAR)
 CHAIRMAN

Copy to:

1. **Additional Secretary (CP Division)**
 Ministry of Environment, Forest & C.C
 Prithvi Block, Indira Paryavaran Bhawan,
 Jorbagh Road, New Delhi – 110 003

: For kind information, please.

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
 दिनांक 11/9/2023
 दिनांक 11/9/2023

2. **Member Secretary**
Bihar State Pollution Control Board
Parivesh Bhawan, Plot No. NS-B/2
Patliputra Industrial Area
Patliputra, Patna (Bihar) - 800 010 : With request to ensure compliance
of the Direction
3. **The Regional Director**
Regional Directorate Kolkata
South end Conclave, Block-502,
5th & 6th Floor, 1582, Razidanga,
Main Road, Kolkata- 700107 : For kind information and follow-
up please.
4. **The District Magistrate,**
Office of District Collector -cum- District
Magistrate : With request to ensure the
compliance
First Floor, Collectorate, Samastipur
Bihar- 848101
5. **Divisional Head, IT Division, CPCB** : For uploading on CPCB website
6. Master file/Guard file WQM II, CPCB Delhi : For record


(BHARAT KUMAR SHARMA)
MEMBER SECRETARY