



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

BY SPEED POST

F.No: CP-11/45/2023-IPC-III-HO-CPCB-HO

November 22, 2023

To,

M/s Nepa Limited
Nepa Nagar
(Nepanagar, Tehsil & Dist: Burhanpur),
Madhya Pradesh-450221

Sub: Show Cause Notice under Section 5 of the Environment (Protection) Act, 1986 regarding levying of Environmental Compensation(EC) for non-compliance of CPCB's direction-regd.

WHEREAS, the Pulp and Paper industries (30 TPD and above) are identified as one of the 17 categories of highly polluting industries which have been discharging environmental pollutants directly or indirectly into the ambient water and air, having potential threat to cause adverse effect on the water and air quality; and

WHEREAS, there is need to promote self-regulation and self-promotion within the industries for complying with the prescribed standards and this can be achieved by the 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, a direction under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 was issued on February 05, 2014 to all the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) for installation of online emission and effluent monitoring systems w.r.t pH, Flow, BOD, COD, and TSS parameters in Pulp & Paper 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

‘परिवेश भवन’ पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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

WHEREAS, considering the requests/ representations received from industries/ industrial associations/ SPCB / PCCs, an extension of time up to June 30, 2015 for installation of online monitoring systems was granted vide direction dated March 02, 2015 under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981; and

WHEREAS, a letter vide 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 30, 2015 and withdrawal of consent to operate along with forfeiture of bank guarantee of non-complying Units will be the only option; and

WHEREAS, concerned SPCB/ PCC have issued directions under section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and section 31A of the Air (Prevention & Control of Pollution) Act, 1981 to install the online monitoring system by June 30, 2015 and to submit bank guarantee of 100% of the cost of online emission & effluent 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, CPCB issued show cause notice for closure dated 24.07.2015 under section 5 of the Environment (Protection) Act, 1986 to **M/s Nepa Limited**, Neapanagar, MP for compliance of the following:

1. The Unit shall submit documentary evidence regarding status of installation of online emission & effluent monitoring system.
2. The Unit shall submit the status on connectivity for submission of online 24x7 monitoring data to SPCBs/PCCs and CPCB.
3. The Unit shall submit the details as per Annexure-I through

(a) E-mail id - cems.cpcb@nic.in

(b) Uploading the data on the link provided on CPCB Website (www.cpcb.nic.in) and

(c) By speed post

AND WHEREAS, the Unit did not provide documentary evidence / reasonable time bound plan for installation and linkage of their online effluent monitoring system (OCEMS) to CPCB server for submission of real-time 24x7 online data to CPCB server; and



WHEREAS, CPCB issued closure direction vide letter dated 30.08.2016 under section 5 of the Environment (Protection) Act, 1986 to the Unit and directed to close down their manufacturing operations till installation and commissioning of online effluent monitoring system and providing connectivity for submission of online 24x7 monitoring data to SPCBs/PCCs and CPCB. The Unit shall seek permission from CPCB before resumption of operation; and

WHEREAS, the Unit vide letter dated 19.06.2017 informed that their mill operation was closed since 25.07.2016 for revival and mill development plan(RMDP) and after completion of RMDP the plant operates with the installation of the equipment as per direction of CPCB; and

WHEREAS, the Unit replied vide letter 18.07.2023, & 06.08.2023 and submitted the requisite documents including registration details, self-certificate for closure & consent renewal application copy and also informed to have closed the operation & connected their OCEMS to CPCB server which was verified by IT Division of CPCB and also requested for revocation of closure direction; and

WHEREAS, the Unit's reply was examined & it has been observed that the plant was in operation for certain period (from 18.07.2023 to 26.07.2023) despite CPCB's closure direction which is non-compliance of CPCB's closure direction; and

WHEREAS, CPCB has 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 closure direction issued by CPCB; and

WHEREAS, the Committee in its meeting held on 18.09.2023 reviewed the compliance made by the Unit & verified the submitted supporting documents in line with the agreed criteria and recommended that the Unit may be allowed to resume its manufacturing operation with certain conditions; and

WHEREAS, the Hon'ble NGT, Principal Bench order dated 31.08.2018 in the matter of O.A. No. 593/2017 (WP(CIVIL) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs Union of India & Ors. directed "CPCB to take penal action for failure and, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs and may also asses and recover compensation for damage to the environment and said fund may be kept in a separate account and utilised in term of an action plan for protection of the environment"; and

WHEREAS, in compliance of the Hon'ble NGT order dated 31.08.2018 (O.A. No. 593/2017), a Committee was constituted by CPCB for developing a formula for imposing penalty and environmental compensation on industrial units. As per the Committee recommendations one of the case to be considered for levying penalty is "non-complying with the direction issued such as closure direction"; and

WHEREAS, as per the formula derived for environmental compensation by CPCB, the total environmental compensation (EC) amount calculated is **Rs 2,70,000/- (Rupees Two Lakh and Seventy Thousand only)** for the **non-compliance period** (from 18.07.2023 to 26.07.2023); 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; and

NOW, THEREFORE, in consideration of the above observations, and in exercise of powers vested under Section 5 of the Environment (Protection) Act, 1986, notice is served herewith to show cause why **environmental compensation of Rs. 2,70,000/- (Rupees Two Lakh and Seventy Thousand only)** should not be imposed on the **Unit [M/s Nepa Limited, Nepa Nagar, Dist: Burhanpur, Madhya Pradesh]** for 09 days of violation based on available record i.e for running their plant operation during the period from 18.07.2023 to 26.07.2023 in violation of the aforesaid closure direction issued by CPCB to the unit.

You are hereby given an opportunity to file your objections (if any) to the above proposed direction within 15 days from the receipt of this notice, failing which it will be presumed that you have nothing to say and appropriate action, in accordance with the provisions of the Environment(Protection) Act, 1986 will be taken against the unit without giving any further notice.

13th 20/07/23
(TANMAY KUMAR)
CHAIRMAN

tr

Copy to:

1. **The Member Secretary,**
Madhya Pradesh Pollution Control
Board E-5, Arera Colony,
Paryavaran Parisar, Bhopal - 462 01
6 : For kind information and
ensure compliance to
direction pl.
2. **The Regional Director,**
Regional Directorate-Bhopal
Central Pollution Control
Board,
Parivesh Bhawan, Paryavaran Pari
sar E-5, Arera Colony, Bhopal-4620
16 : For kind information and follow-
up pl.
3. **The Director (CP Division)**
Ministry of Environment,
Forest & C.C
Prithvi Block, Indira Paryavaran Bh
awan,
Jorbagh Road, New Delhi - 110 00
3 : For kind information please.
4. **The District Magistrate,**
Collector Office, Raver Road
Burhanpur -450331, Madhya Prades
h : For kind information please.
5. **The Divisional Head, IT, CPCB** : For uploading the direction at
CPCB website.


(BHARAT KUMAR SHARMA)
MEMBER SECRETARY

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