



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

Speed Post

F. No. PJ-14011(12)/7/2023-WQM-II-HO-CPCB-HO 853

Date: 24.04.2024

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. During inspection, the unit was found operational and was found bypassing untreated effluent of quality having 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), outside its boundary into municipal drain. Also, canteen/toilet wastewater was found mixing with the bypass drain; and

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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, CPCB issued revocation directions dated 05.09.2023 under section 5 of the Environment (Protection) Act, 1986 to the unit along with Show Cause for the environmental compensation of Rs. 3,00,000/- (Rupees Three Lacs only), for the non-compliance of closure directions dated 12.06.2023 for the period from 02.05.2023 (date of first inspection when bypass was observed) to 18.06.2023 (date when the unit informed about the dismantling of bypass arrangement), during which the unit continued to operate with by-pass of untreated/partially treated effluent through by-pass line, i.e., for total 48 days; and

WHEREAS, the unit vide letter dated 27.09.2023 submitted the following:

1. The drain, which was observed as bypass drain was actually storm water discharge drain and due to leakage & cracks in drain carrying untreated effluent which is located parallel to storm water drain, small quantity of untreated effluent was leaked to storm water drain.
2. The unit dismantled the by-pass drain within a week time i.e., on 08.05.2023 and stopped bypass of untreated effluent. The unit also submitted the photographic evidence.
3. As it was the first discrepancy found against the unit, the unit requested to waive off the proposed Environmental compensation.

AND WHEREAS, as per the request made by the unit personal hearing was held on 09.11.2023 at 11:00 AM through video conferencing before the Committee constituted vide office order F. No. CO-11/6/2023-AS-HO-CPCB-HO dated 16.10.2023 to examine the representations in environmental compensation cases and it was concluded during personal hearing that, the case may be placed before this committee after verification report of geo-tagged pictures to be shared by the unit of dismantled bypass arrangement along with proof of compliance to discharge norms prior to CPCB sampling dated 19.07.2023; and

WHEREAS, minutes of the personal hearing was issued to the unit through Office Memorandum dated 01.12.2023; and

WHEREAS, the unit submitted the following vide letter dated 29.12.2023, in compliance to the minutes of the personal hearing which was held on 09.11.2023:

1. JPEG image of Geo-tagged photograph of dismantled bypass channel taken on 08.05.2023 and
2. Copy of inspection report of the unit submitted by BSPCB officials on 22.06.2023 for compliance verification of the unit w.r.t CPCB closure direction dated 12.06.2023 issued u/s 5 of the Environment (Protection) Act, 1986.

AND WHEREAS, CPCB issued a letter dated 05.12.2023 to Bihar State Pollution Control Board (BSPCB) for submission of inspection report of the unit carried out prior to CPCB sampling dated 19.07.2023; 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 that the by-pass arrangement through which untreated/partially treated effluent was found discharged has been dismantled by them and requested to revoke the closure direction dated 12.06.2023 issued to the unit; 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., but it did not completely shut down its manufacturing process as per the CPCB 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.
2. The unit dismantled the by-pass arrangement through which untreated/partially treated effluent was found discharged.
3. The analysis result of the wastewater samples collected from ETP outlet found complying with the consented discharge norms i.e., pH- 8.1 (against 6.5-8.5), BOD- 17 mg/L (against 30 mg/L), COD- 60mg/L (against 250 mg/L) and TSS-42 mg/L (against 100 mg/L).
4. OCEMS found installed at the final outlet of the ETP and connected to the Bihar State Pollution Control Board (BSPCB) & CPCB servers.
5. Equalization tank found converted into anaerobic tank and dual media filter found installed at the final outlet point.

AND WHEREAS, the unit submitted the adequacy assessment report of ETP on 14.08.2023, prepared by NIT Patna, which was examined and observed that, the unit installed ETP of 120 KL capacity based on two stage biological treatment system up to tertiary level of treatment and estimated effluent generation in the unit is about 90 KLD; 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*

WHEREAS, CPCB received a letter dated 02.01.2024 from BSPCB with information that, the unit was visited by BSPCB official on 10.06.2023 as a member of Third Party Agency (TPA), National Institute of Technology (NIT) Patna, as a part of annual inspection of GPIs 2022-23 and as per the inspection report, the by-pass channel was found demolished during inspection; and

WHEREAS, the demolition of by-pass channel on 08.05.2023 could not be ascertained by CPCB, as the JPEG image of dismantled bypass channel (taken on 08.05.2023) submitted by the unit did not contain any location attribute; and

WHEREAS, a meeting of four-member committee constituted vide CPCB office order dated 16.10.2023 to examine the representation in Environmental Compensation (EC) cases was held on 22.03.2024 at 4:00 PM for discussion to waive off the EC of Rs. 3,00,000/- levied on the unit vide CPCB directions dated 05.09.2023 and it was decided by the committee that, the EC may be re-calculated and levied on the unit for the non-compliance period from 02.05.2023 (date of first inspection when bypass was observed) to 09.06.2023 (a day before the inspection dated 10.06.2023 when demolition of the by-pass channel was verified), i.e., for total 39 days. The details of calculation of EC is as under:

From	To	N	PI	R	S	LF	Total Amount
02.05.2023	09.06.2023	39	50	250	0.5	1	$\text{EC} = \text{N} \times \text{PI} \times \text{R} \times \text{S} \times \text{L.F}$ $\text{EC} = 39 \times 50 \times 250 \times 0.5 \times 1$ $= \text{Rs. } 2,43,750/-$

Where,

N = No. of days for which violation took place, which is taken as 39 days starting from 02.05.2023 i.e., date of first inspection when bypass was observed by CPCB officials to 09.06.2023 i.e., a day before the inspection dated 10.06.2023 when demolition of the by-pass channel verified by BSPCB official;

PI = Pollution Index is taken as 50 in accordance to sector specific value defined in the 'Final Document on Revised Classification of Industrial Sectors under Red, Green, Orange and White Categories';

R = R is a factor in Rupees, which is taken as 250 as the EC in case of violation;

S = S is a factor for scale of operation, since the unit is small scale industry it is taken as 0.5;

LF = Location factor is taken as 1 because the unit is located at 10 km (>10 km) from the municipal boundary and having population less than 1 million

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 unit, M/s Mithila Dugdh Utpadak Sahkari Sangh Limited (Samastipur Dairy), Industrial Area, Harpur Alowth, Dist- Samastipur, Bihar is hereby directed to comply with the following directions:

1. The unit shall deposit the environmental compensation of **Rs. 2,43,750/- (Rupees Two Lacs Fourty-Three Thousands Seven Hundred and Fifty only)** 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 for the non-compliance of closure directions dated 12.06.2023 for the period from 02.05.2023 to 09.06.2023, during which the unit continued to operate with by-pass arrangements. It is also to be noted that, in pursuance of Hon'ble NGT order, Principal Bench New Delhi order dated December 6, 2018 in O.A. No. 125/2017 it was decided to levy annual interest @ 12 % for delay period in deposition of EC.

In case of default in compliance with the 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 : For kind information, please.
Prithvi Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi – 110 003
2. **Member Secretary**
Bihar State Pollution Control Board : For kind information please
Parivesh Bhawan, Plot No. NS-B/2
Paliputra Industrial Area Patliputra
Patna- 800 010, Bihar
3. **Regional Director**
Regional Directorate, Kolkata : For kind information please
Central Pollution Control Board
Southernd Conclave, Block 502,
5th & 6th Floors, 1582, Rajdanga Main
Road, Kolkata-700 107 (W.B.)
4. **District Magistrate, Samastipur**
District Collector-cum-District Magistrate : For kind information please
Office, First Floor, Collectorate, Samastipur
Bihar- 848101
5. **Divisional Head, IT Division, CPCB** : For uploading on CPCB website

(BHARAT KUMAR SHARMA)
MEMBER SECRETARY