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F. No.: B-190188/CETP-Banthar/PIAS/WQM-II/CPCB/2019-20

Date: 10.01.2022

To,

The Chairman  
M/s Banthar Industrial Pollution Control Company,  
UPSIDC, Leather Technology Park (LTP)  
Banthar, District - UNNAO (UP)

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

**WHEREAS**, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries, Common Effluent Treatment Plants (CETPs) and Sewage Treatment Plants (STPs) under the Environment (Protection) Act, 1986 and the rules framed there under; 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**, the Uttar Pradesh Pollution Control Board (UPPCB) has prescribed PETP outlet & inlet quality standards for Common Effluent Treatment Plant (CETP), LTP Banthar, Unnao vide order no. G 31440/ C-2/Sa-78 vol-II/2019 dated 02.11.2019; 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**, CETP at UPSIDC, Leather Technology Park, Banthar having design capacity of 4.5 MLD is operated by M/s Banthar Industrial Pollution Control Company (BIPCC), UPSIDC, Leather Technology Park (LTP), Banthar, District-Unnao (UP) (hereinafter referred to as "the CETP, Banthar") to treat effluent generated from member tanneries discharged after treatment through Primary Effluent Treatment Plant (PETP); and

**WHEREAS**, the CETP, Banthar was inspected by a team of officials from CPCB on 15.03.2021 and the following observations were made:

1. The CETP was found operational, with inlet flow rate 93.35 m<sup>3</sup>/hr (2.24 MLD).
2. Analysis of the result of influent sample collected from CETP inlet showed pH (7.45 against norm of 6.5-9.0), TSS (260 mg/l against norm of 600 mg/l), FDS (9076 mg/l), Chloride (20 mg/l), COD (3240 mg/l) and BOD (950 mg/l) indicating compliance w.r.t pH and TSS.

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3. Analysis of the result of treated effluent sample collected from CETP outlet showed pH (7.69 against norm of 6.0-9.0), TSS (72 mg/l against norm of 100 mg/l), **BOD (140 mg/l)** against norm of 30 mg/l), **COD (560 mg/l)** against norm of 250 mg/l), FDS (844 mg/l against norm of 2100 mg/l), **Chloride (3200 mg/l)** against norm of 2100 mg/l), Oil & Grease (10 mg/l against norm of 10 mg/l) and **Sulphide (30.08 mg/l)** against norm of 2 mg/l) indicating **non-complying w.r.t. BOD, COD, Chloride and Sulphide**.
4. MLVSS & MLSS values in Aeration Tank-I were 4510 mg/l & 5934 mg/l, respectively and Aeration tank-II were 1420 mg/l & 1844 mg/l, respectively.

**AND WHEREAS**, CPCB issued show cause notice dated 22.06.2021 under section 5 of Environment (Protection) Act, 1986 to M/s Banthar Industrial Pollution Control Company (BIPCC), Banthar, District-Unnao "as to why manufacturing operation of member tanneries the CETP, Banthar should not be closed down till necessary pollution control measures are planned and implemented for compliance with the prescribed effluent discharge norms and as to why environment compensation should not be imposed on BIPCC"; and

**WHEREAS**, BIPCC submitted their replies vide letters dated 26.06.2021, 14.07.2021 & 20.07.2021 which were examined and following observations were made:

1. BIPCC requested to drop Show Cause Notice dated 22.06.2021 on the ground of measures taken such as regular monitoring of CETP and member units. However, monitoring reports are not provided by BIPCC.
2. Repair and upgradation in CETP was carried out based on the observations made during May 21 - 25, 2019 by joint inspection team of CPCB & UPPCB.
3. BIPCC submitted analysis report dated 14.07.2021, prepared by third party (HBTU Kanpur) which also indicates non-compliance w.r.t. **TSS (635mg/l)** against norm 600mg/l) & **Total Chromium (11.4mg/l)** against norm 10mg/l) as per CETP inlet quality standards issued by UPPCB; and non-compliance w.r.t. **Sulphate (1925mg/l)** against norm 1000mg/l) as per CETP treated effluent quality standards vide MoEF&CC Gazette notification dated 01.01.2016.

**AND WHEREAS**, CPCB vide letter dated 26.07.2021 forwarded the non-compliance status of the CETP Banthar to UPPCB; and

**WHEREAS**, UPPCB issued letter dated 12.08.2021 to BIPCC, Banthar, seeking clarification for non-compliance w.r.t. prescribed effluent norms; and

**WHEREAS**, the CETP, Banthar was inspected by CPCB officials on 15.06.2021 and the following observations were made:

1. The CETP was found operational, with inlet flow rate of 50 m<sup>3</sup>/hr.
2. Analysis of the results of influent sample collected from CETP inlet showed pH (7.23 against norm of 6.5 - 9.0), **TSS (1199 mg/l)** against norm of 600 mg/l) and **Total Chromium (100 mg/l)** against norm of 10 mg/l) which indicate **non-compliance w.r.t TSS and Total Chromium**.
3. Analysis of the results of treated effluent sample collected from CETP outlet showed pH (8.52 against 6.0 - 9.0), TSS (34.5 mg/l against norm of 100 mg/l), **FDS (14870 mg/l)** against norm of 2100 mg/l), **Chloride (6251 mg/l)** against norm of 1000 mg/l), Sulphide (as S<sup>2-</sup>) (<1.0 mg/l against norm of 2 mg/l), Oil & Grease (5.71 mg/l against norm of 10 mg/l), COD (146mg/l against norm of 250 mg/l), **BOD (37.5**

mg/l against norm of 30 mg/l), and Total Chromium (<0.2 mg/l against norm of 10mg/l) which indicate **non-compliance w.r.t. FDS, Chlorides and BOD.**

4. MLSS and MLVSS level in Aeration Tank-I were 1273 mg/l and 773 mg/l, respectively; and in Aeration Tank-II, the MLSS and MLVSS level were 1809 mg/l and 1188 mg/l, respectively.

**AND WHEREAS**, Hon'ble NGT vide its orders dated 03.08.2018 and 19.02.2019 in Original Application No. 593/2017 (W.P. (Civil) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed that "*The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETP. CPCB may also assess and recover compensation for damage to the environment and said fun 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 tempering OCEMS; and

**WHEREAS**, as per Environmental Compensation policy framed in compliance of NGT order dated 31.08.2018 in O.A no. 593/2017, Environmen policy framed in compliance of NGT order dated 31.08.2018 in O.A no. 593/2017, Environntal Compensation (EC) may be levied on the operating agency of the CETP, Banthar i.e., M/s Banthar Industrial Pollution Control Company (BIPCC) for discharging partially treated effluent likely to cause grave injury to the environment; and

**WHEREAS**, as per the "Policy for levying environmental compensation for industries" dated 04.09.2019, Environmental Compensation to be levied on BIPCC (the CETP, Banthar), is estimated as Rs.9,30,000/- (Rupees Nine lac thirty thousand only) for the non-compliance period starting from 15.03.2021 (i.e., from date of first inspection) till 15.06.2021 (i.e., date of last inspection); and

**WHEREAS**, the detailed calculation of the environmental compensation is represented as follows:

S. No.	From	To	Environmental Compensation					Environmental Compensation (rupees)
			N	PI	R	S	L.F.	EC=P*N*R*S*LF
1.	15.03.2021	15.06.2021	93	80	250	0.5	1	9,30,000/-

Where, N = No. of days of violation;

PI = Pollution index of industrial sector;

R = A factor in Rupees for Environmental Compensation;

S = Scale of operation; and

LF = Location factor

**AND WHEREAS**, CPCB issued show cause notice dated 21.10.2021 under section 5 of Environment (Protection) Act, 1986, to BIPCC (the CETP, Banthar) as to why environmental compensation of Rs. 09,30,000/- (Rupees Nine lac thirty thousand only) should not be levied

on them for non-compliance period from 15.03.2021 (i.e., from date of first inspection) till 15.06.2021 (i.e., date of last inspection); and

**WHEREAS**, the BIPCC submitted replies vide letters dated 25.10.2020, 28.10.2021 and 01.11.2021 for waiving of the imposed environmental compensation (EC) and requested for grant of an opportunity for personal hearing; and

**WHEREAS**, Hon'ble NGT order dated 22.05.2019 in Appeal No. 27/2019 with Appeal No. 35/2019 and order dated 29.07.2019 in Appeal no. 22/2019 (Shri Vitthalsai SSK Ltd) wherein Hon'ble NGT has directed that, *CPCB may treat the impugned order as tentative and pass further appropriate order after permitting the affected parties to furnish their viewpoint for personal hearing of related Unit*; and

**WHEREAS**, personal hearing of the BIPCC was held on 14.12.2021 before the Committee, constituted to examine the representations against environmental compensation. It was concluded by the committee that CETP Banthar was non-complying and justification presented by BIPCC, for non-compliance of the CETP treated effluent is not acceptable as the CETP is required to comply with all discharge norms all the times. Hence, the EC shall be levied on BIPCC (the CETP, Banthar) for the period 15.03.2021 to 15.06.2021 as per the CPCB directions dated 21.10.2021; and

**WHEREAS**, the minutes of personal hearing were communicated to BIPCC (the CETP, Banthar) vide Office Memorandum dated 22.12.2021; and

**NOW, THEREFORE** in view of the above observations and in exercise of the powers, delegated to the Chairman, CPCB under section 5 of the Environment (Protection) Act, 1986, the CETP Banthar, **M/s Banthar Industrial Pollution Control Company (BIPCC), UPSIDC, Leather Technology Park (LTP) Banthar, District - Unnao (UP)** is hereby directed to comply with the following directions:

1. BIPCC shall deposit the Environmental Compensation (EC) amount of Rs. 9,30,000/- (Rupees Nine lac thirty thousand only) into the CPCB A/c No. 532702050000164 (Bank name: Union Bank of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271). In case of delay, simple interest @12% shall be levied for the delay period. Also, the BIPCC shall provide detail of EC amount deposited to CPCB within 15 days from date of receipt of direction. EC deposited in the CPCB account will be spent by CPCB as per the EC utilization policy as approved by Hon'ble NGT.
2. CETP, LTP Banthar member units shall comply with the PETP outlet norms prescribed by UPPCB and CETP shall comply with the effluent discharge standards notified by MoEF&CC in Gazette notification dated 01.01.2016.

In case of default in compliance of the above directions, CPCB will be constrained to initiate appropriate action against the CETP, LTP Banthar and the member units in accordance with the provisions of the Environment (Protection) Act, 1986 without any further notice.

13/11/22  
(TANMAY KUMAR)  
CHAIRMAN

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O/C

August

Copy to:

1. **Director General,**  
National Mission for Clean Ganga (MoWR, RD &  
GR) : For kind information please.  
1st Floor, Major Dhyan Chand National Stadium  
India Gate, NEW DELHI – 110002
2. **Joint Secretary (CP-Division),**  
Ministry of Environment Forests & CC : For kind information please.  
Indira Paryavaran Bhawan, Jor Bagh Road,  
NEW DELHI-110 003
3. **Member Secretary**  
Uttar Pradesh Pollution Control Board, : For kind information please.  
PICUP Bhawan, Vibhuti Khand,  
Gomti Nagar, LUCKNOW (UP)
4. **Regional Director**  
Regional Directorate-North : For kind information please  
Central Pollution Control Board, PICUP Bhawan,  
Vibhuti Khand, Gomti Nagar, LUCKNOW (UP)
5. ✓ **In-charge, IT Division, CPCB** : For uploading on CPCB  
website please
6. **In-charge, WQM-II Division, CPCB** : For record please

  
(PRASHANT GARGAVA)  
MEMBER SECRETARY

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