

By Speed Post

F.No. B-190198/NGRBA(RG)/CPCB/Distillery/17/2016-17

Dated: 30.12.2021

To,
M/s National Industrial Corporation Ltd.,
(Formerly Ajudhiya Distillery),
Bilari, Raja Ka Sahaspur,
Distt. Moradabad
Uttar Pradesh- 244415

SHOW CAUSE NOTICE UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 REGARDING INSTALLATION OF ONLINE EFFLUENT AND EMISSION MONITORING SYSTEM - 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, Forest and Climate Change (MoEF&CC), 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, M/s National Industrial Corporation Ltd. Raja-Ka-Sahaspur, Bilari, Moradabad, UP (hereinafter referred as 'the Unit') is involved in the manufacturing of extra neutral alcohol and rectified spirit using molasses as raw material; and

WHEREAS, CPCB issued direction to Uttar Pradesh Pollution Control Board (UPPCB) dated 22.12.2016 under section 18(1)(b) of the Water Act, 1974 regarding issuance of Closure direction under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 to the unit for non-implementation of Zero Liquid Discharge (ZLD) action plan; and

WHEREAS, UPPCB vide direction dated 06.02.2017 under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 directed the unit to close down all the manufacturing operations till implementation of prescribed action plan for ZLD; and

WHEREAS, closure direction dated 06.04.2017 under section 5 of Environment (Protection) Act, 1986 was issued by CPCB to the unit for non-installation of online continuous effluent/emission monitoring system (OCEMS); and

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WHEREAS, CPCB vide direction dated 16.06.2017 under Section 5 of Environment (Protection) Act, 1986 directed the unit to remain closed and to comply with the following directions:

1. The unit shall implement action plan for achieving ZLD as per the option prescribed vide CPCB direction dated 24.02.2015 & 23.04.2015.
2. The unit shall install online devices (web camera, flow meter and particulate matter) and provide connectivity to CPCB/UPPCB server for continuous supply of data transmission.
3. The unit shall submit following reports duly validated by reputed institutions like National Sugar Institute, Kanpur, Vasantdada Sugar Institute, Pune and IITs to CPCB and UPPCB within 60 days:
 - a. Assessment of the manufacturing technology for generation of spent wash and adequacy assessment of ZLD system comprising of Biomethanation, Reverse Osmosis (RO), Multi Effect Evaporator (MEE), composting/incineration system and steam availability, etc.
 - b. Water audit and mass balance reports to establish spent wash generation rate,
 - c. Action Plans to achieve Zero Liquid Discharge (ZLD),
 - d. To restrict lined effluent storage capacity to 30 days, and
 - e. Assessments of availability of press mud, compost yard, composting process, sell of compost and compost quality.
4. The unit shall install mass flow meters at inlet of MEE, outlet of MEE and to make arrangement for continuous online transmission of spent wash flow measurements (namely Weak Spent Wash, Strong Spent Wash)/web camera data of Spent Wash generation, concentration & MEE operation by providing linkage to CPCB & UPPCB servers within 75 days.
5. The unit shall identify recipient drains/rivulets and u/s & d/s locations in consultation with UPPCB for monthly monitoring by industry to ensure ZLD from distilleries within 30 days. The monitoring report shall be submitted to CPCB on monthly basis.
6. The unit will provide documentary support for procurement/availability of press mud, sell of compost and compost quality on monthly basis (by 10th of every month) to CPCB/UPPCB
7. The unit shall seek permission from CPCB, after compliance with the above-mentioned directions before resumption of manufacturing operations.

WHEREAS, the unit submitted the reply letter dated 10.07.2019 to CPCB along with an adequacy report of the existing effluent treatment plant of the unit (prepared by National Sugar Institute (NSI), Kanpur) which were examined and following observations made:

1. The unit is yet to comply with the CPCB direction dated 16.06.2017.
2. As per the submitted adequacy report for the existing effluent treatment plant of the unit, the unit was found non-operational during inspection of the NSI team carried out from 04.04.19 to 05.04.19 and was closed since December-2015.
3. The unit was still in the process of installing MEE and OCEMS.

AND WHEREAS, based on the above, a letter dated 15.10.2019 was issued to the unit directing it to remain closed and to comply with CPCB direction dated 16.06.2017; and

WHEREAS, CPCB received a letter dated 12.02.2020 from the unit along with self-certificate w.r.t compliance of CPCB closure direction dated 16.06.2017 and ETP validation report of the unit (prepared by NSI, Kanpur), with request for revocation of CPCB closure direction dated 16.06.2017 and letter dated 04.04.2020 & 07.04.2020 for obtaining connectivity of the installed Online Continuous Effluent & Emission Monitoring System (OCEMS) (i.e., mass flow meter with data recording facility at MEE feed, MEE concentrate, PTZ 360 camera as well as online stack monitoring system at boiler of 12 TPH for particulate matter) with CPCB/SPCB server. The letters and supporting documents were examined and following observations made:

1. The unit was not in operation during visit of NSI, Kanpur team for preparation of ETP Validation report of the unit on 23rd-24th January-2020.
2. The available plant and machinery are adequate to cope up with the requirements of ZLD w.r.t expired consented production capacity of 40 KLPD and spent wash generation rate-9 KL/KL of alcohol production.
3. The unit has installed MEE of 840 m³/day capacity and Condensate Polishing Unit (CPU) of 700 KLD capacity for treatment of MEE condensate, spent lees, cooling tower blowdown and floor washing to comply with the CPCB norms to achieve ZLD through bio-composting route (without bio-methanation).
4. The unit has installed Mass flow meters at MEE feed & MEE concentrate, web camera at lagoon area & at bio-compost area as well as Online stack monitoring system at boiler of 12 TPH for particulate matter.
5. The CPU comprises of Collection tank, pH correction tank, UASB Reactor, Aeration tank (MBBR technology), Sludge Drying bed, Secondary Clarifier, Filter feed tank, Multi-Grade Filter and Activated Carbon Filter.
6. Treated effluent from CPU will be utilized for Molasses dilution/cooling tower make up/floor washing.
7. The unit has 7.5 acres of active bio-compost area, which is adequate for 40 KLPD production capacity for 270 days of operation per annum (04 cycles per annum) and for spent wash generation rate of 9 KI./KI. of alcohol production, and maintaining press mud to spent wash utilization ratio as 1:1.6. The unit informed that it will purchase press mud from nearby sugar factories and will not operate bio-composting during rainy season.
8. The unit has lagoon having storage capacity of 22,500 m³ equivalent for 30 days of concentrated spent wash generation.

AND WHEREAS, CPCB issued revocation direction dated 05.06.2020 under Section 5 of Environment (Protection) Act, 1986 to the unit to comply with the following:

1. The unit may resume its operation at a capacity of 40 KLD of alcohol production only after obtaining valid consent from UPPCB.
2. The unit shall submit performance assessment report for ZLD compliance within 60 days of resumption of operation.
3. The unit shall identify recipient drains/rivulets and u/s & d/s locations in consultation with UPPCB for monthly monitoring by industry to ensure ZLD from distilleries within 30 days. The monitoring report shall be submitted to CPCB on monthly basis.

4. The unit shall provide documentary evidence for procurement/availability of press mud, sell of compost and compost quality on monthly basis (by 10th of every month) to CPCB/UPPCB.
5. The unit shall restrict its lagoon capacity equivalent to 30 days of concentrated spent wash generation as per CPCB direction dated 07.12.2015 by dismantling/levelling/filling the excess capacity of lagoon and shall submit a time bound action plan within 30 days to CPCB; and

WHEREAS, the unit submitted reply of CPCB direction dated 05.06.2020 vide letter dated 19.02.2021, which was examined and following observations made:

1. The unit has obtained valid Consent to Operate (CTO) under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 from UPPCB having validity upto 31.12.2021.
2. The unit resumed distillery plant operation from 01.12.2020. As per the information submitted by the unit, the distillery plant operated for total 58 days from 01.12.2020 till Feb-2021. The unit is yet to submit the performance assessment report for ZLD compliance.
3. During the inspection undertaken on 07.12.2020 by third party institute (National Sugar Institute (NSI), Kanpur) under the annual GPI inspection program authorized by CPCB, the distillery plant was found non-operational due to non-functioning of the turbine.
4. The unit has neither identified recipient drains/rivulets and u/s & d/s locations in consultation with UPPCB for monthly monitoring to ensure ZLD nor submitted the monitoring report of the same to CPCB on monthly basis.
5. The unit has submitted only purchase data of press mud of Feb-2020, March-2020 and Feb-2021; the data regarding use of press mud, concentrated spent wash, bio-compost quantity prepared, sell of bio-compost and compost quality was not submitted.
6. The unit has mentioned about restricting their lagoon capacity equivalent to 30 days of concentrated spent wash generation as per CPCB direction dated 07.12.2015, however supporting documents and photographic evidences regarding the same were not submitted.

AND WHEREAS, based on the observations w.r.t the compliance of CPCB revocation direction dated 05.06.2020, a letter dated 26.03.2021 was issued to the unit for submission of the following:

1. The unit shall comply with point no. 2,3,4 and 5 of CPCB direction dated 05.06.2020 issued u/s 5 of the Environment (Protection) Act, 1986 and shall submit the detailed point wise compliance status of the said direction.
2. The unit shall submit supporting documents and evidences w.r.t restricted lagoon capacity equivalent to 30 days of concentrated spent wash generation as per CPCB direction dated 07.12.2015.
3. The unit shall ensure connectivity and uninterrupted supply of OCEMS data of mass flow meters, web camera (PTZ) and particulate matter from boiler stack to CPCB/SPCB server. It is pertinent to mention here that the PTZ camera is yet not connected to CPCB server.
4. The unit shall submit the monthly records of alcohol/rectified spirit production, spent wash generation (namely weak spent, strong spent wash) details of MEE operations, mass flow meter readings connected with CPCB server etc. (by 10th of every month) in

the prescribed format (attached as Annexure-1), documentary evidence for procurement/availability of press mud, sell of compost and compost quality etc. (by 10th of every month) in the prescribed format (attached as Annexure-2);

AND WHEREAS, a reply letter dated 16.06.2021 was received from the unit, which was examined & following observations were made:

1. The Unit has neither submitted the performance assessment report for installed Z.I.D system nor provided any timeline for the submission of the same.
2. The unit stated that there is no drain in the vicinity of the unit; the information needs to be validated by the concerned State Pollution Control Board.
3. The Unit is not submitting the monthly records of alcohol/rectified spirit production, spent wash generation (namely weak spent, strong spent wash), details of MEE operations, mass flow meter readings connected with CPCB server etc., documentary evidence for procurement/availability of press mud, sell of compost and compost quality etc. on regular basis.
4. The unit has not submitted any documentary/photographic evidence regarding OCEMS connectivity and data transmission of mass flow meters, web camera (PTZ) and particulate matter from boiler stack; and

WHEREAS, as per the OCEMS report of the unit received from the IT division, CPCB dated 16.07.2021, no PTZ camera was found attached at bio-compost yard and lagoon neither is OCEMS data being transmitted/received at CPCB portal till date, for installed mass flow meters at MEE feed & MEE concentrate and stack monitoring system at boiler.

It is evident that the unit has neither complied with the conditions imposed as per CPCB revocation direction dated 05.06.2020 nor CPCB letter dated 26.03.2021. It is validated by the IT Division, CPCB that Unit has not installed any PTZ camera nor is the OCEMS data from mass flow meters at MEE inlet and outlet being transmitted/received at CPCB portal till date; and

WHEREAS, Hon'ble National Green Tribunal (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 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

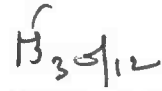
WHEREAS, in compliance of above quoted Hon'ble NGT order, cases to be considered for levying penalty are discharges in violation of consent conditions/non-compliance with the directions, such as direction for closure due to non-installation of OCEMS/non-adherence to the action plans submitted/intentional avoidance of data submission or data manipulation by tampering OCEMS; and

NOW, THEREFORE, based on above observations and in exercise of powers, delegated to the Chairman, CPCB under Section 5 of the Environment (Protection) Act, 1986. **the unit, M/s**


C.S.

National Industrial Corporation Ltd. Raja-Ka-Sahaspur, Bilari, Moradabad, UP is hereby directed to **Show Cause** as to **why the unit should not be closed** down for non-compliance w.r.t. CPCB directions dated 05.06.2020 including non-installation and connectivity of OCEMS to CPCB/SPCB server for continuous supply of data transmission and as to **why Environmental Compensation (EC) should not be imposed** on the unit in compliance to Hon'ble National Green Tribunal (NGT) orders dated 03.08.2018 and 19.02.2019 in Original Application No. 593/2017 (W.P. (Civil) No. 375/2012).

You are hereby given an opportunity to file your objections (if any) to the above proposed notice within 15 days from the receipt of this notice, failing which appropriate action will be taken against the unit as deemed fit under the provisions of the Environment (Protection) Act, 1986.


(TANMAY KUMAR)
CHAIRMAN

Copy to:

1. The Member Secretary
Uttar Pradesh Pollution Control Board,
Building No. TC-12 V. Vibhuti Khand,
Gomti Nagar. Lucknow-226 010
:With request to ensure the compliance
2. The Joint Secretary (CP Division)
Ministry of Environment, Forests
& Climate Change, Prithvi Block,
Indira Paryavaran Bhawan, Jor Bagh Road,
New Delhi - 110 003
: For kind information please
3. The Regional Director,
Central Pollution Control Board,
PICUP Bhawan, Ground Floor,
Vibhuti Khand, Gomti Nagar,
Lucknow-226 010
: For kind information please
4. District Magistrate,
Moradabad
Uttar Pradesh
: For kind information please
5.  The Incharge, IT Division, CPCB
For uploading on CPCB's website
6. Master copy WQM-II, CPCB
For record purpose


(PRASHANT GARGAVA)
MEMBER SECRETARY

