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File No. PJ-14013(12)/11/2021-WQM-II-HO-CPCB-HO (CETP Sitarganj) Date: 1.7.2022

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To,

M/s ELDECO SIDCUL Industrial Park Ltd. (ESIPL),
201-212, IInd Floor, Splendour Forum,
Jasola, District Centre,
New Delhi - 110025

SHOW CAUSE NOTICE UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 REGARDING NON-COMPLIANCE OF COMMON EFFLUENT TREATMENT PLANT (CETP) AT SITARGANJ, UTTARAKHAND

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, CPCB, to issue direction to any industry, Municipal Corporation, Municipal Council, Cantonment Board or to any local or other Authority for the violation of emission and effluent standards notified under the Environment (Protection) Rules, 1986; and

WHEREAS, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries, Common Effluent Treatment Plants (CETP) and Sewage Treatment Plants (STP) under the Environment (Protection) Act, 1986 and the rules framed there under; and

WHEREAS, amongst others, under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Boards (SPCBs)/Pollution Control Committees, constituted under the Water (Prevention and Control of Pollution) Act, 1974, is to plan a comprehensive programme for the prevention, control and abatement of pollution of stream and wells in the State/UT and to secure the execution thereof; and

WHEREAS, Hon'ble Supreme Court in the writ petition (c) no. 375 of 2012 pronounced judgement dated: 22/02/2017 and issued direction as under:

1. *The setting up of 'common effluent treatment plants' should be taken up as an urgent mission. CETPs which are already under implementation should be completed within the lines already postulated. CETPs which are yet to be set up, concerned State Governments/ Union Territories were directed to complete the same within three years from today (i.e. 22/02/2017).*

2. *While acquiring lands for setting up of 'common effluent treatment plants' concerned State Governments will acquire such additional land as may be required for setting up "zero liquid discharge plants" as and when required in future.*
3. *Government (or the Union Territories), shall cater to the financial requirement, of running the CETPs, which are presently dis-functional, from their own financial resources.*
4. *For setting up CETPs, the concerned State Governments (or the Union Territories) will prioritize such cities, towns and villages, which discharge industrial pollutants and sewage, directly into rivers and water bodies.*
5. *The directions pertaining to continuation of industrial activity only when there is in place a functional primary ETP, and the setting up of functional CETPs, within the time lines, shall be of the Member Secretaries of the concerned Pollution Control Boards.*
6. *Some of the CETPs are dis-functional, because of lack of finances. Onus to operate the existing CETPs, rests on concerned Municipalities (and / or Local Bodies), cannot be permitted to shy away, from discharging this onerous duty.*
7. *The norms for generating funds, for setting up and / or operating the CETP shall be finalized, on or before 31.03.2017, so as to be implemented w.e.f. the next financial year.*

AND WHEREAS, the unit i.e., 4 MLD Common Effluent Treatment Plant (here in after referred as 'CETP') is located at the ELDECO SIDCUL Industrial Park, Plot No. U-3, Phase-III, Tehsil Sitarganj, District Udham Singh Nagar, Uttarakhand. The CETP has been designed to treat effluent generated from 210 industrial units located in ELDECO SIDCUL Industrial Park. The CETP is owned by the **M/s ELDECO SIDCUL Industrial Park Ltd.** which hired a operator namely M/s Jindal ESIPL CETP (Sitarganj) Limited for operation and maintenance of CETP; and

WHEREAS, based on the inspection of CETP carried out by CPCB on 15/03/2019, CPCB issued Show Cause Notice dated 03/07/2019 under section 5 of the Environment (Protection) Act, 1986 to M/s Jindal ESIPL CETP (Sitarganj) Limited, U-3, Phase-3, ELDECO SIDCUL Industrial Area, Tehsil-Sitarganj, District-Udham Singh Nagar, Uttarakhand to explain the reason of non-compliance of treated effluent w.r.t. norms prescribed by UKPCB for treated effluent quality and non-functionality of OCEMS at CETP outlet and non-compliance of the consent condition to recycle the treated effluent to the maximum extent; and

WHEREAS, CETP was inspected by CPCB officials on 22/03/2021 and found non-complying w.r.t. inlet and outlet discharge standards. CPCB issued a letter dated 18/08/2021 to CETP Operator namely, M/s Jindal ESIPL CETP (Sitarganj) Limited and suggested necessary measures required to improve the functioning of CETP Sitarganj; and

WHEREAS, M/s JITF, ESIPL, CETP (Sitarganj) Limited vide its letter dated 20/09/2021 submitted its reply in respect to CPCB letter dated 18/08/2021 and gave assurance that it will operate the CETP within compliance and shall ensure all industries/member units connected to CETP for regular compliance of prescribed primary effluent treatment norms to enable CETP to function properly to achieve desired norms prescribed by UKPCB; and

WHEREAS, CETP was inspected by CPCB officials on 23/09/2021 and following observations were made:

1. CETP was operational on the day of inspection and utilized capacity was 1.5-1.8 MLD.
2. CETP representative informed that the CETP is designed to treat effluent generated from 210 industrial units but only 68 are connected and out of these 68 units, only 30 are operational.
3. Flow meters were installed at the inlet, outlet and feed line of flash mixer after equalization tank of the CETP.
4. Online Continuous Emission Monitoring Systems (OCEMS) were installed at the inlet and outlet of CETP and connected to CPCB server.
5. Industrial effluent received at the **inlet of the CETP was not meeting the inlet effluent quality standards prescribed by UKPCB for TDS-2388 mg/l (against 2100 mg/l) and Boron-17.96 mg/l (against 2 mg/l).**
6. **Treated effluent of CETP was not meeting the treated effluent quality standards prescribed by UKPCB for TDS-2456 mg/l (against 2100 mg/l), Fluoride-11.83 mg/l (against 2 mg/l), Cyanide-0.42 mg/l (against 0.2 mg/l) and Boron-8.34 mg/l (against 2 mg/l).** Values of other parameters observed as pH - 7.4 (against 5.5 – 9.0), BOD as 14 mg/l (against 30 mg/l), COD as 158 mg/l (against 250 mg/l), TSS as 28 mg/l (against 100 mg/l), Chloride-412 mg/l (against 1000 mg/l), Sulphate-186 mg/l (against 1000 mg/l), and Ammoniacal Nitrogen-3 mg/l (against 50 mg/l).
7. MLSS and MLVSS in the aeration tank were 2597 mg/l and 1334 mg/l, respectively. MLVSS/MLSS ratio in aeration tank was measured as 0.51 indicating that optimum active microbial consortium does not exist in aeration tank.
8. During inspection, the treated effluent after tertiary treatment was being used for irrigation purpose (area-17 acres) whereas as per consent condition it should be recycled to maximum extent.
9. The CETP was granted Consolidated Consent to Operate and Authorization on 25.06.2020 under Water Act, 1974, Air Act, 1981 and Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 which has expired on 31.03.2021. CETP operating agency namely M/s ELDECO SIDCUL Industrial Park Ltd. applied to State Level Environment Impact Assessment Authority/SEIAA (constituted by Ministry of Environment, Forests & Climate Change, Government of India) on 21/11/2020 to amend the condition of zero discharge concept and sought permission to discharge treated waste water/effluent in to the nearby stream/Nallah, river. SEIAA vide its letter dated 12/08/2021, has duly considered the request of ESIPL and agreed for amendment of the condition Part-A Specific Conditions II Operation Phase as under:

“The installation of the CETP should be certified by an independent expert and should submit a report in this regard to the SEIM, Uttarakhand before the project is commissioned for operation. The treated waste water generated from CETP will be used as far as possible for landscape water requirement and gardening within the industrial area including flushing of toilets. The remaining treated waste water can be discharged to the nearby stream/nallah, river. The irrigation department will authorize

the extent of discharge to avoid any incidence of flood/inundation in the nearby locality."

CETP sub-contractor namely, M/s JITF Jindal CETP (Sitarganj) Limited has submitted application dated 24/08/2021 to UKPCB to amend the condition of zero discharge concept. A copy of application was provided to CPCB.

10. Out of two centrifuges installed, one was found out of order.

AND WHEREAS, CPCB issued Show Cause Notice dated 31/01/2022 under section 5 of the Environment (Protection) Act, 1986 to M/s ELDECO SIDCUL Industrial Park Ltd. (ESIPL), 201-212, IInd Floor, Splendour Forum, Jasola, District Centre, New Delhi - 110025 to explain the reason of non-compliance of treated effluent w.r.t. prescribed treated effluent quality standards and why environmental compensation should not be imposed; and

WHEREAS, SIDCUL submitted vide letter dated 19/02/2022 informed that CETP at IIE Sitarganj is being operated by M/s JITF, ESIPL, CETP Sitarganj Ltd. under BOT model vide Agreement dated 14/05/2008 between operator and ESIPL, for which CCA upto 31/03/2022 has been issued to the operator (M/s JITF, ESIPL, CETP Sitarganj Ltd.) by UKPCB. SIDCUL informed that the compliance of standards prescribed by UKPCB is responsibility of the operator; and

WHEREAS, ESIPL vide its letter dated 14/02/2022 requested to provide analysis report corresponding to inspection conducted on 23/09/2021; and

WHEREAS, CPCB vide its letter dated 23/02/2022 provided the analysis report of samples collected on 23/09/2021 to M/s ELDECO SIDCUL Industrial Park Ltd.; and

WHEREAS, M/s JITF, ESIPL, CETP Sitarganj Ltd. vide its letter dated 10/03/2022 submitted their reply wherein they denied to the finding /observation of the analysis report prepared on basis of sample collected from the CETP during the inspection carried out on 23/09/2021; and

WHEREAS, CETP, Sitarganj, Uttarakhand was inspected by CPCB officials on 08/03/2022 and following observations were made:

1. The CETP, Sitarganj, Uttarakhand was operational on the day of inspection and utilized capacity was 1.2-1.3 MLD.
2. CETP is based on Activated Sludge Process and comprises of following units: Inlet (pump Sump) → Equalization Tank → Flash Mixer → Flocculation Tank → Tube Settler → Aeration Tank → Secondary Clarifier → Holding tank → Pressure Sand Filter → Activated Carbon Filter → Final discharge on land.
3. CETP is connected with 68 member units.
4. Flow meters were installed at the inlet and outlet of the CETP.
5. Online Continuous Emission Monitoring System (OCEMS) was installed at the outlet of CETP and connected to CPCB server.
6. The CETP was granted Consolidated Consent to Operate and Authorization on 20.01.2022 under Water Act, 1974, Air Act, 1981 and Hazardous and

Other Waste (Management and Transboundary Movement) Rules, 2016 by UKPCB which was valid upto 31.03.2022. The CETP has also applied for renewal of CCA on dated 07.03.2022 and provided a copy of payment receipt of renewal application for Consent to Operate.

7. **Treated effluent of CETP was found non-complying w.r.t. treated effluent quality standards for Fluoride-6 mg/l (against 2 mg/l), Boron-3.12 mg/l (against 2 mg/l) and α -Endosulfan-0.161 μ g/l (against "Absent").** Values of parameters observed as pH- 7.1 (against 5.5 - 9.0), BOD as 15 mg/l (against 30 mg/l), COD as 78 mg/l (against 250 mg/l), TSS as 13 mg/l (against 100 mg/l), TDS as 1608 mg/l (against 2100 mg/l), Chloride as 392 mg/l (against 1000 mg/l), Ammoniacal Nitrogen as 1mg/l (against 50 mg/l), Sulphate as 157 mg/l (against 1000 mg/l), Cyanide-0.08 mg/l (against 0.2 mg/l) and Oil & Grease-BDL (against 10 mg/l).
8. **Industrial effluent received at the inlet of the CETP was not meeting the inlet effluent quality standards prescribed by UKPCB for TDS-3372 mg/l (against 2100 mg/l) and Fluoride-36 mg/l (against 15 mg/l).**
9. MLSS and MLVSS in the aeration tank were 2561 mg/l and 1428 mg/l, respectively.
10. CETP was not complying with the consent condition to recycle treated effluent to maximum extent.
11. During inspection, the treated effluent after tertiary treatment was being used for irrigation purpose (area-17 acres) whereas as per consent condition it should be recycled to maximum extent.
12. Log books for laboratory analysis, sludge generation & disposal and pump operations were maintained.

It is evident that CETP, Sitarganj is not adequate and not functioning properly to achieve desired treated effluent quality norms and found continuously non-complying w.r.t. treated effluent quality standard. The CETP is also not complying with the consent condition of recycling the treated effluent to the maximum extent. The use of treated effluent containing high concentrations of Fluoride, Boron and α -Endosulfan (pesticide) for irrigation may pose threat to the environment.

AND WHEREAS, the Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) 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 the 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

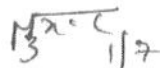
WHEREAS, as per the methodology for assessing penalty and environmental compensation, the environmental compensation levied to **M/s ELDECO SIDCUL Industrial Park Ltd. (ESIPL), 201-212, IInd Floor, Splendour Forum, Jasola, District Centre, New Delhi - 110025** is calculated as Rs. 10,43,750/- (Rupees Ten Lacs Forty Three Thousand Seven Hundred Fifty only) for the non-compliance period (23/09/2021 – 08/03/2022). The details of calculation are as under:

Time period		N	PI	R	S	LF	Total Amount
From	To						
23/09/2021	08/03/2022	167	50	250	0.5	1	$EC = N \times PI \times R \times S \times LF$ $EC = 167 \times 50 \times 250 \times 0.5 \times 1$ $EC = \text{Rs. } 10,43,750/-$

EC calculation details: N= No. of days of violation; PI= Pollution index of industrial sector; R= A factor in Rupees for EC; S= Scale of operation; and LF= Location factor.


AND NOW THEREFORE, in view of the above observations, and in exercise powers delegated to the Chairman, Central Pollution Control Board under section 5 of the Environment (Protection) Act, 1986, **M/s ELDECO SIDCUL Industrial Park Ltd. (ESIPL), 201-212, IInd Floor, Splendour Forum, Jasola, District Centre, New Delhi - 110025** is hereby directed to Show Cause as to why the operation of CETP Sitarganj, Uttarakhand and its member units should not be closed down and environmental compensation of Rs. 10,43,750/- (Rupees Ten Lacs Forty Three Thousand Seven Hundred Fifty only) shall be levied for the non-compliance period.

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


(TANMAY KUMAR)
CHAIRMAN

Copy to:

1. **Director General,** : For kind information, please.
National Mission for Clean Ganga
(MoWR, RD & GR),
1st Floor, Major Dhyan Chand National Stadium,
India Gate, New Delhi - 110 002
2. **Member Secretary** : For kind information and
Uttarakhand Pollution Control Board, necessary action, please.
Gaura Devi Bhawan, 46 B, IT Park,
Sahastradhara, Dehradun - 248 001,
Uttarakhand
3. **Joint Secretary (CP Division),** : For kind information, please.
Ministry of Environment Forests & CC,
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi - 110 003
4. **Regional Officer,** : For kind information, please.
Regional Office (Kashipur),
Uttarakhand Pollution Control Board,
Chamunda Complex, Ramnagar Road,
Kashipur - 244 713, Uttarakhand
- ✓ 5. **In-charge,** IT Division, CPCB : For uploading the direction on
CPCB website, please.


(B. VINOD BABU)
FOR MEMBER SECRETARY