

BY SPEED POST

B-29016/IPC-I/Fertilizer/2672

July 19, 2022

To

M/s Madhya Bharat Phosphate Pvt Ltd,
Village Deewanganj,
Vidisha Road , Dist. Raisen,
Madhya Pradesh- 464651

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986 -reg.

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

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, 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 monitoring system w.r.t. Urea Plants – PM, CAN/NPK/Ammonium Nitrite- PM, Ammonia, Fluoride, DAP plants- PM, Fluoride & SSP plants- PM, Fluoride parameters & online effluent monitoring system w.r.t. pH, Ammonical Nitrogen, Fluoride & Flow parameters in Fertilizer industries; and

WHEREAS, it was clarified that flow meter & web camera may be installed in case of Units with zero liquid discharge (ZLD); and

WHEREAS, considering the requests/representations received from industries/industrial associations/SPCBs/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), 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; and

WHEREAS, concerned SPCB/PCC 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, Show Cause Notice under Section 5 of the Environment (Protection) Act, 1986, was issued on July 24, 2015 to all Fertilizer units to show cause as to why the unit should not be closed down if, the unit has not complied fully with the directions issued w.r.t. installation of online emission & effluent monitoring system by June 30, 2015. Further it was directed to submit documentary evidence regarding status of installation and connectivity; and

WHEREAS, letter was issued to the unit on February 03, 2016 to install on-line emission and effluent monitoring system immediately and submit the documentary evidence for the same; and

WHEREAS, the unit submitted reply vide email dated 22.06.2016 that the installation of online monitoring system is under progress; and

WHEREAS, the unit failed to communicate the completion of the installation & connectivity of the online monitoring system to the CPCB; and

WHEREAS, on the basis of the aforementioned violations, CPCB had issued closure directions to the unit on 04.08.2016; and

WHEREAS, the unit has provided a self-certificate dated 22.04.2022 that the unit has not started any of its operations ever since the company was taken over by M/s Shree Pushkar Chemicals and Fertilisers Limited in March 2020 and requested for revocation of closure directions; and

WHEREAS, the unit has provided connectivity of all requisite parameters of Online Continuous Emission / Effluent Monitoring System (OCEMS) to CPCB, as verified by IT Division, CPCB on 16.06.2022; and

WHEREAS, the Unit has provided copy of Consent to Operate granted by Madhya Pradesh Pollution Control Board which is valid up to 23.04.2021 and the unit has informed that it has applied for renewal of Consent to Operate; and

WHEREAS, CPCB had 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 the closure directions issued by CPCB; and

WHEREAS, the three-member committee in its meeting held on 01.07.2022 examined the compliance status of the Unit and recommended that closure directions issued to the Unit may be revoked with following conditions:

1. The Unit shall resume its operations after obtaining valid Consent to Operate under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 from Madhya Pradesh Pollution Control Board.
2. The Unit shall communicate date of commencement of plant operation to CPCB and revocation would be for an initial period of three months after the commencement of the plant operation, and in case of compliance of the prescribed effluent/emission discharge standards, further revocation would be deemed as having been granted.
3. The Unit shall submit Performance assessment report of its Effluent Treatment Plant regarding Zero Liquid Discharge compliance from a Government institution.
4. The Unit shall ensure that the installed OCEMS devices are functioning properly & continuously and that data from that device are uninterruptedly transferred to CPCB. Any failure in this regard shall be rectified at the earliest.
5. The Unit shall ensure periodic calibration of the analyzers as per Standard Operating Procedure/ recommendations of the supplier.

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.

NOW, THEREFORE, in exercise of powers vested to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, and in view of compliance with relevant direction under reference, the directions issued under the Section 5 of the Environment (Protection) Act, 1986 to the Unit, **Madhya Bharat Phosphate Ltd, Diwanganj, District Raisen, Madhya Pradesh- 464884** is hereby revoked with following conditions:

1. The Unit shall resume its operations after obtaining valid Consent to Operate under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 from Madhya Pradesh Pollution Control Board.
2. The Unit shall communicate date of commencement of plant operation to CPCB and revocation would be for an initial period of three months after the commencement of the plant operation, and in case of compliance of the prescribed effluent/emission discharge standards, further revocation would be deemed as having been granted.
3. The Unit shall submit Performance assessment report of its Effluent Treatment Plant regarding Zero Liquid Discharge compliance from a Government institution.
4. The Unit shall ensure that the installed OCEMS devices are functioning properly & continuously and that data from that device are uninterruptedly transferred to CPCB. Any failure in his regard shall be rectified at the earliest.
5. The Unit shall ensure periodic calibration of the analyzers as per Standard Operating Procedure/ recommendations of the supplier.

In case of failure to comply with the aforesaid directions, necessary action as deemed fit under the provision of the Environment (Protection) Act, 1986 including imposition of environmental compensation / legal action will be taken by Central Pollution Control Board.

13th 19/12/22
(Tanmay Kumar)
Chairman

Copy to:

1. The Chairman
Madhya Pradesh Pollution Control Board
E-5, Arera Colony, Paryavaran Parisar,
Bhopal - 462 016
2. The Managing Director,
Madhya Pradesh Poorv Kshetra
Vidyut Vitaran Company Ltd.
Block No.7, Shakti Bhawan,
Rampur, Jabalpur-482008 : With request to restore
electricity supply of
Unit.
3. The Additional Secretary (CP Division)
Ministry of Environment, Forests and Climate Change,
Prithvi Wing, 2nd Floor,
Room No. 216, Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road, New Delhi-110003
4. The Regional Director
Central Pollution Control Board
Parivesh Bhawan, Paryavaran Parisar,
E-5, Arera Colony, Bhopal-462016
5. D.H., IT, CPCB
6. D.H. IPC- VI, CPCB

Prashant
(Prashant Gargava)
Member Secretary