

Mangilal Mewada So Madho Singh Mewada vs Jayshri Gayatri Food Products Pvt Ltd on 29 April, 2022

Item No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)

Original Application No.15/2022(CZ)

Mangilal Mewada

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: 29.04.2022

CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER

For Applicant(s):

Ms. Prachi Sharma, Adv.

For Respondent(s) :

Mr. Dharamvir Sharma, Adv.
Ms. Harshita Tejwani, Adv.
Ms. Parul Bhadoria, Adv.

ORDER

1. Issue raised in this Original Application pertains to discharging of untreated chemical infused wastewater directly in the river Seewan, Sehore by the factory Jayshri Gayatri Food Products Pvt. Ltd., and hence causing immense water pollution, contamination of underground water wells, and tube wells, annihilating the ecology of the area, rising death of fauna dependent on the river, rising diseases in humans dependent on the water bodies, and rendering agricultural land infertile. The river is being utilised for direct discharge of untreated chemical infused waste water, which was of such nature that contaminates the river water and hence, renders it harmful to public health.

2. The State Pollution Control Board inspected and submitted the report with the following deficiencies :

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3. And further that approximately 10000 litres of such chemicals infused water is being directly discharged in the river Seewan, causing irreversible damage to the environment and the entire ecology of that area. This results in giving rise to various aquatic diseases and consequent, decline in the aquatic life as well.

4. The matter was taken up on 17.02.2022 and the joint committee consisting (i) Collector, Sehore (M.P.) (ii) One representative of Central Pollution Control Board, Bhopal (M.P.) (iii) One Representative of State Pollution Control Board, Bhopal (M.P.), was constituted with direction to submit the factual and action taken report.

5. In compliance thereof, the joint committee submitted the report as follows:-

"Factual Status:

To verify the factual status, the joint committee visited the non- perennial drain flows adjacent to the unit i.e. M/s Jayshri Gayatri Food Products Ltd, Sehore (located at GPS location 23.166253, 77.136195). The overflow of Barkhedi dam flows in this drain. The 500KLD UASB with tertiary treatment system (UF+RO) ETP situated at (GPS location 23.14876, 77.1372) distance of about 2kms (aerially) & about 3 kms (road distance) from unit was also visited to check the status of completion of construction and commissioning.

Observations regarding the ETP (500KLD):

1. The 500KLD UASB technology based ETP has following unit operations with their capacity:

S.No.	Unit operation	Capacity
1.	Screen Chamber & Fat trapper	08 KL
2.	Equalization tank	450KL
3.	UASB reactor	3000KL
4.	Primary clarifier	150KL
5.	Aeration tank	750KL
6.	Secondary clarifier	150KL
7.	Filter feed tank	25KL
8.	Ultra-Filtration	50KL
9.	Reverse Osmosis	20KL/hr

10.	RO permeate tank	80KL
11.	RO reject tank	70KL

ETP unit operation details are enclosed.

2. The civil work was completed and UF & RO installation work was ongoing with a schedule of completion within 2 days i.e. 10.03.2022.

The pipeline of 4" diameter & 2.8KMs length is laid to pump the effluent from unit to ETP for treatment. The return pipeline to carry the treated RO water to plant for use in boiler and process is also laid and completed. As proposed the RO reject water shall be utilized in floor cleaning, dust suppression. The filling of UASB tank with media i.e. Cow-dung was ongoing and scheduled to complete by 09.03.2022. The ETP designed on the 60000mg/l COD load that will result in huge quantity of biogas generation. The bio-gas collection system work was in progress with scheduled completion in next 3 days i.e. 11.03.2022. Unit has planned to utilize the biogas in boiler to reduce the use of coal as fuel. The ETP is situated on higher elevation and has a distance of 200mtrs and 550mtrs from the Bhagwanpura dam & Barkhedi dam water line respectively. Due to hard strata of the area, ETP units are constructed on elevation.

The civil, mechanical, plumbing and electrical installation work is completed. Partial work related to biogas collection system, UF, RO installation are few of the on-going works that may be completed within 4-5 days' time. Looking into the progress observed the ETP may be commissioned to stabilize the system by 13.03.2022.

3. As per the individual units of ETP, with current average effluent generation of 150KLD, the UASB (3000KL capacity) has 20days of retention time.

4. On field laboratory for basic parameters viz. DO, BOD, COD is established at ETP area and one on-line continuous water quality monitoring system is also installed. The server connectivity shall be provided to MPPCB on ETP commissioning.

Observations on the discharge in non-perennial drain:

1. The unit (M/s Jayshri Gayatri Food Products Ltd, Sehore) is located at Khasra No. 279/3/1, 279/3/2, 279/3/3, 279/3/4, Village -

Pipaliyameera, Tehsil - Sehore, Distt. Sehore. Total land area is 0.356 Ha. The nearest village Pipaliyameera is situated at approx. 1.20 km away from the unit.

2. On the day of field visit i.e. 8.3.2022, the unit was not operational as in compliance of MPPCB closure direction u/s 33A of Water (P&CP) Act 1974 dated 19.01.2022; the Madhya Pradesh Electricity Board (MPEB) disconnected the power connection on 26.02.2022.

3. The non-perennial drain flows adjacent to the unit, was found dry in a length of 2.5kms i.e. upto village Pipaliyameera. This drain along with the overflow of Bhadwanpura dam confluence near village boundary and flows towards Sehore and joins Seewan river.
4. The drain bed was found dry with whitish layer all along the length. This layer of whitish material is nothing but the solids of wastewater of unit. This confirms that the unit was discharging their partially treated wastewater in the drain. The old ETP (200KLD) was based on the aeration technology and was in poor condition. The effluent was found discharged in adjacent land.
5. Petitioner and villagers stated that this industrial discharge of wastewater has damaged the water quality of their wells and raised issue of drinking water for villagers & livestock. To verify the fact the water sample of one of the well (as claimed polluted) was collected by MPPCB, Bhopal for analysis. Copy of the analysis report revealed that the sample is having slight color and other parameters are within the prescribed limits.

Observation on the unit

1. There are 02 boilers of 12TPH & 8TPH capacity with bag filters and 30m stacks height is established. Coal & wood briquette are used as fuel.
2. The coal and briquette storage needs to be improved to curtail the fugitive emission.
3. The porthole for monitoring was not provided as per the CPCB guideline.
4. There were many points observed in boiler area where safety of workers was ignored.
5. The dust collection system at bag filter was not proper and handle manually that may result in rise of fugitive emission.
6. The old ETP need to be cleaned up on commissioning of the new ETP and need to be used for storage of the wastewater generated from the unit. A preliminary fat removal system may be developed at old ETP.

2.0 Action Taken

1. The unit was consented by MPPCB for the production of Cheese - 182.50 MTA, Paneer - 365 MTA and Pasteurized Milk -1825 KLA. The Consent to Operate was expired on 31/05/2019. Unit was operational since then without renewal of the CTO and permission for the expansion.
2. A closure direction under section 33 "A" of water (Prevention and Control of Pollution) Act 1974 was issued by MPPCB to the unit on dated 19/01/2022 for discharge of wastewater outside premises and not obtaining valid consent for operation of industry. Unit has also increased the production capacity and investment without obtaining prior permission of the Board.

3. Further, an environmental compensation of Rs. 1,20,50,000/- (Rs. One Crore Twenty Lacs Fifty Thousand) was imposed on the unit for violation period from 01/06/2019 to 19/01/2022 as per the CPCB methodology on Environmental compensation submitted in Hon'ble NGT OA 593/2017.

4. Later, this matter was heard by Hon'ble NGT in O.A. 15 of 2022 in present case and this committee was constituted. Further vide I.A. 23/2022 filed by Jayshri Gayatri Foods in Hon'ble Tribunal, agreed to pay the 50% of the environmental compensation imposed by the MPPCB.

Wherein Hon'ble Tribunal directed as "appellant to approach the office of SPCB and if he is ready to pay the amount as stated above, may deposit to the office of the Pollution Control Board and in case it is paid, the SPCB shall pass an appropriate order and inform the tribunal." Copy of the order dated 4.3.2022 in Appeal no. 2/2022 (I.A. 23/2022) is enclosed.

5. In compliance of the order, M/s Jayshri Gayatri Foods deposited Rs. 60,00,000/- on dated 07/03/2022 as 50% of the total EC of 1,20,50,000/-.

6. Further, it was opined by the committee to impose Environmental compensation upto 25.02.2022 from the issuance of closure direction i.e. 19.01.2022 for operating the unit in non-compliance of the direction.

3.0 Environmental Compensation:

Calculation of Environmental Compensation on M/s Jay Shri Gayatri Food Products Ltd. for violation period 19/01/2022 to 25/02/2022. The EC was assessed based on the CPCB methodology of EC assessment:

$EC = PI \times N \times R \times S \times LF$ Where, EC is Environmental Compensation in Rs. PI = Pollution Index of industrial sector N = Number of days of violation took place R = A factor in Rupees for EC S = Factor for scale of operation LF = Location factor

(i) Pollution Index of Industrial Sector (PI) : 80

(ii) Number of days of violation took place (N) :

Date of closure notice issued by MPPCB : 19/01/2022 (a) Date on which production has stopped : 25/02/2022 (b) No. of days of violation = (a) - (b) = 38 days

(iii) Factor in Rs. for EC (R) : 250 R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. Hence, R is taken as 250, as it a case of violation.

(iv) Factor for scale of operation (S) : 0.5 M/s Jay Shri Gayatri Food Products Ltd., is a small scale industry.

Thus, the factor for scale of operation is taken as 0.5 for small scale industry.

(v) Location factor (LF) :1.25 Population of Sehore as per Census 2011 is 1.09 Lakhs and the industry lies within 10km distance from the boundary of Municipal Council, Sehore. Thus, the location factor is taken as 1.25.

Thus, $EC = PI \times N \times R \times S \times LF$ $EC = 80 \times 38 \times 250 \times 0.5 \times 1.25$ $EC = \text{Rs } 4,75,000/-$

4.0 Comment on New ETP Commissioning As the average waste water generation of the unit is 150KLD. The new ETP of 500KLD has UASB of 3000KL capacity; that on average flow will provide nearly 20days of retention. The civil, mechanical, plumbing and electrical installation work is completed. Partial work related to biogas collection system, UF, RO installation are few of the on-going work that may be completed within 4-5 days' time. And as per the tentative schedule provided by the unit representative, the completion of the ETP will be done on or before 15.3.2022.

Considering the perishable items produced by the unit and available sufficient retention time; unit may be allowed to operate the unit on restricted production capacity (may be upto 100KLD effluent generation) till the ETP gets stabilized or trial completes.

5.0 Recommendations i. Unit needs to deposit the rest of the EC amount of Rs. 60,50,000/- along with the EC amount of Rs. 4,75,000/- for non-complying the MPPCB closure direction.

ii. Unit shall complete the stabilization of the ETP and start full capacity operation after obtaining the requisite approval from the MPPCB.

iii. Unit shall clean up the old ETP and use it as pre clarifier unit. The unit shall clean up the area near to ETP where wastewater was found accumulated.

iv. Unit shall clean the drain bed at a depth of 1ft to remove the whitish deposition of the wastewater solids. v. Unit shall provide sufficient drinking water facility in the affected nearby village including the need of the livestock. vi. As the O2 waterbodies are near to the ETP, it is recommended that unit shall monthly monitor the water quality and submit the report to MPPCB; also install PTZ camera and garland drain around the ETP to avoid any overflow of untreated effluent in water body. vii. Unit shall provide porthole at proper height of the stack as per the CPCB guideline and take appropriate safety measures in the boiler & plant premises.

viii. Unit shall submit a time bound action plan to MPPCB for cleaning of the drain bed from unit to village (upto 2 kms) and installation of 03 ROs of adequate capacity in village Pipaliyameera for drinking water.

6. Learned counsel appearing for the applicant has submitted that the unit is also engaged in so many charitable purposes and providing medical aid to the villagers and promised to pay the rest of the amount of environmental compensation in installments of Rs. 20 lakh per months. This rests with the Pollution Control Board to finalize the manner of payment.

7. Learned counsel for the project proponent has submitted that the recommendations and installation of RO shall be complied with within a short span of time. Further action taken report alongwith the compliance of the recommendation may be filed within 30 days.

List it on 04th July, 2022.

Sheo Kumar Singh, JM Dr. Arun Kumar Verma, EM 29th April, 2022 O.A. No. 15/2022 (CZ) PN