

REPORT OF THE JOINT COMMITTEE CONSTITUTED BY HON'BLE NGT (SZ) IN THE OA NO. 254 OF 2020 IN THE MATTER OF SMT SUGANDHI SHEKAR VERSUS UNION OF INDIA RELATING TO ESTABLISHMENT OF FISH MEAL (MILL) AND OIL COMPANY IN COASTAL AREA/RIVER BANKS ALONG THE BANKS OF UDHYAVARA RIVER, UDUPI DISTRICT, KARNATAKA.

1.0. PREAMBLE

In the OA No 254 of 2020, filed by Smt Sugandhi Shekar Versus Union of India, the Hon'ble National Green Tribunal (SZ), issued an Order dated 14.12.2020 with the following directions:

“ 7. Considering the circumstances, in order to ascertain the real state of affairs and also the alleged violation, we feel it appropriate to appoint a Joint Committee comprising of (1) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Bangalore (2) a Senior Officer from Central Pollution Control Board (CPCB), Regional Office, Bangalore, (3) a Representative Officer of the Karnataka State Coastal Zone Management Authority (KSCZMA) and (4) a Senior Officer from Karnataka State Pollution Control Board (KSPCB) to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

8. The committee is directed to ascertain as to whether there was any violation of environmental laws in establishing such units in that area, including Coastal Regulation Zone (CRZ) violation, whether necessary permission have been obtained by them for the purpose of starting the units or continuing the units in that area, whether there is any pollution caused on account of functioning of those units and if there is any violation and environmental damage caused on account of their activities including pollution caused to air as well as water then, the committee is directed to assess the environmental compensation apart from taking action for violation in running the units under the respective statutes.

9. The committee is also directed to ascertain the Ambient Air Quality (AAQ) and also water quality in that area and if there is any contamination or pollution caused suggest the remedial measures of rectifying the same as well.”

The Regional Office of Ministry of Environment, Forest and Climate Change (MoEFCC), Bangalore has been made as Nodal Agency.

2.0 PRELIMINARY MEETING

In compliance of above mentioned order, the Integrated Regional Office, Ministry of Environment, Forests and Climate change (MoEF & CC), Bangalore, vide letter No F. No. EP / 12.7 / 60/KAR/ dated 23.12.2020 has requested the concerned Departments / Authorities to nominate Senior official for the Committee to complete the task as assigned by the Hon'ble NGT.

It was brought to the notice that on the same matter an OA 27 of 2019 has been filed by Shri Kishore Kumar Vs Union of India & Ors. before the Hon'ble NGT (SZ). Hon'ble NGT(PB) vide order dated 11.10.2019 (**Annexure-I**) has constituted a Joint Committee comprising senior officers from Central Pollution Control Board, Karnataka State Pollution Control Board, Coastal Zone Management Authority, Karnataka, the District Commissioner, Udupi and District Magistrate, Udupi to inspect the area in question and the industries and submit the factual report.

Accordingly, the Joint Committee has submitted a detailed report to Hon'ble Tribunal and again based on the direction of Honble NGT (SZ), the Joint Committee had submitted a report on Environmental Compensation. Copy of both the reports are enclosed at **Annexure-II and III**. The next date of hearing of OA 27 of 2019 is 02.02.2021.

In view of the above, in the matter of OA No 254 of 2020, on receipt of the nominations from CPCB and KSPCB, preliminary meeting of the Joint Committee was convened on 21.01.2021 to decide the further course of action.

Following Members were attended:

1. Shri Ramesh D. Naik, Senior Environmental Officer, Zonal Office, Karnataka State Pollution Control Board, Mangalore.
2. Smt Sowmya, Scientist D, Central Pollution Control Board Bangalore
3. Shri E. Thirunavukkarasu, Scientist 'E', Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Bangalore.

Smt Vijaya Hegde, Environmental Officer, KSPCB, Udupi has also attended the meeting.

3. DELIBERATIONS OF THE COMMITTEE

The Joint Committee has carefully examined the issues and direction of Hon'ble NGT in both OAs- 27 of 2019 and 254 of 2020. The major issues raised in both the applications are operation of following three fish meal industries without valid consent for operation (CFO), violation of Coastal Regulation Zone in extending their area of operation and Udyavara is being polluted, the fish and other marine life are dying, one boy also died on account of unknown disease by name Neuro Melioidosis.

- 1) M/s Yashaswi Fishmeal and Oil Company, Pithrody, Udyavara, Udupi
- 2) M/s Hindustan Marine Industries, Pithrody, Udyavara, Udupi
- 3) M/s Unity Fishmeal and Oil Company, Pithrody, Udyavara, Udupi.

The Joint Committee has also examined the mandate given by Honble NGT in the present matter. It was noted that the only carrying out of ambient air quality monitoring is the additional mandate to the Committee. The Committee noted that out of these three industries, M/s Unity Fishmeal and Oil Company, Pithrody, Udyavara, Udupi is not in operation since 2014 and others have valid Consent orders from KSPCB under Water and Air (Prevention and Control of Pollution) Acts. Further, these fish meal industries are water pollution potential activities, there are no process emission from these fish meal industries except boiler emission and the earlier Joint Committee has accordingly studied all relevant pollution aspects and submitted a detailed report. KSPCB is monitoring river water quality at two locations adjacent to these industries every month and as per the latest report (month of November, 2020) for the the river water quality confirms to the prescribed standards. All the three have violated CRZ provisions and the KCZMA has already initiated action. Further, as per the Honble NGT, environmental compensation has also been calculated by the earlier Joint Committee and submitted.

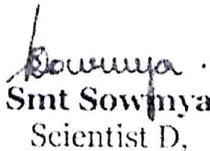
4.0 CONCLUSION AND RECOMMENDATIONS

After detailed deliberation, the Joint Committee has made the following conclusion and Recommendations:

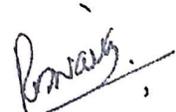
Since in another similar matter (OA 27 of 2019), a Joint Committee had been constituted with members including CPCB, KSPCB, KCZMA and the Committee had already inspected the areas, collected and analysed ground and river water samples, examined all relevant pollution aspects, submitted a detailed report and also a separate report on environmental compensation. The same is under consideration of Honble Tribunal (SZ) (next date of hearing of OA 27 of 2019 is on 02.02.2021), this Joint Committee recommends to appraise the above facts to Hon'ble NGT(SZ) for perusal and further orders.



Shri E. Thirunavukkarasu,
Scientist 'E',
Integrated Regional Office,
Ministry of Environment, Forest
and Climate Change, Bangalore.



Smt Sowmya
Scientist D,
Central Pollution Control
Board, Bangalore



Shri Ramesh D. Naik
Senior Environmental
Officer, Zonal Office,
Karnataka State Pollution
Control Board, Udupi

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 27/2019 (SZ)
(I.A. No.29/2019 & I.A. No.30/2019)

Kishore Kumar & Anr

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 11.10.2019

**CORAM: HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s) : None present
For Respondent (s)

ORDER

1. None appeared on behalf of the applicant. The allegation in this application is regarding pollution caused on account of functioning of certain fish mill represented by Respondent nos. 10 to 12 in Udupi District to River Udhyavara also known as Pampanashini. According to the applicant, these industries are not having required licenses and permissions to operate the same. Further, there is violation of Coastal Regulation Zone regulation in extending their area of operation as well. Though some action has been taken in the area 2012 for cancelling the licence etc., of Respondent no. 11 and they are still proceeding with the same. A complaint has been filed to the District legal Services Authority and they have inspected and found violations in operating the units in these area. According to the applicant, the industrial units are discharging untreated effluents into the river which causing pollution to the river. Further, they are not complied with the mechanism to control odour pollution as well. This causes great hardship to the people of the locality. Even health of the local people

has been affected on account of the same. In spite of complaint given, no action has been taken by the authorities to close down these industries. According to the applicant, one boy also died on account of unknown decease by name Neuro MelioDosis.

2. Considering these aspects before going to the matter further, we feel it appropriate to constitute a Committee consisting of the Coastal Zone Management Authority, Karnataka, Central Pollution Control Board, Karnataka State Pollution Control Board, the District Commissioner, Udupi District and District Magistrate, Udupi District to inspect the area in question and the industries and submit a factual report regarding the allegation made in the application and if there is any violation action if any to be taken and if any action is taken that also should be mentioned in the report.

3. The State Pollution Control Board will be the nodal agency for compliance and coordination. The Committee shall look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within two months by e-mail to this Tribunal.

4. The applicant is directed to submit a set of papers to the above authorities within a week. The Registry is also directed to communicate this order along with the copy of the application and the document annexed to the above said authorities for complying with the direction immediately.

5. **I.A. No.30/2019**

The applicant is directed to submit translated copy of exhibits A-4, A-5, A-6, A-7, A-8, A-9, A-10 and A-12 before the next date of hearing.

6. List the matter on 3rd January, 2020

K. Ramakrishnan, JM

Dr. Satyawan Singh Garbyal, EM

11th October, 2019

Original Application No. 27/2019 (SZ)
ag



REPORT OF JOINT COMMITTEE CONSTITUTED IN THE MATTER OF ORIGINAL APPLICATION NO. 27 OF 2019 FILED BY SRI. KISHORE KUMAR & ORS. Vs UNION OF INDIA & ORS SUBMITTED BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, CHENNAI, AS PER ORDER DATED 11.10.2019 & 03.01.2020, REGARDING POLLUTION CAUSED BY FISH MEAL INDUSTRIES IN UDYAVARA, UDUPI DISTRICT, KARNATAKA

1.0 Preamble:

In the matter of Original Application No 27 of 2019 (SZ), Sri. Kishore Kumar Vs Union of India & Ors., the National Green Tribunal (NGT), Principal Bench, New Delhi has passed an order dated 11th October, 2019 (*Annexure 1*) and directed that “... It appropriate to constitute a Committee consisting of the Coastal Zone Management Authority, Karnataka, Central Pollution Control Board, Karnataka State Pollution Control Board, the District Commissioner, Udupi District and District Magistrate, Udupi District to inspect the area in question and the industries and submit the factual report regarding the allegation made in the application and if there is any violation action if any to be taken and if any action is taken that also should be mentioned in the report. The SPCB will be the nodal agency for compliance of co-ordination”.

The applicant Sri. Kishore Kumar & Ors have filed objections about following three fish meal industries stating theses industries are operated without valid consent for operation (CFO), violation of Coastal Regulation Zone in extending their area of operation and Udyavara is being polluted, the fish and other marine life are dying. According to the applicant, one boy also died on account of unknown decease by name Neuro Melioidosis.

- 1) M/s Yashaswi Fishmeal and Oil Company, Pithrody, Udyavara, Udupi
- 2) M/s Hindustan Marine Industries, Pithrody, Udyavara, Udupi
- 3) M/s Unity Fishmeal and Oil Company, Pithrody, Udyavara, Udupi

2.0 Constitution of the Committee:

In compliance to Hon'ble NGT order, the Member Secretary, Karnataka State Pollution Control Board (KSPCB) constituted a committee vide Office Memorandum No. PCB /SEO/NOB/COMMITTEE/NGT/OA-27/2019(SZ)/2019-20/4770 dated 02.12.2019 consisting of the following members, the copy of the same is enclosed as **Annexure 2**:

Sl. No	Name & Designation	Details
1	Regional Senior Environmental Officer - Mangaluru No.10B, Baikamady Industrial Area, Mangaluru-575011	Chairman
2	Assistant Commissioner, Assistant Commissioner Office, Kundapur	Member
3	Regional Director (Environment) Karnataka State Coastal Zone Management Authority, 1 st Floor, C Block, "Rajathadri", Manipal, Udupi - 576 104.	Member
4	Shri. G. Thirumurthy, Additional Director, Central Pollution Control Board, Regional Directorate (S), Nisarga Bhawan, Thimmiah Road, 7 th D Main, Shivanagar, Bengaluru - 560 079	Member
5	Environmental Officer, Karnataka State Pollution Control Board, Regional Office, Udupi - 576 104	Member Convener

The Member Convener of the committee communicated the date of inspection to the Committee members for carrying out inspection on mutually agreed dates i.e. **December 10 - 11, 2019 (2 days)** vide letter No. PCB/RO/Udupi/2019-20/855 dated 05.12.2019. As per the said order, following officials from CPCB, KSPCB, Revenue and KSCZMA carried out the inspection and monitoring on December 10-11, 2019.

- 1) Mr. Ramesh D. Naik, SEO, KSPCB, Mangalore
- 2) Mr. Raju K. Assistant Commissioner, ACO, Kundapura,
- 3) Mr. Prasanna Patgar, Regional Director (Envvt.), KSCZMA, Udupi
- 4) Mr. G. Thirumurthy, Additional Director, CPCB, Bengaluru
- 5) Mrs. Vijaya Hegde, Regional Officer, KSPCB,Udupi

Following Officers from KSPCB & KSCZMA accompanied the committee for carrying out environmental sampling of River Water and industrial effluents (Raw & Treated):

1. Mr. Jayaprakash Nayak, Senior Scientific Officer, KSPCB, Mangalore
2. Mrs. Prameela, Deputy Environmental Officer, KSPCB, RO-Udupi
3. Mr. Dheeraj D. Kumar, Field Assistant, Office of the Regional Director (Environment), CRZ, Udupi

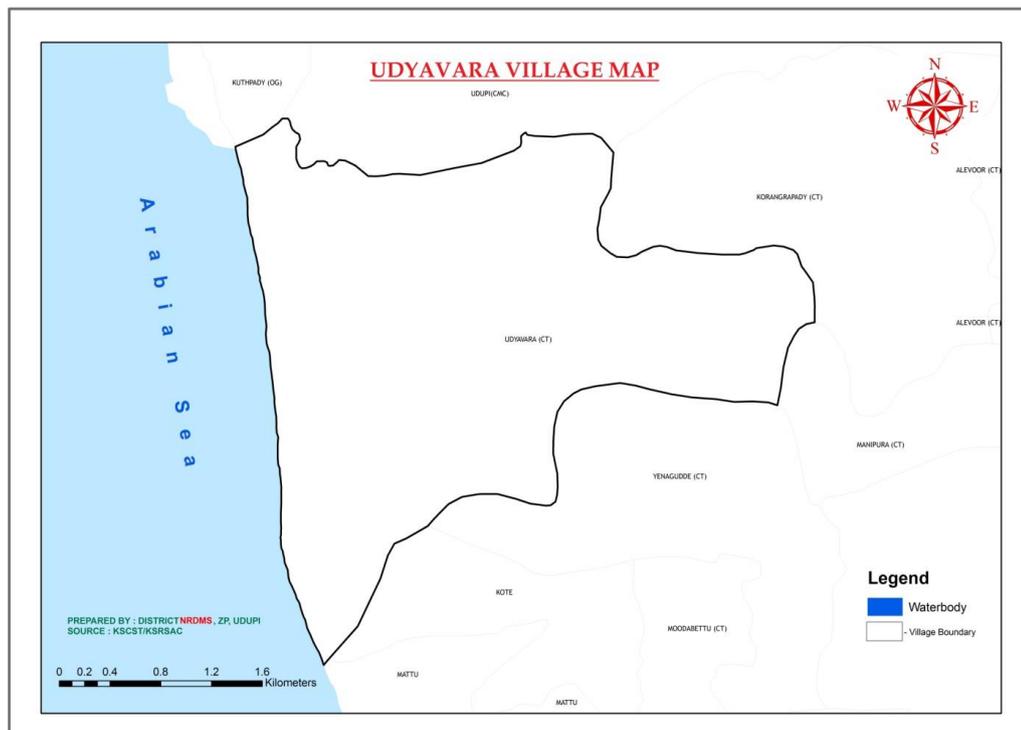
The Committee met at the Regional Office, KSPCB, Udupi and had a discussion about the case, proceeded for field inspection and environmental samplings. The industries inspected & sampling carried out during December 10-11, 2019 are:

On 10.12.2019	On 11.12.2019
1. M/s Yashaswi Fishmeal and Oil Company	4. M/s Unity Fishmeal and Oil Company
2. M/s Hindustan Marine Industries	5. M/s Ocean Fresh Sea Food - Fish cutting shed
3. Udyavara River Samplings	6. M/s Coastal Sea Food - Fish cutting shed
	7. M/s Suha Sea Food - Fish cutting shed

The environmental samples collected by the Committee are carried to the Regional Laboratory, KSPCB, Mangalore for further analysis by Mr. Jayaprakash Nayak, Senior Scientific Officer, KSPCB, Mangalore. The environmental samples analysis report is made available to the Committee on **January 13, 2020**, accordingly the committee finalized the report.

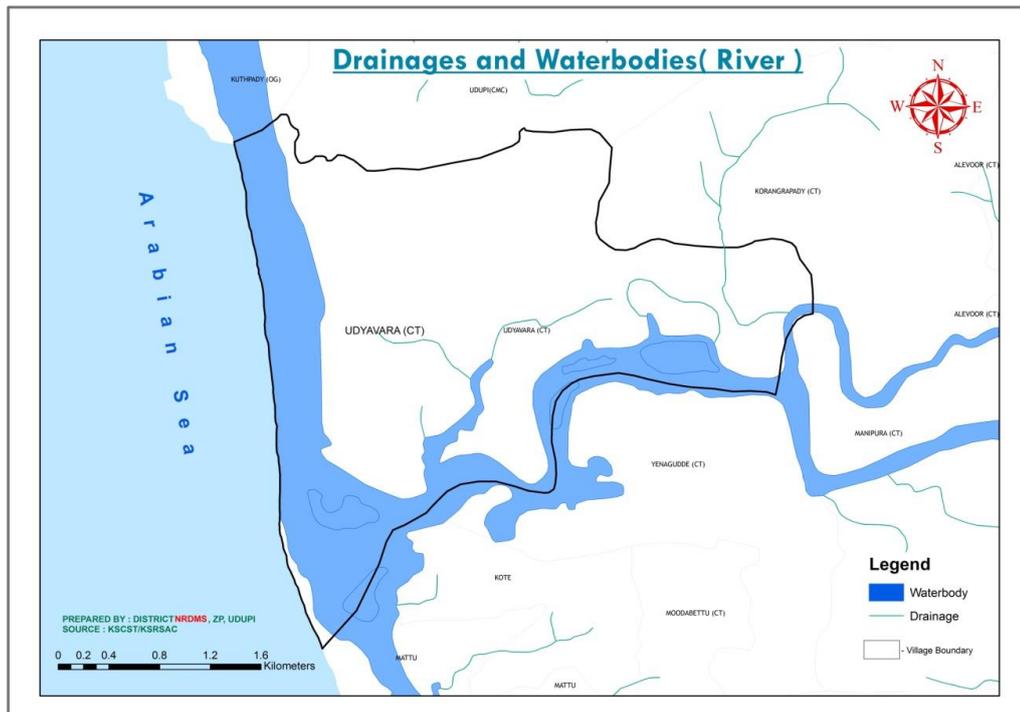
3.0 Udyavara Town and its related activity:

Udyavara is a Census Town city in district of Udupi, Karnataka has population of 11,854 as per Census India 2011. Udyavara village is having agricultural, commercial and industrial activities. Udyavara town is not having sewerage network; residential households are having individual septic and soak pit for sewage disposal, however, some of the residential households situated near to the river bank are practising insanitary latrines. Neither there is proper solid waste management system in the village. Grama Panchayat is collecting waste from door to door and transporting it to landfill site at Udupi. People are observed to practise open burning of solid waste along the river banks.



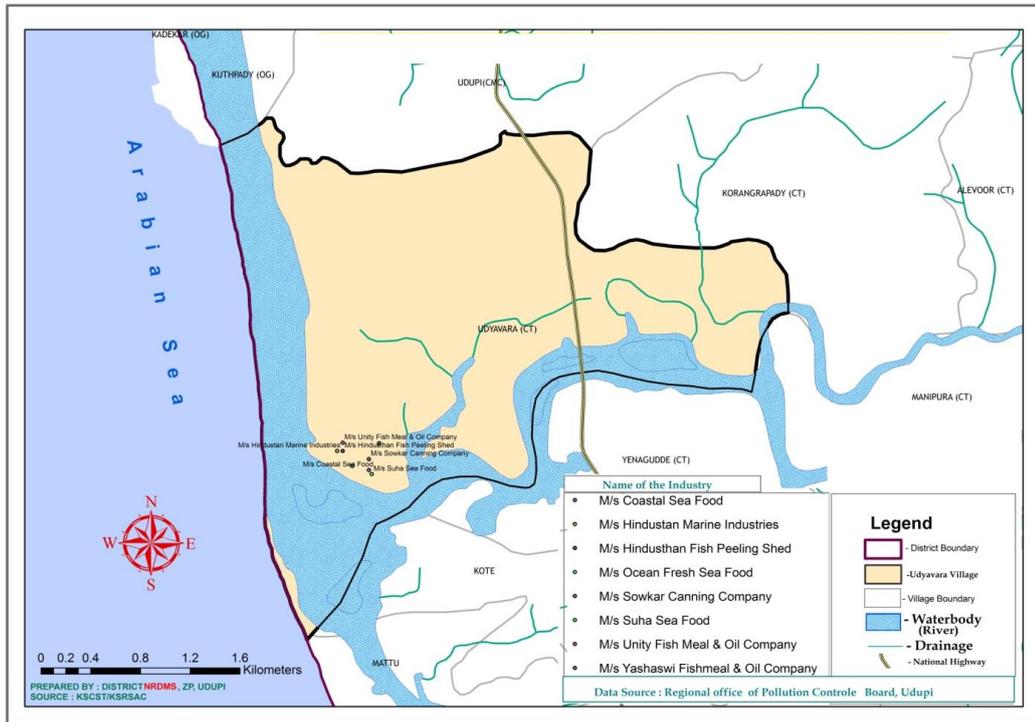
Map of Udyavara Village Boundary

The Papanashini River generally called as Udyavara River flows in Udyavara village. The river originates in Western Ghats near Hebri at the top of Narasimha parvatha and flows from east to west and turns north to separate Udyavara and Malpe and finally joins Arabian Sea near Malpe. The map showing drains and river in Udyavara as follow:



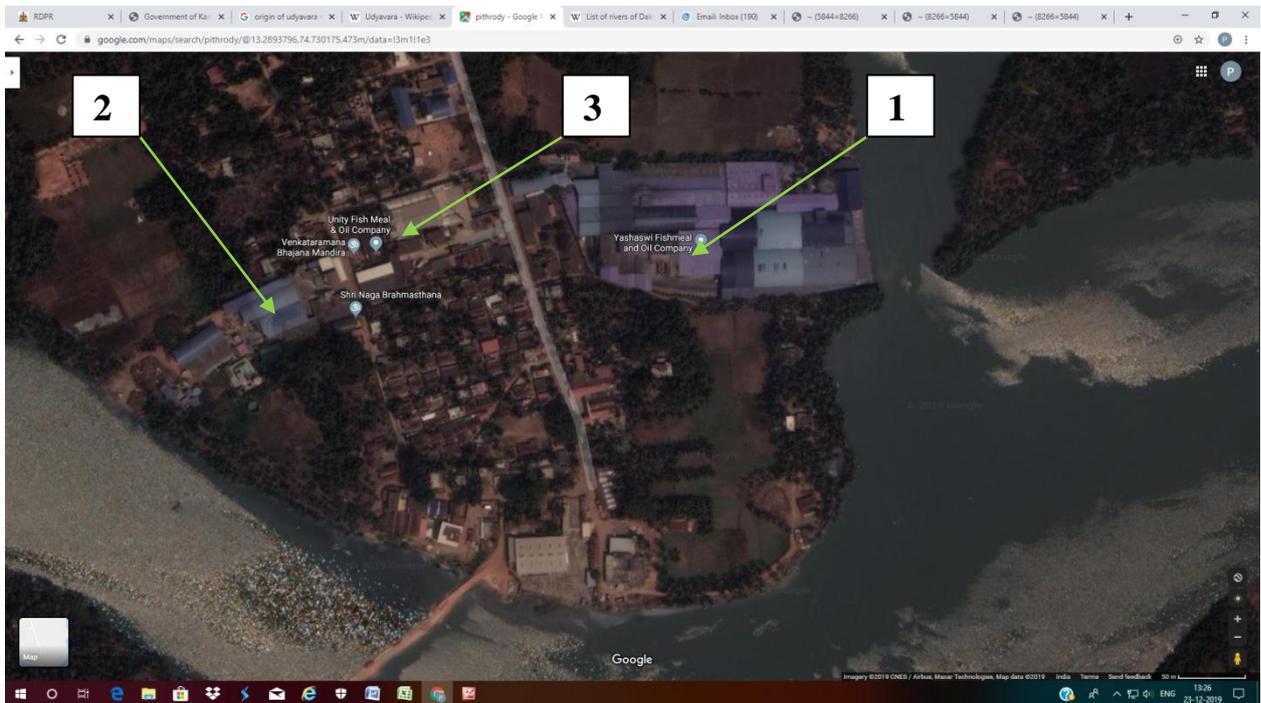
Map showing Drains and River in Udyavara Village

The major type of industries located in Udyavara village is fish meal & oil companies, fish cutting industries and Fish Canning industries. The fish meal industries (M/s Yashaswi Fishmeal & Oil Company, M/s Hindustan Marine Industries, M/s Unity Fish Meal & Oil Company) are located in Pithrody, Udyavara Village, in addition, fish cutting activities also carried out in unorganized way and cutting waste and effluent are discharged in to River without any treatment.



Map showing the Location of Industries

The latitude and longitude of the fish meal industries operating in Udayavara Village are shown in google map below:



Location of Fish processing Industries

Where,

Legend	Name of the industry	Latitude	Longitude
1	M/s Yashaswi Fishmeal & Oil Company	13.290262	74.730639
2	M/s Hindustan Marine Industries	13.289715	74.727667
3	M/s Unity Fish Meal & Oil Company	13.290386	74.728704

4.0 Water Quality of Papanashini (Udyavara) River:

Papanashini River (Udyavara River) flows in Udyavara and turns towards north and joins Arabian Sea at Malpe. The river water quality of Udyavara River is being monitored by KSPCB regularly.

River Water Quality Monitoring by KSPCB:

The Regional office KSPCB, Udupi is collecting river water sample at two points i.e. (i) Backside of M/s Yashaswi Fish Meal & Oil Company and (ii) Backside of M/s Hindusthan Marine Industries every month to assess the quality of River Water, the parameters analyzed are pH, BOD, DO and Turbidity. The KSPCB analysis results of river water quality for the period of **January 2017 to October 2019** are enclosed as **Annexure 3** and the consolidated water quality is tabulated below:

Consolidated Results of Rive Water Quality

S. No.	Parameters	Unit	Location 1	Location 2	Standard*
			Range	Range	
1	pH	-	6.7 - 7.5	6.6 - 7.5	6.5 - 8.5
2	BOD	mg/L	1 - 3	1 - 3	Max 3
3	DO	mg/L	6.4 - 6.9	6.4 - 7.0	Min 4
4	Turbidity	NTU	1 - 2	1 - 3	Max 30

* - Water Quality Standards for Coastal Water Marine Outfalls - SW II

Where,

Location 1: Backside of M/s Yashaswi Fish Meal & Oil Company

Location 2: Backside of M/s Hindusthan Marine Industries

The above table reveals that the river water quality is confirming to the prescribed standards of Environmental Parameters. The water quality is falling under the primary water quality standards for sea water i.e. Class SW-II Waters - For Bathing, Conduct Water Sports, Commercial Fishing, as per the Water Quality Standards for Coastal Waters Marine Outfalls.

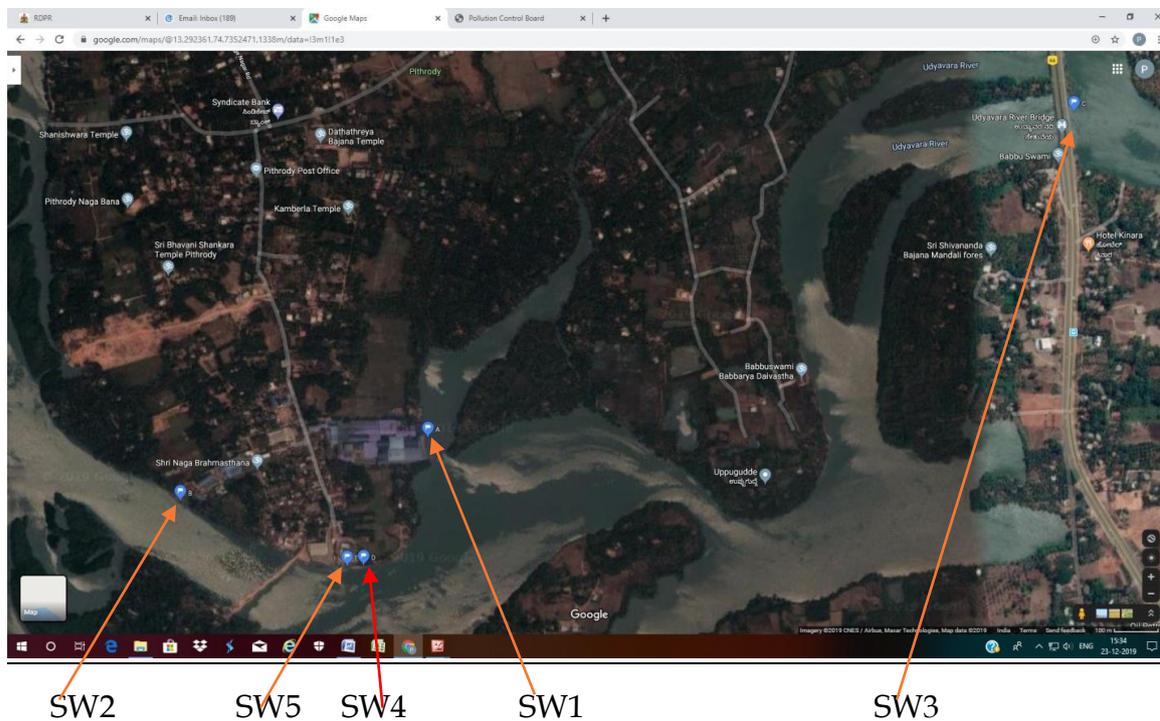
River Water Quality Monitoring by Committee:

The Committee collected (grab) river water samples of River Udyavara at upstream and downstream points, at five locations during December 10 - 11, 2019, the location details are:

Udyavara River Water Sampling Locations

Date	Location Details	Coordinates	Remarks
10.12.2019	SW1 : Backside of M/s Yashaswi Fish Meal & Oil Co.	N 13.290361, E 74.731842	Low Tide
	SW2: Backside of M/s Hindustan Marine Industries	N 13.289049, E 74.726646	Low Tide
11.12.2019	SW3: Near Udyavara Bridge (NH 66) - Upstream	N 13.297076, E 74.745436	High Tide
	SW4 : Towards East of M/s Suha Sea Food discharge Point	N 13.287714, E 74.730490	High Tide
	SW5 :Towards West of M/s Suha Sea Food discharge Point	N 13.287701, E 74.730152	High Tide

The above identified locations for water samplings are marked in Google map and shown below:



Map showing the locations of water samples collected in Udyavara River

The analysis results of Udyavara River Water samples (grab) are tabulated below:

Analysis Results of Udyavara River Water Quality

Parameters	Unit	Standards*	SW1	SW2	SW3	SW4	SW5
pH	-	6.5-8.5	6.9	7.1	7	6.7	6.8
Dissolved Oxygen	mg/L	Min 4	5.5	5.1	8	7.5	7.6
BOD	mg/L	Max 3	3	2	2	3	2
Turbidity	NTU	Max 30	1	1	1	1	1
Total Dissolved Solids	mg/L	-	6910	11410	9256	10450	10200
Ammonical Nitrogen	mg/L	-	0.6	1.1	2	6.7	5.7
Total Kjeldhal	mg/L	-	2.8	2.8	4.5	16.8	14.6

Parameters	Unit	Standards*	SW1	SW2	SW3	SW4	SW5
Nitrogen							
Free Ammonia	mg/L	–	0.003	0.019	0.011	0.095	0.088
Conductivity	μ ohms/Cm	–	13540	21610	17998	19870	18630
Nitrate	mg/L	–	1.3	1.6	1.5	8.4	6.5
Fecal Coliform	MPN	100/100ml	11	<2	8	–	–
Total Coliform	MPN	–	70	2	30	–	–

* - Water Quality Standards for Coastal Water Marine Outfalls - SW II

Where,

SW1: Backside of M/s Yashaswi Fish Meal & Oil Co., **SW2:** Backside of M/s Hindustan Marine Industries, **SW3:** Near Udyavara Bridge (NH 66) - Upstream **SW4:** Towards East of M/s Suha Sea Food discharge Point, **SW5:** Towards West of M/s Suha Sea Food discharge Point

The above table reveals that the river water quality is confirming to the primary water quality standards for sea water i.e. Class SW-II Waters - For Bathing, Conduct Water Sports, Commercial Fishing, as per the Water Quality Standards for Coastal Waters Marine Outfalls. The Dissolved Oxygen of the River Water increase from 5.1 to 8 mg/L, the TDS increases from 6910 to 10450 mg/L, Ammonical Nitrogen increases from 0.6 to 6.7, TKN from 2.8 to 16.8 during high tide, where as there is no much change in pH, BOD. The bacteriological samples of SW1, SW2 and SW3 are analyzed at National Institute of Technology Karnataka (NITK), Surathkal.

5.0 Inspection of identified Industries & its compliances

The applicant in its application mentioned that the following respondents are operated without valid CFO, violation of Coastal Regulation Zone in extending their area of operation and Udyavara is being polluted, the fish and other marine life are dying.

S. No.	Respondent	Name of the Industry	Remarks
1	Respondent 10	M/s Hindustan Marine Industries, Pithrody, Udyavara, Udupi	Operating
2	Respondent 11	M/s Yashaswi Fish Meal and Oil Company, Pithrody, Udyavara, Udupi	Operating
3	Respondent 12	M/s Unity Fishmeal and Oil Company, Pithrody, Udyavara, Udupi	Not operating

In view of above, the Committee inspected above said industries to ascertain the status of functioning of ETPs and its compliance. The Committee collected the effluent samples of Raw and Treated to assess the compliance to the discharge standards. Out of these 3 units, one unit is not in operation.

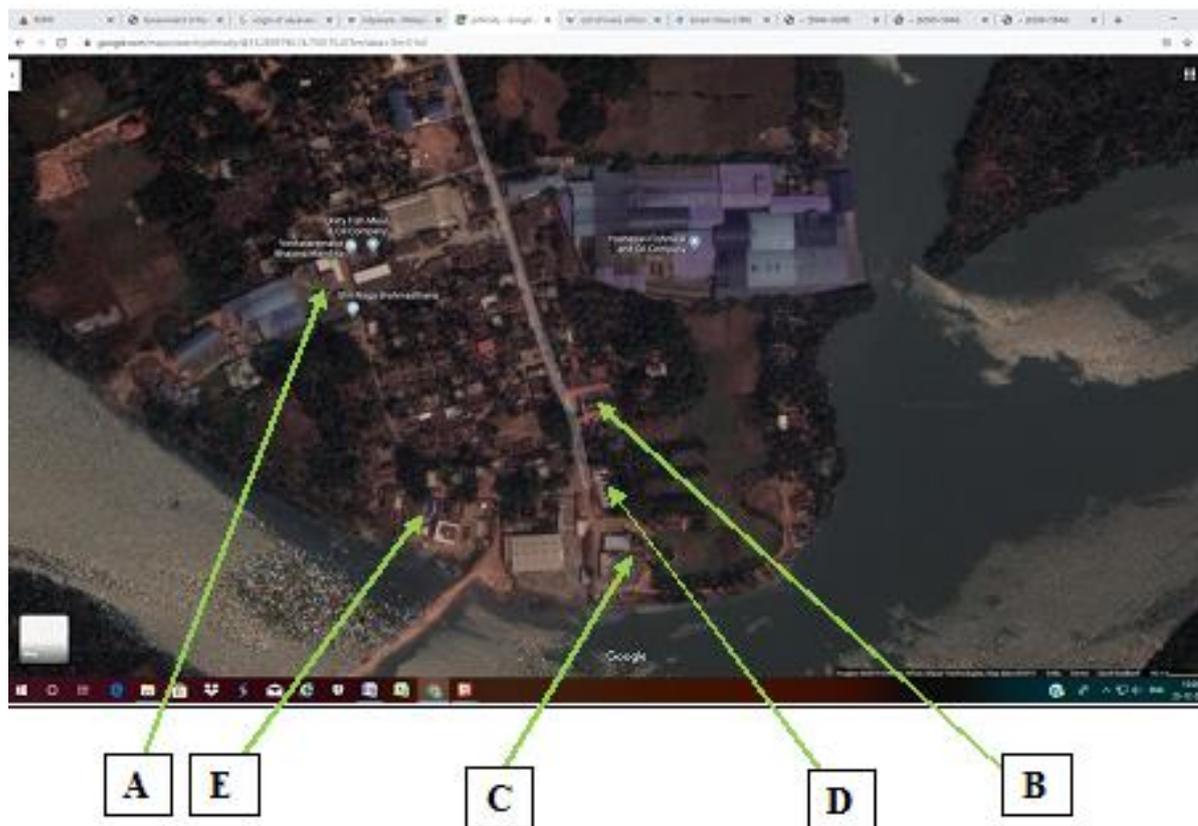
Also the committee inspected the other fish cutting units and fish canning units operating without prior consent from concerned departments in Udyavara Village to assess the environmental management of wastes generated during the process.

The names of such industries are:

S. No.	Name of the Industry	Activity	Remarks
1	M/s Suha Sea Food Pithrody, Udyavara, Udupi	Fish Cutting	Operating without Consent from KSPCB
2	M/s Ocean Fresh Sea Food Pithrody, Udyavara, Udupi	Fish Cutting	Operating without Consent from KSPCB
3	M/s Coastal Sea Food Pithrody, Udyavara, Udupi	Fish Cutting	Operating without Consent from KSPCB

In addition to above, there are two more industries namely (i) M/s Hindustan Fish Peeling Shed and (ii) M/s Sowkar Canning Company are operated in Udyavara Village, Udupi with valid consent from KSPCB. Both the units have

valid consent from KSPCB up to 30.09.2020 and 30.09.2022 respectively and ETP to treat their effluents, as informed by KSPCB. The committee could not able to inspect the same. The locations of such industries are shown below:



Where,

Legend	Name of the industry	Latitude	Longitude
A	M/s Hindusthan Fish Peeling Shed	13.289785	74.728015
B	M/s Sowkar Canning Company	13.289171	74.729938
C	M/s Suha Sea Food	13.288052,	74.730111
D	M/s Ocean Fresh Sea Food	13.288639	74.730004
E	M/s Coastal Sea Food	13.288360	74.728788

Observations of the Committee on identified industries:

The important observations of the committee with respect to operation of industries, operating status of ETP and its compliance are discussed below:

5.1 M/s Yashaswi Fish Meal and Oil Company

Name & Location	M/s. Yashaswi Fish Meal & Oil Company Sy. No.110/4B, 110/15, 110/9C2B, 110/5B, 110/9C2B2, 110/4A, 110/15_and 110/9C2B1- P1, Udyavara Village, Pithrody, Udipi
Category and Classification	Large Orange
Activity & Consented Production Capacity	Manufacturing of fishmeal & fish oil ➤ Fish Meal - 3500 MT/ Month ➤ Fish oil - 250 MT/Month
Status of consent and validity	CFO obtained under Water & Air Act is valid up to 30.09.2020.
Status of H.W. Authorization & Validity	Obtained authorization under Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016 which is valid up to 30.06.2021.
Date of Inspection	10.12.2019
Person Contacted	Sri. Uday Kumar Salian, Partner. Sri. Venu Therumal, ETP Consultant

Observations:

- a) M/s. Yashaswi Fish Meal & Oil Company has obtained necessary land conversions of Sy.No.110/4B, 110/15, 110/9C2B, 110/5B, 110/9C2B2, 110/4A, 110/15 and 110/9C2B1-P1 for industrial purpose from Tahasildar, Udipi. The land conversion details are:

Survey Number	Extent of Land (Acres)	Purpose of Conversion	Reference of Conversion Order
110/4B 110/15	0.56 0.20	Industrial	C.DIS.A.L.N(1)S.R:857/06-07, dated 17/04/2007
110/9C2B 110/5B 110/9C2B2	0.39 0.21 ³ / ₄ 0.19	Industrial	C.DIS.A.L.N(1)S.R:855/06-07, dated 17/04/2007
110/4A 110/15	0.49 0.17	Industrial	C.DIS.A.L.N(1)S.R:800/06-07, dated 17/04/2007
110/9C2B1-P1	0.48	Industrial	C.DIS.A.L.N(1)S.R:744/06-07, dated 17/04/2007
Total	2.69 ³ / ₄ acres		

The unit has obtained land conversion for 2.69 ³/₄ acres land for industrial purpose.

- b) The unit has obtained building license from Udyavara Gram Panchayat on 06.09.2007 vide No: U.G.P/44/2007-08. However, Grama Panchayat has cancelled the trade license issued to the industry and industry has obtained stay at Hon'ble High Court against the said cancellation order. However, as per letter of Ministry of Rural Development and Panchayat Raj Department (RDPR), GOK dated 24-02-2016, Grama Panchayats do not have authority to issue trade license to industries and they should not collect such license fees from industries.
- c) The unit is categorized as Large Orange, was inspected on December 10, 2019, found operating with valid consents under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act 1981, with validity up to 30.09.2020. The Consent for Establishment (CFE) was issued on 17.07.2007 and first Consent for Operation (CFO) was issued during 2008 for a period of 1.7.2008 to 30.06.2009. The details of CFE/CFO issued to the industry is tabulated below:

Sl. No	Type of Consent	Issue Date & reference	Validity Period	Consented Production Capacity
1	Consent For Establishment	No:57/KSPCB/RO-UDP/DEO/2007-	3 years up to 16/07/2010	Fish Meal-1750 TPM Fish Oil-125 TPM

Sl. No	Type of Consent	Issue Date & reference	Validity Period	Consented Production Capacity
	(CFE)	08/379, dt:17/07/2007		
2	First CFO	No: KSPCB/SEO/TC/WA/ AA/2008	01/07/2008 to 30/06/2009	Fish Meal-1750 TPM Fish Oil-125 TPM
3	CFO renewal	No:206/KSPCB/RO-UDU/EO/2009-10/643, dt:19/08/2009	01/07/2009 to 30/06/2010	Fish Meal-1750 TPM Fish Oil-125 TPM
4	CFE Expansion	No:KSPCB/CFE/MR/09/10/604, dt:03/03/2010	3 Years up to 02/03/2013	ETP up gradation up to 30 KLD
5	CFO renewal	No:97/KSPCB/EO/DE O/AEO/WPC & APC/2010-11/481, dt:26/08/2010	01/07/2010 to 10/10/2010	Fish Meal-1750 TPM Fish Oil-125 TPM
6	Corrigendum	No:PCB/UDP/EO/2010-11/1341, dt:31/01/2011	11/10/2010 to 30/06/2011	Fish Meal-1750 TPM Fish Oil-125 TPM
7	CFO renewal	No:94/KSPCB/EO/DE O/AEO/WPC& APC/2011-12/702, dt:06/09/2011	01/07/2011 to 30/06/2012	Fish Meal-1750 TPM Fish Oil-125 TPM
8	CFO renewal	No:13/PCB/EO/EO/WPC/APC/2013-14/279, dt:25/06/2013	01/07/2012 to 30/06/2013	Fish Meal-1750 TPM Fish Oil-125 TPM
9	CFO extension	Reg.No:53384, dt:01/07/2013	30/09/2015	Fish Meal-1750 TPM Fish Oil-125 TPM
10	CFE Expansion	No: 76/PCB/SEO-MNG/CFExp/2013-14/170, dt:23/01/2014	5 years up to 22/01/2019	Fish Meal-3500TPM Fish Oil-250TPM
11	CFE Expansion	No:08/PCB/SEO-MNG/CF Exp/2014-15/38, dt:12/05/2014	5 years up to 11/05/2019	Installation of Standby Evaporator, standby Boiler of 8 TPH Deodorizer, and 625KVA DG set
12	Corrigendum (CFO Expansion)	No:43/PCB/EO(UDP)/Corrigendum/SO/2014-15/1043, dt:14/01/2015	30/09/2015	Fish Meal-3500TPM Fish Oil-250TPM
13	CFO Renewal	No:04/KSPCB/EO/AE O/WPC&APC/2015-16/374, dt:12/06/2015	01/07/2015 to 30/09/2020	Fish Meal-3500TPM Fish Oil-250TPM
14	CFO Expansion	No:W-307970, dt:29/09/2018	Up to 30/09/2020	ETP up gradation up to 350 KLD
15	CFE Expansion	CTE-314686, dt:09/09/2019	08/09/2024	ETP up gradation up to 400 KLD

The above table reveals that the unit initially started with a capacity of Fish meal: 1750 TPM & Fish Oil: 125 TPD, later obtained CFE for expansion of Fish meal: 3500 TPM & Fish Oil: 250 TPD, during 2014 and presently operating with its expanded capacity. Also the industry obtained CFE to upgrade ETP i.e. 400 KLD during 2019.

- d) The unit has valid Hazardous Waste Authorization under the Hazardous Wastes (Management and Transboundary Movement) Rules, 2008, with validity up to 30.06.2021.
- e) The unit has displayed the consent and H.W. Authorization conditions at the entrance of the unit, as per the direction of Supreme Court order in W.P. (C) 657/1995, but the same need to be updated.
- f) The source of water supply for industrial use is open well and bore well. Whereas the unit has not installed flow meter for recording water consumption. Also the unit has not obtained NOC from the Karnataka Ground Water Authority (KGWA) for usage of groundwater for industrial purposes.
- g) The unit has 3 production lines each with a capacity of 200 TPD, to process total 600 TPD raw fish. The fish meal manufacturing process consists of Raw fish collection, Conveyor, Cooker (2 Nos), Screw Press, Drier (2 Nos), Sever, Grinder (2 Nos), Cooler (2 Nos), sever followed with packing. The fish oil production consists of Tri-canter, centrifuge and multistage evaporator. During the inspection, the unit was operating a single production line, due to shortage of raw material i.e. Sardines. As per record produced, the average monthly production was 1713.47 TPM of fish meal, which is 49% of its consented capacity.
- h) The effluent generated from evaporator Condensate (Process), Condensate from deodorizer system, Vehicle wash, Machine wash (like screw process, Evaporator, Tri canter and Centrifuge) and Floor Washings are treated in ETP. The unit is permitted by KSPCB to utilise the treated effluent for cooling tower make-up and excess to discharge in to Sea. The unit has provided flow meters for the inlet & outlet of ETP and also have separate Energy Meter.
- i) The unit has laid pipeline of 1.5 Kms to discharge treated effluent in to river ending up at sea, about 200 meters inside the sea, for the same obtained

permission from the Deputy Commissioner. But, there was no specific studies carried out to decide the disposal point in sea by National Institute of Oceanography. Whereas during the committee visit, the provision made for discharge of effluent in to sea is discontinued and the unit informed that the entire treated effluent is consumed for boiler feed, cooling tower make up, washing and gardening / agricultural use since 2018, after up gradation of ETP.

- j) The committee observed that the actual water consumption reported and effluents generated are exceeding the permitted capacity of KSPCB in the consent. The details are:

S. No.	Purpose	Water Consumption (KLD)		Effluent Generation (KLD)	
		As per CFO	Actual	As per CFO	Actual
1	Domestic	8	15	7	10
2	Industrial				
	a) Agriculture	80	42	0.0	0.0
	b) Boiler feed	20	30	5.0	-
	c) Cooling Water	70	250	0.0	-
	d) Process Water	0.0	0.0	138	282
	e) Others-Washings	-	39	0.0	39
	Total	170	361	143	321

- k) The unit has installed capacity of 400 KLD ETP, the process effluent are treated with UASB followed with ASP and Sand and Activated Carbon Filter. The condensate water is directly taken to ASP for treatment. The treated effluent is permitted to discharge in to sea after meeting the surface water discharge standards.
- l) The domestic sewage is managed through septic tank and the septage is cleared by the Municipality. Whereas the Canteen wastewater is discharged without treatment in to neighbouring land.

- m) The committee was informed that KSPCB has been collecting ETP treated effluent samples regularly to verify the discharge standards. The compiled analysis results for period from January 2017 to October 2019 confirms that out of 28 samples collected, on 2 occasions the samples exceeded the prescribed standards w.r.t. BOD, COD and SS during September & October 2018.
- n) On the day of inspection, the committee collected raw and treated effluent (grab) to assess the performance and compliance to the discharge standards. The analysis results of raw effluent and treated effluent is tabled below:

S. No	Parameters	Units	Raw Effluent	Treated Effluent	KSPCB Standard
1	pH @ 25°C	-	7.4	7.5	5.5 - 9.0
2	SS	mg/L	550	12	100
3	BOD	mg/L	570	22	100
4	COD	mg/L	1664	167	250
5	TRC	mg/L	BDL	BDL	1
6	Sulphide	mg/L	5.6	2.4	5
7	Ammonical Nitrogen	mg/L	54.3	12.3	50
8	TKN	mg/L	87.9	31.3	100
9	Free Ammonia	mg/L	0.959	0.217	5
10.	Nitrate	mg/L	4.71	12.8	-
11	Oil & Grease	mg/L	12	BDL	20

The above table reveals that the treated effluent is meeting the discharge standards prescribed by KSPCB. The performance of existing ETP is found satisfactory with BOD removal efficiency of >96% & COD removal efficiency of about 90%.

- o) The unit has provided shed for the entire process area from the raw material to the finished products and ETP. Due to which there is very less chances of

contamination of runoff rainwater during rainy season. Some of the open area kept for vehicle movement, the surface run off shall be separately collected and treated along with effluent.

- p) Waste Vapour generated from steam driers are taken to evaporator and after heat recovery, the waste vapour is passed through Tubular Condenser, Deodorizer and enzyme scrubbers, the treated vapours are connected to Boiler Chimney. The stick water vapour generated in evaporators is condensed and condensate is being taken into Effluent Treatment Plant for further treatment.
- q) The unit has provided storage area for storing Hazardous Waste Generated, but the same need to be upgraded with adequate area and spillage collection pits and free from water entry. The committee also noticed that Hazardous wastes such ETP sludge, oil waste etc. are stored in adjacent land in unscientific way causing soil contamination. The Hazardous Waste Authorisation need to be amended with all types of hazardous and other wastes.
- r) There was not much odour within the premises, but, as the very nature of activity involves fish, fish smell was in the surrounding air.
- s) The unit burns solid wastes etc. in open area, need to be stopped. The solid waste management within the premises is ignored and needs improvement.
- t) The D.G. sets are provided with acoustic enclosure and emission vents.

5.2 M/s Hindustan Marine Industries:

Name & Location	M/s. Hindustan Marine Industries Sy. No. 193/2P1, 193/2P2 Pithrody, Udyavara, Udupi
Category and Classification	Small Orange
Activity & Consented Production Capacity	Manufacturing of fishmeal & fish oil ➤ Fish Meal - 250 MT/ Month ➤ Fish oil - 25 MT/Month
Status of consent and validity	CFO obtained under Water & Air Act is valid up to 30.09.2023.
Status of H.W. Authorization & Validity	Excepted because the unit is having only DG set as air pollution source < 500 KVA.
Date of Inspection	10.12.2019
Person Contacted	Sri. M K Balraj, Proprietor

Observations :

- a) M/s. Hindustan Marine Industries has obtained necessary land conversions of Sy. No. 193/2P1 and 193/2P2 for industrial purpose from Tahasildar, Udupi. The land conversion details are:

Survey Number	Extent of Land (Acres)	Purpose of Conversion	Reference of Conversion Order
193/2P1	0.26	Industrial	C.DIS.A.L.N(1)S.R:110/08-09, dt:16/06/2008
193/2P2	0.19	Industrial	C.DIS.A.L.N(1)S.R:108/08-09, dt:16/06/2008
Total	0.45 acres		

The unit has obtained land conversion for 0.45 acres land for industrial purpose.

- b) The unit has obtained building license from Udyavara Gram Panchayat on 09.02.2004 vide No:U.G.P/115/2003-04. However, Grama Panchayat has cancelled the trade license issued to the industry and industry has obtained

stay at Hon'ble High Court against the said cancellation order. However, as per letter of Ministry of Rural Development and Panchayat Raj Department (RDPR), GOK dated 24.02.2016, Grama Panchayats do not have authority to issue trade license to industries and they should not collect such license fees from industries.

- c) The unit is categorized as Small Orange, was inspected on December 10, 2019, found operating with valid consents under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act 1981, with validity up to 30.09.2023. The Consent for Establishment (CFE) was issued on 07.08.2004 and first Consent for Operation (CFO) was issued vide order dated 15.06.2006 for a period up to 30.06.2007. The details of CFE/CFO issued to the unit is tabulated below:

Sl. No	Type of Consent	Issue Date & reference	Validity Period	Consented Production Capacity
1	Consent For Establishment (CFE)	No:30/KSPCB/RO(MNG)/UDP/AEO-2/ SR/2004-05/250 dt:07.08.2004	3 years up to 06.08.2007	Fish Meal-10TPD Fish Oil-1TPD
2	First CFO	No:30/KSPCB/RO/UDP/AEO-1/2006-07/220 Dated:-15/06/2006 No:41/KSPCB/RO/UDP/AEO-1/2006-07/221 Dated:-15/06/2006	Valid up to 30.06.2007	Fish Meal-10TPD Fish Oil-1TPD
3	CFO renewal	No:01/KSPCB/RO/UDP/DEO-1/2007-08/60 Dated:-27.04.2007 No:02/KSPCB/RO/UDP/DEO-1/2007-08/61 Dated:-27.04.2007	01.07.2007 to 30.06.2008	Fish Meal-10TPD Fish Oil-1TPD
4	CFO renewal	No:23/KSPCB/RO/Udupi/EO/2009-10/ 216 Dated:-27.05.2009	01.07.2009 to 30.06.2010	Fish Meal-10TPD Fish Oil-1TPD
5	CFE expansion	KSPCB/CFE/MR/09-10/603 Dated:-03.03.2006	3years from date of issue	Fish Meal-10TPD Fish Oil-1TPD For up gradation of existing ETP to 30m ³ /d capacity.
6	CFO renewal	No:03/KSPCB/EO/DEO/AEO/WPC & APC/2010-11/515 date:31.08.2010	01.07.2010 to 10.10.2010	Fish Meal-10TPD Fish Oil-1TPD
7	CFO renewal (corrigendum)	PCB/UDP/EO/2010-11/785 Dated:-14.10.2010	10.10.2010 to 10.11.2010	Fish Meal-10TPD Fish Oil-1TPD
8	CFO renewal (corrigendum)	PCB/UDP/EO/2010-11/1318 Dated:-31.01.2011	11.11.2010 to 30.06.2011	Fish Meal-10TPD Fish Oil-1TPD

Sl. No	Type of Consent	Issue Date & reference	Validity Period	Consented Production Capacity
9	CFO renewal	KSPCB/SEO(Non-EIA-OB)/2015-16/225 Dated:- 26.05.2015	01.07.2013 to 30.09.2018	Fish Meal-10TPD Fish Oil-1TPD
10	CFE expansion	KSPCB/SEO(NEIA-OB)/LR/2015-16/709 Dated:-05.08.2015	5years valid up to 04.08.2020	Fish Meal-10TPD Fish Oil-1TPD Installation of 4.5TPH boiler in place of existing 2TPH Boiler and installation of 50 Tonnes capacity horizontal roto disk direct drier.
11	CFE expansion	Consent order No CTE-301315 Date:- 03.11.2016	Valid up to 02.11.2021	Fish Meal-250TPM Fish Oil-25TPM
12	CFO expansion	Consent order No : AW-302087 Date:-15/02/2017	04.01.2017 to 30.09.2018	Fish Meal-250TPM Fish Oil-25TPM
13	CFE expansion	Consent order No: CTE: 302303 Date:-18/03/2017	Valid up to 17/03/2021	Fish Meal-250TPM Fish Oil-25TPM
14	CFO renewal	Combined consent order No: AW:307053 Date:- 28/07/2018	01/10/2018 to 30.09.2023	Fish Meal-250TPM Fish Oil-25TPM

The above table reveals that the unit initially started with a capacity of Fish meal: 10 TPM & Fish Oil: 1 TPD, latter obtained CFE for expansion of Fish meal: 250 TPM & Fish Oil: 25 TPD, during 2016 and presently operating with its expanded capacity. Also, the industry obtained CFE to upgrade ETP i.e. 30 KLD during 2006. But, the unit is not producing fish oil presently.

- d) The unit has one 200 KVA DG set, the only hazardous waste generated is used oil. Board is not insisting hazardous waste authorisation if the unit is having only DG set as air pollution source up to 500 KVA as per circular No. KSPCB/CC/81(Vol-2)/2008-09/168 dated 19-04-2008.
- e) The sources of water supply for industrial use are open well and also purchased water through tankers during summer. Whereas the unit has not installed flow meter for recording water consumption. Also, the unit has not obtained NOC from the Karnataka Ground Water Authority (KGWA) for usage of groundwater for industrial purposes.

- f) The unit has single production line with a capacity to produce 8 TPD fish meal, to process total 30 TPD raw fish. The fish meal manufacturing process consists of raw fish collection, conveyor, cooker, drier, screening, pulveriser, final screening followed with packing. There is no fish oil production. As per record produced, the average production for month was 108 TPM, which is 43.2% of its consented capacity.
- g) The effluent generated from melted ice carrying solids & bloods, condensate from deodorizer system, Vehicle wash, Machine wash and Floor Washings are treated in ETP. The unit is permitted by KSPCB to discharge the treated effluent in to sea after meeting the surface water standards. The unit has provided flow meters for the inlet & outlet of ETP and also have separate Energy Meter.
- h) The unit has laid pipeline of 0.8 Kms to discharge treated effluent in to river ending up at sea, about 100 meters inside the sea, for the same obtained permission from the Deputy Commissioner. But, there was no specific studies carried out to decide the disposal point in sea by National Institute of Oceanography. Whereas during the committee visit, observed that the unit stopped discharge of treated effluent in to Sea through laid pipelines, and the unit informed that the entire treated effluent is consumed for boiler feed, cooling tower make up, washing and gardening, after up gradation of ETP.
- i) The committee observed that the actual water consumption reported and effluents generated are exceeding the permitted capacity of KSPCB in the consent. The details are:

S. No.	Purpose	Water Consumption (KLD)		Effluent Generation (KLD)	
		As per CFO	Actual	As per CFO	Actual
1	Domestic	0.7	3.0	0.6	2.4
2	Industrial a) Boiler feed	20	20	2.0	3.0

	b) Cooling Water	0.5	1	0.0	1.0
	c) Process Water	0.0	0.0	10	15.0
	d) Others-Washings	4.0	7.0	4.0	4.0
	Total	24.5	28.0	16.0	23.0

- j) The unit has installed capacity of 30 KLD ETP, the process effluent are treated with Anaerobic Digester, Sequential Batch Reactor and Sand and Activated Carbon Filter. The treated effluent is permitted to discharge in to sea after meeting the surface water discharge standards. The domestic effluent is managed through septic tank / soak pit. There is no generation of gas from the anaerobic digester. The unit has provided sludge drying beds to handle the sludge generated, need to provide cover during rainy days (or) to be upgraded with filter press etc.
- k) The committee was informed that KSPCB has been collecting ETP treated effluent samples regularly to verify the discharge standards. The compiled analysis results for period from January 2017 to October 2019 confirms that out of 28 samples collected, on 5 occasions the samples exceeded the prescribed standards w.r.t. BOD and Chloride during Jan. to April, 2017 and November 2017.
- l) On the day of inspection, the committee collected raw and treated effluent to assess the performance and compliance to the discharge standards. The analysis results of raw effluent and treated effluent (grab) is tabled below:

S. No	Parameters	Units	Raw Effluent	Treated Effluent	KSPCB Standard
1	pH @ 25°C	-	8	8.3	5.5 - 9.0
2	SS	mg/L	414	16	100
3	BOD	mg/L	48	16	30
4	COD	mg/L	371	106	250
5	TRC	mg/L	BDL	BDL	1

S. No	Parameters	Units	Raw Effluent	Treated Effluent	KSPCB Standard
6	Sulphide	mg/L	2.4	BDL	-
7	Ammonical Nitrogen	mg/L	26.8	9.5	50
8	TKN	mg/L	52	16.8	100
9	Free Ammonia	mg/L	0.959	1.45	5
10.	Nitrate	mg/L	1.44	5.6	10
11	Oil & Grease	mg/L	8	BDL	10

The above table reveals that the treated effluent is meeting the discharge standards prescribed by KSPCB. The performance of ETP need to be further improved to achieve BOD removal efficiency > 90%.

- m) Waste Vapour generated from steam driers of fish meal are treated through scrubber, condenser and bio filter. After the bio filter, due to high temperature the water vapour is generated from the bio filter, need to be improved further to reduce the smell nuisance.
- n) The unit is having 1 boiler of 6 TPH which is connected to chimney of 30 meters above ground level with cyclone dust collector. Fuel used for the boiler was fire wood.

5.3 M/s Unity Fish meal & Oil Company:

Name & Location	M/s. Unity Fish Meal & Oil Company, Sy. No. 240/1A1, Pithrody, Udupi
Category and Classification	Medium Orange
Activity & Consented Production Capacity	Manufacturing of fishmeal & fish oil <ul style="list-style-type: none"> ➤ Fish Meal - 42 TPD ➤ Fish oil - 18 TPD
Status of consent and validity	CFO obtained under Water & Air Act expired on 30.09.2015. The unit is not in operation.

Status of H.W. Authorization & Validity	Authorization under Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016 expired on 30-06-2014. Industry is closed since then.
Date of Inspection	11.12.2019
Person Contacted	Sri. Mahesh Udyavara, Partner

Observations:

- a. M/s. Unity Fish Meal & Oil Company is established on the land belonging to Department of Fisheries on lease from Govt. of Karnataka for a period of 10 years from 07.05.2007, the lease period is expired. Also, the Committee was informed that due to internal problems in partners, the unit stopped their entire production activity from 2014, now the case is pending in court.
- b. The unit has obtained building license from Udyavara Gram Panchayat on 03.02.2009 vide No:U.G.P/65/2008-09. However, Grama Panchayat has cancelled the trade license issued to the industry and industry has obtained stay at Hon'ble High Court against the said cancellation order. However, as per letter of Ministry of RDPR, GOK vide order dated 24.02.2016, Grama Panchayats do not have authority to issue trade license to industries and they should not collect such license fees from industries.
- c. The unit is categorized as Medium Orange, was inspected on December 11, 2019, the consent issued under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act 1981 expired on 30.09.2015. Informed that the unit is not operating since 2014 due to partners issue and the matter is pending in the Court.
- d. The Consent for Establishment (CFE) was issued on 18.3.2009 and first Consent for Operation (CFO) was issued vide order dated 07.11.2009 for a period up to 30.06.2010. The detail of CFE/CFO issued to the unit is tabulated below:

Sl. No	Type of Consent	Issue Date & reference	Validity Period	Consented Production Capacity
1	CFE	No. PCB/1423/CFE/MR/08/1039 dated 18.3.2009	18.3.2012	Fish Meal :42 TPD Fish Oil : 18TPD
2	First CFO	No. KSPCB/SEO/CFO/WA/AA/2009/ 792 date: 7.11.2009	01.3.2009 to 30.6.2010	
3	CFO Renewal	NO.99/KSPCB/EO/DEO/AEO/WPC&APC/2010-11/511 DATE: 31.8.2010.	31.8.2010 to 10.10.2010	
4	Corrigendum	NO: PCB/UDP/EO/2010-11/1343 date: 31-01-2011	11.10.2010 to 30.6.2011	Fish Meal :42 TPD Fish Oil : 18TPD
5	CFO Renewal	NO: 12/PCB/EO/EO/WPC/APC/2013-14/280 date: 25-06-2013	25.6.2013 to 30.6.2013	
6	CFO, Extension	Reg. No. 53394 date:01/07/2013	30.9.2015	

- e. The Hazardous Waste Authorization issued under the Hazardous and other Waste (Management and Transboundary Movement) Rules, 2008 has expired on 30.06.2014. Industry is closed since then.
- f. The unit has provided 50 KLD effluent treatment plant towards South West (about 500 M distances), the provision is made to pump the effluent to ETP. The ETP found non-operational due to stoppage of unit.

5.4 M/s Suha Sea Food:

Name & Location	M/s Suha Sea Food, C/o Fisheries and Fish Product Society building, Near Kamanu, Udyavara, Udupi.
Category and Classification	Small Orange
Activity & Capacity	Fish Cutting, about 12 TPD.
Status of consent and validity	CFE & CFO not obtained under Water & Air Acts.
Date of Inspection	11.12.2019
Person Contacted	Sri. Lavith, Supervisor

Observations:

- a) M/s Suha Sea Food was in operation without obtaining consent under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act 1981 from KSPCB.
- b) The unit is carrying out cutting and cleaning of fishes for about 12 TPD, the cleaned fishes are transported to other industries as a raw material. There are about 45- 50 workers working in the unit.
- c) The source of water supply is well water, which is used for majorly for washing of fishes, floor washing, and for the domestic use of labourers.
- d) In the process of cutting and cleaning of fishes, the blood soaked effluent and waste generated are directly discharged into Udyavara River through pipeline. Also solid wastes are being disposed in to river.
- e) The labour sheds are not provided with proper toilet facility, open pit toilet blocks are adopted due to which the night soil are directly discharged to the river through pipeline, causing serious water pollution & odour nuisance.
- f) There are no air pollution sources such as D.G. set, Boiler etc.
- g) On the day of inspection, the committee collected raw effluent (grab) discharged in to River Udyavara to assess the pollution load. The analysis results of Raw effluent is tabled below:

Analysis Results of Raw effluent

S. No	Parameters	Units	Raw Effluent	KSPCB Standards
1	BOD	mg/L	720	100
2	COD	mg/L	2045	250

The above table reveals that the un-treated effluent having BOD load of 720 mg/L is discharged into River against the discharge standard of 100 mg/L. All such a unit shall be brought under consent mechanism and shall provide effluent treatment plant to avoid discharge of untreated effluent in to River

5.5 M/s Ocean Fresh Sea Food:

Name & Location	M/s Ocean Fresh Sea Food, C/o Sowkar canning Compound, Near Kamanu, Udyavara, Udupi.
Category and Classification	Small Orange
Activity & Capacity	Fish Cutting, about 12 TPD.
Status of consent and validity	CFE & CFO not obtained under Water & Air Acts.
Date of Inspection	11.12.2019
Person Contacted	Sri. Santosh, Proprietor

Observations:

- a) M/s Ocean Fresh Sea Food was in operation without obtaining consent under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act 1981 from KSPCB.
- b) The unit is carrying out cutting and cleaning of fishes for about 12 TPD, the cleaned fishes are transported to other industries as a raw material. There are about 60 workers were working in the unit.
- c) The source of water supply is well water, which is used for majorly for washing of fishes, floor washing, and for the domestic use of labourers.

- d) In the process of cutting and cleaning of fishes, the blood soaked effluent and waste generated are directly discharged into Udyavara River through pipeline. Also solid wastes are being disposed in to river.
- e) There are no air pollution sources such as D.G. set, Boiler etc.
- f) On the day of inspection, the committee collected raw effluent (grab) discharged in to River Udyavara to assess the pollution load. The analysis results of Raw effluent is tabled below:

Analysis Results of Raw effluent

S. No	Parameters	Units	Raw Effluent	KSPCB Std.
1	BOD	mg/L	1800	100
2	COD	mg/L	5944	250

The above table reveals that the un- treated effluent having BOD load of 1800 mg/L is discharged into River against the discharge standard of 100 mg/L. All such a unit shall be brought under consent mechanism and shall provide effluent treatment plant to avoid discharge of untreated effluent in to River

5.6 M/s Coastal Sea Food:

Name & Location	M/s Coastal Sea Food, C/o Tulasi Compound, Near Kamanu, Udyavara, Udupi.
Category and Classification	Small Orange
Activity & Capacity	Fish Cutting, about 12 TPD.
Status of consent and validity	CFE & CFO not obtained under Water & Air Acts.
Date of Inspection	11.12.2019
Person Contacted	Sri. Santosh, Manager

Observations:

- a) M/s Coastal Sea Food was in operation without obtaining consent under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act 1981 from KSPCB.
- b) The unit is carrying out cutting and cleaning of fishes for about 12 TPD, the cleaned fishes are transported to other industries as a raw material. There are about 50 workers were working in the unit.
- c) The source of water supply is well water, which is used for majorly for washing of fishes, floor washing, and for the domestic use of labourers. There was no flow record available to know the actual consumption and discharge of wastewater.
- d) In the process of cutting and cleaning of fishes, the blood soaked effluent and waste generated are directly discharged into Udyavara River through pipeline. Also solid wastes are being disposed in to river.
- e) There are no air pollution sources such as D.G. set, Boiler etc.
- f) On the day of inspection, the committee collected raw effluent (grab) discharged in to River Udyavara to assess the pollution load. The analysis results of Raw effluent is tabled below:

Analysis Results of Raw effluent

S. No	Parameters	Units	Raw Effluent	KSPCB Standard
1	BOD	mg/L	2400	100
2	COD	mg/L	4760	250

The above table reveals that the un- treated effluent having BOD load of 2400 mg/L is discharged into River against the discharge standard of 100 mg/L. All such a unit shall be brought under consent mechanism and shall provide effluent treatment plant to avoid discharge of untreated effluent in to River.

6.0 Coastal Zone Regulations and its compliance by Industries

The MOEF & CC have issued CRZ Notification vide No. S.O. 114 (E) dated 19th February 1991 declaring coastal stretches as Coastal Regulation Zone (CRZ) and regulating the activities in the CRZ with a view (i) to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, (ii) to conserve and protect coastal stretches, its unique environment and its marine area, and (iii) to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas sea level rise due to global warming.

Subsequently, the MOEF &CC declares the following areas as CRZ and imposes with effect from the date of Notification of S.O.19 (E) dated 6th January 2011, the following restrictions on the setting up and expansion of industries operations or process and the like in the CRZ:

- (i) the land area from High Tide Line (hereinafter referred to as the HTL) to 500 mts on the landward side along the sea front.

- (ii) CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance up to which development along such tidal influenced water bodies is to be regulated shall be governed by the distance up to which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance up to which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs) .
- (iii) the land area falling between the hazard line and 500 mts form HTL on the landward side, in case of seafront and between the hazard line and 100 mts line in case of tidal influenced water body the word “hazard line’ denotes the line demarcated by MOEF &CC through the Survey Of India (SOI) taking into account tides, waves, sea level rise and shoreline changes.
- (iv) land area between HTL and Low Tide Line (hereinafter referred to as the LTL) which will be termed as the intertidal zone.
- (v) the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

Classification of CRZ as per Section 7:

For the purpose of conserving and protecting the coastal areas and marine waters, the CRZ area shall be classified as follows, namely: CRZ-I, II, III and IV.

CRZ-I: The areas that are ecologically sensitive and the geo-morphological features which play a role in the maintaining the integrity of the coast. The area between Low Tide Line and High Tide Line.

CRZ-II: The areas that have been developed up to or close to the shoreline

CRZ-III: Areas that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural areas (developed and undeveloped) and also areas within municipal limits or in other legally designated urban areas, which are not substantially built up.

CRZ-IV: the water area from the Low Tide Line to twelve nautical miles on the seaward side; shall include the water area of the tidal influenced water body from the mouth of the water body at the sea up to the influence of tide which is measured as five parts per thousand during the driest season of the year.

Prohibited activities within CRZ as per Section 3

The following are declared as prohibited activities within the CRZ which is applicable in this case:

Section	Activity
3 (i)	Setting up of new industries and expansion of existing industries,
3 (iii)	Setting up and expansion of fish processing unit including warehousing
3 (iv)	Land reclamation, bunding or disturbing the natural course of seawater
3 (v)	Setting up and expansion of units or mechanism for disposal of wastes and effluents
3 (vi)	Discharge of untreated waste and effluents from industries, cities or towns and other human settlements except facilities required for discharge of treated effluent into the water course with approval

	under Water Act, 1974.
3 (vii)	Dumping of city or town wastes including construction debris, industrial solid wastes, fly ash for the purpose of land filling.

Karnataka State Coastal Zone Management Authority (KSCZMA):

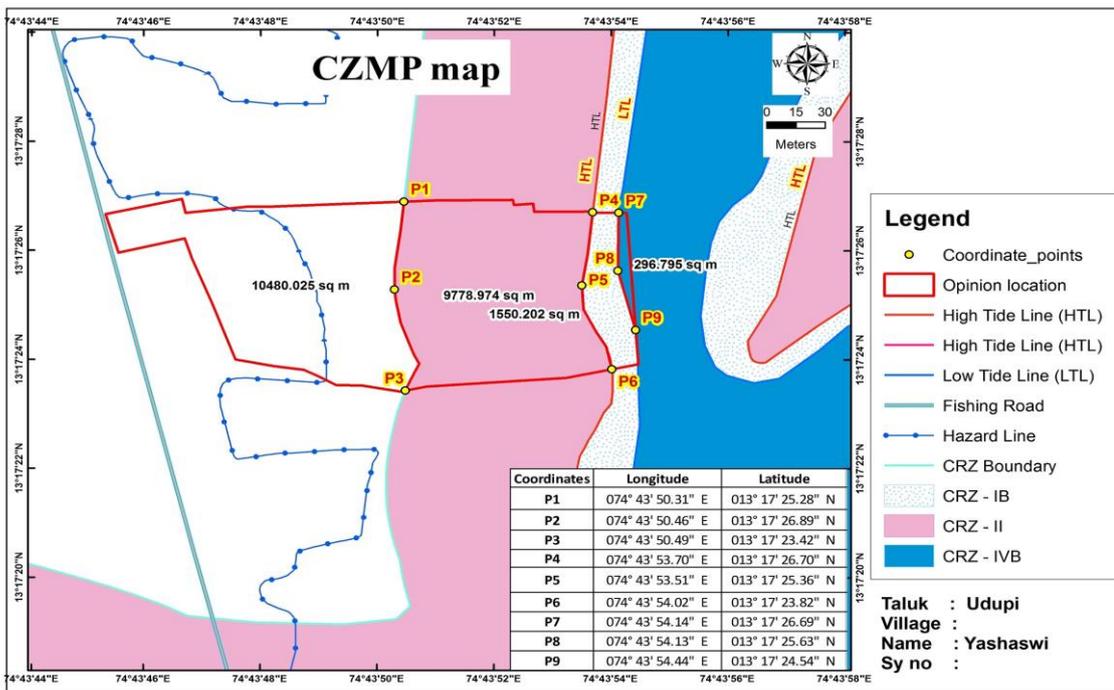
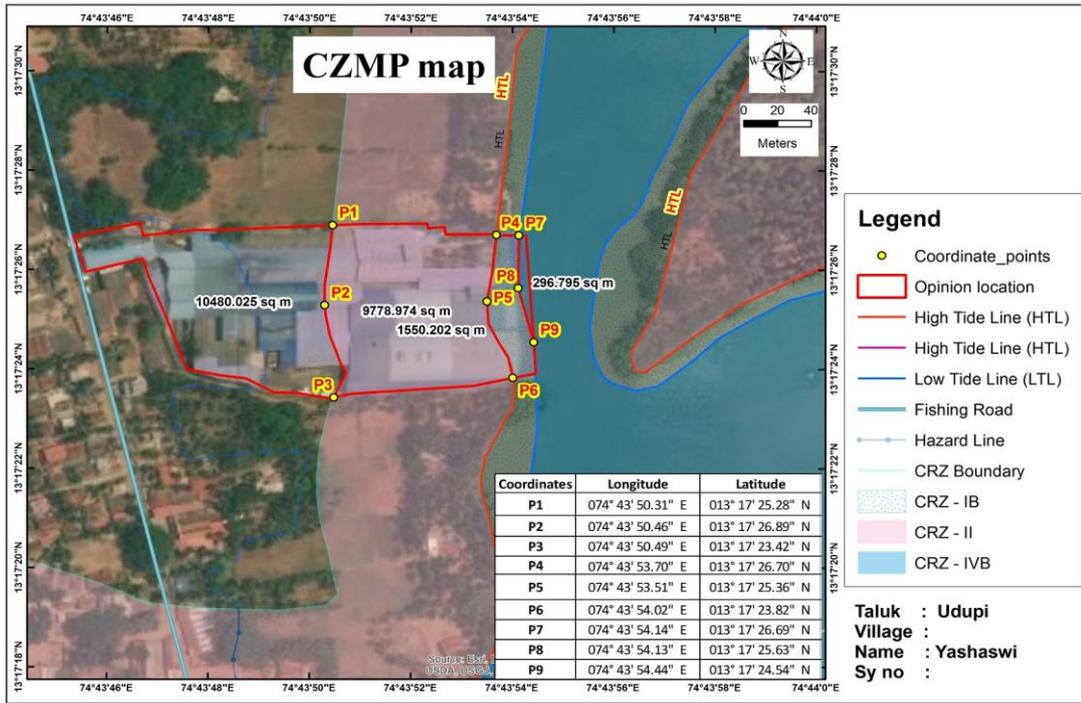
The CRZ notification imposes certain restrictions on the setting up and expansion of industries, operations or processes and the like. Whereas, all projects attracting this notification require prior CRZ Clearance from the concerned regulatory authority, i.e., Karnataka State Coastal Zone Management Authority.

The important observations of the committee with respect to compliance of CRZ regulations and action taken by the Karnataka State Coastal Zone Management Authority are discussed below:

6.1 M/s Yashaswi Fish Meal and Oil Company

The unit was established outside CRZ land bearing Sy.no 110 of Udyavara village, later the unit has undertaken expansion towards riverside in the area falling in CRZ-I area and also reclaimed river portion falling in CRZ - IV violating the provisions of CRZ notification 2011 as per para 3 (i), (iii) (iv) & (v).

The location of the unit showing the entire area of the unit, CRZ jurisdiction, activities within CRZ are shown below:



CRZ jurisdiction and classification of Yashaswi Fish Meal & Oil Company

The above map reveals the following:

Area	M ²	%	Within CRZ %
• Total Area of the unit	22105.996	100	

• Outside CRZ	10480.025	47.40807	52.59193
• Within CRZ-I : Inter tide zone	1550.202	7.012586	
• Within CRZ-II	9778.974	44.23675	
• Within CRZ-IV : River Body	296.795	1.3426	

From above table it is clear that out of total area, 47.40% area is outside CRZ and the remaining land of 52.60% is falling under CRZ, which is violation of CRZ. The activities such as Parking shed with metal roofing, Toilet, Cooling tower, Weighing bridge, Portion of Godown, ETP- UASB Tank and Oil tanks (one 2000 KLD, 4 x 200 KLD and 10 Nos of T20 Oil tanks) are falling in CRZ -II zone as per CRZ Notification, 2011 (i.e. CRZ-1 zone as per 1991 notification).

Action taken by KSCZMA & the status:

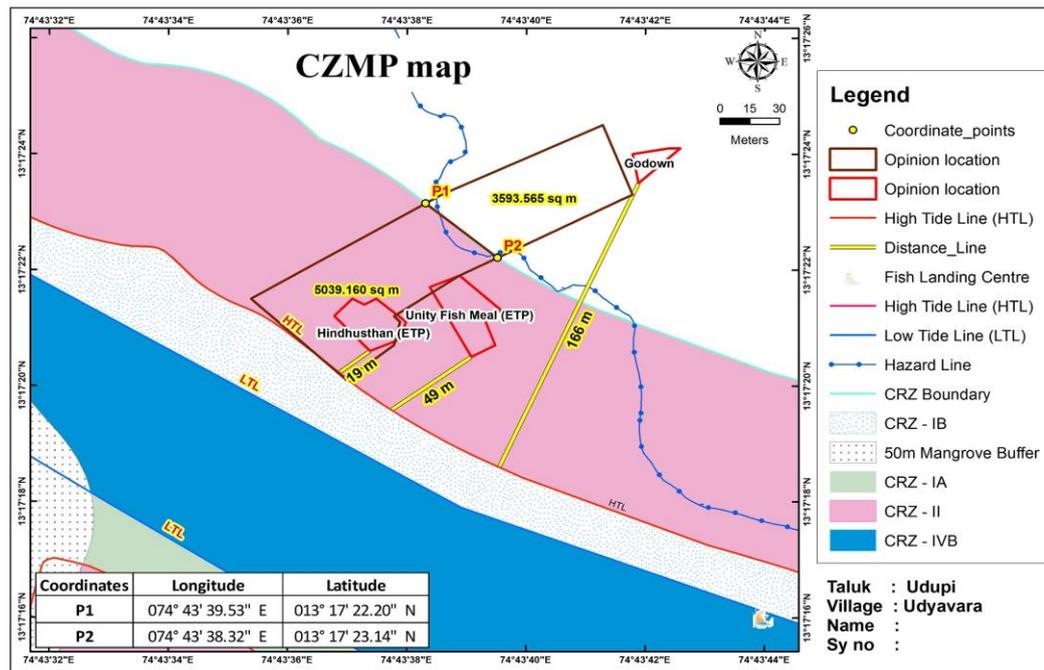
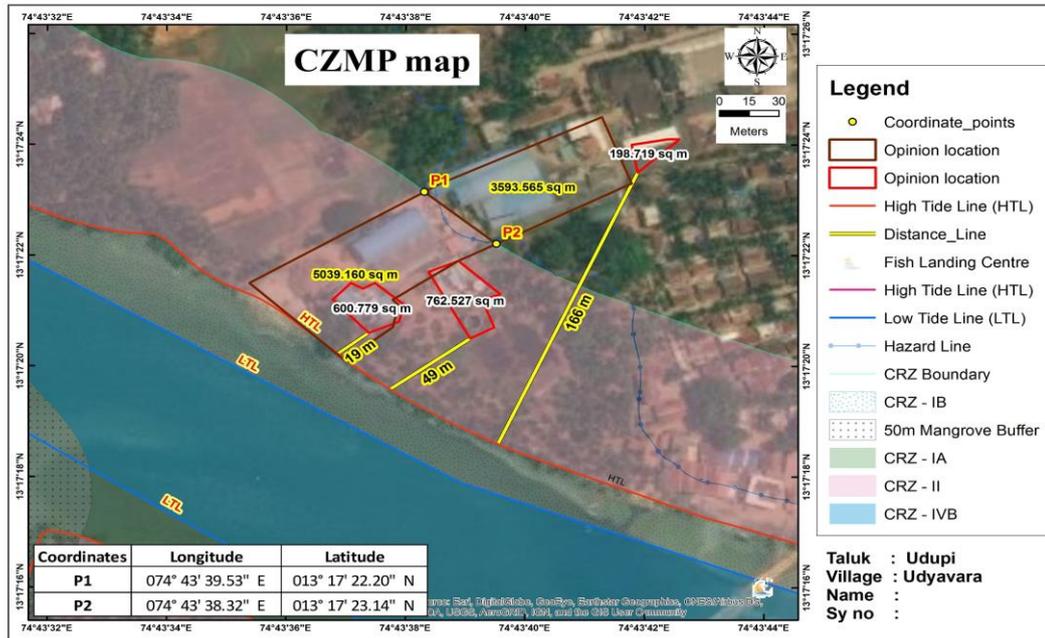
The unit was issued with direction under Section 5 of the Environment (Protection) Act, 1986 on 15.03.2018 for the violation of CRZ notification 2011 and directed to remove the structure falling under the jurisdiction of CRZ.

In view of above, the unit filed a Writ Petition No. 14808/2018 (GM - RES) in the High Court of Karnataka, Bangalore. In this matter, the court vide order dated 07.11.2019 directed that the petition is rejected as there is a remedy available under Section 5 (A) of Environment (Protection) Act, 1986. However, the interim Order granted shall continue for next 3 months and liberty is granted to the Petitioner to file appeal before appropriate authority.

6.2 M/s Hindustan Marine Industries:

The unit was established outside CRZ land bearing Sy. No. 193/2P1 of Udyavara village, later the unit has undertaken expansion towards riverside in the area falling in CRZ-I area and also reclaimed river portion falling in CRZ -

IV violating the provisions of CRZ notification 2011 as per para 3 (i), (iii) (iv) & (v). The location of the unit showing the entire area of the unit, CRZ jurisdiction, activities within CRZ are shown below:



CRZ jurisdiction and classification of M/s Hindustan Marine

The above map reveals the following:

Area	M ²	%	Within CRZ %
• Total Area of the unit	8632.725	100	16.74
• Outside CRZ	7187.725	83.26	
• Within CRZ-I : Inter tide zone	Nil	0	
• Within CRZ-II	1445.000	16.74	
• Within CRZ-IV : River Body	Nil	0	

From above table it is clear that out of total area, 83.26% area is outside CRZ and the remaining land of 16.74% is falling under CRZ, which is violation of CRZ. The activities such as ETP, Toilets and Cooling Tower are falling in CRZ - II zone as per CRZ Notification, 2011 (i.e. CRZ-1 zone as per 1991 notification).

Action taken by KSCZMA & the status:

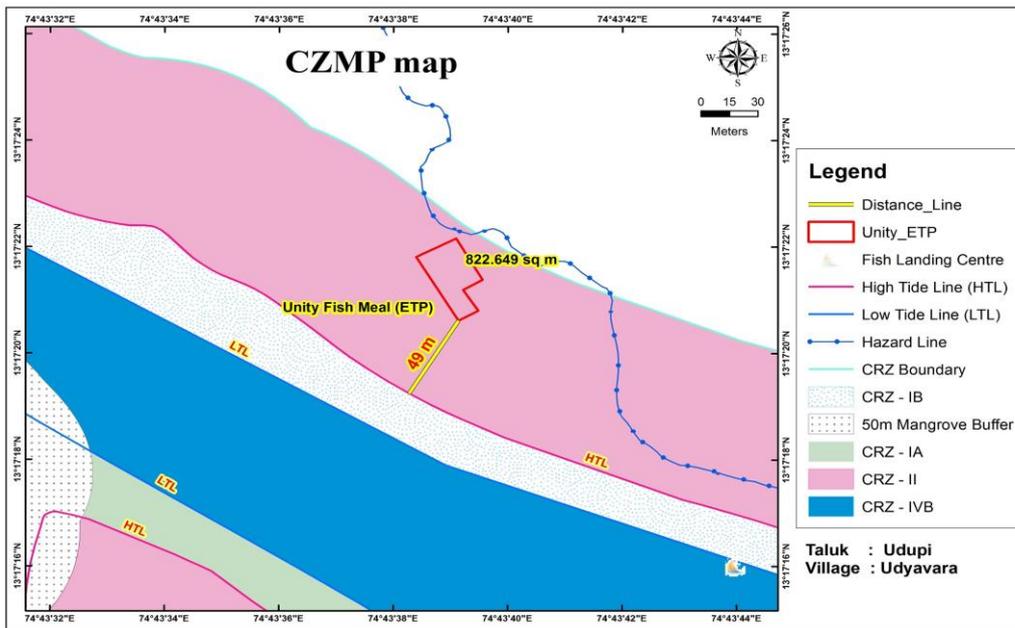
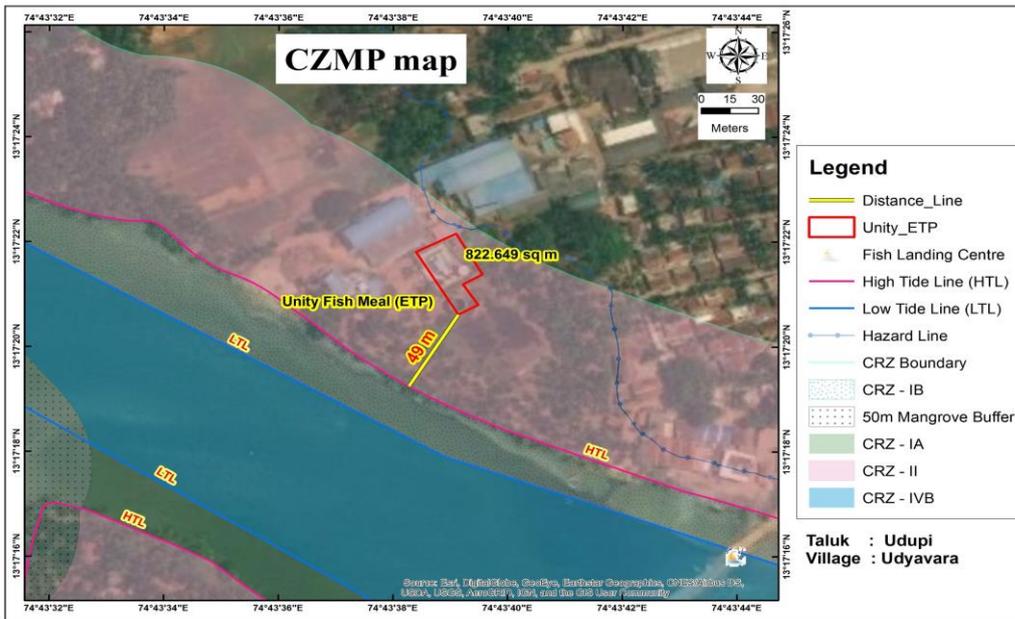
The unit was issued with direction under Section 5 of the Environment (Protection) Act, 1986 on 15.03.2018 for the violation of CRZ notification 2011 and directed to remove the structure falling under the jurisdiction of CRZ.

In view of above, the unit appealed to Hon'ble NGT, Delhi vide Appeal No. 56 of 2018. Hon'ble NGT on 08.02.2019 has issued direction stating that, "In our considered opinion, Appellant ought to have first abided by the directions given by the authority in the said letter. Approaching the Tribunal at this stage is pre-mature. Therefore, we direct the Appellant to first approach the authority concerned. In case, thereafter, appellant has any grievance, he would be at liberty to seek redress before the appropriate forum, in accordance with law". Accordingly, M/s. Hindustan Marine Industries was issued with notice on 16.08.2019 to comply with the directions of Hon'ble NGT". Accordingly, the industry has approached the KSCZMA and submitted application for CRZ clearance on 26th August 2019.

6.3 M/s Unity Fish meal & Oil Company:

The unit was established outside CRZ land bearing Sy.no 240/1A1 of Udyavara village, later the unit has established Effluent Treatment Plant (ETP) towards riverside in the area falling in CRZ-I area violating the provisions of CRZ notification 2011 as per para 3 (i), (iii) (iv) & (v).

The location of the unit showing the entire area of the unit, CRZ jurisdiction, activities within CRZ are shown below:



CRZ jurisdiction and classification of M/s Hindustan Marine

The above map reveals the following:

Area	M ²	%	Within CRZ %
• Total Area of the unit	4060.15	100	20.3
• Outside CRZ	3237.5	79.7	
• Within CRZ-I : Inter tide zone	Nil	0	
• Within CRZ-II	822.65	20.3	
• Within CRZ-IV : River Body	Nil	0	

From above table it is clear that out of total area, 79.7% area is outside CRZ and the remaining land of 20.3% is falling under CRZ, which is violation of CRZ. The activities such as ETP are falling in CRZ -II zone as per CRZ Notification, 2011 (i.e. CRZ-1 zone as per 1991 notification).

Action taken by KSCZMA & the status:

The unit was issued with direction under Section 5 of the Environment (Protection) Act, 1986 on 12.06.2018 for the violation of CRZ notification 2011 and directed to remove the structure falling under the jurisdiction of CRZ.

In view of above, the unit filed a Writ Petition No. 30725/2018 (GM - POL) in the High Court of Karnataka, Bangalore. In this matter, the court vide order dated 14.06.2019 granted a status quo against Section 5 notice and interim order continue till a date.

7.0 Health Status of Village People

The applicant in its application mentioned that the people of several villages nearby (i.e. Udyavara, Anagudde, Kote, Katapady, Manipura, Kuthpady & Kadekar villages) are seriously affected by water pollution & have been suffering from skin diseases, respiratory problems etc., In view of above, the committee requested the Regional Office of KSPCB, Udupi to address a letter to District Health & Family Welfare Officer, Udupi (DHO) to obtain the report on the same.

In this matter, the KSPCB, Udupi addressed letter to DHO on 16.12.2019 seeking their replies on any increased cases of skin diseases & respiratory problems in the above mentioned 7 villages, compared to other villages in their jurisdiction and whether they are able to co- relate the cases to these fish meal industries and also to submit any post mortem report of death of that brilliant boy.

The reports of Primary Health Centres (PHCs) of Moodabettu, Manipura and Malpe villages are collected and submitted to KSPCB by the DHO on 10.01.2020 and 23.01.2020. The same is given below:

a) Primary Health Centre, Moodabettu:

The Medical officer has reported that

- They have conducted a survey of skin and respiratory diseases in December 2019 in the villages coming under Moodabettu and as per the survey, *there is increased cases of skin and respiratory diseases in the villages surrounding the fish meal industries.*
- In the report, the medical officer has reported that the *patient died of disease called Neuro meliodosis*, but, post mortem was not done. It is further reported that *the disease is caused by bacteria pseudomonas which is found in contaminated water and soil.* Occurrence of the disease is more with paddy field workers and constant exposure to contaminated water during heavy rains and flooding and the patient also resided in the vicinity of paddy farms in and around his house. It is doubted that as the patient with bare feet was playing in the ground before infection happened.
- Medical officer has further commented that the incident happened in July 2018 and the well water samples collected from 49 wells in surrounding area during that time were found not fit for drinking. As per the medical officer, Hydrogen Sulphide test for bacteriological assessment of E-coli was done on these samples.

b) Primary Health Centre, Manipura:

The medical officer reported that:

- There is no such increase in incidences of skin diseases in the jurisdiction of their office as compared to other villages. As reported by the Manipura villagers staying near the river for the past 4-5 years colour of water has changed and is with smell because of people throwing meat and other solid waste in to the river during night time and as such can't be used for household purpose.

c) Primary Health Centre, Malpe:

The medical officer reported that

- Malpe region has reported that the reported cases of skin and respiratory diseases are natural cases and not related to river contamination by Udyavara fish meal industry.

The reports of said Medical officers are enclosed as **Annexure 4**.

8.0 Fisheries Department Report:

The applicant in its application mentioned that deaths of thousands of fishes due to wastage of fish meal plants and that various fishes and valuable species in the river & around are in dangers of extinction because of the polluted water from the fish meal industries of Udyavara. In view of above, the committee requested the Regional Office of KSPCB, Udupi to address a letter to Department of Fisheries, Udupi to obtain the report on the same.

In this matter, the KSPCB, Udupi addressed letter to Department of Fisheries on 16.12.2019. The concerned Asst. Director, Fisheries, Udupi has replied vide letter dated 31-12-2019 that they do not have any such file in their office which dealt with the issue of fish kill in Udyavara river.

Regarding extinction of certain varieties of fish in Udyavara River, he has informed that Department of Fisheries conduct the study on fish yield/catch based on the fish catch that is received at Fishing harbours through boats and not focussing the fish catch in a particular river including Udyavara. Hence, Department of Fisheries is unable to tell which particular fish species have gone to extinction in Udyavara River.

The copy of the reply of Department of Fisheries is enclosed as **Annexure 5**.

9.0 Overall Observation of the Committee

i. Udyavara village:

- Udyavara town is having a total population of about 11,854. Udyavara village is having agricultural, commercial and industrial activities such fish meal & oil companies, fish cutting industries and Fish Canning industries. The village is not having sewage network, the individual houses are managing their sewage by providing septic tank / soak pit. At many places, people have built toilets just on the bank of the river, and discharging in to River.
- There is no proper management of Solid Waste in the Udyavara Village and observed that heap of solid wastes were dumped along the bank of the river, at some places solid wastes were thrown in to the river, also solid wastes were dumped and fired.

ii. Status of Udyavara River Water Quality

- The river originates in Western Ghats near Hebri at the top of Narasimha parvatha and flows from east to west and turns north to separate Udyavara and Malpe and finally joins Arabian Sea near Malpe. The river

water quality of Udyavara River is being monitored at two locations by KSPCB regularly.

- The river water quality monitoring results during January 2017 to October 2019 confirms that river water quality is confirming to the prescribed Water Quality Standards for Coastal Water Marine Outfalls - SW II w.r.t. pH, BOD, DO and Turbidity.
- The river water samples collected at five locations of River Udyavara at upstream and downstream points during committee visit also confirming to the primary water quality standards for sea water i.e. Class SW-II Waters - For Bathing, Conduct Water Sports, Commercial Fishing, as per the Water Quality Standards for Coastal Waters Marine Outfalls. The Dissolved Oxygen of the River Water ranged between 5.1 to 8 mg/L, the TDS between 6910 to 10450 mg/L, Ammonical Nitrogen between 0.6 to 6.7, TKN between 2.8 to 16.8, pH between 6.7 to 7.1 and the BOD between 2 to 3. During high tide, where as there is no much change in pH, BOD.

iii. Status of industries compliance

The applicant in its application mentioned that the respondents No. 10 to 12 are operated without valid CFO, violation of Coastal Regulation Zone in extending their area of operation and Udyavara is being polluted, the fish and other marine life are dying. The compliance status of such industries is:

- ✓ Out of three industries, two industries namely M/s Yashaswi Fish Meal and Oil Company and M/s Hindustan Marine Industries are operating with valid consents under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act 1981. Whereas M/s Unity Fishmeal and Oil Company is not operated since 2014 and their consent expired on 30.09.2015.

- ✓ In addition to above, there are three more industries namely (i) M/s Suha Sea Food and (ii) M/s Ocean Fresh Sea Food and (iii) Coastal Sea Food involved in fish cutting & canning are operated without prior consent from concerned departments in Udyavara Village.
- ✓ The industries are mostly depending on either open well & bore well or tanker water for their industrial use. But, none of the industries have obtained NOC from the Karnataka Ground Water Authority (KGWA) for usage of ground water for industrial use.
- ✓ As per consent of KSPCB, all three units are permitted to discharge the treated effluent in to Sea after meeting the surface water standards. However, the operating units namely M/s Yashaswi Fish Meal and Oil Company and M/s Hindustan Marine Industries are discontinued the discharge of treated water into sea and the entire treated effluent is recycled for boiler feed, cooling tower make up, washing and garden use. But, the same is not amended in the consent conditions.
- ✓ The actual water consumption and effluents generated of two operating units are exceeding the permitted capacity of KSPCB in the consent.
- ✓ M/s Yashaswi Fish Meal and Oil Company has provided UASB followed with ASP and DMF for treatment of effluent and the treated effluent is meeting the discharge standards prescribed by KSPCB. The performance of ETP is found with BOD removal efficiency of >96% & COD removal efficiency of about 90%.
- ✓ M/s Hindustan Marine Industries has provided Anaerobic Digester, SBR and DMF for treatment of effluent and the treated effluents is meeting the discharge standards prescribed by KSPCB. The performance of existing ETP is found with BOD removal efficiency of >90%.

- ✓ The Hazardous waste management within the industries are found poor, the same need to be improved. The Hazardous Waste Authorization need to be amended with all types of hazardous and other wastes. Also noticed that some of H.W. are stored in open area.
- ✓ The other fish cutting units namely M/s Suha Sea Food, M/s Ocean Fresh Sea Food, and M/s Coastal Sea Food are discharging their effluent ($>10 \text{ M}^3$ per day each) in to river without any treatment. The pollution load of raw effluent sampling & analysis confirmed that the COD ranges between 2045 to 5944 mg/L, and BOD ranges 720 to 2400 mg/L.
- ✓ These units have obtained land conversion for industrial use from Tahasildar and building & trade licenses from from Udyavara Gram Panchayat. Subsequently, Grama Panchayat has cancelled the trade license issued to the units and units have obtained stay from Hon'ble High Court against the cancellation. But, as per letter of Ministry of Rural Development and Panchayat Raj Department (RDPR), GOK dated 24-02-2016, Grama Panchayats do not have authority to issue trade license to industries and they should not collect such license fees from industries.

iv. Status of CRZ regulation compliances

The important observations of the committee with respect to compliance of CRZ regulations and action taken by the Karnataka State Coastal Zone Management Authority are:

1) M/s Yashaswi Fish Meal and Oil Company

- The unit has total area of 22105.996 M^2 , out of 47.40% (10480.025 M^2) area is falling outside CRZ and the remaining land of 52.60% is falling under CRZ, which is violation of CRZ.

- The KSCZMA issued direction under Section 5 of the Environment (Protection) Act, 1986 for the violation of CRZ notification 2011 and directed to remove the structure falling under the jurisdiction of CRZ.
- In view of above, the unit filed a Writ Petition No. 14808/2018 (GM – RES) in the High Court of Karnataka, Bangalore, the court vide order dated 07.11.2019 directed that the petition is rejected as there is a remedy available under Section 5 (A) of Environment (Protection) Act, 1986.

2) M/s Hindustan Marine Industries:

- The unit has total area of 8632.725M², out of 83.26% (7187.725M²) area is falling outside CRZ and the remaining land of 16.74% is falling under CRZ, which is violation of CRZ.
- The KSCZMA issued direction under Section 5 of the Environment (Protection) Act, 1986 for the violation of CRZ notification 2011 and directed to remove the structure falling under the jurisdiction of CRZ.
- In view of above, the unit appealed to Hon'ble NGT, Delhi vide Appeal No. 56 of 2018 and the Hon'ble NGT on 08.02.2019 has issued direction stating that, "In our considered opinion, Appellant ought to have first abided by the directions given by the authority.

3) M/s Unity Fish meal & Oil Company:

- The unit has total area of 4060.15 M², out of 79.7% (3237.5 M²) area is falling outside CRZ and the remaining land of 20.30% is falling under CRZ, which is violation of CRZ.
- The KSCZMA issued direction under Section 5 of the Environment (Protection) Act, 1986 for the violation of CRZ notification 2011 and directed to remove the structure falling under the jurisdiction of CRZ.

- In view of above, the unit filed a Writ Petition No. 30725/2018 (GM - POL) in the High Court of Karnataka, Bangalore, the court vide order dated 14.06.2019 granted a status quo against section 5 notice and interim order continue till a date.

v. Health Status of Village people

The Primary Health Centres report of Moodabettu, Manipura and Malpe villages concludes that

- There is increased cases of skin and respiratory diseases in the Moodabettu villages surrounding the fish meal industries.
- The death of the boy in Moodabettu village is due to disease called Neuro meliodosis, caused by bacteria pseudomonas which is found in contaminated water and soil.
- No such increase in incidence of Skin diseases in the Manipura village, the colour of river water changed because of people throwing meat and other solid waste in to the river.
- The skin and respiratory diseases reported in Malpe region are natural cases and not related to river contamination by Udyavara fish meal industry.

vi. Extinction of Fish in River Udyavara

- Department of Fisheries conducted the study on fish yield/catch based on the fish catch that is received at Fishing harbours through boats and not focussing the fish catch in a particular river including Udyavara. Hence, Department of Fisheries is unable to tell which particular fish species have gone to extinction in Udyavara River.

Never the less, the industries need further improvements with respect to control of water and air pollution and hence the committee makes the following recommendations.

10.0 Recommendations of the Committee

Based on the above observations, the following recommendations are proposed for the implementation:

- a. To obtain NOC from the Karnataka Ground Water Authority (KGWA) for usage of groundwater for industrial purposes by the industrial units.
- b. All the fish processing industries operating in the region shall install flow meter for their water consumption, raw effluent generation and treated effluent usage. Also day wise record of the same shall be maintained in separate log book.
- c. The consent shall be amended for consumption of water, wastewater generation and mode of discharge of effluent based on the present practices i.e. Zero Liquid Discharge (ZLD). Also the existing pipeline laid for sea disposal shall be removed permanently. KSPCB shall verify and take appropriate action accordingly.
- d. The industrial units shall install filter press or appropriate treatment system to manage their ETP sludge and shall discontinue the sludge drying beds to avoid mismanagement during rainy days.
- e. The industrial unit shall use treated water for water scrubbing in place of fresh water and scrubbed liquid shall be discharged to ETP for treatment.

- f. The unit discharging vapour after heat recovery through water scrubber shall be further condensed, if any to avoid odour nuisance and condensed vapour shall be treated in ETP.
- g. To dispose the existing storages of hazardous wastes to the authorized agency for recycling / final disposal as authorized. Also to renovate the existing Hazardous Waste Storage shed for adequate capacity to accommodate all type of Hazardous Wastes authorized by KSPCB and strictly to dispose within 90 days. The H.W. storage area shall be provided with free access, spillage collection pit of required size, impervious flooring, turbo ventilator for venting and free from rain water entry to the storage area. To maintain daily records of Hazardous Waste generated and storage inventory accordingly as per HWM Rules, 2016.
- h. Surface run off generated during first rain fall shall be collected with adequate collection pit and transferred to ETP for further treatment and usage.
- i. The domestic and canteen wastewater generated shall be treated in ETP along with other effluent and not to discharge directly without treatment.
- j. To ensure the trucks carrying & transporting fish shall be provided with tank to collect the leachate water, to avoid spillage on the roads and the collected leachate shall be treated in the ETP.
- k. Not to dispose and burn the solid waste generated and shall be disposed as per SWM Rules, 2016.

- l. To regularise all the unorganised industries involved in fish cutting to obtain consent from the KSPCB and CRZ Clearance from Karnataka State Coastal Zone Management Authority. Also to install individual or common effluent treatment plant to treat the effluent generated and not to discharge untreated effluent in to river.
- m. Zilla Panchayat, Udupi shall implement SWM management in all the villages adjacent to the Udyavara River to stop disposing of Solid Wastes in to River and burning the same.
- n. To stop entry of untreated sewage entering in to river and to take action to provide UGD and STP for managing sewage. Also to implement and explore the double pits concept for management of night soil (human excreta) /septage for the house located in Riverbank and not to discharge directly in to River.
- o. KSCZMA to implement the directions as per the Court orders in the matter of CRZ violations by the industrial units.
- p. District Health and Family Welfare Office shall conduct regular survey on health issue to know the reason for diseases.



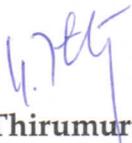
(Ramesh D. Naik)

SEO, KSPCB



(Raju K)

Assistant Commissioner



(G. Thirumurthy)

Addl. Director, CPCB



(Prasanna Patgar)

RD (Envnt.), KSCZMA

Karnataka State Pollution Control Board

Regional Office

'Parisara Bhavana'

Plot No. 36-C, Shivalli Ind. Area,

Manipal, Udupi - 576104

Phone : 0820 - 2982016

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ

'ಪರಿಸರ ಭವನ'

ಸಂಖ್ಯೆ : ೩೬ - ಸಿ, ಶಿವಳ್ಳಿ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶ

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ದೂರವಾಣಿ : 0820 - 2982016

ಕರ್ನಾಟಕ ರಾಜ್ಯ
ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ



towards a cleaner Karnataka

No. PCB/RO(UDUPI)/NGT/O.A .27/2019/2019-20/1311

Date: 19-03-2020

To,

The Member secretary,
10, The Member secretary,
KSPCB,
Bangalore-01

Sir,

Subject: Submission of action taken report to Hon'ble NGT in OA No. 27/2019(SZ) regarding pollution of fishmeal industries in Udyavara, Udupi, reg..

- Reference: 1) Hon'ble NGT order dated 18/10/2019 in OA.No.27/2019(SZ).
2) OM for constitution of committee vide B.O order No. PCB/SEO/NOB/Committee /NGT/ OA-27/2019(SZ)/2019-20/4770 dated 2-12-2019
3) Inspection of the industries and the location in question by the Committee on 10.12.2019 and 11.12.2019.
4) Submission of committee report vide NO/KSPCB/UDUPI/2019/1120 dated: 03.02.2020
5) Hon'ble NGT order dated 07.02.2020 in OA No. 27/2019 (SZ)

In continuation with references (1) to (4) above, it is to be informed that Hon'ble NGT has heard the case in OA NO. 27/1019 on 07.02.2020 and has directed as follows:

"...apart from the industries mentioned in the petition, there are other industries also which are operating without consent. If they find that there are violations of CRZ regulations and pollution laws, the regulatory authority is at liberty to take action and they need not wait for the orders of this tribunal for the purpose of taking action..."

"...To assess environmental compensation for the violation, as directed by the Tribunal in several cases of this nature, applying the principles and guidelines given by the Central Pollution Control Board in this regard after giving necessary opportunity to the other side to meet the show cause notice issued for imposing compensation and submit a report before the next hearing date...."

Following industries are inspected by the committee during inspection on 10th and 11th of December 2019. :

On 10.12.2019	On 11.12.2019
1. M/s Yashaswi Fishmeal and Oil Company	3. M/s Unity Fishmeal and Oil Company
2. M/s Hindustan Marine Industries	4. M/s Ocean Fresh Sea Food – Fish cutting shed
	5. M/s Coastal Sea Food – Fish cutting shed
	6. M/s Suha Sea Food – Fish cutting shed

Email : udupi@kspcb.gov.in

Website : www.kspcb.gov.in

"ಪ್ಲಾಸ್ಟಿಕ್ ಬಳಕೆ ನಿಲ್ಲಿಸಿ, ಪರಿಸರ ಹಾನಿ ತಪ್ಪಿಸಿ"

"AVOID USE OF PLASTIC, BE ECOFRIENDLY"

Among the first three industries, M/s Unity Fishmeal and Oil Company is closed since 2014. For the remaining industries, committee has assessed the environmental compensation based on the non-compliances noticed during committee inspection and over a period of time by KSPCB and prepared action taken report.

Further, this office has issued Notice of proposed directions to the following industries which are not applied for consent:

1. M/s Ocean Fresh Sea Food – Fish cutting shed, Udyavar, Udupi
2. M/s Coastal Sea Food – Fish cutting shed, Udyavar, Udupi
3. M/s Suha Sea Food – Fish cutting shed, Udyavar, Udupi

Out of these, M/s Ocean Fresh Sea Food and M/s Coastal Sea Food, have replied to the NPD and also applied for consent, however, M/s Suha Sea Food is neither replied to the NPD nor applied for consent. Hence, this office has recommended for issue closure directions to the above said industry to Board office vide letter No. PCB/EO (Udupi/SO/Complaint/2019-20/1306 dated 16.03.2020, copy enclosed. It is kindly requested to call the industry for personal hearing before taking action to issue closure order.

The copy of the action taken report is enclosed with this letter for submission before the Hon'ble NGT. It is to be brought to your kind notice that the next date of hearing is on 27th March 2020. This is for kind perusal and further needful action in the matter. It is also kindly requested to issue show cause notice to the industries where Environmental compensation is assessed by the committee and take further action to conform the same.

- Encl: 1) Action taken report (assessment of EC)
2) Letter addressed to MS, KSPCB regarding issue of closure order

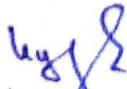
Yours faithfully,

Sd/-

Environmental Officer,
KSPCB, Udupi

Copy submitted to:-

1. SEO Non-EIA other than Bangalore, for kind information and since it is Hon'ble NGT matter, it is kindly requested to issue closure directions to M/s Suha Sea Food – Fish cutting shed, Udyavar, Udupi, immediately after calling for personal hearing at Board Office. It is also kindly requested to issue show cause notice to the industries where Environmental compensation is assessed by the committee and take further action to conform the same
2. Legal Officer, KSPCB, Bangalore for kind information and requested to take action to submit the action taken report before Hon'ble NGT.
3. SEO, Mangalore for kind information and further needful.


Environmental Officer,
KSPCB, Udupi

REPORT OF JOINT COMMITTEE CONSTITUTED IN THE MATTER OF ORIGINAL APPLICATION NO. 27 OF 2019 FILED BY SRI KISHORE KUMAR & OTHERS Vs UNION OF INDIA & ORS SUBMITTED BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, CHENNAI, REGARDING POLLUTION CAUSED BY FISHMEAL INDUSTRIES IN UDYAVARA, UDUPI TALUK AND DIST. KARNATAKA, AS PER THE ORDER DATED 07.02.2020

1.0 Preamble

In the matter of Original Application No 27 of 2019 (SZ), Sri. Kishore Kumar Vs Union of India & Ors., the National Green Tribunal (NGT), Principal Bench, New Delhi has passed an order dated 11th October, 2019 (*Annexure 1*) and directed that *"... It appropriate to constitute a Committee consisting of the Coastal Zone Management Authority, Karnataka, Central Pollution Control Board, Karnataka State Pollution Control Board, the District Commissioner, Udupi District and District Magistrate, Udupi District to inspect the area in question and the industries and submit the factual report regarding the allegation made in the application and if there is any violation action if any to be taken and if any action is taken that also should be mentioned in the report. The SPCB will be the nodal agency for compliance of co-ordination"*.

The Joint Committee accordingly inspected the location in question on during December 10th and 11th, 2019 (2 days) and submitted its report before the Hon'ble NGT, Chennai. The Hon'ble NGT after hearing the case passed an order on 07.02.2020 (*Annexure 2*) and has opined as *"The Committee is directed to assess the environmental compensation for the violations as directed by this tribunal in various cases of this nature, applying the principles and guidelines given by the Central Pollution Control Board in this regard, after giving necessary opportunity to the other side to meet the show cause notice issued for imposing compensation and submit a report before the next hearing date"*.

Accordingly, the Member Convenor of the Joint Committee issued meeting notice to all the members of the Joint Committee to meet on March 18th and 19th, 2020 to assess the environmental compensation based on the methodology developed by Central Pollution Control Board. The Joint Committee after going through methodology and discussion has assessed the environmental compensation for each of the units identified in Udyavara, Udupi.

2.0 Policy for Levying Environmental Compensation(EC) for Industries

In compliance of the Hon'ble NGT order, to assess the Environmental Compensation based on "Polluter Pays Principle" under Section 20 of the National Green Tribunal Act, 2010, the following cases are considered for levying Environmental Compensation as per CPCB guidelines:

- a) Discharge in violation of consent conditions, mainly prescribed standards / consent limits.
- b) Not Complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.
- c) Intentional avoidance of data submission or data manipulation by tampering the online continuous emission/ effluent monitoring systems.
- d) Accidental discharges lasting for short durations resulting into damage to the environment.
- e) Intentional discharges to the environment - Land, Water and Air resulting into acute injury or damage to the environment.
- f) Injection of treated/ partially treated / untreated effluents to ground water.

After considering various factors including the policy implementation issues, CPCB has recommended the following formula for levying environmental compensation in instances as mentioned at a), b) and c) including non-compliances of the environmental standards/violation of directions. Accordingly, the Environmental Compensation (EC) is estimated based on the following formula:

$$EC = PI * N * R * S * LF$$

Where,

PI - Pollution Index of industrial sector, R - A factor of Rupees for EC
 N - Number of days of violation took place LF - Location Factor
 S - Factor for scale of operation

The formula incorporates the anticipated severity of environmental pollution in terms of pollution index, duration of violation in terms of number of days, scale of

operation in terms of micro and small / medium / large industries and location in terms of proximity to the large habitations.

3.0 Industries identified for assessing EC

The following industries are identified for assessment of EC as per the methodology developed by CPCB:

- 1) M/s Yashaswi Fishmeal and Oil Company, Pithrody, Udyavara, Udupi
- 2) M/s Hindustan Marine Industries, Pithrody, Udyavara, Udupi
- 3) M/s Unity Fishmeal and Oil Company, Pithrody, Udyavara, Udupi
- 4) M/s Ocean Fresh Sea Food, Pithrody, Udyavara, Udupi
- 5) M/s Coastal Sea Food, Pithrody, Udyavara, Udupi
- 6) M/s Suha Sea Food, Pithrody, Udyavara, Udupi

Out of six units, the units 1 to 3 are involved in manufacturing fishmeal and oil whereas the remaining units 4 to 6 are carrying out fish cutting.

4.0 Assessment of Environmental Compensation

The Joint Committee has assessed the Environmental Compensation of above said six industries, the details are as follows:

4.1 M/s Yashaswi Fishmeal and Oil Company, Pithrody, Udyavara, Udupi

This unit is manufacturer of fishmeal and fish oil, is categorized as Large Orange, operating with valid consents under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act 1981. The consent is valid up to 30.09.2020 and authorisation under Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016 valid up to 30.06.2021.

The Joint Committee based on the observations made during earlier inspection on 10. 12.2019 and the non-compliances noticed over the period 5 years by KSPCB were considered for assessing the EC. The non-compliances noticed are tabulated below:

Sl. No	Non-compliances noticed	Date / Period	Remarks
1	Water consumption and Effluent generations are exceeding the permitted capacity of consent.	10.12.2019	As per the Committee Observation
2	Non-compliance of treated effluent w.r.t discharge standards.	September 2018 to October 2018	As per KSPCB records
3	Not having NOC from the Ground Water Authority for drawing ground water.	10.12.2019	As per the Committee Observation
4	Non-Compliance to Hazardous & Other Wastes Management Rules.	10.12.2019	As per the Committee Observation

The above cases are considered for levying Environmental Compensation as per CPCB guidelines. The estimation of EC is

$$EC = PI * N * R * S * LF$$

- ❖ **Pollution Index (PI):** The unit is falling under the category of Orange, accordingly the average PI suggested is 50.
- ❖ **Number of Days of violation took place (N):** The details of non-compliance period are:

Non Compliance Period		Number of Days
From	To	
26.09.2018	21.11.2018	56
10.12.2019	18.03.2020*	99
Total Days		155

Note : * Committee meeting date

- ❖ **A factor of Rupees for EC (R):** As suggested in the report i.e. Rs.250
- ❖ **Factor for scale of operation (S):** Large category and the factor is 1.5
- ❖ **Location Factor (LF):** The total population is < 1Million and the factor is 1.0

According to above factors:

$$\begin{aligned}
 EC &= PI * N * R * S * LF \\
 &= 50 * 155 * 250 * 1.5 * 1.0 \\
 &= 29,06,250/-
 \end{aligned}$$

The Environmental Compensation (EC) estimated is Rs.29,06,250/- (Rupees Twenty Nine Lakhs Six Thousand Two Fifty only).

4.2 M/s Hindustan Marine Industries, Pithrody, Udyavara, Udupi

This unit is manufacturer of fishmeal and is categorized as Small Orange, operating with valid consents under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act 1981, with validity up to 30.09.2023 and authorisation under Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016 is exempted by KSPCB because unit is having DG set of <500 KVA capacity.

The Joint Committee based on the observations made during earlier inspection on 10.12.2019 and the non-compliances noticed over the period 5 years by KSPCB were considered for assessing the EC. The non-compliances noticed are tabulated below:

Sl. No	Non-compliances noticed	Date / Period	Remarks
1	Water consumption and Effluent generations are exceeding the permitted capacity of consent.	10.12.2019	As per the Committee Observation
2	Non-compliance of treated effluent w.r.t discharge standards.	January 2017 to April 2017 & November 2017	As per KSPCB records
3	Not having NOC from the Ground Water Authority for drawing ground water.	10.12.2019	As per the Committee Observation

The above cases are considered for levying Environmental Compensation as per CPCB guidelines. The estimation of EC is

$$EC = PI * N * R * S * LF$$

- ❖ **Pollution Index (PI):** The unit is falling under the category of Orange, accordingly the average PI suggested is 50.
- ❖ **A factor of Rupees for EC (R):** The committee of the opinion to consider Rs. 100 as a factor, being a small unit.

- ❖ **Number of Days of violation took place (N):** The details of non-compliance period are:

Non Compliance Period		Number of Days
From	To	
23.01.2017	12.04.2017	79
23.11.2017	26.12.2017	33
10.12.2019	18.03.2020*	99
Total Days		211

Note: * Committee meeting date

- ❖ **Factor for scale of operation (S):** Small category and the factor is 0.5
- ❖ **Location Factor (LF):** The total population is < 1Million and the factor is 1.0

According to above factors:

$$\begin{aligned}
 EC &= PI * N * R * S * LF \\
 &= 50 * 211 * 100 * 0.5 * 1.0 \\
 &= 5,27,500/-
 \end{aligned}$$

The Environmental Compensation (EC) estimated is Rs.5,27,500/- (Rupees Five Lakhs Twenty seven Thousand Five Hundred only).

4.3 M/s Unity Fishmeal and Oil Company, Pithrody, Udyavara, Udupi

This unit was manufacturer of fishmeal & oil and categorized as Medium Orange. The unit is not in operation since 2014. The consent obtained under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act 1981 has expired on 30.09.2015 and authorisation obtained under Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016 expired on 30.06.2014 .

The committee of the opinion that the unit was not in operation for more than 5 years and there is no information of non-compliance records found with the KSPCB. Hence, it is recommended not to consider for Environmental Compensation.

4.4 M/s Ocean Fresh Sea Food, Pithrody, Udyavara, Udupi

This unit is involved in carrying out cutting and cleaning of fishes for about 12 TPD. This activity falls under the category of Orange, where, as per the estimation of the Pollution Index may be categorized as Green. The unit is in operation and

discharging their effluent into Udyavara River without obtaining consent under Water (Prevention & Control of Pollution) Act, 1974 from KSPCB.

The Joint Committee based on the observations made during earlier inspection on 11.12.2019 and the non-compliances noticed by KSPCB were considered for assessing the EC. The non-compliances noticed are tabulated below:

Sl. No	Non-compliances noticed	Date	Remarks
1	Operating & discharging the effluent without obtaining the Consent.	09.10.2019	As per KSPCB records

The above case is considered for levying Environmental Compensation as per CPCB guidelines. The estimation of EC is

$$EC = PI * N * R * S * LF$$

- ❖ **Pollution Index (PI):** The unit is falling under the category of Orange, accordingly the average PI suggested is 25.
- ❖ **Number of Days of violation took place (N):** The details of non-compliance period are:

Non Compliance Period		Number of Days
From	To	
09.10.2019	18.03.2020*	161
Total Days		161

Note: * Committee meeting date

- ❖ **A factor of Rupees for EC (R):** The committee of the opinion to consider Rs. 100 as a factor, being a small unit.
- ❖ **Factor for scale of operation (S):** Small category and the factor is 0.5
- ❖ **Location Factor (LF):** The total population is < 1Million and the factor is 1.0

According to above factors:

$$\begin{aligned}
 EC &= PI * N * R * S * LF \\
 &= 25 * 161 * 100 * 0.5 * 1.0 \\
 &= 2,01,250/-
 \end{aligned}$$

The Environmental Compensation (EC) estimated is Rs.2,01,250/- (Rupees Two Lakhs One Thousand Two Hundred Fifty only).

4.5 M/s Coastal Sea Food, Pithrody, Udyavara, Udupi

This unit is involved in carrying out cutting and cleaning of fishes for about 12 TPD. This activity falls under the category of Orange, where, as per the estimation of the pollution index may be categorized as Green. The unit is in operation and discharging their effluent into Udyavara River without obtaining consent under Water (Prevention & Control of Pollution) Act, 1974 from KSPCB.

The Joint Committee based on the observations made during earlier inspection on 11.12.2019 and the non-compliances noticed by KSPCB were considered for assessing the EC. The non-compliances noticed are tabulated below:

Sl. No	Non-compliances noticed	Date	Remarks
1	Operating & discharging the effluent without obtaining the Consent.	09.10.2019	As per KSPCB records

Since the activity, category & scale of operation, date of observation and period non-compliance of the unit are remain same as M/s Ocean Fresh Sea Food. Accordingly the estimated EC for M/s Coastal Sea Food is:

$$\begin{aligned}
 EC &= PI * N * R * S * LF \\
 &= 25 * 161 * 100 * 0.5 * 1.0 \\
 &= 2,01,250/-
 \end{aligned}$$

The Environmental Compensation (EC) estimated is Rs.2,01,250/- (Rupees Two Lakhs One Thousand Two Hundred Fifty only).

4.6 M/s Suha Sea Food, Pithrody, Udyavara, Udupi

This unit is involved in carrying out cutting and cleaning of fishes for about 12 TPD. This activity falls under the category of Orange, where, as per the estimation of the pollution index may be categorized as Green. The unit is in operation and discharging their effluent into Udyavara River without obtaining consent under Water (Prevention & Control of Pollution) Act, 1974 from KSPCB.

The Joint Committee based on the observations made during earlier inspection on 11.12.2019 and the non-compliances noticed by KSPCB were considered for assessing the EC. The non-compliances noticed are tabulated below:

Sl. No	Non-compliances noticed	Date	Remarks
1	Operating & discharging the effluent without obtaining the Consent.	09.10.2019	As per KSPCB records

Since the activity, category & scale of operation, date of observation and period non-compliance of the unit are remain same as M/s Ocean Fresh Sea Food. Accordingly the estimated EC for M/s M/s Suha Sea Food is:

$$\begin{aligned}
 EC &= PI * N * R * S * LF \\
 &= 25 * 161 * 100 * 0.5 * 1.0 \\
 &= 2,01,250/-
 \end{aligned}$$

The Environmental Compensation (EC) estimated is Rs.2,01,250/- (Rupees Two Lakhs One Thousand Two Hundred Fifty only).

5.0 Action taken by KSPCB & KSCZMA

The Hon'ble NGT, Chennai has directed concern authorities to submit their reply regarding the further action taken on the basis of show cause notices issued to the various industries on violation of CRZ regulations and pollution laws before the next hearing date i.e. 27.03.2020. The action taken by the authorities are as follow:

5.1 Action taken by KSPCB

Based on the non-compliances of the following fish meal/fish cutting units, the KSPCB has taken following actions.

Name of the industry	Date of Issue of Notices		
	Notice	Show Cause Notice	NPD
M/s Yashaswi Fish Meal & Oil Company	16.03.2020	-	-
M/s Hindusthan Marine Industries	16.03.2020	-	-
M/s Unity Fish Meal & Oil Company	No action is initiated as the unit is closed since 2014.		
M/s Ocean Fresh Sea Food	19.10.2019	07.12.2019	16.01.2020
M/s Coastal Sea Food	19.10.2019	07.12.2019	16.01.2020

Name of the industry	Date of Issue of Notices		
	Notice	Show Cause Notice	NPD
M/s Suha Sea Food	19.10.2019	07.12.2019	16.01.2020

Note : NPD - Notice of Direction

5.2 Action taken by KSCZMA

The member of the committee from KSCZMA informed that KSCZMA has already initiated actions against the units violating CRZ regulations by issuing proposed direction as per Section 5 of The Environment (Protection) Act, 1986. The status report w.r.t show cause notice issued to the units and action taken on violation of CRZ regulation of the same will be submitted separately by KSCZMA before the Hon'ble NGT, Chennai.

6.0 Summary

As per the Hon'ble NGT, Chennai direction, the joint committee estimated the Environmental Compensation of the identified units by following the methodology evolved by CPCB. Accordingly, the summary of EC estimated is as follows:

SL No	Name of the Unit	Estimated EC
1	M/s Yashaswi Fish Meal & Oil Company	Rs. 29,06,250/-
2	M/s Hindusthan Marine Industries	Rs. 5,27,500/-
3	M/s Ocean Fresh Sea Food	Rs. 2,01,250/-
4	M/s Coastal Sea Food	Rs. 2,01,250/-
5	M/s Suha Sea Food	Rs. 2,01,250/-

The KSPCB shall take appropriate action on non-compliances observed and also to collect Environmental Compensation, as estimated on respective units.


(Ramesh D Naik)
19/05/2020
SEO, KSPCB


(Raju K)
AC, Kundapura


(G. Thirumurthy)
19/05/2020
Addl. Director, CPCB


(Prasanna Patagar)
RD (Envt.), KSCZMA

Corrected order dated 18.10.2019

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 27/2019 (SZ)
(I.A. No.29/2019 & I.A. No.30/2019)

Kishore Kumar & Anr

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 11.10.2019

**CORAM: HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s) : None present
For Respondent (s)

ORDER

1. None appeared on behalf of the applicant. The allegation in this application is regarding pollution caused on account of functioning of certain fish mill represented by Respondent nos. 10 to 12 in Udipi District to River Udhyavara also known as Pampanashini. According to the applicant, these industries are not having required licenses and permissions to operate the same. Further, there is violation of Costal Regulation Zone regulation in extending their area of operation as well. Though some action has been taken in the area 2012 for cancelling the licence etc., of Respondent no. 11 and they are still proceeding with the same. A complaint has been filed to the District legal Services Authority and they have inspected and found violations in operating the units in these area. According to the applicant, the industrial units are discharging untreated effluents into the river which causing pollution to the river. Further, they are not complied with the mechanism to control odour pollution as well. This causes great hardship to the people of the locality. Even health of the local people

has been affected on account of the same. In spite of complaint given, no action has been taken by the authorities to close down these industries. According to the applicant, one boy also died on account of unknown decease by name Neuro MelioDosis.

2. Considering these aspects before going to the matter further, we feel it appropriate to constitute a Committee consisting of the Coastal Zone Management Authority, Karnataka, Central Pollution Control Board, Karnataka State Pollution Control Board, the District Commissioner, Udupi District and District Magistrate, Udupi District to inspect the area in question and the industries and submit a factual report regarding the allegation made in the application and if there is any violation action if any to be taken and if any action is taken that also should be mentioned in the report.

3. The State Pollution Control Board will be the nodal agency for compliance and coordination. The Committee shall look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within two months by e-mail to this Tribunal.

4. The applicant is directed to submit a set of papers to the above authorities within a week. The Registry is also directed to communicate this order along with the copy of the application and the document annexed to the above said authorities for complying with the direction immediately.

5. **I.A. No.30/2019**

The applicant is directed to submit translated copy of exhibits A-4, A-5, A-6, A-7, A-8, A-9, A-10 and A-12 before the next date of hearing.

6. List the matter on 3rd January, 2020

K. Ramakrishnan, JM

Dr. Satyawan Singh Garbyal, EM

11th October, 2019
Original Application No. 27/2019 (SZ)
eg



Item No.16

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

O.A.No.27 of 2019 (SZ)

(I.A.29 & 30 of 2019)

IN THE MATTER OF:

Kishore Kumar

.. Applicant

Vs.

Union of India & others

... Respondent(s)

Date of hearing: 7.2.2020

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For applicant

Mr.K.N. Praveen Kumar

For Respondent(s) :

Mr. M.V.V. Ramana for R10

Mr. T.K. Bhaskar for R11

Mr. M.R. Gokul Krishnan for R13

ORDER

The joint committee submitted a report which shows that there are certain violations and action taken by the concerned authorities.

2. Under these circumstances, we feel it appropriate to admit the matter. Admit. Issue notice to other respondents who did not appear through counsel. Mr. M.V.V. Ramana, learned counsel entered appearance for tenth respondent, Mr. T.K. Bhaskar, learned counsel entered appearance for 11th respondent and Mr. M.R. Gokul Krishnan, learned counsel entered appearance for 13th respondent.

3. The Registry is directed to serve copy of petition to the counsel appearing for the party respondents. Notice to the respondents who entered appearance through counsel is dispensed with.

4. Learned counsel appearing for Pollution Control Board submitted that apart from the industries mentioned in the petition, there are other industries also which are operating without any "consent". If they find that there is violation of CRZ regulation and Pollution Laws, the regulating authority is at liberty to take action and they need not wait for the orders of this Tribunal for the purpose of taking action.

5. It is also mentioned by learned counsel appearing for tenth respondent that the Coastal Zone Management Authority has already issued show cause notice to the units and reply has been given. Further action has not been taken so far. The Coastal Zone Management Authority is directed to submit their reply regarding the further action taken on the basis of the show cause notice before the next hearing date.

6. The committee is directed to assess the environmental compensation for the violation, as directed by this Tribunal in several cases of this nature, applying the principles and guidelines given by the Central Pollution Control Board in this regard, after giving necessary opportunity to the other side to meet the show cause notice issued for imposing compensation and submit a report before the next hearing date. The party respondents who entered appearance are at liberty to file their response before the next hearing date. Petitioner is directed to file necessary requisite for sending notice to the parties to whom notice was ordered within one week.

For filing further report and response to be filed by the party respondents post on
27.3.2020.

.....J.M.

(Justice K. Ramakrishnan)

.....E.M.

(Saibal Dasgupta)

O.A.27/2019
7.2.2020
kk



Karnataka State Pollution Control Board

Regional Office

'Parisara Bhavana'

Plot No. 36-C, Shivalli Ind. Area,
Manipal, Udupi - 576104

Phone : 0820 - 2982016

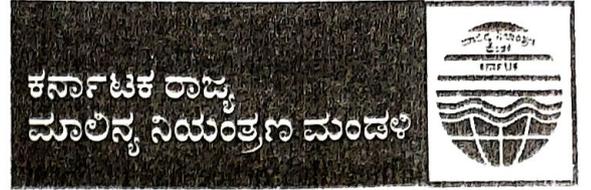
ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ

'ಪರಿಸರ ಭವನ'

ಸಂಖ್ಯೆ: ೩೬ - ಸಿ, ಶಿವಳ್ಳಿ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶ

ಮಣಿಪಾಲ, ಉಡುಪಿ - 576104

ದೂರವಾಣಿ: 0820 - 2982016



towards a cleaner Karnataka

//RPAD//

NO: PCB/EO (UDUPI)/SO/Complaint/2019-20/ 1306

DATE: 16-03-2020

To,

The Member Secretary,
Parisara Bhavana, Church Street
KSPCB, Bangalore.

Sir,

Urgent!

Kind Attn: SEO- Non EIA (OB)

Sub: Non compliances under the provision of Water (Prevention and Control of Pollution) Act 1974, in respect of M/s Suha Sea Foods, C/o Fisheries and Fish product society building, near Kamannu, Udyavara, Udupi Tq & District - reg.

- Ref:** 1). Complaint received against the industry in this office on 09.09.2019
2) Inspection of industry on 09.10.2019
3) Notice issued by this office Vide No. PCB/RO-UDUPI/ Notice/ 2019-20/688 Dated:-19.10.2019.
4) Complaint received from Prawn Agriculturist in this office on:- 06.12.2019
5) Inspection of the industry by the undersigned on 07.12.2019
6) Show cause notice issued to the industry vide No. 871 Dated: 07/12/2019
7) Inspection of the Industry by the committee constituted by Hon'ble NGT in OA No: 27/2019, on 11/12/2019.
8) This office letter to ZSEO, Manglore vide No. PCB/EO(Udupi)/SO/Complaint/2019- 20/877, dt:07.12.2019
9) Notice issued by the ZSEO, Mangalore vide No: PCB/SEO(MNG)/NPD/2019-20/163, dt:16/01/2020 under sec 33(A) of Water Act- 1974.
10) Hon'ble NGT order in OA No: 27/2019, dt: 07/02/2020.

Adverting to the above subject, it is to bring to your kind notice that, M/s. Suha Sea Food is an orange category industry located at C/o Fisheries and Fish Product Society building, Near Kemmannu, Udyavar, Udupi Tq & District and is engaged in Fish Cutting activity.

Earlier, this office has received complaint from Smart Indian English Medium School, Udyavara alleging unauthorized fish cutting units operating illegally at CRZ-I area and creating public nuisance vide ref (1). Based on the said complaint, M/s Suha Sea Food was inspected vide ref (2) and notice was issued to the industry vide ref (3). The said complaint is also pending before District Legal Services' Authority, Udupi.

Email : udupi@kspcb.gov.in

"ಪ್ಲಾಸ್ಟಿಕ್ ಬಳಕೆ ನಿಲ್ಲಿಸಿ, ಪರಿಸರ ಹಾನಿ ತಪ್ಪಿಸಿ"

Website : www.kspcb.gov.in

"AVOID USE OF PLASTIC, BE ECOFRIENDLY"

Further, this office has received another complaint from Prawn agriculturist, Pangala Village, Kaup Taluk, Udupi District alleging discharge of waste from fish units located at Udyavara, Udupi Tq & District vide ref (4). Based on the complaint, **M/s. Suha Sea Food** was again inspected vide ref (5) and show cause notice was issued vide ref (6).

To continue with, Hon'ble NGT while hearing O.A no.27/2019 (SZ) of Fish Meal Industries at Udyavara as appointed a committee to look in to the pollution issues of Udyavra river and as this industry is also located in Udyavara, the said committee has inspected the industry vide ref (7) and has observed the following non-compliances;-

- a) M/s Suha Sea Food was in operation without obtaining consent under Water (Prevention & Control of Pollution) Act, 1974 from KSPCB.
- b) The unit is carrying out cutting and cleaning of fishes for about 12 TPD, the cleaned fishes are transported to Fish freezing industries as a raw material. There are about 45- 50 workers working in the unit.
- c) The source of water supply is well water, which is used majorly for washing of fishes, floor washing, and for the domestic use of labourers.
- d) In the process of cutting and cleaning of fishes, the blood soaked effluent and waste generated are directly discharged into Udyavara River through pipeline. Also solid wastes are being disposed in to river.
- e) The labour sheds are not provided with proper toilet facility, open pit toilet blocks are adopted due to which the night soil are directly discharged to the river through pipeline, causing serious water pollution & odour nuisance.
- f) There are no air pollution sources such as D.G. set, Boiler etc.
- g) On the day of inspection, the committee collected raw effluent (grab) discharged in to River Udyavara to assess the pollution load. The analysis results of Raw effluent is tabled below:

Analysis Results of Raw effluent

S. No	Parameters	Units	Raw Effluent	KSPCB Standards
1	BOD	mg/L	720	100
2	COD	mg/L	2045	250

The above table reveals that the un-treated effluent having BOD load of 720 mg/L is discharged into River against the discharge standard of 100 mg/L.

As the industry was operating without valid consent and discharging untreated effluents in to river, this office, vide ref (8) has reported to ZSEO, Mangaluru, and recommended for issue of Notice under Sec 33(A) of Water Act- 1974 to the above industry.

Accordingly, Zonal Senior Environmental Officer, KSPCB, Mangalore has issued Notice of Proposed Directions under section 33(A) of The Water (Prevention & Control of Pollution) Act,

1974 vide ref (9) asking the Occupier of M/s Suha Sea Food to show cause as to why the unit should not be recommended for closure by way of disconnection of electricity forthwith and until further orders.

However, F/A have neither replied to the notice, show cause notice & NPD issued by the Board nor made any efforts to apply & obtain the consent from the Board. They continue to operate the industry without valid consent of the Board and discharging the trade effluent directly into river without any treatment, which shows the negligence and disrespect to the Environmental Law and to the directions issued by this Board.

In the mean time, Hon'ble NGT has also passed an order in OA No: 27/2019 vide ref (9) which states that "*apart from the industries mentioned in the petition, there are other industries also which are operating without any "consent". If they find that there is violation of CRZ regulation and pollution laws, the regulating authority is at liberty to take action and they need not wait for the orders of the tribunal for the purpose of taking action*". Hon'ble NGT has further directed to assess Environmental compensation in respect of violating industries including this particular industry and the task of assessment of EC by the committee is under way. Copy of Hon'ble NGT order is enclosed for kind reference.

In view of the above, it is recommended to issue closure order under sec 33(A) of water Act-1974 to the above industry for the non-compliances listed above and after giving the industry an opportunity being heard at Board Office. Inspection report, Analysis report of effluents, copy of NPD, Show causes notice, Hon'ble NGT order dated 07.02.2020 and other relevant documents are enclosed and submitted for kind perusal. It is once again recommended to call the industry authority for personal hearing before taking action to issue Closure Directions.

Encl: As Above

Yours faithfully,
Sd/-
Environmental Officer
KSPCB, Udupi.

Copy Submitted to:- Zonal Senior Environmental Officer, KSPCB, Manglore, for kind information and further needful.


Environmental Officer
KSPCB, Udupi.