

## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 850 of 2018

IN THE MATTER OF:

Residents of SailaKhurd, Raniala

--Applicant

Versus

State of Punjab &amp;Ors.

--Respondents

Replication and objections to the reply filed by respondent no.3 i.e., M/s Kuantum Paper Ltd., Village SailaKhurd, Tehsil Garhshankar District Hoshiarpur, on behalf of Punjab Pollution Control Board through Environmental Engineer, Regional Office, Hoshiarpur.

**Respectfully showeth:**

- 1) That briefly submitted, respondent no. 3 namely M/s Kuantum Paper Ltd., Village SailaKhurd, Tehsil Garhshankar District Hoshiarpur has filed reply to Original Application No. 850 of 2018 and the Joint Committee reported dated 07.05.2019.
- 2) That the Hon'ble National Green Tribunal was pleased to pass an order dated 27.11.2024 thereby affording an opportunity to respondent Punjab Pollution Control Board to submit objections to the reply of the M/s Kuantum Paper Ltd, if any.
- 3) That the reply filed by M/s Kuantum Paper Ltd (respondent no.3) has been examined and pointwise reply to the same on behalf of Punjab Pollution Control Board may kindly be read as under.
  - I. That the contents of para no.I of the reply are a matter of record.

- II. That in reply to the contents of para no.II of the reply, it is submitted that a complaint submitted by the residents of SailaKhurd, Raniala, District Hoshiarpur against M/s Quantum Paper Ltd for causing pollution by discharging polluted air and water was taken cognizance of by the Hon'ble National Green Tribunal. The Hon'ble National Green Tribunal has passed an order dated 19.12.2018 thereby calling a joint report on the factual aspects of the matter from the Central Pollution Control Board and Punjab Pollution Control Board. The Punjab Pollution Control Board was designated as Nodal Agency to coordinate and to comply with the order. In this regard, it is submitted that the Hon'ble National Green Tribunal is empowered to constitute a Joint Committee for examination of the matter and submission of a factual report in the case.
- III. That the contents of para no.III of the reply are a matter of record that the Joint Committee has conducted inspection on 17.01.2019 and furnished the report before the Hon'ble National Green Tribunal on 13.02.2019.
- IV. That the contents of para no.IV of the reply relating to the direction given by the Hon'ble Tribunal vide order dated 14.03.2019 are a matter of record.
- V. That the contents of para no.V of the reply relating to the filing of Civil Appeal No. 5957 of 2019 by M/s Kuantum Paper Ltd before the Hon'ble Supreme Court of India against order dated 14.03.2019 of the Hon'ble National Green Tribunal are a matter of record.
- VI. That the contents of para no.VI of the reply relating to the order dated 26.07.2019 passed by the Hon'ble Supreme Court of India in the appeal case filed by respondent no.3 and the reproduction of the said order are a matter of record.
- VII. That the contents of para no.VII of the reply relating to order dated 26.07.2019 passed by the Hon'ble Tribunal in the matter of record.



- VIII. That the contents of para no.VIII of the reply relating to the order dated 23.08.2024 passed by the Hon'ble Supreme Court of India in Civil Appeal No.5957 of 2019 are a matter of record.
- IX. That the contents of para no.IX of the reply relating to the order dated 23.09.2024 passed by the Hon'ble National Green Tribunal are a matter of record.
- X. That the contents of para no.X of the reply are denied being incorrect.

XI. Brief Facts

- i. That the contents of sub para i) of the reply relating to the status of the industrial unit are a matter of record.
- ii. That the contents of sub para ii) of the reply relating to the grant of authorization by the Board under the Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 valid upto 09.03.2019 and further renewal on 12.04.2019 are a matter of record. The authorization, however, was granted with certain conditions as mentioned therein.
- iii. That the contents of sub para iii) of the reply relating to the grant of consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 on 29.08.2014 valid upto 31.03.2019 are a matter of record. The consents to operate, however, were granted by the Board with certain conditions as mentioned therein.
- iv. That the contents of sub para iv) of the reply may be considered as matter of record. The industry has got the sample analyzed on its own. It is correct hence admitted that the industry has installed Online Continuous Effluent Monitoring System (OCEMS).
- v. That in reply to the contents of sub para v) of the reply, it is submitted that the officer of the Board has visited the industrial unit of respondent no.3 on 27.05.2018 after receiving a complaint from Sh.

Sukhjinder Singh on 16.05.2018. The grab samples of trade effluent of the industrial unit from final out of ETP, aeration tank, underground pipeline outlet near tube-well of Satnam Singh s/o Sohan Singh, Village Nariala were collected by the officer for monitoring purpose and the said samples were not collected as per the provisions of section 21(3) of the Water (Prevention and Control of Pollution) Act, 1974. The analysis report of the grab sample collected from the underground pipeline outlet near tube-well of Satnam Singh was found to be beyond the permissible limit in respect of BOD. A copy of the data sheet prepared by the visiting officer during visit on 27.05.2018 is enclosed as **Annexure-A** and a copy of analysis report issued on 09.06.2018 is enclosed as **Annexure-B**.

- vi. That the contents of sub para vi) of the reply relating to consent to establish dated 23.07.2018 are a matter of record.
- vii. That the reply of sub para vii) of the reply is correct hence admitted that the Central Pollution Control Board has issued water sampling and preservation techniques. Further, it is submitted that the Central Pollution Control Board guidelines and water sampling and preservation techniques recognized both grab sampling and composite sampling as valid methods depending on the context and objectives of the sampling exercise. Grab sampling is particularly suitable for capturing the instantaneous characteristics of effluent discharges during specific conditions. The complaint in the case necessitated immediate sampling and analysis to determine if the industry was complying with environmental standards. Grab sampling allowed PPCB to quickly capture the effluent quality and take timely action based on the results. Composite sampling, which requires a longer duration and more extensive logistics, was not practical given the urgency of the situation.
- viii. That the contents of sub para viii) of the reply relating to the issuance of show cause notice dated 06.09.2018 u/s 33- of the Water



(Prevention and Control of Pollution) Act, 1974 by the Board are a matter of record.

- ix. That the contents of sub para ix) of the reply relating the submission of the reply dated 14.09.2018 by the industrial unit to the notice dated 06.09.2018 of the Board are a matter of record.
- x. That the contents of sub para x) of the reply relating to the proceedings of hearing held on 18.09.2018 are a matter of record.
- xi. That in reply to the contents of sub para xi) of the reply, it is submitted that during the proceedings of personal hearing held on 18.09.2018, it was decided by the Competent Authority of the Board in the presence of the General Manager Sh. Sanjay Kumar Chechi of the industrial unit that the Chief Environmental Engineer, Jalandhar shall coordinate the visit of PBTI to the industry within 07 days and PBTI shall collect and analysis the treated trade effluent samples and submit report to the Punjab Pollution Control Board. The proceedings of the hearing held on 18.09.2018 were conveyed to the industry M/s Kuantum Paper Ltd. by the Board vide letter no. 6049 dated 26.09.2018, wherein the fact relating to the above decisions is clearly mentioned. The fact thus was in the knowledge of respondent no.3 that the samples will be collected from the premises of the industrial unit by officials of Punjab Pollution Control Board and PBTI. The primary intent of section 21 (3)(a) of the Water (Prevention and Control of Pollution) Act, 1974 is to ensure that the industry has an opportunity to observe and verify the sampling process. The representatives of M/s Kuantum Papers Ltd. were present at the site during the inspection and participated in the sampling process. The sampling was conducted transparently and the data sheets recording the sampling details were signed by the representatives of the industry thereby demonstrating their acknowledgment of the sampling procedure and its compliance with the law.



- xii. That the contents of sub para xii) of the reply of respondent no.3 relating to the registration of Original Application by the Hon'ble National Green Tribunal in the case are a matter of record.
- xiii. That the contents of sub para xiii) of the reply of respondent no.3 relating to the constitution of a Joint Committee of Central Pollution Control Board and Punjab Pollution Control Board by the Hon'ble National Green Tribunal by passing of an order dated 19.12.2018 are a matter of record.
- xiv. That the contents of sub para xiv) of the reply relating to the inspection conducted by the Joint committee on 17.01.2019 in furtherance to the order dated 19.12.018 of the Hon'ble National Green Tribunal are a matter of record.
- xv. That the contents of sub para xv) of the reply relating to the issuance of notice dated 01.02.2019 to issue directions u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 by the Board to respondent no.3 with an opportunity of hearing before the Chairman of the Board on 05.02.2019 are a matter of record.
- xvi. That the contents of sub para xvi) of the reply of respondent no.3 relating to the decisions taken during the hearing held on 05.02.2019 and conveyed to respondent no.3 vide letter no. 962 dated 22.02.2019 in Annexure R-11 are a matter of record.
- xvii. That the contents of sub para xvii) of the reply relating to the submission of reply dated 06.02.2019 by respondent no.3 to Environmental Engineer, Regional Office, Hoshiarpur in reference to notice dated 01.02.2019 are a matter of record.
- xviii. That the contents of sub para xviii) of the reply relating to the Joint Committee report dated 13.02.2019 filed before the Hon'ble National Green Tribunal are a matter of record.
- xix. That the contents of sub para xix) of the reply of respondent no. 3 may be considered as matter of record.

- xx. That the contents of sub para xx) of the reply of respondent no.3 relating to the issuance of letter dated 01.03.2019 by the Punjab Pollution Control Board requesting for submission of the compliance report of the decisions of the hearing held on 05.02.2019 are a matter of record.
- xxi. That the contents of sub para xxi) of the reply of respondent no.3 relating to the submission of letter dated 07.03.2019 in reference to the compliance of decisions of personal hearing held on 05.02.2019 are a matter of record.
- xxii. That the contents of sub para xxii) of the reply relating to the passing an order dated 14.03.2019 by the Hon'ble National Green Tribunal in OA No. 850 of 2018 with direction to the Joint Committee to assess the damage caused in monetary terms on settled Principles requiring the compensation to be deterrent and adequate to meet the cost of restoration are a matter of record.
- xxiii. That the contents of sub para xxiii) of the reply are a matter of record.
- xxiv. That the contents of sub para xxiv) of the reply relating to the issuance of show cause notice dated 25.03.2019 by the Punjab Pollution Control Board are a matter of record.
- xxv. That the contents of sub para xxv) of the reply relating to the observations of the Joint Committee during visit to the industry of respondent no.3 on 01.04.2019 are a matter of record.
- xxvi. That the contents of sub para xxvi) of the reply relating to the submission of reply dated 08.04.2019 by respondent no.3 to Punjab Pollution Control Board are a matter of record. The reply was submitted in reference to the notice dated 25.03.2019 issued by the Board.
- xxvii. That the contents of sub para xxvii) of the reply of respondent no.3 relating to the proceedings of personal hearing held on 09.04.2019 are

a matter of record the following decisions were taken during the hearing held on 09.04.2019.

- a) The industry shall critically examine the assessment study report of CRPI chemical recovery plant and effluent treatment plant conducted by CPPRI and the ground water study conducted by report submitted by the industry, so that the issues and the observations can be discussed in detail.
- b) The industry shall submit the point wise detailed compliance report of the above-mentioned observations raised during the hearing proceedings will before the next date of hearing, so that same be discussed in the next hearing.
- c) The industry shall be reheard on 24.04.2019 before the Chairman of the Board.

xxviii. That the contents of sub para xxviii) of the reply relating to the approval of Irrigation Management Plan of respondent no. 3 by the Department of Soil and Water Conservation may be considered as matter of record.

xxix. That the contents of sub para xxix) relating to the reply dated 23.04.2019 of respondent no.3 given to the officers of the Board are a matter of record.

xxx. That the contents of sub para xxx) of the reply relating to the proceedings of public hearing held on 24.04.2019 are a matter of record. The decisions taken after hearing the representatives of the industry and officers of the Board on 24.04.2019 are reproduced below:

- a) In order to ensure proper and effective operation of the Effluent Treatment Plant and chemical recovery plant and considering the violations mentioned herein above, the industry is hereby directed to curtail 10% production capacity i.e., it shall produce not more than



337.5 TPD on an average (375- 37.5 TPD). Directions in this regard u/s 33-A of the Water Act, 1974 shall be issued separately.

- b) The EE, Regional office, Hoshiarpur is directed to seal the Lignin Precipitation Plant (LPP) of the industry with immediate effect and shall report in this regard to Zonal Office, Jalandhar within 7 days. This may also be made a part of the Directions to be issued to the industry u/s 33-A of the Water Act, 1974.
- c) The EE, Regional Office, Hoshiarpur is directed to encash the Bank Guarantee of Rs. 10.00 lakhs (Rupees Ten Lakhs Only), which has already been submitted by the industry to the Board as an assurance to comply with the provisions of the Water Act, 1974.
- d) The industry is given a time period of three months from the date of hearing to remove all the discrepancies / observations of the Board made above and to ensure the compliance of commitments made by the industry orally during the hearing/submitted in writing vide letter dated 24.4.2019.
- e) The industry is directed to furnish a fresh bank guarantee of Rs. 50.00 lakhs (Rupees Fifty Lakhs Only) to the Board within 7 days as an assurance to comply with the provisions of Water Act. 1974 and to comply with the decisions of the personal hearing including the submissions made orally during the hearing / submitted in writing vide letter dated 24.4.2019. Incase, the industry fails to make the compliance of the observations mentioned above, within a stipulated period of three months, the BG of Rs. 50.00 lakhs shall be encashed and further action under the Water Act, 1974 shall be initiated.
- f) The Board shall grant the application for consent to operate under the Water Act, 1974 and Air Act, 1981 submitted by the industry, for curtailed production of 337.5 TPD of writing and printing paper for a period of three months subject to the suitable conditions.

- g) The Senior Environmental Engineer, Zonal Office, Jalandhar shall take up matter with NIT, Jalandhar for carrying out hydro geological study at various locations where the treated wastewater is utilized by the industry for irrigation of agricultural fields including in the premises of the unit and on the upstream side of the industry as a reference sample for getting a study conducted within a period of 3 months, to ascertain the effect on the ground water quality due to utilization of treated wastewater for Irrigation purposes. The entire cost to be incurred on this study shall be borne by the industry. EE RO, Hoshiarpur shall act as a coordinator for getting conducted this study.
- h) It was made clear to the representatives of the industry present in the hearing that in case the industry fails to make the compliance of the above-mentioned decisions of the hearing, action as deemed fit under the provisions of the Water Act, 1974 shall be taken without affording any further opportunity / notice.
- xxxi. That in reply to the contents of sub para xxxi), it is submitted that the Board has issued directions u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 vide letter no. 1944 dated 25.04.2019 to respondent no.3 M/s Kwantum Papers Ltd. to curtail 10% capacity i.e the industry shall produce not more than 337.5 TPD on an average 375-37.5 TPD) and that the Lignin Precipitation Plant (LPP) shall be sealed with immediate effect.
- xxxii. That the contents of sub para xxxii) relating to the submission of Action Taken Report dated 01.05.2019 by the Punjab Pollution Control Board before the Hon'ble National Green Tribunal in compliance to order dated 14.03.2018 are a matter of record.
- xxxiii. That the contents of sub para xxxiii) relating to the Joint Committee report dated 07.05.2019 and the Central Pollution Control Board methodology for assessing Environmental Compensation and action plan to utilized the funds are a matter of record.



- xxxiv. That the contents of sub para xxxiv) are a matter of record.
- xxxv. That the contents of sub para xxxv) relating to the renewal of consent to operate on 04.06.2019 are a matter of record. However, the consent of respondent no.3 was renewed on 04.06.2019 under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for one-year upto 03.06.2020 with certain conditions as mentioned therein. A special condition was imposed in the consents to operate granted under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 to the effect that the industry will operate its unit for three months for curtailed production capacity i.e. 33705 TPD of writing and printing paper to assess the adequacy of treatment system after taking the remedial measures.
- xxxvi. That the contents of sub para xxxvi) relating to the filing of Civil Appeal no. 5957 of 2019 by M/s Kuantum Papers Ltd, before the Hon'ble Supreme Court of India against the order dated 14.03.2019 of the Hon'ble National Green Tribunal are a matter of record. However, it is pertinent to mention here that the Punjab Pollution Control Board was not made a party respondent in the said case and the State of Punjab was impleaded as contesting respondent through Additional Secretary-cum-Director Governance Reforms which was not in any manner related to the proceedings of the case.
- xxxvii. That the contents of sub para xxxvii) relating to the order dated 26.07.2019 passed by the Hon'ble Supreme Court of India in Civil Appeal No. 5957 of 2019 are a matter of record.
- xxxviii. That the contents of sub para xxxviii) relating to the adjournment of the case by the Hon'ble National Green Tribunal vide order dated 30.07.2019 to the effect that "the matter may be listed for hearing before the Hon'ble Tribunal after the same is disposed of by the Hon'ble Supreme Court of India" are a matter of record.



- xxxix. That in reply to the contents of sub para xxxix) it is submitted that the respondent no. 3 has given a letter dated 10.07.2019 relating to upgradation of ETP as per point raised in letter dated 25.04.2019 to the Regional Office of the Board at Hoshiarpur. However, the letter dated 05.08.2019 as mentioned in this sub para is not available with the Board. The respondent no.3 has also not enclosed the letter dated 05.08.2019 as mentioned in this sub para.
- xl. That the contents of sub para xl) are a matter of record.
- xli. That the contents of sub para xli) are a matter of record. The Punjab Pollution Control Board vide letter no.2356 dated 11.08.2020 has supplied the report of visit dated 10.02.2020 of the team of officers of the Board to respondent no.3. The conclusions and recommendations made in the said report of Punjab Pollution Control Board are reproduced herein below:

**Conclusion & Recommendations:**

- a) The industry as per the recommendations of CPPRI, need to take additional steps to optimize the dosage of PAC & Flocculent to further reduce the level of suspended solids in the effluent after territory treatment.
- b) The industry should provide proper mixing chamber at the final outlet of ETP where the treated effluent from High COD and Low COD effluent stream got collected, so that treated effluent samples are collected properly and the probes of OCEMS in the final mixing chamber are fixed properly.
- c) The ETP area needs to be stabilized with interlocking tiles. The ETP also needs to be properly painted with description of the equipments and a display Board of the layout of the ETP should be installed near the inlet of equalization tank and at the outlet of ETP.
- d) The industry shall remove its pipelines laid for irrigation purposes inside the industry on both sides of the Nariala Choe and this area shall not be used for irrigation purpose.



- e) The industry shall display the SCPs for the operation of the ETP's at the inlet and outlet of the ETP's.
  - f) The industry shall display the SOPs for the CRP at the entrance of the Chemical Recovery Plant.
  - g) The industry shall commission its new sludge handling mechanism consisting of three-layer Belt Press system by 31.07.2020.
  - h) The industry shall commission its New Soda Chemical Recovery Plant of 500 T capacity by 30.09.2020 and shall dismantle the existing 65 T fluidized bed Chemical Recovery Plant.
  - i) During no demand period as per the observation of the Department of Soil & Water Conservation, Punjab, the industry shall submit an Action Plan for the utilization of treated wastewater.
  - j) The industry shall commission the Elemental Chlorine Free Plant in the paper plant where wood is used as raw material by 30.09.2020.
  - k) The industry shall submit the Bank Guarantee of Rs.50 Lacs, immediately.
  - l) The industry shall submit an Action Plan for the utilization of entire fuel ash and submit it to the Punjab Pollution Control Board by 31.07.2020.
- xlii. That the contents of sub para xlii) relating to the order dated 23.08.2024 passed by the Hon'ble Supreme Court of India vide which Civil Appeal No. 5957 of 2019 was disposed of are a matter of record.
- xliii. That the contents of sub para xliii) relating to the inspection report of the inspection conducted by the Central Pollution Control Board on 23.01.2023 are a matter of record. The respondent no.3 has mentioned a selective portion of the Central Pollution Control Board report has not mentioned the details thereof. The recommendations and conclusions made by the Central Pollution Control Board in its




report are reproduced herein below for kind perusal of this Hon'ble Tribunal.

Recommendation(s)

- a. The unit shall obtain NOC from Punjab Water Regulation & Development Authority (PWRDA) for abstraction of the ground water.
- b. Operation and maintenance of ETP should be upgraded so as to achieve the prescribed effluent norms specially for TSS.
- c. The unit should enhance its ground water monitoring network ("shallow aquifer) in command area where treated wastewater is used for irrigation to assess the ground water contamination.
- d. The unit shall carry out a comprehensive ground water study by engaging the reputed agency and submit the report to CPCB/PPCB.
- e. The unit shall submit a time bound action plan for bio-remediation of the existing contaminated ground water within the premises.
- f. The unit shall make an, appropriate remedial measure for preventing the ground water contamination in their premise piezometer wells.
- g. The industry should engage an agricultural scientist or tie-up with an agricultural university or institute for advice on the utilization or the rate of application of the effluent for Irrigation considering the agro-climatic conditions.



- h. The unit should make necessary and adequate arrangement to hold back the effluent in case of failure of re-circulation system /effluent treatment plant.
- i. The unit should make proper disposal of the effluent so as to ensure that no stagnation occurs inside and outside the industrial premise during rainy season and no demand period.
- j. 10. The unit shall prepare irrigation management plan showing therein the distribution system for conveying waste water for application on land for irrigation along with the crop pattern for the year.
- k. The industry should prepare a comprehensive Irrigation Management Plan (IMP), which should include the following, in consultation with the agricultural scientist or Agriculture University / institute and submit to PPCB which should verify the same while issuing Consent to the industry.
- l. The unit should ensure that no water pollution problem is created in the area due to discharge of effluents from its industrial premises.
- m. The unit should install suitable odour control system as per CREP recommendation, 2003.
- n. The unit shall ensure regular maintenance and operation & calibration of the on-line system so as to obtain continuous reliable accurate results.

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In view of above recommendations, it is suggested that direction under section 5 of E (P) Act, 1986 may be issued to unit for complying all recommendations in time bound manner.

Conclusion:

The results of ground water monitoring conducted in surrounding villages indicate that there is no ground water contamination due to Paper Mills. However, samples taken from two piezometers installed within premises near to ETP area shows ground water contamination.

The unit has installed ETP and Online Continuous Effluent Monitoring System (OCEMS) which is linked to PPCB & CPCB. Treated effluent is complying E(P)Act, 1986 standard except TSS which is marginally on higher side but OCEMS was meeting TSS and other Parameters at the time of monitoring. As the unit is using treated effluent in irrigation, PPCB should not permit the use of treated effluent in irrigation / land application without submission of comprehensive irrigation management plan (IMP), by the respective unit as per CPCB guideline of 2019, in consultations with Agricultural Scientist or Agricultural University/institute and same should be verified while issuing consent to the industry. In case of observation of any deterioration of the soil and ground water quality parameters in the assessment by Agriculture Scientist or Agricultural University/Institute, the utilization of effluent should be stopped immediately and the industry should inform the PPCB, accordingly. The industry shall be solely responsible for reclaiming the soil and water quality at their cost in the affected area.

- xliv. That in reply to the contents of sub para xlv), it is submitted that the Central Pollution Control Board vide letter dated 17.05.2023 has issued directions u/s 8(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 to the Punjab Pollution Control Board in the matter of complaint regarding pollution caused by M/s Kuantum Papers Ltd. Village Saila Khurd, Hoshiarpur. The directions given by the Central Pollution Control Board vide the said letter dated 17.05.2023 are reproduced herein below:

- a) Punjab Pollution Control Board (PPCB) shall issue appropriate direction to the Unit for taking necessary

measures w.r.t violations observed in the inspection report (Annexure-I).

- b) To ensure that the Unit enhance its ground water monitoring network in command area where treated wastewater is used for irrigation to assess the ground water quality. Also ensure to install at least 02 monitoring wells at downstream gradient away from the Unit premises for regular monitoring of groundwater quality.
- c) To ensure that the Unit undertake detailed environmental site assessment, as per the CPCB guidelines, by engaging professional agency/institute having expertise in assessment and remediation of contaminated groundwater and soil and submit the report within 60 days. If required as per detailed site assessment, the Unit shall submit a DPR for remediation of groundwater contaminated area in around the premises, and execute the work in the supervision of SPCB in a time bound manner.
- d) To ensure that the Unit shall prepare a comprehensive irrigation management plan (IMP) as per CPCB guideline by engaging Agriculture Scientist or Agriculture University/institute and submit report to PPCB and CPCB within 60 days. The PPCB shall verify the same while issuing the consent and the same shall be incorporated with Consent condition before issuance of Consent to Operate to the Unit for compliance.
- e) To ensure that the Unit take all the appropriate remedial measures for the prevention of groundwater contamination in their premises piezometer wells.



- f) To ensure that the Unit shall obtain NOC from PWRDA for abstraction of the ground water.
  - g) To ensure that the Unit shall comply with the CPCB guidelines for Utilization of Treated Effluent in Irrigation.
  - h) To ensure that the Unit shall make necessary arrangement to hold back the effluent in case of failure of re-circulation system /effluent treatment plant.
  - i) To ensure that no water pollution problem is created in the area due to discharge of effluent from the Unit premises and also ensure that no stagnation occurs inside & outside the Unit premises during rainy season and no demand period.
  - j) To ensure that the Unit should install suitable odour control system as per CREP recommendation, 2003.
  - k) To ensure that the Unit shall ensure regular maintenance & operation and calibration of the on-line system so as to obtain continuous reliable accurate results.
- xlv. That the contents of sub para xlv) relating to the request of the respondent no.3 dated 19.10.2024 are a matter of record.
- xlvi. That the contents of sub para xlvi) relating to the request of the respondent no.3 dated 19.10.2024 are a matter of record and the analysis reports were provided to the industry. The procedure of chain custody is an internal procedure of the Board wherein the samples collected by the officers of the Board is sealed and preserved according to the available guidelines and the preserved sample is further transported to the laboratory of the Board whereby the official collecting the sample mark the number and the sample is further analyzed in the laboratory by the qualified personnel and the test report thereafter, is issued by affixing a dispatch number and date.

XII. PRELIMINARY SUBMISSIONS

The fact mentioned under the heading preliminary submissions that the Joint Committee Report has recommended levy of Environmental compensation on the alleged violation by the Respondent for a period of 309 days based on three (3) inspections Conducted at the premises of the answering Respondent on 27.05.2018 & 15.11.2018 by the PPCB and on 17.01.2019 by the Joint Committee constituted under Orders of this Hon'ble Tribunal are a matter of record.

A. NON-COMPLIANCE OF MANDATORY PROVISIONS UNDER SECTION 21 OF THE WATER ACT.

- i. It is correct that section 21 of the Water (Prevention and Control of Pollution) Act, 1974 provides for the procedure for collection of samples. However, in the present case, the Punjab Pollution Control Board has not collected the legal samples of effluent u/s 21 of the Water (Prevention and Control of Pollution) Act, 1974.
- ii. After receiving the complaint against respondent no.3 M/s Kuantum Papers Ltd for causing pollution, the Punjab Pollution Control Board has opted for grab sampling of the industrial unit for the purpose of monitoring.
- iii. As the samples were collected for the purpose of monitoring, the procedure prescribed u/s 21 of the Water (Prevention and Control of Pollution) Act, 1974 was not followed.
- iv. Section 21(3)(a) of the Water (Prevention and Control of Pollution) Act, 1974, stipulates that notice should be given to the occupier of the premises or their representative before taking samples for analysis. However, this provision does not invalidate the sampling process if due procedural transparency is ensured. In this case, the sampling was conducted transparently, and the data sheets recording the sampling details were duly signed by the representatives of Kuantum Papers Ltd., indicating their awareness and participation during the process. The primary intent of Section 21(3)(a) is to ensure that the industry has an opportunity to observe and verify the sampling process. Since the industry's representative was present and signed the data sheet, the objective of this provision was fully met.



- v. The samples were to be divided into two parts on the request of the representatives of the industrial unit. Though the representatives of the industrial unit were present during the sampling process, but no such request for dividing the samples into two parts was made to the visiting officer. The data sheet recording the sampling details were duly signed by the representatives of Kuantum Papers Ltd., indicating their awareness and participation during the process. Even non compliance of the provisions of the 21 (3) (b) of the Water (Prevention and Control of Pollution) Act, 1974 does not invalidate the process of collection of samples.
- vi. The contents of sub para iii) are wrong hence denied that the samples were not sealed by the Punjab Pollution Control Board, thus living the samples collected open to contamination. It is pertinent to mention here that all the officers of the Board as and when the visiting the industries or other places for collection of samples carries the laboratory manual with them which prescribes the procedure to be followed for preservation of samples of effluent. The samples collected by the officers of the Board were duly sealed in the presence of the representatives of the industrial unit and the preserved samples were transported and deposited with the laboratory of the Board at Patiala for analysis.
- vii. The samples in this case collected on 27.05.2018 were analyzed by the laboratory of the Punjab Pollution Control Board which has been established u/s 17 of the Water (Prevention and Control of Pollution) Act, 1974 and the samples collected on 15.11.2018 were analyzed by the Punjab Biotechnology Incubator, Mohali which has been declared as State Water Laboratory.
- viii. Thus, the samples collected for monitoring by the Punjab Pollution Control Board and the Punjab Biotechnology Incubator (PBTI) on 27.05.2018 and 15.11.2018 in the facts and circumstances of the case cannot be discarded as the representatives of M/s Kuantum Papers Ltd., were present during the sampling process, participated in the same and had signed the data sheets prepared by the visiting officers



in the taken of its correctness. The sampling was conducted in a transformer.

B. NON-COMPLIANCE OF CPCB GUIDELINES OF 'WATER SAMPLING & PRESERVATION TECHNIQUES'

There is no violation of the provisions of section 21 and the water sampling and preservation techniques issued by the CPCB either by the Punjab Pollution Control Board or the Joint Committee as alleged in the para. The CPCB guidelines were followed in the case storage and analyses of samples collected on 27.5.2028.

- a) The Punjab Pollution Control Board had followed the prescribed guidelines of the CPCB for the storage and transportation of the collected samples. Contrary to the claims of the industry, the Punjab Pollution Control Board personal ensured the integrity of the samples by using the appropriate contains and following proper protocols to maintain the samples properties during transit. The alleged non-compliance of CPCB guidelines is baseless and denied being in correct.
- b) Composite samples not collected (only Grab samples) The contents of this Sub-Para are denied being incorrect that the method of sampling is incorrect and hence cannot be retied upon. In reply to the contents of this para, it is submitted that the CPCB guidelines on water sampling and Preservation Technologies recognize both grab sampling and composite sampling as valid methods, depending upon the Context and objectives of the sampling exercise. The relevant fact relating to the Grab sampling and analyses thereof are mentioned therein below:
  - i. Composite sampling is generally used for long term monitoring or when there are significant variations in effluent Characteristics.
  - ii. Grab sampling is equally appropriate when effluent discharge conditions are stable and representative of typical operations (as was observed during the inspections).
  - iii. The PPCB opted for grab sampling instead of Composite sampling because grab sampling is an affective and valid methodology under the CPCB guidelines on water sampling Preservation Techniques.



- iv. Grab sampling is particularly suitable for capturing the instantaneous characteristics of effluent discharges during specific condition which was necessary given the nature of the inspections.
- v. The retention time of the Effluent Treatment Plant (ETP) tanks at Kuantum Papers Ltd., is designed to provide adequate mixing and homogenization of effluents before discharge. This ensures that the effluent characteristics remain uniform over time, even during 0-hour span.
- vi. Given the adequate retention and homogenization in the ETP tanks, grab sampling is capable of accurately representing the effluent quality at any given time. The claim of the industry that composite sampling was necessary lacks merit as the ETP infrastructure itself ensures consistency in the effluent composition.
- vii. During the inspections the effluent discharge characteristics from Kuantum Paper Ltd., were found to be stable and consistence, making grab sampling a reliable choice composite sampling was not required in the given scenario as there was no evidence of significant temporal variations in effluent quality that would necessitate a longer-term assessment.
- viii. The complaints by the residents of SailaKhurd necessitated immediate action of sampling and analysis to determine if the industry was complying with environmental norms. The inspections conducted on 27.05.2018 and 15.11.2018 aimed to address the immediate environmental concerns raised by the residents.
- ix. Grab sampling provides a real time snapshot of the effluent quality during active discharge operations and the procedure is suffering to determine compliance with prescribed standards.
- x. In the present case, Grab sampling allowed the PPCB to quickly capture the effluent quality and take timely action based on results. Composite sampling which requires a longer duration and more extensive logistics, was not practical given the urgency of the situation.
- xi. The grab samples collected during the inspections were preserved and analyzed in accredited Laboratories following standards procedures.



The results are scientifically valid and represent the effluent quality at the time of sampling. The claim of the industry that composite sampling was essential is misplaced as grab sampling met the objectives of the inspections (27.5.2018 and 15.11.2018) and provide accurate data for regulatory action.

- xii. The industry has not provided any evidence to suggest that effluent characteristics varied significantly during the periods in question in the absence of such evidence, the procedure adopted for grab sampling cannot be faulted.
- xiii. It is relevant to mention here that the PPCB's reliance on grab sampling is consistent with its mandate to ensure compliance with environmental standards through scientifically valid methodologies.
- xiv. In view of the above stated facts, the claim of M/s Kuantam Papers Ltd., (respondent No.3) that composite sampling should have been conducted is unfounded. The use of grab sampling by the PPCB was and is justified, appropriate and consistent with the applicable guidelines. the presence of sufficient retention time in the ETP tanks ensures that the effluent samples remain homogeneous over extended periods, further supports the reliability of grab sampling results.

### XIII OBJECTIONS AGVAINST THE JOINT COMMITTEE REPORT

The reply to the objections raised by respondent no. 3 on the Joint Committee Report may kindly be read as under:

A. That the contents if sub-para-A are denied being incorrect that there is no continuous violation caused by the industry (respondent no.3). The industry is strongly refuted that there were no continuous violations caused by the industry. Test reports clearly indicate sustained breaches of permissible effluent standards across multiple periods. the further claim of the industry that the violations were minor and corrected immediately is unsubstantiated and fails to justify the environmental damage caused by the industry during the periods of non-compliances. The facts of this sub para are wrong and hence denied that the Joint Final inspection Report assessed compensation on continuous basis is ex-facie erroneous and contrary to record. The



perusal of the Joint Committee report dated 27.01.2019 as submitted to the Hon'ble National Green Tribunal reveals serious violation of environmental norms. The findings and conclusions drawn by the Joint Inspection Report alongwith recommendations are reproduced below for kind perusal and reference.

#### 7.0 FINDINGS AND CONCLUSIONS DRAWN BY THE JOINT INSPECTION TEAM.

Based on the above recorded observations and analysis results of the wastewater, emission and groundwater following are the findings:

1. The Unit is non-complying with the effluent discharge norms stipulated under E(P)Rules, 1986 for BOD, COD & TSS parameters. The final treated effluent showed BOD-106 mg/l (against norms of 30 mg/l), COD-608 mg/l (against 350 mg/l) and TSS- 87 mg/l (against 50 mg/l).
2. The OCEMS display panel at ETP was not showing the ETP outlet discharge flow meters reading during the visit and unit requires to connect / restore the flow meter data to CPCB server.
3. The quality of ground water collected from tubewells of all three villages showed exceedance w.r.t acceptable norms for parameter, viz, total hardness, total alkalinity, but they are within the permissible limit of BIS Standards. The calcium and magnesium level at the Pansera village showed exceedance w.r.t acceptable norms, however are within the permissible limit.
4. The heavy metals in the groundwater samples are well within the BIS standards for drinking water.
5. The stack monitoring results showed compliance with the emission norms.

#### 8.0 RECOMMENDATIONS

1. The unit shall submit adequacy assessment report of their ETP along with water balance audit report prepared by reputed institutes/organizations like IIT/CPRI/NEERI/NIT etc. and accordingly should augment and upgrade their ETP as per the recommendation of the adequacy assessment report as well as incorporate other suggestions of the adequacy report.
2. The Unit shall install flow measuring device at the inlet of ETP and should maintain logbook for the same.



3. The Unit shall connect / restore the flow meters data at the outlet of ETP to CPCB server.
  4. The Unit shall submit ash management plan to PPCB and should dispose the ash in a scientific manner.
  5. The Unit shall submit irrigation water management plan to Punjab Pollution Control Board (PPCB) and PPCB should verify the adequacy of the submitted plan and link with the consent.
  6. The Unit shall expedite the proposed work for elemental chlorine free bleaching in the agro based production by April 2019.
  7. The calibration of the OCEMS instrument shall be periodically done and manual result should be compared with real-time online data.
- B. That the contents of sub-para (B) are denied being incorrect. In reply it is submitted that while the consent to operate of the industry was renewed periodically, but the renewals were based on conditional compliance and site specific improvements observed at the time of renewal Post CTO violations were documented by the officers of the Board during inspections, which necessitated actions including penalties and directions for corrective measures the issuance of consent to operate (CTO) does not absolve the respondent industry of subsequent violations or its responsibility to ensure continuous compliance. The Joint Committee in its report has specifically recommended that the unit shall submit irrigation Water Management Plan to the Punjab Pollution control Board (Punjab Pollution Control Board) should verify the adequacy of the submitted plan and link with consent. The reply given in Sub Para A and the proceeding paragraphs may kindly be read as part of reply to the consents of this Sub-Para.
- C. That in reply to the Contents of sub-Para (C), it is submitted that the data from the online monitoring system while directly linked to CPCB server does not negate the finding of grab sampling which captured in the real time violations during the inspections conducted by the officers of the Punjab Pollution Control Board. In further reply of the contents of this Sub-Para it is submitted that the reports submitted by the respondents industry from the Private Laboratories cannot override the finding of the Punjab Pollution Control Board authorized inspections and accredited Laboratories. It is



importance to mention here that the Joint Committee in its report dated 17.01.2019 (Submitted to the Hon'ble NGT vide Email dated 13.02.2019) has observed that the OCEMS display Panel at ETP was not showing the ETP outlet discharge flow meters reading during the visit and the unit requires to connect/restore the flow meter data to CPCB server. Accordingly, the Joint Committee in its report has recommended that the unit shall connect/restore the flow meter data at the outlet of ETP to CPCB server. Thus, the fall of alleged Presumptive Pollution as mentioned in this Para is wrong and denied.

- D. That in reply to the contents of sub-para (D), it is submitted that the inspections and sampling carried out by the officers of the Board in the presence of the representatives of the industrial unit revealed significant deviations from the permissible effluent standards. The findings of the PPCB were based on robust sampling and analytical methods, verified by Laboratories of the Board. The violation Committed by the respondent industry has necessitated regulatory action to protect the environment and public health. The reply given in the preceding paragraphs may also be read as part of reply to the contents of this Sub-Para.
- E. That the contents of sub-para (E) are denied being in correct that parallel proceedings were going on before the PPCB and the Hon'ble National Green Tribunal. Factual position is that on the basis of the complaints received from the residents of the people of the area, the officer of Punjab Pollution Control Board had visited the industrial unit of respondent no. 3 on 23.05.2018 and on 15.11.2018 with the officials of PBTI. The industrial unit was extended an opportunity of personal hearing before the Chairman of the Board on 18.09.2018, which was attended by Sh. Sanjay Kumar Chech, General Manager of M/s Kuantum Papers Ltd. After hearing the representative of the respondent no. 3, it was decided by the competent authority of the Board on 18.09.2018, that the Chief Environmental Engineer, Jalandhar shall Co-ordinate visit of PBTI (Punjab Bio Technology Incubator, Mohali) to the industry within 07day and PBTI shall collect and analysis the treated trade effluent sample and submit report to the Punjab Pollution Control Board and that the Chief Environmental Engineer, Jalandhar shall visit the industry and asses the adequacy of Pollution control measures/disposed arrangement



made by the industry and shall submit report/recommendations before the next date of hearing. The proceedings of the hearing held on 18.09.2018 before the Chairman of the Board were conveyed to M/s Kuantum Papers Ltd. (respondent no. 3) by the Punjab Pollution Control Board vide letter no. 6049 dated 26.09.2018 and copy of the same is enclosed herewith as **Annexure-C** for kind perusal.

As far as proceedings before the Hon'ble National Green Tribunal area concerned. It is submitted that the Hon'ble National Green Tribunal has taken cognizance of a letter of the residents of SailaKhurd, Raniala that pollution is being caused by Kuantum Papers Ltd. affecting inhabitants of SailaKhurd, Raniala, JassovalMajari, PaddiKhusi and Pensaravillage DistrictHoshiarpur by discharging polluted air and water. The case was registered as Original Application no. 850/2018. After consideration of the matter, the Hon'ble NGT vide order dated 19.12.2018 has called for a Joint Report from the Central Pollution Control Board and Punjab State Pollution Control board on the factual aspect of the matter and action taken if any. In compliance to the orders dated 19.12.2018 of the Hon'ble NGT, the Joint inspections report was submitted by the committee vide e-mail dated 13.2.2019. A copy of order dated 19.12.2018 passed by the Hon'ble Tribunal in OA no. 850 of 2018 is endorsed as **Annexure-D** For kind perusal and reference.

- F. (i) In reply to the contents of Sub Para F, it is submitted that in compliance to order dated 14.3.2018 passed by Hon'ble National Green Tribunal in OA no. 850/2018, the Punjab Pollution Control Board has constituted a Joint Committee vide letter no. 505-07 dated 22.3.2019 comprising of the following officers to visit the industry to assess the extent of damage caused in monetary terms on settled principles, which will be adequate to meet with the cost of restoration:

- a) Er. G.S Majithia, Chief Environmental Engineer, Punjab Pollution Control Board, Jalandhar.
- b) Sh. Kamlesh Singh, Scientist, D, IPC, III Divisions, CPCB Delhi.
- c) Er. Surinder Singh Matharu, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Hoshiarpur.
- d) Sh. Sandeep Gupta, Assistant Scientific Officer, Zonal Lab, Jalandhar.

- e) Er. Pooja Sharma, Assistant Environmental Engineer, Punjab Pollution Control Board, Regional Office, Hoshiarpur.
- (ii) The industry was visited by the visited by the Joint Committee on 01.04.2019 and it was observed that the industry (M/s Kuantum Paper Ltd.,) is still not complying with the provisions of the Water (Prevention & Control of Pollution) Act, 1974.
- (iii) The committee has considered the entire case with regard to the violations, order passed by the Hon'ble NGT the guidelines framed by the CPCB for environmental compensation and other relevant facts and appended the following value of LF and N (No. of days of violation took place) in Paragraph 8.0 as under.

8.0 Calculation of value of LF & N (No. of days violation took place).

8.1 Calculation for value of N

The industry has violated the provisions under Water Act, 1974 during the following periods:

- i) The industry was visited on 27.05.2018 by PPCB after getting message through SMS Alert system on 05.05.2018 regarding non-conforming of effluent standards by it. As mentioned above, the treated wastewater sample collected on 27.05.2018 was not conforming to the effluent standards. The industry was again visited on, 15.11.2018 by a team, constituted by the State Board and again the treated wastewater samples collected on 15.11.2018 were not conforming to the effluent standards. Therefore, for first time industry was found non-conforming to the effluent standards during the period 27.05.2018 to 14.11.2018 and total days of this period have been worked out as 172.
- ii) The industry was jointly visited on 17.01.2019 by CPCB and PPCB and the treated wastewater sample collected on 17.01.2019 was not conforming to the effluent standards. Therefore, the period 15.11.2018 to 16.01.2019 is the period for which the industry is found non-conforming to the effluent standards for second time and total days of this period have been worked out as 63.



- iii) The industry was again visited by a team of 01.04.2019 and found that the industry was not complying with the observations of the Board, the detail of which is mentioned above. Therefore, the period 17.01.2019 to 31.03.2019 is the period for which industry is found non-complying for consecutive third time and total days of this period have been worked out as 74.
- iv) The total number of violation days i.e. N comes as 309 days (172+63+74).

## 8.2 Calculation for value of LF

The total population of Hoshiarpur city is 1,68,653 as per census 2011. The industry does not fall in the Eco Sensitive Zone since the MoEF&CC vide notification no. 29.11.2016 has declared Eco Sensitive Zone within a radius of 100 mtr. From the TakhniRahmapur Wild Life Sanctuary, which is located at a distance of more than 15 km. from the industrial unit. Further, Lalwan Community Reserve is situated in Tehsil Garhshankar in DisttHoshiarpur and is spread over an area of 1266 ha. This Community Reserve is located at a distance of about 13 Km. from the boundary nearest to this Community Reserve. Therefore, LF for this unit is considered as 1.

### I. TIME PERIOD – 27.05.2018 – 14.11.2018.

- a) That in reply to the contents of sub-para (a), it is submitted that the industry was visited on 27.05.2018 and separate Grab samples were collected from the effluent treatment plant, authorized outlet and the pipes leading from the outlet of ETP for irrigation in the field of Sh. Satnam Singh. The BOD value of the sample collected from the outlet of ETP was found to be 26mg/l i.e., within the prescribed limit of 30mg/l. However, the BOD value of the sample collected from the pipe leading from the outlet of ETP was 34mg/l in the field of Sh. Satnam Singh and the same was beyond the prescribed limit of 30mg/l.

In reply to the note given in the end of this sub-para, it is submitted that nowhere in the analysis report dated 08.06.2018 of the Head Office Laboratory at Patiala it is stated that the parameters are within the prescribed standards for such type of industries. It is further mentioned in the note that the fact was duly accepted by Punjab Pollution Control Board vide Notice

dated 01.02.2019 that the parameters were within the prescribed standards. In reply, it is submitted that it is inadvertently mentioned in the notice dated 01.02.2019 that "the analysis reveals that the parameters are meeting with the prescribed standards for such type of industries." Inadvertently the word 'not' has not been written in the above line after the word 'are'. If the correct word 'not' has been written, the above sentence would have been read as under.

"The analysis reveals that the parameters are not meeting with the prescribed standards for such type of industries."

- b) That in reply to sub-para (b), it is submitted that the respondent industry is referring to General Standards for discharge of Environmental Pollutants as mentioned in Schedule VI of Environment (Protection) Rules, 1986. However, the industry is a large-scale pulp and paper industry wherein specific parameters have been prescribed of the pollutants at serial no. 53 in Schedule-I appended to the Environment (Protection) Rules, 1986. As per the prescribed standards of large-scale pulp and paper industry BOD standard has been prescribed as 30mg/l. The respondent cannot claim compliance with irrigation standards when the measured values clearly surpass the specific norms set as per Environment (Protection) Rules, 1986.
- c) That in reply to the contents of the sub-para (c), it is submitted that the respondent industry itself is admitting that the BOD value from the sample collected at the field of Sh. Satnam Singh was marginally higher at 34mg/l. The remaining contents of this sub-para are wrong, hence denied that the higher value of BOD was due to impermissible manner of storage of samples from the field of Sh. Satnam Singh. In reply it is submitted that during the sampling process the representatives of the respondent industry were present on 27.05.2018 and the sampling data sheet was signed by the representative of the industry acknowledging the proper storage, procedure and its compliance with statutory requirements. Appropriate containers were used and proper protocol to maintain the samples properties during transit was ensured by the Punjab Pollution Control Board personnel. The allegation of impermissible manner of storage is baseless and speculative.

The further contents of this sub-para are denied being incorrect that as per the Central Pollution Control Board guidelines a sample for BOD cannot be stored beyond 6 hours. In reply it is submitted that as per the Central Pollution Control Board (CPCB) guidelines for water sampling and preservation, a BOD sample should be analyzed within 6 hours of collection if stored at room temperature. If immediate analysis is not possible, the sample can be preserved upto 24 hours. In the present case the preserved samples were transported by the Board to the Head Office Laboratory of the Board at Patiala within 24 hours. Hence, the claim put forward by the respondent industry cannot be relied upon.

- d) That the contents of the sub-para (d) are denied being incorrect. No such reason as mentioned in the sub-para was disclosed by the representatives of the respondent industry at the time of collection of samples by the Board Officers. The reasoning mentioned in this para at this stage is afterthought as during the sampling procedure, the representatives of the respondent industry were present at the site and the sample collection data sheet was duly signed by the representative of the industrial unit in token of its correctness.
- e) That the reply already given in sub-para (b) above may kindly be read as reply to the contents of sub-para (e).
- f) That in reply to the contents of sub-para (f) it is submitted that the Joint Committee might have written the value of TSS inadvertently in its report.

Thus, the period from 27.05.2018 to 14.11.2018 (172 days) cannot in any manner be excluded from the violation period to calculate the Environmental Compensation.

## II. TIME PERIOD – 15.11.2018 – 16.01.2019.

- a) That in reply to the contents of sub-para (a) it is submitted that the industrial unit was extended an opportunity of Personal hearing before the Chairman of the Board on 18.09.2018 which was attended by Sh. Sanjay Kumar Chechi, General Manager of M/s Kunatam Papers Ltd. after hearing the representative of respondent no. 3 it was decided by the Competent

Authority of the Board on 18.09.2018 that the Chief Environmental Engineer, Jalandhar shall co-ordinate the visit of PBTI (Punjab Biotechnology Incubator, Mohali) to the industry within 7 days and PBTI shall collect and analysis the treated trade effluent sample and submit report to the Punjab Pollution Control Board and that the Chief Environmental Engineer, Jalandhar shall visit the industry and access the adequacy of Pollution Control measures/disposal arrangements made by the industry and shall submit report/recommendations before the next date of hearing. The proceeding of the hearing held on 18.09.2018 before the Chairman of the Board were conveyed to M/s Kauntam Papers Ltd. (respondent no. 3) by the Punjab Pollution Control Board vide letter no. 6049 dated 26.09.2018. Thus, the industry was aware of the visit dated 18.11.2018 of the officials of the Board and the PBTI for the collection of samples from the premises of the respondent unit. The industry cannot claim ignorance of this fact and non-serving of the notice before the collection of samples on 15.11.2018. The representatives of the respondent industry were present during the visit of the officials of the Punjab Pollution Control Board and the Punjab Biotechnology Incubator on 15.11.2018 and participated in the process relating to the collection, preservation and transportation of samples collected during the visit. The representative of the respondent industry has signed the data collection sheet prepared by the officer of the Board during the visit on 15.11.2018 in token of its correctness. Hence, the samples collected on 15.11.2018 cannot be invalidated.

- b) That the contents of sub-para (b) are wrong hence denied that the samples were collected in violation of the Central Pollution Control Board guidelines for sample collection and preservation. All the samples collected by the officials of the PPCB and PBTI on 15.11.2018 were properly sealed and marked in the presence of the representatives of the respondent industry in accordance with the statutory requirements. The process was carried out transparently in the presence of the representatives of the respondent industry who raised no objections to the manner of sampling, sealing and marking during the inspection. The officials of PPCB and PBTI had followed the CPCB guidelines for the storage and transportation of collected samples.



- c) That the contents of sub-para (c) are wrong hence denied. The facts mentioned in this para are a repetition and reply to the contents of this para has already been given in the preceding paragraph and the reply given in the preceding paragraph may kindly be read as part of reply to the contents of this sub-para.

The remaining facts of this para are wrong hence denied that the samples have not been collected as per the prescribed procedure, thus cannot form the basis of any punitive action against the Respondent in view of Section 21(3)(a) of the Water (Prevention and Control of Pollution) Act, 1974.

III. TIME PERIOD – 17.01.2019 – 31.03.2019

- a) That the contents of sub-para (a) are a matter of record that the Joint Committee constituted by this Hon'ble Tribunal conducted an inspection of the unit on 17.01.2019 in furtherance of the Order dated 19.12. 2018 passed by the Hon'ble Tribunal.
- b) That the contents of sub-para (b) are a matter of record that the industry was again visited by the members of the Joint Committee on 01.04.2019 wherein, the industry was found not complying with provisions of the Water (Prevention and Control of Pollution) Act, 1974.
- c) That the contents of sub-para (c) may be considered as matter of record.
- d) That in reply to the contents of sub-para (d), it is submitted that the Board has not authorized any of the laboratories to conduct sampling of the industries. The respondent industry has got the monitoring of the performance of ETP conducted from the NABL accredited lab on its own without any concurrence of the Board. Hence, the monitoring results mentioned and described by the respondent industry in this sub-para cannot be relied upon.
- e) That the contents of sub-para (e), are denied being incorrect in view of the submissions made in reply given in sub-para (d) above.
- f) That the contents of sub-para (f), are denied being incorrect in view of the submissions made in reply given in sub-para (d) above.



- g) That the contents of sub-para (g), are a matter of record that the Punjab Pollution Control Board has directed the industrial unit to curtail 10% of its production capacity and further direction to seal its Lignin Precipitation Plant. This direction has been given by the Board after considering the violations being committed by the industrial unit. Apart from this, the industry was also made liable to pay Environmental Compensation. In this regard it is submitted that the Hon'ble National Green Tribunal has considered the findings and recommendations of the Joint Committee and had passed an Order dated 14.03.2019 in O.A no. 850 of 2018 to the effect that the violations are serious but the action taken is inadequate. Neither any closure has been ordered till compliance nor damages assessed and recovered. Punjab State Pollution Control Board has thus failed to act upon the Precautionary and Polluter Pay principle for preventing further damage and restoring the damage already caused.

In view of submissions made herein above, the period from 17.01.2019 to 31.03.2019 (74 days) cannot be excluded from the days of violation to calculate the Environmental Compensation.

- XIV. That in reply to the contents this para, it is submitted that the industry has failed to comply with the conditions of consent granted by the Board and was found violating the provisions of Water (Prevention and Control of Pollution) Act, 1974. Hence the Board has given show-cause notice for revocation of consent and later on directions were issued. During the opportunity of hearing extended to the industry on 05.02.2019, certain decisions were taken by the Competent Authority after hearing the representatives of the industry and the officers of the Board. The decisions taken during the hearing on 05.02.2019 are reproduced.

- 1) The industry shall engage CPPRI, Saharanpur and get its existing ETP and chemical recovery plant audited and a proposal be prepared for up-gradation required in existing ETP and chemical recovery plant, so as to meet the effluent standards as prescribed under the law and the report be submitted to the PPCB within 21-days.
- 2) The industry shall prepare an Irrigation Management Plan from a consultant of good repute for the whole of the command area available



within the industry and outside the industry-where treated effluent of the industry is utilized onto land for irrigation purpose within 15 days and thereafter get it verified and approved from the Department of Soil & Water Conservation, Punjab and submit the same to the Punjab Pollution Control Board within 21 days.

- 3) The industry shall get the ground water study of the whole command area where the treated effluent is utilized onto land for irrigation purpose from any expert institute in the field of Hydrogeology and submit report to Punjab Pollution Control Board within 21 days.
- 4) The industry shall prepare a Standard Operating Procedure (SOP) for the operation of ETP and Chemical Recovery Plant (CRP) and shall maintain the record of operation of ETP on daily basis and shall submit monthly record duly verified by the Designated Authority of the industry to the Punjab Pollution Control Board.
- 5) The industry shall obtain the permission / NOC from Central Ground Water Authority (CGWA) regarding abstraction of fresh water from all the existing tube-wells in the industry.
- 6) The industry shall install electromagnetic flow meter at the inlet of the ETP before the equalization tank within 21-days.
- 7) The industry shall commission the Elemental Chlorine Free bleaching (ECF) in the agro based production by 31-03-2019.
- 8) The industry shall install and commission a new soda recovery plant of 500 TPD capacity dry black liquor solids by 31/03/2020.

It is further relevant to mention here that the industry was also found in violation mode by the Central Pollution Control Board during the visit of the team of officials of CPCB on 23.01.2023. On the basis of the inspection carried out by the Central Pollution Control Board, the CPCB has issued directions u/s 18 (1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 to the Punjab Pollution Control Board vide letter no. 1245 dated 17.05.2023 in the matter of complaint regarding pollution caused by M/s Kuantum Papers Ltd., Village SailaKhurd, Hoshiarpur, Punjab. The directions given by the Central Pollution Control Board to the Punjab Pollution Control

Board in the case of Kuantum Papers Ltd. are reproduced below for kind perusal.

- a) Punjab Pollution Control Board (PPCB) shall issue appropriate direction to the Unit for taking necessary measures w.r.t violations observed in the inspection report (Annexure-1).
- b) To ensure that the Unit enhance its ground water monitoring network in command area where treated wastewater is used for irrigation to assess the ground water quality. Also ensure to install at least 02 monitoring wells at downstream gradient away from the Unit premises for regular monitoring of groundwater quality.
- c) To ensure that the Unit undertake detailed environmental site assessment, as per the CPCB guidelines, by engaging a professional agency/institute having expertise in assessment and remediation of contaminated groundwater and soil and submit the report within 60 days. If required as per detailed site assessment, the Unit shall submit a DPR for remediation of groundwater contaminated area in around the premises, and execute the work in the supervision of SPCB in a time bound manner.
- d) To ensure that the Unit shall prepare a comprehensive irrigation management plan (IMP) as per CPCB guideline by engaging Agriculture Scientist or Agriculture University/Institute and submit report to PPCB and CPCB within 60 days. The PPCB shall verify the same while issuing the consent and the same shall be incorporated with Consent condition before issuance of Consent to Operate to the Unit for compliance.
- e) To ensure that the Unit take all the appropriate remedial measures for the prevention of groundwater contamination in their premises piezometer wells.
- f) To ensure that the Unit shall obtain NOC from PWRDA for abstraction of the ground water.
- g) To ensure that the Unit shall comply with the CPCB guidelines for Utilization of Treated Effluent in Irrigation.



- h) To ensure that the Unit shall make necessary arrangement to hold back the effluent in case of failure of re-circulation system /effluent treatment plant.
- i) To ensure that no water pollution problem is created in the area due to discharge of effluent from the Unit premises and also ensure that no stagnation occurs inside & outside the Unit premises during rainy season and no demand period.
- j) To ensure that the Unit should install suitable odour control system as per CREP recommendation, 2003.
- k) To ensure that the Unit shall ensure regular maintenance & operation and calibration of the on-line system so as to obtain continuous reliable accurate results.

A copy of the directions issued by the Central Pollution Control Board vide letter no. 1245 dated 17.05.2023 u/s 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 to the Punjab Pollution Control Board is enclosed as **Annexure-E**.

- XV. That in reply to the contents of paragraph XV, it is submitted that the industrial unit is under obligation to make adequate arrangements for the prevention and control of Water and Air pollution and investment made by the industry towards providing the said arrangements for the prevention and control of Water and Air pollution cannot be treated as special efforts made by the industry.


It is wrong hence denied that the samples collected on three occasions on 27.05.2018, 15.11.2018 by the Punjab Pollution Control Board and 17.01.2019 by the Joint Committee are not as per the guidelines of the Central Pollution Control Board on water sampling and preservation techniques which according to the respondent industrial unit requires a composite sample testing in the case. It is further wrong hence denied that the sampling being in violation of the CPCB guidelines cannot be taken as proof to impose Environmental Compensation upon the respondent industrial unit. All these questions have been appropriately answered by the Punjab Pollution Control Board in the above reply and for the sake of repetition the

same are not being answered again. The reply given herein above may kindly be perused to reject the contentions raised by the respondent industrial unit.

It is therefore, prayed that the reply filed by the respondent industrial unit namely M/s Kuantum Papers Ltd. may kindly be declined and the Joint Committee report dated 07.05.2019 whereby the Environmental Compensation amounting to Rs. 282.60 Lakhs has been assessed for the period of violation from 27.05.2018 to 31.03.2019 (309 days) may kindly be upheld. A copy of the Joint Committee report dated 07.05.2019 has been enclosed as Annexure-R25 by the industrial unit with its reply and the same is enclosed herewith as **Annexure-F**.

**Submitted by**

Dated:- 03/01/2025  
Place - HOSHIARPUR  
PUNJAB

  
(Deepak Chadha)  
Environmental Engineer,  
Punjab Pollution Control Board,  
Regional Office, Hoshiarpur  
on behalf of Punjab Pollution  
Control Board  
(Respondent)

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**PUNJAB POLLUTION CONTROL BOARD**  
**Regional Office, Hoshiarpur**  
**DETAILS OF BE SUPPLIED FOR THE COLLECTION OF SAMPLE**

ART-A

1. Name & Address of the industry *M/s Kauntam Papers Ltd., Vill Saida Khurd  
Tensil Grahshankar Distt Hoshiarpur*
2. Raw material used *wheat straw, Sarkanda, Wood waste chips, Bamboo etc.*
3. i. Product *Writing & Printing Paper*  
 ii. Processes involved *washing - Cooking - Pulping - washing - Bleaching - Machinging - cutting etc.*
4. i. Give the name of the processes in operation at the time of sampling *All processes in operation*  
 ii. The number of wastewater streams from different processes along with discharge of each. *Two no waste water streams*  

1	33.8 m <sup>3</sup> /hr
2	96.0 m <sup>3</sup> /hr.
3	132.5 m <sup>3</sup> /hr
4	103.0 m <sup>3</sup> /hr.
5	252.2 m <sup>3</sup> /hr.
6	110 m <sup>3</sup> /hr
5. i. Quantity of industrial effluent discharge per hour, (in liters)/m<sup>3</sup>/day. *2. 132.5 m<sup>3</sup>/hr*  

3.	103.0 m <sup>3</sup> /hr.
4.	252.2 m <sup>3</sup> /hr.
5.	110 m <sup>3</sup> /hr

  
 ii. Is the discharge of industrial effluent continuous on intermillent and it intermillent, date & time of its discharges *→ continuous*
- iii. Is the quantity and quality of industrial effluent from different streams uniform through out or not. *Uniform*
- iv. Present method of disposal of industrial effluent. *Onto land for plantation for irrigation in fields outside*
6. i. Working hours *24 hr*  
 ii. Closed day *As per industry Requirement*
7. Number of outlets through which industrial effluent is discharged/carried outside the industry. *6 No.'s*
8. Name of the occupants/representative of the industry with designation present at the time of sampling. *Sh. Vijay Motten (Senior Manager)*
9. Process not working at the time of sampling & why? *All in operation*
10. Parameters to be analyzed.
11. Sample preserved for (tick)
 

	Point of sample Collection	Code	Parameters to Be Analyzed
<input checked="" type="checkbox"/> i. Organic parameter (freezer below 4°C)	Final outlet of ETP	A-1	TSS, PH, BOD COD SAR AOX MLSS
<input type="checkbox"/> ii. Metals (pH less than 2 with HNO <sub>3</sub> )	Aeration tank	A-2	
<input type="checkbox"/> iii. Cyanide (pH above 10 with NaOH)		A-3	
		A-4	
		A-5	
<input type="checkbox"/> iv. Oil & grease (separate 1 Lt. sample glass bottles & freeze)	Underground pipeline outlet	B1	TSS, PH, BOD COD SAR AOX
<input checked="" type="checkbox"/> Others	near tubewell of Satnam Singh s/o Sohan Singh vill Nanaala.	B2	
		B3	
		B4	

12. Details visuals report of Water & Air —

13. i. Name the components of the ETP which were working.

Equalization tank - Primary clarifier - Bio clarifier - UASB Reactor - ASP - I, II, III - Secondary clarifier - Chemical Treatment - Tertiary clarifier - outlet

ii. If any component was not working why? All in operation

14. Date & time of collecting the sample 27-5-18, 3:45 PM

15. Temperature in °C  
a) Air/Sample 46°C / 41°C

16. Colour and odour of the sample Brownish & odourless.

17. Type of sample collected grab or composite. Grab Monitoring

18. Point of sample collection Final outlet of ETP, underground pipeline outlet near tubewell of Satnam Singh S/o Sohan Singh village Parid

19. Remarks:-

During visit ETP was in operation and online monitoring system reading was PH 7.60, COD 194.7 mg/lit, BOD 19.5 mg/lit, TSS 31.8 mg/lit. The treated effluent was being discharged into irrigation outside the plant through treated water distribution lines. The treated effluent samples were collected from final outlet of ETP, Aeration tank, underground pipeline outlet near the tubewell of Satnam Singh S/o Sohan Singh village Parid in the presence of rep. of the industry. The effluent at village Nallaha after underground pipeline mixed with the samples of trade effluent of M/s \_\_\_\_\_

tubewell collected in the presence of Sh. \_\_\_\_\_ from the point mentioned at Sr. No. 18 above was water & occupier \_\_\_\_\_ representative of the industry/placed in dry empty container after utilised by explaining the provisions of section 21 of the Water (Prevention & Control of Pollution) Act, 1974 to them. No farmers for request to send the sample to the State Water Laboratory under section 52 (i) if the said Act has been made by irrigation. occupier/representative of the industry. The sample was stirred and placed in dry bottle/dry bottles and sealed hearing inscription of AEE.

- 1) Sh Vijay Motter (Sr. Mgr.)
- 2) Er Pooja Sharma (AEE)

Wtan  
27.5.18

Signature of the occupant/Representative of the Industry with Designation

Bun  
Signature of the official collecting the sample  
AEE

Received sealed/unsealed and preserved sample/samples on \_\_\_\_\_

at \_\_\_\_\_ through Sh. \_\_\_\_\_

DA  
AEE, PFCB

BOARD ANALYST

2847  
14/6/18

**POLLUTION CONTROL BOARD VATAVARAN BHAVAN,  
NABHA ROAD, PATIALA  
WATER ANALYSIS REPORT**

1. Laboratory Sample No.  
2. Name of Industry

3. Name of Sample collecting Officer  
4. Designation of authorizing Test

5. Type of Sample

6. Date & Time of Sample collection

7. Date & Time of Sample receipt in Lab.

8. Period of Analysis

9. Test Methods

147-149 H.O.Lab. Monitoring/2017-18  
M/s Kauntam Papers Ltd, Vill Saila Khurd,  
Tehsil Garshankar, Distt. Hoshiarpur.  
Er. Pooja Sharma AEE,  
EE, RO, Hoshiarpur.  
Grab

27.05.2018

28.05.2018

28.05.2018 to 07.06.2018

As per relevant parts of IS:3025/Methods of APHA

8/11/18  
TC-7045  
14/6/18



**Results**

Sr. No.	Parameters	Final outlet of ETP	Aeration Tank	Underground Pipe line Outlet near tubewell of Satnam singh s/o Sohan singh vill Narila
1.	pH	7.76	-	7.63
2.	Total Suspended Solids mg/l	38	-	92
3.	Chemical Oxygen Demand mg/l	205	-	232
4.	Bio-chemical Oxygen Demand mg/l	26	-	34
5.	*Sodium Absorption Ratio (SAR)	5.96	-	5.72
6.	*Mixed Liquid Suspended Solids mg/l	-	6290	-

Not covered under scope of NABL

Note: 1. The sample collected from final outlet of ETP was Brownish in colour.

2. The sample collected from Underground Pipe line Outlet near tubewell of Satnam singh s/o Sohan singh vill Narila was Brownish turbid in colour.

---End of Report---

*[Signature]*  
8/6/18  
Analyzed by

*[Signature]*  
8/6/18  
Scientific Officer

Endst. No: 16 778-79

Dt. 8-6-18

A copy of the above is forwarded to the:-

1. The Senior Environmental Engineer, Punjab Pollution Control Board, Zonal Office, Jalandhar.
2. The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Hoshiarpur.

*[Signature]*  
EE, PPCB

*[Signature]*  
8/6/18  
Asstt. Scientific Officer

18-9-2018 H.CO.B.

## ANNEXURE R-8



# Punjab Pollution Control Board

Zonal office, Near PSIEC, Water Tank, Focal Point, Jalandhar

Phone No. 0181-2601612 [www.ppcb.gov.in](http://www.ppcb.gov.in) Email ID - [seezonal.ppcb@punjab.gov.in](mailto:seezonal.ppcb@punjab.gov.in)

No. 6049  
To

Date 20/9/18

M/s Kuantum Papers Ltd.,  
Village Salla Khurd, Tehsil Garhshankar,  
Distt. Hoshiarpur

**Subject:** Proceedings of the personal hearing before Hon'ble Chairman of the Board on 18/9/2018 at Head office Patiala u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 & show cause notice for revocation of consent to operate under the Water Act (Prevention & Control of Pollution) Act, 1974.

On behalf of Board: - Er. Krunesh Garg (Member Secretary).

Er. G.S Majithia CEE, Jalandhar

On behalf of Industry: - Sh. Sanjay Kumar Chechi (G.M).

The officer of the Board brought out that the industry was granted the 'Consent to establish' (NOC) under the Water Act 1974 and Air Act, 1981 valid upto 19/7/2019 for production of paper @ 450 TPD by using agro waste. The industry was granted the consent to operate under the Water Act (Prevention & Control of Pollution) Act, 1974 valid upto 31/3/2019 with special conditions mentioned therein. The CPCB SMS alert for ETP report received from Regional office Hoshiarpur through mail on dated 23/5/2018 & 31/8/2018 and details of SMS Alerts from 5/5/2018 to 30/8/2018. It reveals that all parameters of treated effluent of the industry are beyond the prescribed limit of the Board. The detail of SMS alert received from Punjab Pollution Control Board of the industry are as below:-

Date	Time	Parameters	Result(mg/l)	Prescribed Standards (mg/l)
05.05.2018	4:17pm	BOD, COD, TSS	271, 277.5, 295.5	30, 350, 50
20.06.2018	5:15am-11.45 am	TSS	93.3-73.8	50
02.07.2018	1:38pm	TSS	79.8	50
03.07.2018	10:45pm	TSS	56.7	50
04.07.2018	5:15pm-11.45 pm	TSS, COD, BOD	115.7, 298.5, 69.8	50, 350, 30
13.07.2018	7:08am-7.15 am	TSS	53.3-58.7	50
16.07.2018	7:15am	TSS	53.0	50
26.07.2018	4:15pm-4.45 pm	COD, TSS, BOD	293, 100.6, 433.5, 43.9	350, 50, 350, 30
27.07.2018	12:00am	TSS	113.2	50
18.08.2018	9:29pm	TSS	75.6	50
20.08.2018	3:30pm	TSS	100.7	50
23.08.2018	6:26am-12:15 pm	TSS	70.9, 66.1	50
24.08.2018	3:00am	TSS	53.2	50
27.08.2018	5:00pm-5.45 pm	TSS, COD, BOD	115.9, 431.9, 43.9	50, 350, 30
30.08.2018	3:15am- 3.29 pm	COD, TSS	273.2, 101.5	350, 50

From above, it is clear that BOD is going 5 times high from the prescribed limit of the Board from 5-5-2018 to 30-8-2018.

*(Signature)*

A complaint received against the industry in Regional office Hoshiarpur from Sh. Sukhjinder Singh, Bhor, Near Octori Banga Road, Phagwara Distt. Kapurthala and on Eco Samparak also and the officer of the Board were visited on 27-5-2018 and collected sample from the ETP & from pipes leads from outlet of ETP for irrigation purpose in the field of Sh. Satnam Singh, S/o Sh. Sohan Singh. The analysis report received from Head office and details are as under:-

Sr. No.	Parameters	ETP results of industry	Aeration Tank	Sh. Satnam Singh S/o Sohan Singh in field outlet of sample	Prescribed standards
1)	pH	7.76		7.68	7.0-8.5
2)	TSS	38	--	92	500
3)	COD	205	----	232	350
4)	BOD	26	----	34	30
5)	SAR	5.96	--	5.72	26
6)	MLSS	--	6290	--	---

From the above results reveals that the parameters of sample collected from ETP are within the limit. But, the sample collected from pipes leads from outlet of ETP for irrigation purpose in the field of Sh. Satnam Singh, S/o Sh. Sohan Singh is beyond the limit (BOD=34 mg/ltr).

The industry is failed to comply with the conditions of consent granted to it and is violating various provisions of the Water Act (Prevention & Control of Pollution) Act, 1974.

The representative of the industry submitted during the hearing that the value of BOD in the SMS Alert is due to technical fault in the Online Effluent Monitoring System. Regarding collection of treated effluent sample from the field of Sh. Satnam Singh it indicate the slight higher value of BOD.

After hearing, the officer of the Board and representative of the industry, the Chairman of the Board decided that:-

- 1) The Chief Environmental Engineer, Jalandhar shall Co-ordinate the visit of PBTI to the industry within 7 days and PBTI shall collect and analysis the treated trade effluent sample and submit report to the Punjab Pollution Control Board.
- 2) The Chief Environmental Engineer, Jalandhar shall visit the industry & assess the adequacy of pollution control measures / disposal arrangements made by the industry & shall submit report / recommendations before next date of hearing.
- 3) The further action will be taken out after receipt of the report.

*Santosh*  
26/9/18  
For Sr. Environmental Engineer

Encl. No.....

dated.....

A copy of the above is forwarded to Environmental Engineer, Punjab Pollution Control Board, Regional Office, Hoshiarpur for information and necessary action as per the above decision.

*Sd/-*  
For Sr. Environmental Engineer

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 850 of 2018**

**Residents of SailaKhurd, Raniaia**

**Versus**

**State of Punjab**

Status / Action taken report of Er. Surinder Singh Matharu, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Hoshiarpur in compliance to the order dated 14/3/2019.

I, above named deponent, do hereby, solemnly affirm and state as under:

**Respectfully Showeth,**

1. That vide orders dated 19/12/2018 passed in the above mentioned case, the Hon'ble Tribunal was pleased to issue directions to the effect that a joint report be furnished by the Central Pollution Control Board and the Punjab State Pollution Control Board on actual aspects of the matter and action taken, if any.
2. That in compliance, the Industry namely M/s Kauntam Paper Pvt. Ltd., Vill. SailaKhurd, Tehsil Gharshankar, Distt. Hoshiarpur was visited on 17/1/2019 by the joint team comprising of officers of Central Pollution Control Board and Punjab Pollution Control Board and the report was prepared.
3. That the Report of the Joint Team comprising of officers of Central Pollution Control Board and Punjab Pollution Control Board was placed before the Hon'ble National Green Tribunal by




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way of status report. After considering the said report, the Hon'ble NGT was pleased to pass the following order dated 14/3/2019 :

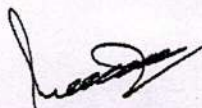
- i. It is clear that violations are serious but action taken is inadequate. Neither any closure has been ordered till compliance nor damages assessed and recovered. PSPCB has, thus, failed to act upon the 'Precautionary' and 'Polluter Pays' principle for preventing further-damage and restoring the damage already caused.
  - ii. In view of the above, the PSPCB may now take appropriate action in accordance with law.
  - iii. The Joint Committee may assess the extent of damage caused in monetary terms on settled principles requiring the compensation to be deterrent and adequate to meet the cost of restoration.
  - iv. An action taken report may be furnished by the PSPCB and the Joint Committee in above terms within one month by email at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com)
4. That in compliance to the orders dated 14/3/2019 passed by the Hon'ble National Green Tribunal, the industry was given an opportunity of personal hearing on 9/4/2019 u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 before the Chairman of the Board. In the said hearing the assessment report of Chemical Recovery Plant (CRP) and adequacy report of ETP prepared by Central Pulp and Paper Research Institute, Roorkee (CPPRI) was discussed in detail along with other



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observations and it was decided by the Chairman of the Board as under:

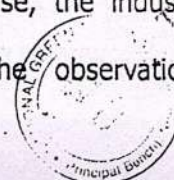
- (i) The industry shall critically examine the assessment study report of Chemical Recovery Plant (CRP) and ETP conducted by CPPRI and the ground water study report conducted and submitted by it, so that the issues and the observations can be discussed in detail.
  - (ii) The industry shall submit the point wise detailed compliance report of the above mentioned observations raised during the hearing proceedings well before the next date of hearing, so that same be discussed in the next hearing.
  - (iii) The industry shall be reheard on 24/4/2019 before the Chairman of the Board.
5. That the proceedings of hearing held on 9/4/2019 were conveyed to the industry vide letter no. 1734 dated 15/4/2019 for ensuring compliance of the decisions. A copy of letter no. 1734 dated 15/4/2019 is hereby produced and enclosed herewith as **Annexure-A** for kind perusal of the Hon'ble Tribunal.
6. That the industry was again heard on 24/4/2019 u/s 33-A of the Water Act, 1974 by the Chairman of the respondent Board, wherein, after hearing it was decided as under :
- (i) In order to ensure proper and effective operation of the Effluent Treatment Plant and Chemical Recovery Plant and considering the violations mentioned herein above, the industry is hereby directed to curtail 100% production



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capacity i.e. it shall produce not more than 337.5 TPD on an average (375 – 37.5 TPD). Directions in this regard u/s 33-A of the Water Act, 1974 shall be issued separately.

- (ii) The EE, Regional office, Hoshiarpur is directed to seal the Lignin Precipitation Plant (LPP) of the industry with immediate effect and shall report in this regard to Zonal Office, Jalandhar within 7 days. This may also be made a part of the Directions to be issued to the industry u/s 33-A of the Water Act, 1974.
- (iii) The EE, Regional Office, Hoshiarpur is directed to encash the Bank Guarantee of Rs. 10.00 lakhs (Rupees Ten Lakhs Only), which has already been submitted by the industry to the Board as an assurance to comply with the provisions of the Water Act, 1974.
- (iv) The industry is given a time period of three months from the date of hearing to remove all the discrepancies / observations of the Board made above and to ensure the compliance of commitments made by the industry orally during the hearing / submitted in writing vide letter dated 24.4.2019.
- (v) The industry is directed to furnish a fresh bank guarantee of Rs. 50.00 lakhs (Rupees Fifty Lakhs Only) to the Board within 7 days as an assurance to comply with the provisions of Water Act, 1974 and to comply with the decisions of the personal hearing including the submissions made orally during the hearing / submitted in writing vide letter dated 24.4.2019. In case, the industry fails to make the compliance of the observations



mentioned above, within a stipulated period of three months, the BG of Rs. 50.00 lakhs shall be encashed and further action under the Water Act, 1974 shall be initiated.

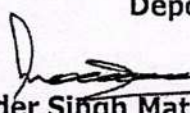
- (vi) The Board shall grant the application for consent to operate under the Water Act, 1974 and Air Act, 1981 submitted by the industry, for curtailed production of 337.5 TPD of writing and printing paper for a period of three months subject to the suitable conditions.
- (vii) The Senior Environmental Engineer, Zonal Office, Jalandhar shall take up matter with NIT, Jalandhar for carrying out hydro geological study at various locations where the treated wastewater is utilized by the industry for irrigation of agricultural fields including in the premises of the unit and on the upstream side of the industry as a reference sample for getting a study conducted within a period of 3 months, to ascertain the effect on the ground water quality due to utilization of treated wastewater for irrigation purposes. The entire cost to be incurred on this study shall be borne by the industry. EE RO, Hoshiarpur shall act as a coordinator for getting conducted this study.
- (viii) It was made clear to the representatives of the industry present in the hearing that in case the industry fails to make the compliance of the above mentioned decisions of the hearing, action as deemed fit under the provisions of the Water Act, 1974 shall be taken without affording any further opportunity / notice.


7. That the proceedings of the said hearing were conveyed to the industry vide letter no. 1936 dated 25/4/2019 for ensuring

compliance of the decisions taken in the said hearing and a copy of the same is hereby produced and enclosed as **Annexure-B** for kind perusal.

8. That in compliance to the decisions taken in the hearing held on 24.04.2019, directions u/s 33-A Water (Prevention & Control of Pollution) Act, 1974 have been issued by the respondent Board vide letter dated 25.04.2019 (**Annexure-C**) to the effect that:-
- i) *The industry is hereby directed to curtail 10% production capacity i.e. it shall produce not more than 337.5 TPD on an average (375-37.5 TPD).*
  - ii) *The Lignin Precipitation Plant (LPP) of the industry shall be seal with immediate effect.*
9. That the action taken report with regard to the assessment and imposition of Environmental Compensation in the case on the basis of 'Precautionary and Polluter Pays' principle for preventing further damage and restoring the damage already caused, will be separately filed by the joint committee comprising the officers of the Central Pollution Control Board and Punjab Pollution Control Board.
10. That the status / Action Taken Report of the respondent Board may kindly be taken on record for consideration and appropriate orders.

Deponent

  
(Surinder Singh Matharu)  
Environmental Engineer  
Punjab Pollution Control Board,  
Regional Office, Hoshiarpur

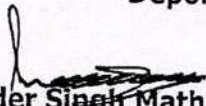
  
Date: 01.05.19  
Place: Hoshiarpur

**Verification:**

Verified that the contents of para no. 1 to 9 of the above action taken report are true and correct to my knowledge as derived from the official record. Para No. 10 is prayer. No part of the above status / action taken report is false and nothing material has been kept concealed therein.

**Deponent**

Date: 01.05.19  
Place: Hoshiarpur

  
(Surinder Singh Matharu)  
Environmental Engineer  
Punjab Pollution Control Board,  
Regional Office, Hoshiarpur



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केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार  
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

By Speed Post

CP-14/1/2023-TECH-RD-CHANDIGARH-RD(Chandigarh)

May 17, 2023

To,

The Chairman,  
Punjab Pollution Control Board,  
Head Office, Vatavaran Bhawan,  
Nabha Road, Patiala-147 001,  
Punjab

Direction under section 18(1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 to Punjab Pollution Control Board (PPCB) in the matter of complaint regarding pollution caused by M/s Kuantum Paper Ltd. Village-Salla Khurd, Hoshiarpur, Punjab.

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

WHEREAS, Central Pollution Control Board (CPCB) received a letter dated 02.01.2023 of Shri Manish Tewari, Hon'ble Member of Parliament (Lok Sabha) addressed to Hon'ble Union Minister for Environment, Forest & Climate Change Sh. Bhupender Yadav regarding pollution being caused by M/s Kuantum Paper Ltd., village Salla Khurd, District-Hoshiarpur, Punjab. The Hon'ble MP Sh. Manish Tewari in its said letter has raised various issues & requested to kindly send a team of CPCB to carry out a thorough investigation into the alleged pollution being caused by the said Unit and ensure that this problem is mitigated & that the problem is either brought within permissible limits permitted by the law or other penal action may be taken in order to save the life & health of people who live in the adjoining villages; and

WHEREAS, in pursuant to the above said letter dated 02.01.2023, M/s Kuantam Paper Ltd., Village Salla Khurd, District-Hoshiarpur (Punjab)(*hereinafter referred as 'the Unit'*) and its adjoining area was visited by a team of officials of CPCB on 23.01.2023. The inspection report is annexed at Annexure-I. The inspection team made the following observations:

1. M/s Kuantum Paper Ltd. (the unit) is engaged in manufacturing of writing & printing paper with installed capacity of 450MT/Day using Agro & Wood based raw material like wheat straw, Bagasse/grass, wood chips, imported softwood/Hardwood etc. The Unit is operating @ 427MT/Day.
2. On the day of inspection, the Unit & its ETP were found operational.
3. The Unit have valid consent under the Water Act, 1974 & Air Act, 1981 with validity up to 31.03.2023. The Unit has valid Authorization under Hazardous & Other Waste Rules 2016, with validity up to 30.05.2023.
4. The Unit has installed continuous cooking type digester for cooking of the Agro based raw material. However, the Unit also have batch type digester for cooking the wood waste.
5. The Unit has installed a Chemical Recovery Plant(CRP) having 06 stage MEE with recovery boilers 21TPH & 65 TPH for black liquor management.

'परिवेश भवन' पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाईट/Website : www.cpcb.nic.in

6. The Unit is meeting its domestic and industrial water requirement through 08 tube wells [total-10 out of which 02 are defunct (not yielding water)].
7. The Unit has installed electromagnetic flow-meters on all the borewells. The Unit is maintaining the record of water consumption from each well. As per logbook record, the water consumption in the month of Dec, 2022 was about 19470m<sup>3</sup>/day.
8. The Unit has obtained previous NOC valid up to 13/07/2011 from CGWA for abstraction of the ground water. The Unit has applied online application for permission to extract ground water to Punjab Water Regulation & Development Authority (PWRDA).
9. The water consumption of the Unit was assessed from environmental audit report & log book record indicate that fresh water consumption of the Unit is about 49.8m<sup>3</sup>/ton of paper which is within CPCB prescribed limit of Agro based Units. The data indicates that the Unit is generating wastewater @39m<sup>3</sup>/ton of paper and further also reported about 4.6m<sup>3</sup>/ton of effluent is recycled by the Unit.
10. On the day of visit, the team observed that the Unit is segregating high COD & low COD effluent stream for effective treatment of the effluent. For High COD stream treatment process (effluent from pulp washing & wet washing) comprised of Bio-Clarifier, UASB reactor, Tube Settlers, SediCell, Pre-Aeration tank, Aeration tank-3 (AT-3), Secondary Clarifier-2, Geo Tubes. For low COD stream the treatment process (effluent from process area i.e. paper machines section) consist of Equalization tank, Primary Clarifier, Parallel two Activated Sludge Tank (AT-1& 02), Secondary Clarifier-1.
11. As per consent conditions, treated effluent to be used onto land for plantation/irrigation (approx. 110 acres within premises for plantation and 250 acres in nearby village for irrigation) and domestic effluent to be discharged onto land through septic tank followed by ETP for plantation/irrigation.
12. The inspection team collected samples from ETP to assess the efficiency of the treatment system and lab analysis result of the samples collected from the outlet of the ETP showed pH-7.6 (against norms of 7.0-8.5), TSS-62 mg/l (against norms of 50 mg/l); COD-127 mg/l (against norms of 350 mg/l); BOD-24 mg/l (against norms of 30 mg/l); TDS-1904 and SAR-5.54 (against norms of 26). It is evident from the above lab result that the Unit is meeting with effluent discharge standard except TSS (62 mg/l against 50 mg/l) parameter. Moreover, the MLSS in aeration tank found to be in excess to the optimum range which indicates that ASP based ETP is not being operated properly.
13. The Unit has installed OCEMS at mixing tank and connected to CPCB/PPCB server.
14. The dewatered sludge is sent to in-house board manufacturing section.
15. The Unit has installed 02 power boilers of 60TPH and 130TPH capacities using rice husk and coal as fuel and equipped with individual ESP as air pollution control device (APCD). The Unit has a captive power plant of 38 MW capacity for generation of electricity and installed ESP as APCD.

16. The Unit has installed online emission monitoring system at power boiler & recovery boilers & connected to CPCB/PPCB portal. OCEMS data on the day of inspection data was meeting with CPCB prescribed norms.
17. Process generated odour is controlled by adding odour control enzyme based chemical at source as reported by the Unit. The Unit has carried out monitoring of H<sub>2</sub>S at different locations inside the premise. As reported about 0.3 - 0.5 ppm H<sub>2</sub>S value found nearby foul condensate collection pit however other locations H<sub>2</sub>S values were not observed.
18. Overall housekeeping of the Unit was found satisfactory.
19. During visit, team had collected 06 Ground water samples from 03 Piezometers (02 inside the Unit premises & 01 outside the premises) and 03 tube wells maintained by farmers in surrounding area up to a distance of about 250m to 3 km of the Unit. The analysis results of ground samples indicated the following:
  - i. The high concentration of TDS (2780mg/l against BIS permissible limit 2000 mg/l) in 01 piezometers well located inside the Unit premises indicate leaching of industrial effluent/waste which may lead to increase in TDS values. However, other collected ground water sample TDS values were found within permissible limit.
  - ii. The value of High COD (COD-22 mg/l) found in the groundwater sample collected from the piezometer well installed within the Unit premise at upstream & piezometer well at downstream (COD-49mg/l) indicates ground water contamination. Further, also other groundwater parameters (like EC, TDS, chloride, Turbidity, Sodium and Ammonia) in these two piezometer well (located within premises) showed increasing trends.
  - iii. Heavy metal analysis results of the collected ground samples showed higher value of iron (Fe) in piezometer well located near yard area & near canteen within the Unit premise. Higher value of lead (Pb) was found at piezometer well (located inside the Unit & outside the Unit) which may be due to iron fitting in the pipeline laid for abstraction of the ground water.

**NOW, THEREFORE,** in view of above observations and in exercise of the powers conferred under section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act, 1974, the following directions are issued to Punjab Pollution Control Board (PPCB) for its compliance:

1. Punjab Pollution Control Board (PPCB) shall issue appropriate direction to the Unit for taking necessary measures w.r.t violations observed in the inspection report (Annexure-I).
2. To ensure that the Unit enhance its ground water monitoring network in command area where treated wastewater is used for irrigation to assess the ground water quality. Also ensure to install at least 02 monitoring wells at downstream gradient away from the Unit premises for regular monitoring of groundwater quality.
3. To ensure that the Unit undertake detailed environmental site assessment, as per the CPCB guidelines, by engaging a professional agency/institute having expertise in assessment and remediation of contaminated groundwater and soil and submit the report within 60 days. If required as per detailed site assessment, the Unit

shall submit a DPR for remediation of groundwater contaminated area in around the premises, and execute the work in the supervision of SPCB in a time bound manner.

4. To ensure that the Unit shall prepare a comprehensive irrigation management plan (IMP) as per CPCB guideline by engaging Agriculture Scientist or Agriculture University/Institute and submit report to PPCB and CPCB within 60 days. The PPCB shall verify the same while issuing the consent and the same shall be incorporated with Consent condition before issuance of Consent to Operate to the Unit for compliance.
5. To ensure that the Unit take all the appropriate remedial measures for the prevention of groundwater contamination in their premises piezometer wells.
6. To ensure that the Unit shall obtain NOC from PWRDA for abstraction of the ground water.
7. To ensure that the Unit shall comply with the CPCB guidelines for Utilization of Treated Effluent in Irrigation.
8. To ensure that the Unit shall make necessary arrangement to hold back the effluent in case of failure of re-circulation system /effluent treatment plant.
9. To ensure that no water pollution problem is created in the area due to discharge of effluent from the Unit premises and also ensure that no stagnation occurs inside & outside the Unit premises during rainy season and no demand period.
10. To ensure that the Unit should install suitable odour control system as per CREP recommendation, 2003.
11. To ensure that the Unit shall ensure regular maintenance & operation and calibration of the on-line system so as to obtain continuous reliable accurate results.

The action taken report shall be sent to the CPCB within 45 days from the date of receipt of this direction. Punjab Pollution Control Board (PPCB) shall also acknowledge the receipt of this direction to CPCB within 15 days from the date of the receipt.

  
(PRASHANT GARGAVA)  
MEMBER SECRETARY

Enc: As above

Copy to:

1. **The Member Secretary**  
Punjab Pollution Control Board,  
Head Office, Vatavaran Bhawan,  
Nabha Road, Patiala, Punjab

*With a request to ensure compliance of the said direction issued u/s 18(1)(b) of the Water Act, 1974, please.*

2. **The Regional Director,**  
REGIONAL DIRECTORATE – Chandigarh  
Central Pollution Control Board,  
BSNL Telephone Exchange, 2nd Floor, Sector -49  
C, Chandigarh – 160047  
For information and necessary follow up  
action please.
3. **The Director (CP Division)**  
Ministry of Environment, Forest & Climate Change,  
Indra Paryavaran Bhavan, JorBagh Road,  
New Delhi-110003  
For information, please.
4. **The Division Head, IT Division, CPCB, Delhi** : To upload the direction at CPCB website

(PRASHANT GARGAVA)  
MEMBER SECRETARY

<b>Punjab Pollution Control Board</b>	
<b>Regional Office</b>	
E - 10 - A Focal Point, Hoshiarpur	
E-mail:	ppcbrohohoshiarpur@gmail.com
website: www.ppcb.gov.in	Phone/FAX: -1882-248020

No. 1956

Dated 07/05/2019

To

The Registrar,  
Hon'ble National Green Tribunal,  
New Delhi

**Sub:- Joint Report by CPCB & PPCB regarding assessment of extent of damage caused by M/s Kuantam Papers Ltd., Village Salla Khurd, Tehsil Garhshankar, Distt Hoshiarpur in monetary terms on settled principles**

Respected Sir,

It is respectfully submitted that the Joint Report regarding assessment of extent of damaged caused by K/s Kuantam Papers Ltd., Village Salla Khurd, Tehsil Garhshankar, Distt. Hoshiarpur in monetary terms on settled principles prepared by the CPCB & PPCB in compliance to orders passed by the Hon'ble NGT on 14.03.2018 in OA No. 850/2018 titled as Resident of Salla Khurd, Ranlala v/s State of Punjab, is attached herewith for placing the same on record, please.

DA/As above.

Sd/- 7/5/19  
Environmental Engineer

Endst no. ....

Dated .....

A copy of above is forwarded to the Senior Environmental Engineer, Punjab Pollution Control Board, Zonal Office, Jalandhar for information please.

Sd/-  
Environmental Engineer

**Joint Report by CPCB & PPCB regarding assessment of extent of damage caused by M/s Kuantam Papers Ltd., Village Saila Khurd, Tehsil Garhshankar, Distt Hoshiarpur in monetary terms on settled principles**

**1. Background**

**1.1 About the Unit:**

The industry is a large scale unit and engaged in the manufacturing of writing and printing paper by using Sarkanda, Kahi, Wheat Straw, Wood Chips, Bamboo Wood, Veneer Waste and other agro residues. @ 1000 Metric Tonnes/Day, readymade Wood Pulp, Waste Paper etc. as raw material

**1.2 Visit to the Unit by PPCB and Action Taken:**

**1.2.1 Visit on 27.05.2018**

Accordingly, the industry was visited by the officer of Regional Office, Punjab Pollution Control Board, Hoshiarpur on 27.05.2018 and carried out the monitoring of Effluent Treatment Plant by collecting samples of treated industrial effluent. The said sample were analysed for the prescribed parameters by the Punjab Pollution Control Board and the analysis results of which are given as under:

S. No.	Parameters	Concentration of Pollutants			Prescribed Standards
		Results of Final outlet of ETP	Aeration Tank	From the Pipe leading from outlet of ETP for Irrigation purpose in the field of Sh. Satnam Singh S/o Sohan Singh	
1.	pH	7.76	-	7.63	7.0 - 8.5
2.	TSS (mg/l)	38	-	92	50
3.	COD (mg/l)	205	-	232	350
4.	BOD (mg/l)	26	-	34	30
5.	Sodium Absorption Ration (SAR) (mg/l)	5.96	-	5.72	26
6.	Mix Liquid Suspended	-	6290	-	-

*Handwritten signature/initials*

	Solids (mg/l)				
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The analysis results reveal that the concentration of BOD and TSS in the industrial effluent collected from the outlet located near the tubewell of Sh. Satnam Singh S/o Sohan Singh, through which treated industrial effluent is used to irrigate the agricultural fields, was beyond the prescribed standards for such type of industries.

### 1.22 Action taken by PPCB

Since, the Industry failed to meet the prescribed effluent standards, the industry was served with notice u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 along with opportunity of personal hearing before the Chairman of the Board on 18.09.2018, wherein it was decided as under:

- 1) The Chief Environmental Engineer Jalandhar shall co-ordinate the visit of PBTI (Punjab Biotechnology Incubator) to the industry within 07 days and PBTI shall collect and analysis the treated trade effluent sample and submit report to the Punjab Pollution Control Board.
- 2) The Chief Environmental Engineer, Jalandhar shall visit the industry & assess the adequacy of pollution control measures/disposal arrangements made by the industry & shall submit report/ recommendations before next date of hearing.
- 3) Further action will be taken after receipt of the report.

### 1.23 Visit on 15.11.2018 by PPCB

The factory was visited on 15.11.2018 by the team comprising of the officers of Punjab Pollution Control Board and representative of Punjab Biotechnology Incubator (PBTI), SAS Nagar. During visit, it was observed as under:

1. The ETP was found in operation and the treated effluent was being discharged onto land for irrigation outside the premises of the unit.
2. The team also checked the online monitoring system and found in operation and readings were noted as pH-7.49, COD-211 mg/l, BOD-219 mg/l. TSS-30.6 mg/l. The discharge of treated waste water in the pipe lines leading to agricultural fields to utilize it for irrigation purpose, were noted as under:-
  - i) 69 m<sup>3</sup>/hr at vill. (gandhowal)
  - ii) 71 m<sup>3</sup>/hr at vill. (old pansera)
  - iii) 247 m<sup>3</sup>/hr at vill. Jeevanpur Jattan
  - iv) 100 m<sup>3</sup>/hr at vill. (Narila)
  - v) 225 m<sup>3</sup>/hr at vill. (New Pansera)
  - vi) 198 m<sup>3</sup>/hr at vill. (Saila Kalan)
3. The representative of PBTI accompanied with the team, collected treated effluent samples form outlet of ETP and 3 no. samples of effluent from aeration tanks.
4. The analysis results of the industrial effluent as received from the PBTI, lab, Mohali are given as under:

OR

Sr. No.	Location of the sampling point	Parameters	Concentration of parameters	Prescribed standards
1.	Outlet of ETP	pH	7.91	7.0 to 8.5
		Total Suspended Solids (TSS)	149 mg/l	50
		Biochemical Oxygen Demand	82 mg/l	30
		Chemical Oxygen Demand (COD) Total	612 mg/l	350
		Sodium Adsorption Ratio (SAR <sup>''</sup> )	6.1 mg/l	25
2.	Aeration Tank No.1	MLSS	2230 mg/l	----
3.	Aeration Tank No.2	MLSS	6780 mg/l	----
4.	Aeration Tank No.3	MLSS	1030 mg/l	----
5.	From land of Manjit Singh, Village Saila Kalan.	pH	7.91	7.0 to 8.5
		TSS	458 mg/l	50
		BOD	243 mg/l	30
		COD	1429 mg/l	350
		SAR	4.2 mg/l	25

The analysis results of the effluent sample collected from the outlet of the ETP show that the concentration of BOD, COD and TSS was 82 mg/l, 612 mg/l, 149 mg/l and similarly in another sample of effluent collected from the fields of Sh. Manjit Singh (Saila Kalan), the concentration of BOD, COD and TSS was analysed as 243 mg/l, 1429 mg/l and 458 mg/l respectively, which was beyond standards laid down for the Pulp & Papers Industries.

#### 1.24 Action Taken by PPCB:

Keeping in view, the failure of the industry to comply with the effluent standards, the industry was given another opportunity of personal hearing before Chairman of the Board on 05.02.2019 in connection with already issued notice u/s 33-A of the Water Act, 1974, wherein, it was decided as under:

- 1) The industry shall engage CPPRI, Saharanpur and get its existing ETP and chemical recovery plant audited and a proposal be prepared for up-gradation required in existing ETP and chemical recovery plant, so as to meet the effluent standards as prescribed under the law and the report be submitted to the PPCB within 21 days.
- 2) The industry shall prepare an irrigation Management Plan from a consultant of good repute for the whole of the command area available

within the industry and outside the industry where treated effluent of the industry is utilized onto land for irrigation purpose within 15 days and thereafter get it verified and approved form the Department of Soil & Water Conservation, Punjab and submit the same to the Punjab Pollution Control Board within 21 days.

- 3) The industry shall get the ground water study of the whole command area where the treated effluent is utilized onto land for irrigation purpose from any expert institute in the field of Hydrogeology and submit report to Punjab Pollution Control Board within 21 days.
- 4) The industry shall prepared a Standard Operating Procedure (SOP) for the operation of ETP and Chemical Recovery Plant (CRP) and shall maintain the record of operation to ETP on daily basis and shall submit monthly record duly verified by the Designated Authority of the industry to the Punjab Pollution Control Board.
- 5) The industry shall obtain the permission/ NOC from Central Ground Water Authority (CGWA) regarding abstraction of fresh water from all the existing tube-wells in the industry.
- 6) The industry shall install electromagnetic flow meter at the inlet of the ETP before the equalization tank within 21 days.
- 7) The industry shall commission the Elemental Chlorine Fee Bleaching (ECF) in the agro based production by 31.03.2019.
- 8) The industry shall install and commission a new soda recovery plant of 500 TPD capacity dry black liquor solids by 31.03.2020.

#### 2.0 Orders passed by the Hon'ble NGT on 19.12.2018

The OA No. 850/2018 titled as Residents of Saila Khurd, Raniaala v/s State of Punjab came up for hearing before the Hon'ble NGT on 19.12.2018 and the operative part of the order is reproduced as under:

"Let, a joint report be furnished by CPCB and Punjab SPCB on factual aspects of the matter and action taken, if any, to this Tribunal within one month from the date of receipt of copy of this order by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com). The nodal agency will be PSPCB to coordinate and comply with the order.

#### 3.0 Visit to the Industry by the Joint Committee of CPCB and PPCB on 17.01.2019

In compliance to said orders of the Hon'ble NGT a joint team comprising of following officers visited by the Industry on 17.01.2019 and it was observed as under:

- 1) The unit and its ETP was operational during the visit.
- 2) The Stream II effluent (wet washing effluent) after treatment through bio/digesters is mixed with stream I effluent (paper machine effluent) & no equalization tank was found before subjecting the

mixed effluent for treatment. Samples of the mixed stream I & II before treatment (inlet to primary clarifier) were collected by the joint team. The analysis results of said samples are given as under:-

Sr. No.	Location of the sampling point	Parameters	Concentration of Parameters	Prescribed Standards
1.	Inlet of the ETP (mixed stream I & II)	pH	6.53	-
		Total Suspended Solids (TSS)	628 mg/l	-
		Biochemical Oxygen Demand (BOD <sub>3</sub> at 27°C)	443 mg/l	-
		Chemical Oxygen Demand (COD) Total	3840 mg/l	-
2.	Outlet of the ETP (Final Outlet for plantation)	pH	7.63	7.0 to 8.5
		TSS	87 mg/l	50
		BOD	106 mg/l	30
		COD	608 mg/l	350

From the above, it is evident that the concentration of TSS, BOD & COD is beyond the prescribe discharge standards.

- 3) The ETP outlet discharge flow rate data was not being displayed in the real-time OCEMS panel at ETP during the visit and unit requires to connect/restore the flow water data to CPCB server.
- 4) The treated effluent was being discharged into the land (within and outside the unit premises) for irrigation purpose. The unit representative informed that treated effluent is carried through underground pipelines to the nearby villages such as Saila Khurd, Saila Kalan, Pensera, Majaria, etc. As per the consent the unit has 110 acres of land within the premises and 2050 acres in nearby village for irrigation.
- 5) The instantaneous reading of flow meters installed at 6 pipelines (for irrigation through 5 pumps and one by gravity) was recorded during the visit as 84.5m<sup>3</sup>/hr, 319.4m<sup>3</sup>/hr, 146.233m<sup>3</sup>/hr, 283.3m<sup>3</sup>/hr, 307.7m<sup>3</sup>/hr & 121 m<sup>3</sup>/hr. The outlet discharge pumps has auto level and once the level of treated effluent goes down the pumps stops. As per the logbooks provided by the unit, the effluent discharge during the visit was 16903 m<sup>3</sup>/day.

#### Findings and Conclusion of Joint Committee

1. The unit is non complying with the effluent discharge norms stipulated under E(P) Rules, 1986 for BOD, COD and TSS parameters. The final treated effluent showed BOD-106 mg/l (against norms of 30 mg/l), COD-608 mg/l (against 350 mg/l) and TSS-87 (against 50mg/l).

2. The OCEMS display panel at ETP was not showing the ETP outlet discharge flow meters reading during the visit and unit requires connect/restore the flow meter data to CPCB server.
3. The quality of ground water collected from tube wells of all three villages shows exceedance w.r.t. acceptable norms for parameters, viz. total hardness, total alkalinity, but they are within the permissible limit of BIS Standards. The calcium and magnesium level at the Pansera vill showed exceedance w.r.t. acceptable norms, however are within the permissible limit.
4. The heavy metals in the groundwater samples are well within the BIS standards for drinking water.
5. The stack monitoring results showed compliance with the emission norms.

#### 4.0 Orders passed by the Hon'ble NGT on 14.03.2019

OA No. 850.2018 titled as Residents of Saila Khurd, Raniala V/s State of Punjab came up for hearing before the Hon'ble NGT on 14.03.2019 and the relevant part of the order passed by the Hon'ble NGT on the said date is reproduced as under:

"The Joint Committee may assess the extent of damage caused in monitory terms and settled principles requiring the compensation to the deterrent and adequate to meet the cost of restoration.

An action taken report may be furnished by the PCPSB and the Joint Committee in above terms within one month by email at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com)"

#### 5.0 Constitution of Committee to assess the extent of damage caused in monitory terms on settled Principles:

In compliance to the said order of the Hon'ble NGT, the Punjab Pollution Control Board constituted a Joint Committee vide letter no. 505-07 dated 22.03.2019 comprising of the following officers to the visit the industry to assess the extent of damage caused in monitoring terms on settled principles which will be adequate to meet with the cost of restoration.

- 1) Er. G.S. Majithia, Chief Environmental Engineer, Punjab Pollution Control Board, Jalandhar.
- 2) Sh. Kamlesh Singh, Scientist D, IPC-III Division, CPCB, Delhi.
- 3) Er. Surinder Singh Matharu, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Hoshiarpur.
- 4) Sh. Sandeep Gupta, Asstt. Scientific Officer, Zonal Lab, Jalandhar.
- 5) Er. Pooja Sharma, Asstt. Environmental Engineer, Punjab Pollution Control Board, Regional Office, Hoshiarpur.

#### 6.0 Visit to the industry by the Joint Committee on 01.04.2019

The industry was visited by the Joint Committee on 01.04.2019 and it was observed as under:

- i) The industry was in operation during visit.

- ii) The industry has not installed any electromagnetic flow meter at the inlet of the ETP before equalization tank within the stipulated period of 21 days as decided in the hearing held on 05.02.2019, as such, the industry is not-complying with the decision of the hearing.
- iii) The industry has not yet commissioned the Elemental Chlorine Free Bleaching (ECF) in the agro based unit, which was to be commissioned on 31.03.2019 as decided in the hearing held on 05.02.2019. However, the representative of the industry shown the machinery where the unit was taking trial runs to phase out use of elemental chlorine with elemental chlorine free bleaching process. Therefore, the industry is not complying with the decision of the hearing.
- iv) As per adequacy assessment report of the existing ETP carried out by Central Pulp & Paper Research Institute (CPPRI), Sharanpur, the industry was advised:-
- a) To add equalization tank with mixing arrangements to the existing ETP to avoid fluctuation in pollution load. During visit the excavation work of said tank was in progress.
  - b) To provide rapid mixing mechanism for proper and complete reaction of chemicals to the biological treated effluent before tertiary clarifier to ensure consistent COD values. However, the industry has not yet provided the rapid mixing mechanism.
  - c) To increase the retention time of tertiary clarifier for better removal of TSS, but the industry could not show any steps taken by it to ensure compliance of the same.
  - d) To ensure regular removal of sludge from primary clarifier to avoid septic conditions, but the industry failed to show any record in this regard.
  - e) As per study on adequacy of chemical recovery system of the industry carried out by Central Pulp & Paper Research Institute (CPPRI), Sharanpur, the industry is producing 150-155 TPD agro pulp by utilizing agro residue such as Bagasse, Sarkanda, Kahi grass and wheat straw. Besides it is producing 60-65 Wood Pulp. The remaining quantity of pulp to the tune of 76 TPD is met from readymade pulp. However, the industry could not produce any record to substantiate the facts mentioned in the report prepared by CPPRI.

Therefore, it is clear that the industry is not still complying with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 as observed by the Joint Committee on 01.04.2019.

#### 7.0 Guidelines for Environmental Compensation framed by CPCB.

The CPCB has framed methodology for assessing Environmental Compensation (EC), the details of which are given as under:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC is Environmental Compensation in rupees

PI = Pollution Index of industrial sector

N = Number of days of violation took place

R = A factor in Rupees for EC

S = Factor for scale of operation  
 LF = Location factor

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 & small/medium/large industry and location in terms of proximity to the large habitations.

Note:

- a. The industrial sectors have been categorized into Red, Orange and Green, based on their Pollution Index in the range of 60 to 100, 41 to 59 and 21 to 40, respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental Compensation for Red, Orange & Green categories of industries, respectively.
- b. N, number of days for which violation took place in the period between the day of violation observed/ due date of direction's compliance and the day of compliance verified by CPCB/SPCB/PCC.
- c. R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the Environmental Compensation in cases of violation.
- d. S could be based on small/medium/large industry categorization, which may be 0.5 for micro or small, 1.0 for medium and 1.5 for large units.
- e. LF, could be based on population of the city/town and location of the industrial unit. For the industrial unit located within the municipal boundary or up to 10 km distance from the municipal boundary of the city/town, following factors (LF) may be used:

Sr. No.	Population* (million)	Location Factor#(LF)
1	1 to <5	1.25
2	5 to <10	1.5
3.	10 and above	2.0

\* Population of the city/towns as per the latest Census of India

# LF will be 1.0 in case unit is located > 10 km from municipal boundary

LF is presumed as 1 for city/town having population less than one million

For notified Ecological Sensitive areas, for beginning, LF may be assumed as 2.0. However, for critically Polluted Areas, LF may be explored in future.

- f. In any case, minimum Environmental Compensation shall be Rs.5000/day.
- g. In order to include deterrent effect for repeated violation, EC maybe increased on exponential basis, i.e. By 2 times on 1<sup>st</sup> repetition, 4 time on 2<sup>nd</sup> repetition and 8 times on further repetition.

- h. If the operation of the industry are inevitable and violator continues its operation beyond 3 months then for deterrent compensation, EC may be increased by 2, 4 and 8 times for 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarter, respectively. Even if the operations are inevitable beyond 12 months, violator will not be allowed to operate.
- i. Besides, EC, industry may be prosecuted or closure directions may be issued, whenever required.

#### 8.0 Calculation of value of LF & N (No. of days of violation took place).

##### 8.1 Calculation for value of N

The industry has violated the provisions under Water Act, 1974 during the following periods:

- i) The industry was visited on 27.05.2018 by PPCB after getting message through SMS Alert system on 05.05.2018 regarding non-conforming of effluent standards by it. As mentioned above, the treated wastewater sample collected on 27.05.2018 was conforming to the effluent standards. The industry was again visited on 15.11.2018 by a team constituted by the State Board and again the treated wastewater samples collected on 15.11.2018 were not conforming to the effluent standards. Therefore, for first time industry was found non-conforming to the effluent standards during the period 27.05.2018 to 14.11.2018 and total days of this period have been worked out as 172.
- ii) The industry was jointly visited on 17.01.2019 by CPCB and PPCB and the treated wastewater sample collected on 17.01.2019 was not conforming to the effluent standards. Therefore, the period 15.11.2018 to 16.01.2019 is the period for which the industry is found non-conforming to the effluent standards for second time and total days of this period have been worked out as 63.
- iii) The industry was again visited by a team of 01.04.2019 and found that the industry was not complying with the observations of the Board, the detail of which is mentioned above. Therefore, the period 17.01.2019 to 31.03.2019 is the period for which industry is found non-complying for consecutive third time and total days of this period have been worked out as 74.
- iv) The total number of violation days i.e. N comes as 309 days (172+63+74).

##### 8.2 Calculation for value of LF

The total population of Hoshiarpur city is 1,68,653 as per census 2011. The industry does not fall in the Eco Sensitive Zone since the MoEF&CC vide notification no. 29.11.2016 has declared Eco Sensitive Zone within a radius of 100 mtr. From the Takhni Rahmapur Wild Life Sanctuary, which is located at a distance of more than 15 km. from the industrial unit. Further, Lalwan Community Reserve is situated in Tehsil Garhshankar in Distt Hoshiarpur and is spread over an area of 1266 ha. This Community Reserve is located at a distance of about 13 Km. from the boundary nearest to this Community Reserve. Therefore, LF for this unit is considered as 1.

### 9.0 Calculations of Environment Compensation:

As per formula devised by the CPCB for Environment Compensation, the values of various parameters of the said formula for this industry are as under:-

PI - 80  
R - 250  
S - 1.5  
LF - 1.0  
N - 309 days

The Environment Compensation for the period 27.05.2018 to 31.03.2019 (309 days), is calculated by considering the fact that the violator industry continues its operation beyond 3 months, therefore for deterrent compensation, EC may be increase by 2, 4 & 8 times for 2<sup>nd</sup> (91-180 days), 3<sup>rd</sup>, (181-270 days) and 4<sup>th</sup> quarter (271-309 days), respectively. The Environmental Compensation is calculated as below:

1. The Environment Compensation (EC) for the period 3 months i.e. 1<sup>st</sup> quarter (first 90 days) is calculated as given below:

$$EC-1 = PI \times N \times R \times S \times LF = 80 \times 90 \text{ days} \times 250 \times 1.5 \times 1.0 = \text{Rs.27.00 lakhs}$$

2. The Environment Compensation (EC) for the period 2<sup>nd</sup> quarter (91-180 days) is calculated for deterrent compensation, considering EC may be increased by 2 times, as given below:

$$EC-2 = 2 \times EC-1 = 2 \times \text{Rs.27.00} = \text{Rs.54 lakh}$$

3. The Environment Compensation (EC) for the period 3<sup>rd</sup> quarter (181-270 days) is calculated for deterrent compensation, considering EC may be increased by 4 times, as given below:

$$EC-3 = 4 \times EC-1 = 4 \times \text{Rs.27.00} = \text{Rs.108.00 lakh}$$

4. The Environment Compensation (EC) for the period 4<sup>th</sup> quarter (271-309 days) i.e. for 39 days is calculated for deterrent compensation, considering EC may be increased by 8 times, as given below:

$$EC-4 = 8 [PI \times N \times R \times S \times LF] = 8 \times [80 \times 39 \text{ days} \times 250 \times 1.5 \times 1.0] = \text{Rs.93.60 lakh}$$

The total Environmental compensation for the 309\* days to be imposed is calculated as below:

$$\begin{aligned} \text{Total EC} &= EC-1 + EC-2 + EC-3 + EC-4 \\ &= \text{Rs.27.00 lakh} + \text{Rs.54.00 lakh} + \text{Rs.108.00 lakh} + \text{Rs.93.60 lakh} \\ &= \text{Rs.282.60 lakhs} \end{aligned}$$

Therefore, the Environmental Compensation (EC) assessed by the Joint Committee is Rs.282.60 Lakhs.

\* In addition to this amount, Environmental Compensation may further be calculated and levied against the industry as the compliance is still pending and requires to be verified by the PPCB.

Sd/-	Sd/-	Sd/-
Er. G.S. Majathia	Sh. Kamlesh Singh, Er. Surinder Singh Matharu	
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Sh. Sandeep Gupta  
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Sd/-  
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