

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

APPEAL NO. 31 /2023

IN THE MATTER OF:

M/s Contel Bella Vista

...Applicant

Versus

Haryana State Pollution Control Board & Anr.

...Respondent

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Place: Panchkula

Date: 11/03/2024


(Sudhir Mohan)
Regional Officer,
HSPCB, Panchkula

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

APPEAL NO. 31 /2023

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REPLY ON BEHALF OF RESPONDENT NO. 1 & 2 THROUGH SUDHIR MOHAN, REGIONAL OFFICER, PANCHKULA REGION, HARYANA STATE POLLUTION CONTROL BOARD.

MOST RESPECTFULLY SHOWETH

PRELIMINARY SUBMISSIONS & OBJECTIONS:

1. The appellant has approached this Hon'ble Court by filing the present appeal seeking quashing/setting aside of the order dated 29.07.2023, whereby the appellant has been directed to deposit Environmental Compensation of Rs. 30,97,500/- on account of discharge of effluents in violation of consent conditions.
2. That it is respectfully submitted that for the proper adjudication of the matter in hand it is necessary to first elucidate the factual matrix of the case which is important to understand as to how the present appeal reached to this stage. It is submitted that the appellant got Consent to Operate renewed vide letter dated 07.02.2022 for the period starting from 01.04.2022 to 31.03.2027 for 50 Rooms (**Annexure-R-1**). That as per the condition at Sr. no. 02, 08, 09, 12, 14 & 16 & specific conditions Sr. no. 01, 03 & 04 of CTO, the unit had to ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standards and as amended from time to time and at no point of the concentration of any characteristics should exceeds these limits of discharge. However, the appellant unit was

found discharging effluent beyond prescribed limits. Thus, it failed to comply with the conditions of Consent.

3. That it is submitted that the appellant unit was inspected by the concerned field officer of HSPCB, Panchkula Region on 04.07.2022 in the presence of representative of the unit and legal sample was collected by the inspecting officer. It is further submitted that during inspection and sampling, provisions of Section 21 of the Water Act, 1974 were adhered strictly. It is submitted that during the inspection on 04.07.2022, notice of intention to have sample analyzed was served to appellant unit's representative and said notice was signed by him after endorsing the stamp of Authorized Signatory. The samples were collected and sealed in the presence of appellant unit's representative against his signature on the sample containers and were sent to Board Laboratory of Analysis. The unit's representative also signed on certificate to the effect that sample has been marked and sealed in his presence. It is further submitted that unit's representative did not make the request to divide the sample into two parts as provided in clause (b) of sub-section (3) of Section 21 of Water Act, 1974. This fact is also clear from Spot Inspection Report and sampling Performa dated 04.07.2022 which was signed by appellant unit's representative also. Thus, allegations of non-compliance of provisions of Section 21 of Water Act, 1974 are baseless, false, contrary to record and liable to be rejected. Copy of Spot Inspection Report dated 04.07.2022 along with Sampling Performa dated 04.07.2022 and Notice of intention to have sample analyzed dated 04.07.2022 are annexed herewith as **Annexure-R-2 (Colly)**.
4. That samples collected were sent to the Board Analyst at HSPCB Laboratory, Panchkula after following the due process. During the inspection the following short comings were also observed:-

- i. Logbook for operation of STP was found not maintained.
- ii. Flow meter installed on the inlet and outlet of STP found not working.
- iii. pH meter installed was found not working.
- iv. STP installed by the unit was found operating partially and not satisfactory.

Further, as per analysis report no. 6071 dated 14.07.2022 shows the following parameters are exceeding the prescribed norms/limit. The results of parameters are as under:-

Point of Sample	Parameter	Result(mg/l)	Limit (mg/l)
inlet and outlet of STP	BOD(mg/l)	72.0	30
	COD(mg/l)	280.0	250
	TSS(mg/l)	235.0	100

Copy of analysis report dated 14.07.2022 is attached as **Annexure-R-3**.

5. That Show Cause Notice for closure under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and Imposition of Environmental compensation as per direction of CPCB/policy of HSPCB was issued vide letter dated 26.07.2022 (Annexure A-6 of appeal) on the basis of observations observed during inspection and analysis report dated 14.07.2022.

The unit submitted reply vide letter dated 02.08.2022 and admitted the observations observed during the inspection. Further, it is important to mention here that the appellant has neither submitted complete compliance to the deficiencies nor submitted re-sampling fees and performance security. The answering Board examined the unit's reply admitting non-compliant STP with false excuse of sewerage line back flash. It was also admitted that pH meter installation yet to take time. It was also admitted that Logbook for operation of STP was not maintained properly. Speaking Order dated 03.08.2022 was passed by

- Respondent No.2, copy of which is annexed herewith as **Annexure-R-4**.
6. That it is respectfully submitted that the appellant submitted another reply dated 15.12.2022 (Annexure-A/8 of appeal). The perusal of the same would show that the appellant unit itself admitted the violation of the consent to operate conditions and the provisions of Water Act, 1974. Admittedly, up gradation was done in December, 2022 only. The unit undertook to submit re-sampling fee.
 7. That Vide letter dated 16.01.2023 (Annexure-A/9 of appeal), the Board reminded the appellant unit about its undertaking of submitting re-sampling fee along with performance security as mandatory for re-sampling as per Policy dated 10.12.2020 of the Board.
 8. That appellant unit deposited performance security only on 24.01.2023 and re-sampling fee on 25.01.2023 after undertaking to deposit re-sampling fee vide letter dated 15.12.2023. It is respectfully submitted that pursuant thereto, the unit's request for re-sampling was forwarded to the Competent Authority. After the permission for re-sampling was accorded, the appellant unit was again inspected by the team of officer constituted by the Competent Authority of HSPCB on 01.05.2023 in the presence of representative of the unit and sample was collected after following the due process. That the sample was analyzed and as per report dated 11.05.2023, the parameters were found within prescribed limits as per CTO. Copy of spot inspection report dated 01.05.2023 along with sampling Performa and analysis report dated 11.05.2023 is annexed as attached as **Annexure-R-5 & 6**.
 9. That it is respectfully submitted that accordingly in view of the aforesaid circumstances, since the unit was found non-compliant by discharging the effluents beyond the prescribed parameters,

accordingly the Show Cause Notice for closure under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and Imposition of Environmental compensation as per direction of CPCB/policy of HSPCB was issued vide letter dated 26.07.2022 on the basis of observations observed during inspection and analysis report dated 14.07.2022. As the appellant unit was found non-compliant by discharging the effluents beyond the prescribed parameters, accordingly the environmental compensation was imposed on the appellant unit on the principle of 'polluter's pay' in accordance with the policy dated 22.12.2021. Copy of the policy dated 22.12.2021 is annexed herewith as **Annexure-R-7**.

10. That policy provides for formula for calculating the Environmental compensation by taking into account various factors. The formula devised under the policy is as under:-

EC =	PI x N x R x S x LF
EC =	Environmental Compensation
PI =	Pollution Index
N =	Number of Days of violation took place
R =	Factor in Rupees in EC
S =	Factor for scale of operation
LF =	Location Factor

It is submitted that 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. The policy provides as to what amount of factor needs to be considered in what circumstances for imposing environmental Compensation.

11. That it is respectfully submitted that in terms of the guiding principles of the policy, Environment Compensation Assessment Committee at Head office of HSPCB computes the Environmental Compensation

while taking into account the factors and parameters prescribed in the policy. In the matter at hand as well the compensation was finalized in the manner as follows by the Environment Assessment Committee at Head office, HSPCB.

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

$$EC=50*165*250*1.5*1.0=Rs. 30,97,500/-$$

PI=Pollution Index of Industrial Sector (50),

N=Number of Days of violation took place, which in the present case is 165 days (04.07.2022 Date of inspection to 15.12.2022 Date of compliance submitted by the unit)

R=A factor in rupees for EC (250),

S= Factor for scale of operation (1.5),

LF=Location Factor (1.0).

The relevant part of the proceedings of meeting of Environment Compensation Assessment Committee is reproduced here for kind perusal of this Hon'ble NGT:-

"In view of above, after detailed deliberation, the committee is of the opinion that the number of days of violation made by the unit in this case has to be taken 165 days i.e. 04.07.2022 to 15.12.2022 i.e. from the date of inspection to the date of reply received from the unit for re-sampling. The location factor has been taken 1 as population of Panchkula city is less than 1 million, unit is a large scale unit so factor for scale of operation is taken as 1.5. Accordingly, after deliberation, the Environmental Compensation is calculated and finalized as under:"

$$EC= PI \times N \times R \times S \times LF = 50 \times 165 \times 250 \times 1.5 \times 1.0 = Rs. 30,97,500/-$$

In view of above, Environmental Compensation Assessment Committee at Head Office of HSPCB vide order dated 29.07.2023, environmental compensation amounting Rs. 30, 97, 500/- imposed on the appellant unit. It is pertinent to mention here that the unit has not complied the above said directions; therefore, Show Cause Notice for

closure dated 18.09.2023 was issued to the unit.

12. That it is further respectfully submitted that the power to impose the Environmental Compensation is clearly traceable to Section 33 A of the Water Act 1974 which empowers the Board to pass any directions in exercise of its powers and performance of its functions under the Act in writing to any person, office or authority. The scope and extent of section 33-A of the Water Act is wide and the power to impose the Environment compensation is covered in its sweep. It is trite law that the provision is to be interpreted in the light of the objectives enshrined under the Act which is to conserve the environment and the purpose of imposing the Environment Compensation to restore the damage caused to the environment. Section 33-A of the Water Act is reproduced herein below for the kind consideration of this Hon'ble Tribunal:-

"33 A. Power to give directions--

Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.--For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct

(a) The closure, prohibition or regulation of any industry, operation or process; or

(b) The stoppage or regulation of supply of electricity, water or any other service.]

Therefore, the contention of the appellant that the answering respondent has illegally and arbitrary imposed the environment compensation is absolutely baseless. The above said proposition of law has already been approved by this Hon'ble Tribunal.

13. That it is respectfully submitted that in view of the aforesaid submissions, the environmental compensation imposed on the appellant is strictly based on the principle of polluter's pay and there is no infirmity in the same.

Reply on merits:

1. That the contents of Para No. 1 of the appeal are denied except these are matter of record.
2. That the contents of Para No. 2 of the appeal are wrong and denied. The appellant unit violated the CTO conditions and provisions of Water Act, 1974, as mentioned in preliminary submissions, therefore present appeal is liable to be dismissed. The Analysis Reports referred by the appellant are not reports issued by Board laboratory.
3. That the contents of Para No. 3 of the appeal are wrong and incorrect, hence denied. The concocted story of backflow of sewage due to rain is untenable and beyond reality. Storm Water Drain and Sewage line are separate channels in this Sector-5 and other sectors of Panchkula. There is no possibility of back flow of sewage due to Rain fall. Moreover, there was no rain on the day of inspection and sampling. It is further submitted that during inspection and sampling, provisions of Section 21 of the Water Act, 1974 were adhered strictly. This appeal should be dismissed on account of false allegations made in Para 3 of the appeal. It is submitted that during the inspection on 04.07.2022, notice of intention to have sample analyzed was served to appellant unit's representative and said notice was signed by him after endorsing the stamp of Authorized Signatory. The samples were collected and sealed in the presence of appellant unit's representative against his signature on the sample containers and were sent to Board Laboratory of Analysis. The unit's representative also signed on certificate to the effect that sample has been marked and sealed in his

presence. It is further submitted that no request was made by unit's representative did not make the request to divide the sample into two parts as provided in clause (b) of sub-section (3) of Section 21 of Water Act, 1974. This fact is also clear from Spot Inspection Report and sampling Performa dated 04.07.2022 which was signed by appellant unit's representative also. Thus, allegations of non-compliance of provisions of Section 21 of Water Act, 1974 are baseless, false, contrary to record and liable to be rejected. Copy of Spot Inspection Report dated 04.07.2022 along with sampling Performa dated 04.07.2022 and Notice dated 04.07.2022 of intention to have sample analyzed have already been annexed as **Annexure R-2**.

4. That the content of Para No. 4 of the appellant are admitted to the extent that the show cause notice dated 26.07.2022 was issued to the appellant unit as during inspection dated 04.07.2022, the appellant unit found violating the CTO conditions and provisions of Water Act, 1974, therefore Show Cause Notice was issued to the unit, however, rest of the contents of the Para are wrong and hence denied. Further, the unit had submitted reply vide letter dated 02.08.2022 and admitted the observations observed during the inspection. Further, it is important to mention here that the appellant has neither submitted complete compliance to the deficiencies nor submitted re-sampling fees and performance security. The answering Board examined the unit reply admitting non-compliant STP with false excuse of sewerage line back flash. It was also admitted that pH meter installation yet to take time. It was also admitted that Logbook was not maintained properly. Speaking Order dated 03.08.2022 was passed by Respondent No.2, copy of which have already been annexed as **Annexure R-4**. It is also submitted that the Para no. 3, 4 of preliminary

submissions & objections may be read as part and parcel of reply to this Para as those are not repeated herein for the sake of brevity.

5. That the content of Para. 5 of the appeal are admitted being matter of record to the extent that the appellant submitted the reply on 15.12.2022, however, the perusal of the same would show that the appellant unit itself admitted the violation of the consent to operate conditions and the provisions of Water Act, 1974. Admittedly, up gradation was done in December, 2022 only. The unit undertook to submit re-sampling fee.
6. That the content of Para. 6 of the appeal are denied except those are matter of record. Vide letter dated 16.01.2023, the Board reminded the unit about its undertaking of submitting re-sampling fee along with performance security as mandatory for re-sampling as per Policy dated 10.12.2020 of the Board.
7. That the content of Para. 7 of the appeal are admitted being matter of record.
8. That the contents of Para No. 8 of the appeal as submitted by the appellant are wrong and hence denied except passing of direction to deposit Environmental Compensation. It is denied that order passed by Board is arbitrary and against the provisions of the Water Act, 1974. Further, it is submitted that the Show Cause Notice for closure under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and Imposition of Environmental compensation as per direction of CPCB/policy of HSPCB was issued vide letter dated 26.07.2022 on the basis of observations observed during inspection and analysis report dated 14.07.2022. Further, the appellant unit was found non-compliant by discharging the effluents beyond the prescribed parameters, accordingly the environmental compensation was

imposed on the appellant unit on the principle of 'Polluter Pays' in accordance with the HSPCB policy dated 22.12.2021.

9. That the content of Para. 9 of the appeal are denied except those are matter of record. It is reiterated that order passed by the Board is legally sound and as per policy of CPCB adopted by HSPCB.
10. That the content of Para. 10 of the appeal are denied except those are matter of record. It is reiterated that order passed by the Board is legally sound and as per policy of CPCB adopted by HSPCB. It is imperative to mention here that it is the liability of the appellant unit to maintain the parameters within the permissible limits as per CTO conditions.
11. That the content of Para. 11 of the appeal are denied except those are matter of record. It is submitted that deficiencies were observed during inspection dated 04.07.2022 and as per analysis report the parameters found exceeding the prescribed limits, therefore environment compensation was imposed on the appellant unit for violating the CTO conditions and provisions of Water Act, 1974 and Notice dated 18.09.2023 was issued to the appellant unit for depositing the Environmental compensation in compliance of order dated 29.07.2023.

REPLY TO GROUNDS

12. That the contents of Para No. 12 of the appeal are wrong and hence denied. It is submitted that a bare perusal of the Board policy would show that the unit discharging the environment pollutants in excess of the standards prescribed under rules and prescribed in the consent granted to the unit under Water Act, 1974/Air Act, 1981 have to pay the environment compensation. Further, the A/R's referred by the applicant are neither issued by Board laboratory. Physical deficiencies

have also been admitted in reply dated 02.08.2022. Therefore, re-sampling could not make any difference. The appellant unit was also aware with this fact. Therefore, unit deposited performance security only on 24.01.2023 and re-sampling fee on 25.01.2023 after undertaking to deposit re-sampling fee vide letter dated 15.12.2023. This delay, itself shows that STP was not functional and not fit for re-sampling.

The excuse of water logging and sewerages over flowing in Panchkula sectors is incorrect. The story put by appellant unit is concocted one.

13. That the contents of Para No. 13 of the appeal are wrong and hence denied. Further, the applicant unit is a Hotel of 50 Rooms as per CTO and as per CA certificate provided by the appellant while submitting application for grant of CTO to the Board, the unit's gross investment on fixed assets which includes value of land, building, plant and machinery, is Rs. 94, 97, 51,106/- (Rs. Ninety Four Crores, Ninety seven lac, fifty one thousand and one hundred six Rupees Only) and thus, covered under large scale industry. As far as categorization of micro, small and medium is concerned, the business of the Hotel is depended on 'Rooms' and cost of building containing rooms is to be considered as cost of plant and machinery. Therefore, cost of building of a Hotel is also to be considered as cost of Plant and Machinery while calculating Environmental Compensation. Therefore, the applicant averments regarding his unit wrongly termed as Large Scale industry is baseless.
14. That the contents of Para No. 14 of the appeal are wrong and hence denied. Further, the number of days calculated by the Committee while calculating Environmental Compensation is absolutely correct. Further, it is submitted that in reply dated 02.08.2022 the Appellant unit has neither submitted complete compliance to the deficiencies nor

submitted re-sampling fees & performance security as per policy of the Board, therefore vide speaking order 03.08.2022 the same was found not-satisfactory. Further, the Applicant submitted compliance vide letter dated 15.12.2022, however unit's deposited performance security fees only on 24.01.2023 and re-sampling fee on 25.01.2023 which are pre-requisite for re-sampling. Taking the liberal view, the Environment Compensation Assessment Committee at Head Office of the Board calculated the Environment Compensation from 04.07.2022 to 15.12.2022 i.e. from date of inspection to date of reply submitted with compliance.

15. That the contents of Para No. 15 of the appeal are wrong and hence denied. Further, preliminary submissions may be read as part and parcel of reply to this Para. It is most respectfully submitted that after issuing show cause notice dated 26.07.2022 and considering replies, compliances submitted by the Unit, the Environment Compensation Assessment Committee at Head Office of the Board calculated the Environment Compensation from 04.07.2022 to 15.12.2022 i.e. from date of inspection to date of reply submitted **with compliance**.
16. That the contents of Para No. 16 of the appeal are wrong and hence denied. The contents of preliminary submissions and para no. 3 and 4 of reply on merits, may be read as part and parcel of reply to this para.
17. That the contents of Para no. 17 of the appeal are wrong and incorrect, hence denied. Further, there is no such point of law involved in the present appeal, which requires consideration of this Hon'ble Tribunal. The Order challenged in the present appeal is just, fair, sound and legally sustainable. Therefore, present appeal is liable to be dismissed.
18. That the contents of Para No. 18 of the appeal are denied except

matter of record.

- 19. That the contents of Para No. 19 of the appeal need no comments.
- 20. In reply to this Para, it is submitted that representation dated 01.09.2023 submitted by the applicant, is also much after statutory period of 30 days and appeal ought to have been filed by the applicant within 30 days i.e. by 28.08.2023. The present appeal was filed on 09.10.2023 after huge delay. Therefore, present appeal is liable to be dismissed.

Place: Panchkula
 Date: 11/03/24


 (Sudhir Mohan)
 Regional Officer,
 HSPCB, Panchkula

Verification:

Verified that the contents of Para no. 1 to 13 of Preliminary Submissions and Para no. 1 to 20 of Reply on Merits are true and correct as per my knowledge and as per the official record. No part of it is false and nothing has been concealed therein.

Place: Panchkula
 Date: 11/03/24


 (Sudhir Mohan)
 Regional Officer,
 HSPCB, Panchkula.

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

APPEAL NO. 31 OF 2023

IN THE MATTER OF:

M/s Contel (Welcome Hotel Bella Vista)

...Applicants

V/s

Haryana State Pollution Control Board and Others

...Respondents

AFFIDAVIT

I, Sudhir Mohan, Regional Officer, Haryana State Pollution Control Board, Panchkula, do hereby solemnly affirm and declare as under:

1. I, am well conversant with the facts and circumstances of the case and authorized to file the accompanying reply in the aforesaid official capacity.
2. I have read the contents of accompanying reply and state that the facts stated herein are true to my knowledge and based on the records of the case.

Sudhir

DEPONENT

VERIFICATION:

Verified at Panchkula on this 11 day of March 2024 that contents the present affidavit are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.



ATTESTED

Jitender Singh Pannu
Jitender Singh Pannu
Notary, Panchkula

11 1 MAR 2024

Sudhir

DEPONENT



HARYANA STATE POLLUTION CONTROL BOARD

SCO 116, Ist & IInd Floor, Sector 25, Panchkula
Ph. 0172-2566286 Email:- hspcbropkl@gmail.com
E-mail: hspcb@hry.nic.in



No. HSPCB/Consent/ : 313122622PANCTO19631902

Dated:07/02/2022

To.

M/s :CONTEL Bella Vista
 SM 8 Sector 5

Subject: Grant of consent to operate to M/s CONTEL Bella Vista.

Please refer to your application no. 19631902 received on dated 2022-01-03 in regional office Panchkula. With reference to your above application for consent to operate, M/s CONTEL Bella Vista is here by granted consent as per following specification/Terms and conditions.

Consent Under	BOTH
Period of consent	01/04/2022 - 31/03/2027
Industry Type	Hotels (< 3 star) or hotels having > 20 rooms and less than 100 rooms having quantity of waste water discharge less than 100 KLD
Category	ORANGE
Investment(In Lakh)	9265.0
Total Land Area(Sq. meter)	7020.0
Total Builtup Area(Sq. meter)	12285.0
Quantity of effluent	
1. Trade	0.0 KL/Day
2. Domestic	40.0 KL/Day
Number of outlets	1.0
Mode of discharge	
1. Domestic	STP
2. Trade	
Domestic Effluent Parameters	
1. BOD	11 mg/l
2. COD	55.2 mg/l
3. TSS	17 mg/l
Trade Effluent Parameters	
1. BOD	30 mg/l
2. COD	250 mg/l
3. TSS	100 mg/l
4. O & G	10 mg/l
5. pH	5.5 9.0
Number of stacks	1

Height of stack	
1. NA	0 NA
Emission parameters	
1. NA	0
Product Details	
1. Hospitality and room service\	50 Numbers/ day
Capacity of boiler	
1. NA	0
Type of Furnace	
1. NA	0 NA
Type of Fuel	
1. Diesel	0.02 KL/day
Raw Material Details	
Bewerages, and grocery and vegetables and other room service items	100 Numbers/Day

HARYANA STATE

*Regional Officer, Panchkula
Haryana State Pollution Control Board.*

Terms and conditions

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
6. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environment pollution.
7. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
8. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.

9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge.
10. The industry would immediately submit the revised application to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent. In case of change of process at any stage during the consent period, the industry shall submit fresh consent application alongwith the consent to operate fee, if found due, which may be on any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material, quantity, quality of the effluent, mode of discharge, treatment facilities etc.
11. The officer/official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities. The consent to operate is subject to review by the Board at any time.
12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.
13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.
14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.
15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.
16. The industry shall comply all the Directions/ Rules/Instructions issued from time to time by the Board.

Specific Conditions :

1. That the unit will comply the order/ direction issued by the Hon'ble Supreme Court of India, Punjab & Haryana High Court, NGT, Environment Court or any other court.
2. That the unit will apply for renewal of consent to operate before 90 days from the expiry of this CTO.
3. That the unit will comply with the all the Rules/ Regulations/ Acts/ Notification issued by CPCB/ HSPCB and MOEF&CC.
4. In case, any violations is found at any stage, then this CTO, so granted, shall be revoked without giving show cause notice.

*Regional Officer, Panchkula
Haryana State Pollution Control Board.*

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Annexure-A

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HARYANA STATE POLLUTION CONTROL BOARD
SPOT INSPECTION REPORT OF THE INDUSTRIES

A General Information of unit

1. **Name & Address of the unit** : *WELCUM HOTEL BELCA VISTA SEC-5 PILL*
2. **Email id of the unit/occupier** :
3. **Telephone Nos.** :
4. **Fax Nos.** :
5. **Date & Time of Inspection** : *5:30 PM 04/07/22*
6. **Category Unit** : *Red/Orange/Green*
7. **Type of Units** : *17 Cat./Seriously Polluting/others*
8. **Size of unit based upon investment cost of Plant & Machinery** : *Large/ Medium/ Small*

9. **Name of the representative of the unit with designation present at the time of the inspection.** : *Dilip Thakur*
10. **Name of the Directors/partners/Proprietor/Manager/Occupier etc.** : *As per record*
11. **Detail of products/by product manufactured (with capacity of installation & quantity per annum)** : *Hotel - 49 Rooms*
12. **Detail of Raw Material used (with quantity per annum)** : *Hotel*
13. **Manufacturing Process (in brief)** : *-*
14. **Detail of Machinery installed involving polluting process:** *-*
15. **Date of Commissioning of the unit** : *As per record*
16. **Status of Consent to Establish** : *obtained*
17. **Status of Consent to Operate** : *obtained*
18. **Status of Authorization under HWM Rules.** : *No-*

B Air Pollution

1. **Sources of air emissions from process of unit including fugitive emissions with type of Boilers/Furness, capacity & stack height.** :
2. **Status of online monitoring System (Stacks/ AAQ) if applicable** :

DG
CONTEL
CONTEL

[Signature]
Authorised Signatory
Authorised Signatory

- 3. Details about deviation in the details/ stack of Air emission/ type of fuel if any already provided to Board. : - 352
- 4. Detail of Stacks/ Chimneys/ Vents : Dh. only.
- 5. Whether Height of all stacks/ Chimneys as per norms : -
- 6. Capacity of D.G. Sets : 750 KVA
- 7. Stack height of D.G. Sets above programme and whether as per norms : As per norm.
- 8. Status of Acoustic Enclosure on D. G. Sets : Canopy attached.
- 9. Noise results of DG Sets Monitored during inspection : Not in operation.
- 10. Type & Quantity of Fuel used (Separate for each source) : NSP for DG.
- 11. Status of Air Pollution Control Devices (APCD) :
 - (a) Required or Not : Required
 - (b) Provided or Not : Provided
 - (c) Detail of APCD provided with detail of all Components. : Canopy on DG.
 - (d) Whether Structurally adequate or Not : Yes
 - (e) Whether operating APCD Satisfactorily : Working
- 12. Whether provided separate flow meters in case of wet scrubber : |
- 13. Whether maintained Log Book for consumption of Electricity/ Chemicals/ water for APCD. : N/A
- 14. Detail of treatment of effluent in case of wet scrubber & its mode of disposal. : |
- 15. Whether provided Sampling arrangements on all stacks /chemneys including DG Sets. : Yes.
- 16. General Remarks : :

C Water Consumption

- 1. Sources of water supply : HSIIDC
- 2. Detail of measuring devices provided if any such as flow Meters, V- notch etc. : NO

CONTEL

Authorized Signatory

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- 3. Whether measuring devices has been sealed : Yes.
- 4. Whether maintained the log book for supply of water from all sources & consumption for various uses. : NO

5. Detail of Water Consumption per day/ month

(a) Domestic Purpose

(b) Boiler / Cooling

(c) Industrial use (Easily Biodegradable)

(d) Industrial use (Not Easily Biodegradable)

(e) Other

As per record provided by the unit during period of CTO

6. General Remarks

D Water Pollution

1. Source & processes of Water Pollution including raw water treatment if any

2. No. of outlets for discharge of effluent

Domestic: 01
Trade: 01

3. Quality of Effluent in KLD

Domestic: ✓
Trade: ✓

4. Status of Effluent Treatment Plant (ETP)/ Sewage Treatment Plant (STP)

STP ✓ ETP

(a) Required or Not

Required

(b) Installed or Not

Installed.

(c) Detail of STP/ETP Provided (if required) with detail of all components and technology used

STP components -

(d) Whether structurally adequate or not

Not Adequate

(e) Whether operating STP/ETP Satisfactorily

operating

(f) Whether provided online chemical dosing system/ pH meter

pH meter not provided.

5. Mode of Discharge of effluent

Domestic: Sewer

Trade: Sewer.

6. Name of Water recipient body if any

NA

7. Detail of land in case effluent is discharged for percolation/ irrigation purpose with justification for its 100% utilization.

NA

CONTEL

Authorized Signatory

- 8. Status of ZLD as per CPCB directions if applicable : NA 354
- 9. Whether provided flow meters on outlet & inlet of ETP/STP : only one outlet no meter on inlet.
- 10. Whether provided separate electricity meter on ETP/STP : no.
- 11. Whether maintained Log Book for consumption of Electricity/ Chemicals/Quantity of effluent. : NO
- 12. Status of online monitoring System, if applicable : NA
- 13. General Remarks :

E Hazardous Waste Management

- 1. Category of Hazardous Waste generated as per rules : S.I,
- 2. Type & Qty. of Hazardous Waste generated : (i) incinerable
(ii) recyclable
(iii) disposable for landfill
(iv) Total
- 3. Stock-Pile Quantity of Hazardous Waste : Not provided
- 4. Mode of Disposal & treatment of Haz. Waste : Not provided
- 5. Size of Hazardous waste storage site : NO
- 6. Display Board for Hazardous Waste at Factory Gate Provided or not : NO
- 7. Whether agreement made with the service provider for disposal of hazardous waste (if yes, give detail with validity) : NO
- 8. Details of Hazardous Waste transported to service provider : NO

F Hazardous Chemicals Handling & Management and PLI Act, 1991

- 1. List & Qty. of Hazardous chemical handled & used (if any) with threshold quantity :
- 2. Whether prepared on site emergency plan and taken Insurance policy under PLI Act, 1991. : NO
- 3. Name of insurer agency with date & validity of policy :
- 4. Whether Hazardous chemicals handling & storage facility is adequate :
- 5. Remarks Und inspected & GCN prepared. few parameters not met. (1) not many on STP with few parameters.

Signature of the representative of the unit
Name Designation & Address
inspection

CONTEA


Authorised Signatory

Signature of the Officer/Officers
of the Board who conducted the

- (2) No flow meter on outlet
- (3) PH meter not provided
- (4) No storage found.

Name & Designation

HARYANA STATE POLLUTION CONTROL BOARD
SCO-115-116, Ist, Floor, Sector -25, Panchkula
Website: www.hspcb.gov.in

Memo. No. HSPCB/PKL/

Dated:

To

The Member Secretary,
Haryana State Pollution Control Board,
Panchkula.

Sub: **Collection of Sample of Liquid Trade Effluent under section 21 of the Water Act, 1974.**

Ref:

Kindly find enclosed herewith Form-A, Inspection Report and presence certificate duly filled in respect of collection of sample of Liquid Trade Effluent of the following industries for information and necessary action please.

- 1. M/s WELCOM HOTEL
..... BELLA VISTA
..... SEC-5 PKL
- 2. M/s

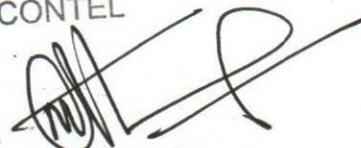

Name & Designation
Who collected the sample

m/s ConTel Bella Vista

PROFORMA FOR SPOT INSPECTION REPORT

1. Name & Address of the Industry : WELCUM HOTEL, BELLA VISTA
SEC-5 PKL
2. Inspection : 5:30 PM
- (a) Time : 04/07/2022
- (b) Date : Panchkula
- (c) Place :
3. Location Showing :
- (a) Premises on the left of the factory : Road.
- (b) Premises on the right of the factory : Vacant land.
- (c) What exists in front and opposite to the factory : Parking
- (d) The point of emission from where the sample/samples are collected : Inlet socket of STP
4. Raw Material used : Hotel -
5. Source of Water supply : HSIIDC
6. Products with total production : -
- (a) By Products, if any (give Approx. quantity) : -
7. Process involved in brief (Attach separate sheet, if reqd.) : Hotel
8. Chemicals used in different process :
9. Name of Managing Director/ Director/Partner/Managers/ etc. with address : As per record.
10. Present methods of disposal of industrial effluent daily Public under ground sewer/open drain/Land/Nalaha/ Stream : Sewer
11. Where the Effluent ultimately reaches : Sewer.
12. Number of outlets of the effluent being used : 1
13. If the discharge of industrial effluent continuous or intermittent and if intermittent day and time of its discharge : Continues
14. Quantity of industrial effluents discharged per day in liters (Approx.) : 40KLD.
15. Does the industrial effluent mixed with the sewage/domestic effluent : Yes/No
16. Temperature : 38°C
- (a) Air

CONTEL



Authorised Signatory

- 17. (b) Sample Colour & Odour of the sample/samples 357 I
Blackish / foul
- 18. Type of sample/samples (grab or composite) Grab.
- 19. Clarity of effluent (Presence of suspended solids) variable ss present
- 20. Point/Points of sample collection I & O of STP.
- 21. **Remarks**

The Sample/samples of trade effluent of M/s Contel Bella Vista

WELCUM HOTEL BELLA VISTA
 from the point mentioned at Sr. No. 21 above was collected in presence of Sh./Smt. Sh. Dilip Thakur (Manager) Managing Director/Director/Partner/Manager/Occupier of the industry and placed in a clean dry and empty glass container after explaining the provisions of section 21 of the Water (Prevention & Control of Pollution) Act, 1974 to them. The Samples was stirred and placed in clean empty bottle divided into two parts and sealed with seal bearing inscription of E.E./A.E.E./Sc 'C'/Sc 'B'/SSA/JSA of Panchkula Region of the Haryana State Pollution Control Board after placing the chit signed by

(i) Sh. Sudhi Mohan, AEE

(ii) Sh. Sh. Dilip Thakur (9999821694)

(iii) Sh. Sh.

If request fir sending the sample/samples to the State Laboratory has been made in writing with reqd. fees then the sample/samples be sent to the State Laboratory (Request be in writing)

Signature no such request made

In case no such request is made then the sample/samples be sent to the Board's Laboratory for analyses

22. Specimen of the seal impression :
 put on sample/samples

23. Sample/Samples dispatched through Sh. Person to the

(i) Board Analyst PKL :

(ii) Govt. Analyst :

24. In case of willful refusal/absence of the owner/Manager/Director/ Proprietor/ Partner of the industry been made then details of fees received for this purpose be given

Signature : Collecting the sample
 Of the Unit with Seal impression : Name Sudhi B
 Name M. Mohan : Designation AEE
 Designation : Date
 Date

Contel

 Authorised Signatory

HARYANA STATE POLLUTION CONTROL BOARD
 SCO-116, Ist, IInd Floor, Sector -25, Panchkula
 Website: www.hspcb.gov.in

FORM-A
 (See Rule 21 of Water Act, 1974)

Notice of intention to have sample analyzed

To

M/s WELUM HOTEL or ConTel Bella Vista
 BELLA VISTA

Take notice that it is intended to have analyzed the sample of
 Water/Sewage effluent/Trade Effluent from your premises which is being taken to
 day the 04 day of 07, 22 from (.) T.S.O. of S.T.P.


 Name & Designation of the
 person who taken the sample

(*) Here specify the point of effluent outlet.

Received

CONTEL



Authorised Signatory

HARYANA STATE POLLUTION CONTROL BOARD
 SCO-116, Ist, IInd Floor, Sector -25, Panchkula
 Website: www.hspcb.gov.in

CERTIFICATE

Certified that the sample/samples of Trade Effluent of our industry M/s

..... WELCUM HOTEL BELLA VISTA on Contel Silk unit

has been collected on 04/07/22 and has been marked and sealed in my presence. It is further certified that samples have been collected in temper proof glass bottle.


 (Counter Signature)
 Officer who collected sample

Representative of the Unit
 CONTEL


 Authorized Signatory

HARYANA STATE POLLUTION CONTROL BOARD

13-
302
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No. HSPCB: PKL:

Dated:

To The Board Analyst/Lab Incharge,
Haryana State Pollution Control Board,
SCO-117, 1st and 2nd Floor, Sec-25, Panchkula.

Sub: **Spot inspection report of sample collected under Water Act, 1974.**

Kindly receive duplicate Water sample for necessary analysis. The technical information is as follows:

Sampling Date

1. Name of the Unit & Address : WELCUM HOTEL
B9 UA VISTA, SEC-5.
2. Nature of samples whether paid/legal/monitoring/joint sample with Recognized Lab : Legal
3. Date & Time of Collection : 07/07/22 Time 5:30 PM
4. Name & Designation of the Officer/ official who collected samples : Sudhin Mahan, A & C
5. Sample whether grab or composite (Representative sampling should be done in all cases whether continuous flow of effluent exists. As far as possible the sample should be composited even if no continuous flow of effluent exists.) : Grab.
6. Mode of disposal/discharge whether into inland surface in the public sewer on land for irrigation on land for percolation : Sewer after treatment
7. Name of products & quantity : Hotel - 49 Rooms
8. Chemicals used in the process : -
9. Specify relevant parameters to be analysis (based on chemicals used and manufacturing process) and the prescribed limits applicable in this sample.

Sr. No.	Parameters to be analyzed	Prescribed limits	Sr. No.	Parameters to be analyzed	Prescribed limits
1.	PH	5.5-9	11.		
2.	BOD	30	12.		
3.	COD	250	13.		
4.	TSS	100	14.		
5.	DO	10	15.		
6.			16.		
7.			17.		
8.			18.		
9.			19.		
10.			20.		

10. Point of sample the collection : Hotel outlet of STP
Blackin spot / greyin's pool.
11. Temperature colour and odour of sample at the time of collection : 35°C
12. The sample should reach the lab immediately & in any case not immediately : 40

CONTEL



Authorized Signatory

and in any case not later than 24 hours of its collection (give time of sampling and time of delivery in the Lab)

- 13. Certified that the samples has been preserved in accordance with ISI 2488 part-1 and details of preservatives are given as under : Yes
- 14. Sample should be preserved in the Box at 40c & sample should be marked and sealed properly and affixed waterproof cellulose tape. : Yes
- 15. Certified that the sample has been sealed and seal impression of the sample is given as under : Yes
- 16. Certified that No dilution is effected in process at the time of collection of the sample : Yes
- 17. Where treatment plant exists 02 samples be taken i.e. from the inlet & outlet of the treatment plant. : Yes
- 18. Whether effluent treatment plant provided (Give brief details of unit Process such as) :
 - i) Oil & Grease Trap : _____
 - ii) Holding Tank : _____
 - iii) Reaction unit : STP
 - iv) Settling/Clarifier unit : _____
 - v) Anaerobic component : _____
 - vi) Activated sludge unit : _____
 - vii) Activated Sludge unit : _____
 - viii) Any other special unit : _____
 - ix) Sludge Suppuration unit : _____
- 19. Whether ETP working satisfactorily at the time of sampling : Partially working
- 20. Whether log book of ETP working maintained by the unit : Not maintained properly
- 21. Remarks to be recorded:-
 - a) Mode of bye passing system : _____
 - b) Final tank filled with fresh water or having dilution arrangement : _____
 - c) Any other manipulation : _____
 - d) Any other remarks : _____
- 22. Date of receipt of sampling fee : _____
 - b) Amount received : _____
 - c) Detail of draft/receipt : _____
 - d) Whether the unit is small scale or L&M scale : _____
 - e) PH conductivity DO : _____

Signature of the representative of the Unit with Seal CONTEL

Authorised Signatory

Sudhi
Signature of the Officer/Officials who collected the sample

f
all
h



Form J

(See Rule 36)

Report No- 6071

Type of Sample: Legal

Dated: 14-July-22

I hereby, certify that I Neeraj Bala Board Analyst duly appointed under sub section (3) of section 53 of the Water (Prevention and Control of Pollution) Act 1974 (06 of 1974), received a sample on the 05 day of July, 2022, collected by Sh. Sudhir Mohan, AEE, on dated 04 day of July, 2022 of M/s Welcum Hotel, Bella Vista, Sector-5, Panchkula for analysis.

Further certify that I have analyzed the above mentioned sample on 05 July, 22 to 14 July-22 and declare the result of analysis to be as follows:-

Sr. No.	Parameter Name	Result	Result	Limit
1.	Sample Code	9095	9096	
2.	Sample Collected from	Inlet of STP	Outlet of STP	
3.	Color	Blackish	Greyish	
4.	Odour	Foul	Foul	
5.	pH value	7.44	6.48	5.5-9.0
6.	BOD (3 days at 27°C) mg/l	106.0	<u>72.0</u>	30
7.	COD (mg/l)	392.0	<u>280.0</u>	250
8.	Total Suspended Solids mg/l	282.0	<u>235.0</u>	100
9.	Oil and Grease (mg/l)	14.5	BDL(DL=2)	10
10.	Conductivity (u S/cm)	735.0	838.0	

Method of Testing As per relevant part of IS:2488 (Part-IV) and Standard method for the examination of Water & Waste Water APHA (23rd Edition)

The Conditions of the seals, listening and container on receipt was as follows:

Container had its seal found intact and in order, slip on the container had the signature of the representative of the industry and the Board.

Signed this 14 day of July, 2022

Haryana State Pollution Control Board Laboratory,
SCO-115, 1st & 2nd Floor, Sector-25, Panchkula, Haryana

To

The Member Secretary, HSPCB, Panchkula

Neeraj Bala
Board Analyst

Regional Office, Panchkula . This test report relate only to the particular sample submitted for testing.



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Regional Office, Panchkula Region
Haryana State Pollution Control Board

SCO-115-116 (1st Floor), Sector -25, Panchkula
Website - www.hspcb.gov.in E-Mail - hspcbropkl@gmail.com

SPEAKING ORDER

Whereas, M/s Welcum Hotel, Contel Bella Vista, Sector -5, Panchkula was inspected by AEE of this office on 04.07.2022. During inspection it was found that, STP installed by the unit was operating partially and not satisfactory.

Whereas, sample of inlet & outlet of STP was collected by AEE and sent to laboratory for analysis. As per analysis report vide no. 6071 dated 14.07.2022, the parameters were found exceeding the prescribed limits. The following parameters were exceeding the prescribed limit.

Sr. No.	Parameters (mg/l)	Results	Permissible limit
1.	BOD	72.0	30
2.	COD	280.0	250
3.	TSS	235.0	100

The following deficiencies were also observed during inspection:-

1. Log book for treated effluent is not maintained.
2. Meter on the inlet and outlet of the STP is not working.

Whereas, Show Cause Notice for 15 days to reply as to why the your CTO under Water Act, 1974 and Air Act, 1981 may not be revoked and unit may not be closed under section 33-A of Water Act, 1974 for the violations of section 24 of Water Act, 1974 as mentioned above. Beside this why environmental compensation may not be imposed on your unit as per provisions of HSPCB orders issued vide no. HSPCB/PLG/2019/6073 dated 29/04/2019 to the unit.

Whereas, unit has submitted the reply of the SCN on dated 02.08.2022 and submitted that STP sample was taken on 04.07.2022 by the HSPCB, prior to the date there was very heavy rain shower unfortunately sewerage line back flashed, which lead to sample not meeting the desired parameters and unit has requested for re-sampling for the same.

In view of above, reply of M/s Welcum Hotel, Contel Bella Vista, Sector -5, Panchkula is not satisfactory and not acceptable as unit has neither submitted re-sampling fee nor submitted performance security as per policy of the Board.

Date:- 03.08.2022
Place:- Panchkula

Virender Singh Punia
Regional Officer
Panchkula Region.

Endst. No. HSPCB/PKL/2023/679-680

Dated: 03/08/2022

A copy of the above is forwarded to the following for your kind information and further necessary action please.

1. M/s Welcum Hotel, Contel Bella Vista, Sector -5, Panchkula.
2. PS to Chairman, HSPCB and PA to MS, HSPCB, Panchkula.


 Regional Officer
 Panchkula Region

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HARYANA STATE POLLUTION CONTROL BOARD
SPOT INSPECTION REPORT OF THE INDUSTRIES

A General Information of unit

1. Name & Address of the unit : Contel Bella Vista
2. Email id of the unit/occupier :
3. Telephone Nos. :
4. Fax Nos. :
5. Date & Time of Inspection : 01/05/23
6. Category Unit : Red/Orange/Green
7. Type of Units : 17 Cat./Seriously Polluting/others
8. Size of unit based upon investment cost of Plant & Machinery : Large/ Medium/ Small
9. Name of the representative of the unit with designation present at the time of the inspection. : sn. Rishabh Mohan
10. Name of the Directors/partners/Proprietor/Manager/Occupier etc. : As per record
11. Detail of products/by product manufactured (with capacity of installation & quantity per annum) : Hospitality & Food service 50 N/day
12. Detail of Raw Material used (with quantity per annum) : — do —
13. Manufacturing Process (in brief) : Hospitality & Food service
14. Detail of Machinery installed involving polluting process: — do —
15. Date of Commissioning of the unit : As per record
16. Status of Consent to Establish : obtained
17. Status of Consent to Operate : obtained
18. Status of Authorization under HWM Rules. : Yes

B Air Pollution

1. Sources of air emissions from process of unit including fugitive emissions with type of Boilers/Furness, capacity & stack height. :
2. Status of online monitoring System (Stacks/ AAQ) if applicable : 
3. Details about deviation in the details/ stack of Air emission/ type of fuel if any already provided to Board. : 
Authorised Signatory

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4. Detail of Stacks/ Chimneys/ Vents :)
5. Whether Height of all stacks/ Chimneys as per norms :)
6. Capacity of D.G. Sets : 725 x 3
630 x 2
7. Stack height of D.G. Sets above programme and whether as per norms : Rased.
8. Status of Acoustic Enclosure on D. G. Sets : provided.
9. Noise results of DG Sets Monitored during inspection : As per norms'
10. Type & Quantity of Fuel used : HSD for DG.
(Separate for each source)
11. Status of Air Pollution Control Devices (APCD) :
- (a) Required or Not : Required
- (b) Provided or Not : Provided.
- (c) Detail of APCD provided with detail of all Components. : Annex stacks Rased
Canopy on DG.
- (d) Whether Structurally adequate or Not : Adequate
- (e) Whether operating APCD Satisfactorily : operating
12. Whether provided separate flow meters in case of wet scrubber :)
13. Whether maintained Log Book for consumption of Electricity/ Chemicals/ water for APCD. : NA
14. Detail of treatment of effluent in case of wet scrubber & its mode of disposal. :)
15. Whether provided Sampling arrangements on all stacks /chemneys including DG Sets. : Yes
16. General Remarks :
- C** Water Consumption
1. Sources of water supply : Tubewell - 40 JK LD.
MONTIEL
HUDDA - 15 JK LD.
2. Detail of measuring devices provided if any such as flow Meters, V- notch etc. : NO
3. Whether measuring devices has been sealed : NO

Authorised Signatory



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- Status of ZLD as per CPCB directions if applicable : *NA*
- 9. Whether provided flow meters on outlet & inlet of ETP/STP : *Yes*
- 10. Whether provided separate electricity meter on ETP/STP : *No*
- 11. Whether maintained Log Book for consumption of Electricity/ Chemicals/Quantity of effluent. : *Yes*
- 12. Status of online monitoring System, if applicable : *-*
- 13. General Remarks :

E Hazardous Waste Management

- 1. Category of Hazardous Waste generated as per rules : *5.1*
- 2. Type & Qty. of Hazardous Waste generated : (i) incinerable :
(ii) recyclable :
(iii) disposable :
for landfill
(iv) Total:
- 3. Stock-Pile Quantity of Hazardous Waste : *provided*
- 4. Mode of Disposal & treatment of Haz. Waste : *provided*
- 5. Size of Hazardous waste storage site : *maintained*
- 6. Display Board for Hazardous Waste at Factory Gate Provided or not : *maintained*
- 7. Whether agreement made with the service provider for disposal of hazardous waste (if yes, give detail with validity) : *Yes B N contract*
- 8. Details of Hazardous Waste transported to service provider : *provided*

Hazardous Chemicals Handling & Management and PLI Act, 1991

- 1. List & Qty. of Hazardous chemical handled & used (if any) with threshold quantity : *NA*
- 2. Whether prepared on site emergency plan and taken Insurance policy under PLI Act, 1991. :
- 3. Name of insurer agency with date & validity of policy :
- 4. Whether Hazardous chemicals handling & storage facility is adequate :

Team of SESTF
 (i) Rohit Kumar, HSIIDC
 (2) Alok Kumar, HSIIDC
 (3) Sudhu Mohan, AEE
 (4)

5. Remarks
*Unit inspected by SESTF
 Sample I & O of STP is
 collected & sent to
 HSP lab for A/R*

*Rohit Kumar HSIIDC
 Alok, SE HSIIDC*
 Asstt. Gen. Manager (IA)
 HSIIDC, Industrial Estate
 Barwala (Panchkula)
Sudhu

Signature of the representative of the unit
Name Designation & Address

Signature of the Officer/Officers of the Board
who conducted the inspection Name & Designation

(Sample KL)

HARYANA STATE POLLUTION CONTROL BOARD
SCO 115-116, 1st Floor, Sector -25, Panchkula
Website: www.hspcb.gov.in

Memo. No. HSPCB/PKL/

Dated:

To

The Member Secretary,
Haryana State Pollution Control Board,
Panchkula.

Sub: **Collection of Sample of Liquid Trade Effluent under section 21
of the Water Act, 1974.**

Ref:

Kindly find enclosed herewith Form-A, Inspection Report and presence certificate duly filled in respect of collection of sample of Liquid Trade Effluent of the following industries for information and necessary action please.

1. M/s
-
2. M/s
-



Sudhvi

Name & Designation
Who collected the sample

.....

PROFORMA FOR SPOT INSPECTION REPORT

1. Name & Address of the Industry : CONTEL BELGA VISTA
2. Inspection : Legal
- (a) Time : 1:00 PM
- (b) Date : 1/05/23
- (c) Place : Panchkula.
3. Location Showing :
- (a) Premises on the left of the factory : Vacant land
- (b) Premises on the right of the factory : Road
- (c) What exists in front and opposite to the factory : Road.
- (d) The point of emission from where the sample/samples are collected : I & O of STP.
4. Raw Material used : Hospitality
5. Source of Water supply : Borewell & HSRP.
6. Products with total production : Hospitality.
- (a) By Products, if any (give Approx. quantity) :
7. Process involved in brief (Attach separate sheet, if reqd.) : - Hospitality / Hotel
8. Chemicals used in different process : NA
9. Name of Managing Director/ Director/Partner/Managers/ etc. with address : As per record provided.
10. Present methods of disposal of industrial effluent daily Public underground sewer/open drain/Land/Nalaha/ Stream : For irrigation.
11. Where the Effluent ultimately reaches : Sewer / Irrigation
12. Number of outlets of the effluent being used : 01
13. If the discharge of industrial effluent continuous or intermittent and if intermittent day and time of its discharge : Intermittent
14. Quantity of industrial effluents discharged per day in liters (Approx.) : 50 KLD (approx)
15. Does the industrial effluent mixed with the sewage/domestic effluent : Yes/No
16. Temperature : 23°C
- (a) Air
- (b) Sample
17. Colour & Odour of the sample/samples : I Broun / per Almost colorless & odorless
18. Type of sample/samples (grab or composite) : Grab.
19. Clarity of effluent (Presence of suspended solids) : No visible SS
20. Point/Points of sample collection : I & O of STP.

Remarks



Authorized Signatory

21. The Sample/samples of trade effluent of M/s



from the point mentioned at Sr. No. 21 above was collected in presence of Sh./Smt. Rishabh Mohan Managing Director/Director/Partner/Manager/Occupier of the industry and placed in a clean dry and empty glass container after explaining the provisions of section 21 of the Water (Prevention & Control of Pollution) Act, 1974 to them. The Samples was stirred and placed in clean empty bottle divided into two parts and sealed with seal bearing inscription of E.E./A.E.E./Sc 'C'/Sc 'B'/SSA/JSA of Panchkula Region of the Haryana State Pollution Control Board after placing the chit signed by

(i) Sh. Sudhir Mohan, AEE, Rohit Kanwar HSIIDC
Alok HSIIDC

(ii) Sh. Sh. Rishabh Mohan (DGM)



(iii) Sh. Sh.

If request fir sending the sample/samples to the State Laboratory has been made in writing with reqd. fees then the sample/samples be sent to the State Laboratory (Request be in writing)

Signature no such request made

In case no such request is made then the sample/samples be sent to the Board's Laboratory for analyses

22. Specimen of the seal impression :
put on sample/samples

23. Sample/Samples dispatched through Sh. Leon to the

(i) Board Analyst PKL :

(ii) Govt. Analyst :

24. In case of willful refusal/absence of the owner/Manager/Director/ Proprietor/ Partner of the industry been made then details of fees received for this purpose be given

Signature : Collecting the sample
Of the Unit with Seal impression : Name
Name : Designation
Designation : Date
Date :

[Signature]
Authorised Signatory

[Signature]

Phone No. 0172 --2566286

HARYANA STATE POLLUTION CONTROL BOARD
SCO 115-116, Ist Floor, Sector -25, Panchkula
Website: www.hspcb.gov.in

FORM-A
(See Rule 21 of Water Act, 1974)

Notice of intention to have sample analyzed

To

M/s
.....
.....



Take notice that it is intended to have analyzed the sample of
Water/Sewage effluent/Trade Effluent from your premises which is being taken to day
the 01 day of 05, 23 from (.) I.A. O. of S.T.P.

[Signature]
Name & Designation of the
person who taken the sample

(*) Here specify the point of effluent outlet.

CONTEL
[Signature]
Authorised Signatory

Phone No. 0172 --2566286

HARYANA STATE POLLUTION CONTROL BOARD
 SCO 115-116, Ist Floor, Sector -25, Panchkula
 Website: www.hspcb.gov.in

CERTIFICATE

Certified that the sample/samples of Trade Effluent of our industry M/s
ha
 s been collected on01/05/23..... and has been marked and sealed in my
 presence. It is further certified that samples have been collected in temper proof glass
 bottle.



Sudhu
 (Counter Signature)
 Officer who collected sample

[Signature]
 CONTEL
 Representative of the Unit
 Authorised Signatory

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HARYANA STATE POLLUTION CONTROL BOARD

No. HSPCB: PKL:

Dated:

To

The Board Analyst/Lab Incharge,
Haryana State Pollution Control Board,
SCO-115-116, 2nd Floor, Sec-25, Panchkula.

Sub: Spot inspection report of sample collected under Water Act, 1974.

Kindly receive the sample for analysis. The technical information is as under:

Sampling Date					
1.	Name of the Unit & Address	:	CONTEL BELLA VISTA		
2.	Product Manufactured	:	Hospitality		
3.	Nature of samples whether paid/ legal/monitoring/joint sample with recognized Lab	:	Legal		
4.	Date & Time of Collection	:	11/05/23		
5.	Name & Designation of the Officer/ official who collected samples	:	Sudhu Mohan AEE, Rohit Kanwar HSIIDC, AOK, TE		
6.	Sample whether grab or composite (Representative sampling should be done in all cases whether continuous flow of effluent exists. As far as possible the sample should be composited even if no continuous flow of effluent exists.)	:	Grab		
7.	Mode of disposal/discharge whether into inland surface in the public sewer on land for irrigation on land for percolation	:	Irrigation		
8.	Name of products & quantity	:	Hospitality / Hotel		
9.	Chemicals used in the process	:	NA		
9.	Specify relevant parameters to be analyzed, type of sample container, quantity of sample, preservative and the prescribed limits applicable.				
Sr. No.	Parameters to be analyzed	Type of sample container (Tick the container used)	Quantity of Sample collected	Preservation (Tick \checkmark or x)	Prescribed Limits
1.	pH	<input checked="" type="checkbox"/> Glass/Plastic	2 Litre	Cool at 4°C	5.5 - 9
2.	Colour				
3.	Odour				
4.	BOD				
5.	Conductivity				
6.	Sulphate				
7.	Chloride				
8.	Total Dissolved Solid (TDS)				
9.	Total Suspended Solids (TSS)				
10.	Total Fixed Solids (TFS)				
11.	Total Volatile Solids (TVS)				
12.	Alkalinity	<input type="checkbox"/> Glass/Plastic	2 Litre	Add HNO ₃ maintain pH < 2	
13.	Hardness				
14.	Calcium				
15.	Magnesium				
16.	Zinc				
17.	Nickel				
18.	Total Chrome				

CONTEL

 Authorised Signatory

19	Iron				
20	Boron				
21	COD	✓ Glass/Plastic	1 Litre	Add H ₂ SO ₄ maintain pH < 2 & Cool at 4°C	250 316
22	TKN				
23	Total Phosphorus				
24	Oil & Grease	✓ Glass bottler wide mouth	1 Litre	Add H ₂ SO ₄ maintain pH < 2	10
25	DO	✓ BOD bottle	1 Litre	Add 2 ml MnSO ₄ +Alkaline Solution + 2 ml H ₂ SO ₄	
26	Sulphide	Glass/Plastic	100 ml	Cool < 6°C, add 4 drops of 2N Zinc acetate & add NaOH to maintain pH > 9	
27	Hexa Chromium	Glass/Plastic		Cool < 6°C maintain pH 9.3-9.7 with the help of ammonium sulphate, Buffer Solutions.	
28	Total Coliform	✓ Sterilized glass bottle	250 ml	Cool at 4°C	
29	Fecal Coliform				
30	Fecal Streptococci				
31	Mention others (if any) Total Niotrozen				
11.	Point of sample the collection	:	I Branch 1/out	O of STP. Almost colorless & odors	
12.	Temperature colour and odour of sample at the time of collection	:	24°C		
13.	The sample should reach the lab immediately & in any case not immediately and in any case not later than 24 hours of its collection (give time of sampling and time of delivery in the Lab)	:	Yes		
14.	Certified that the samples has been preserved in accordance with ISI 2488 part-1 and details of preservatives are given as under:	:	Yes		
15.	Sample should be preserved in the Ice Box at 4°C & sample should be marked and sealed properly and affixed with cellulose tape.	:	Yes		
16.	Certified than the sample has been sealed and seal impression of the sample is given as under:	:	Yes		
17.	Certified that No dilution is effected in process at the time of collection of the sample	:	Yes		
18.	Where treatment plant exists 02 samples be taken i.e. from the inlet & outlet of the treatment plant.	:	Yes		
19.	Whether effluent treatment plant provided (Give brief details of unit process such as)	:	Yes		

CONTEL

 Authorised Signatory

Sr. No	Component of STP/ETP provided	Size of the components	Nos.	Shortfall	
				Size	Not operative in No.
i	Oil & Grease Trap				
ii	Holding Tank				
iii	Reaction unit				
iv	Settling/Clarifier unit				
v	Anaerobic components				
vi	Aerobic Component				
vii	Activated sludge unit				
viii	Any other special unit				
ix	Sludge drying beds				
20.	Whether STP/ETP working satisfactorily at the time of sampling	:	Working		
21.	Whether log book of STP/ETP working maintained by the unit	:	maintained		
22.	Remarks to be recorded:-	:			
a)	Mode of bye passing system	:			
b)	Final tank filled with fresh water or having dilution arrangement	:			
c)	Any other manipulation	:			
d)	Any other remarks	:			
23.	Energy meter/Electric Meter reading at the time of sampling	:			

Sample collected by Sh. Sudhanshu Agarwal Signature
 Accompanied by Sh. Rohit Kumar, M.S.D.C. Signature
 Sample received by Sh. Signature
 Sample delivered in lab by Sh. Signature
 Sample received in the lab by Sh. Signature

CONTEL

Signature of the
 Representative/Authorized
 Signatory of the Unit

Signature of the Officer/Officials
 collected the sample

Note: In case the unit wants to keep a sample & get it tested elsewhere he can do so and in case of any grievances, he may record the same on the inspection report while signing & may also report the matter to Head Office within 24 hours.

CC:-

1. Member Secretary.
2. Scientific Service Cell.

Form J

1478

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(See Rule 36)

Report No-1414

Type of Sample: Legal

Dated: 11.05.2023

I hereby, certify that I Neeraj Bala Board Analyst duly appointed under sub section (3) of section 53 of the Water (Prevention and Control of Pollution) Act 1974 (06 of 1974), received a sample on the 02th day of May, 2023, collected Sh. Sudhir Mohan, AEE, Sh. Rohit Kanwar, HSIIDC, Sh. Alok, HSIIDC dated 01st day of May, 2023 of M/s Contel Bella Vista, SM-8, City Centre, Sector-5, Panchkula for analysis.

Further certify that I have analyzed the above mentioned sample on 02-May-2023 to 11th - May-2023 and declare the result of analysis to be as follows:

Sr. No.	Parameter Name	Result	Result	Limit	Test Method
1.	Sample Code	2045	2046		
2.	Sample Collected from	Inlet of STP	Outlet of STP		
3.	Color	Brownish	A.Colourless	-	
4.	Odour	Foul	Odourless	-	
5.	pH value	6.98	6.90	5.5-9.0	APHA,4500H+B(23rd)
6.	BOD (mg/l)	270.0	8.0	30	IS:3025(Part-44)
7.	COD (mg/l)	920.0	52.0	250	APHA,5220-B(23rd)
8.	Total Suspended Solids mg/l	428.0	18.0	100	APHA,2540-D(23rd)
9.	Oil and Grease (mg/l)	17.5	BDL(DL=2)	10	APHA,5520-B(23rd)
10.	Conductivity (u S/cm)	945.0	498.0	-	IS:3025(Part-14):2013

The Conditions of the seals, listening and container on receipt was as follows:

Container had its seal found intact and in order, slip on the container had the signature of the

representative of the industry and the Board.

Signed this 11th day of May, 2023

Haryana State Pollution Control Board Laboratory,
SCO-115, 1st& 2nd Floor, Sector-25, Panchkula, Haryana

To

The Member Secretary, HSPCB, Panchkula

CC to Regional Office: **Panchkula**. This test report relate only to the particular sample submitted for testing.

Neeraj Bala
Board Analyst



HARYANA STATE POLLUTION CONTROL BOARD

C-11 Sector-6, Panchkula
Ph – 0172- 577870-73, Fax No. 2581201
E-mail- hspcbsee@gmail.com
Website: hspcb.gov.in

Order

Whereas, the Central Pollution Control Board (CPCB), in compliance of the directions issued by the Hon'ble National Green Tribunal on 03.08.2018 in Original Application No. 593 of 2017 Paryavaran Suraksha Samiti & Another Vs. Union of India, prepared 'Modalities/Methodology for Assessing, imposing and utilization of Environmental Compensation'. The CPCB submitted the report to Hon'ble National Green Tribunal and the same was accepted by the Hon'ble National Green Tribunal on 25.08.2019 and the Hon'ble NGT directed to act upon as interim measure

Whereas, in the 63rd conference of Chairmen and Member Secretaries of PCB's/PCC's held on 18.03.2019, it was decided that SPCB's/PCC's may frame their guidelines on Environmental Compensation (EC) as per the report submitted by CPCB with regard to modalities/methodology for assessing, imposing and utilization of Environmental Compensation. The CPCB circulated the report of discussion and decisions taken in above meeting to all SPCB's/PCC's.

Whereas, the Haryana State Pollution Control Board, after consideration of the report of CPCB, decided to adopt the Modalities/Methodology for Assessing and Utilization of EC and issued orders vide no. HSPCB/PLG/2019/6043-50 dated 29.04.2019.;

Whereas, the Haryana State Pollution Control Board, in compliance of order of Hon'ble National Green Tribunal passed on 10.07.2019 in Original Application No. 1038 of 2019, partially modified the order dated 29.04.2019 with regard to computation of Environmental Compensation vide order HSPCB/PLG/2019/734-765 dated 20.12.2019 and made some amendments.

Whereas, the Haryana State Pollution Control Board received several representation from various industrial units and other affected projects to reconsider the policy of levying Environmental Compensation. The Technical Advisory Committee (TAC) of the Board, in its meeting held on 22.11.2021, examined the representations and recommended that the existing policy and procedure for assessing the Environmental Compensation needs to be revised.

Whereas, after considering of relevant facts and the minutes dated 22.11.2021 of the TAC, it has been decided to revise the Modalities/Methodology for Imposing and Utilization of Environmental Compensation issued by the Board vide HSPCB/PLG/2019/734-765 dated 20.12.2019 and HSPCB/PLG/2019/6043-50 dated 29.04.2019.

Therefore, in supercession of the orders issued vide no.HSPCB/PLG/2019/734-765 dated 20.12.2019 and HSPCB/PLG/2019/6043-50 dated 29.04.2019, the procedure for examining, assessing and imposing the Environmental Compensation on Industrial Units or Other Authorities, found violating the provisions of the various Acts & Rules, who caused damaged the environment of the State of Haryana, is hereby revised as enclosed here with at Annexure-A with immediate effect

Dated Panchkula, the
22nd December, 2021

P.Raghavendra Rao, IAS (Retd.)
Chairman

Endst. No. HSPCB/PLG/2021/

2343-2350

Dated:

22-12-2021

A copy of the above is forwarded to the following for information please:-

1. The Chief Secretary to Govt. Haryana, Chandigarh
2. The Additional chief Secretary to Govt. Haryana, Town & Country Planning Department, Chandigarh.
3. The Additional chief Secretary to Govt. Haryana, Irrigation Department, Chandigarh.
4. The Additional chief Secretary to Govt. Haryana, Dept. of Environment & Climate Change Chandigarh.
5. The Principal Secretary to Govt. Haryana, Public Health Engineering Department, Chandigarh.
6. The Principal Secretary to Govt. Haryana, Urban Local Bodies Department, Chandigarh.
7. The Chairman Central Pollution Control Board, East Arjun Nagar, New Delhi
8. The Principal Secretary to Govt. Haryana, Industries & Commerce Department, Chandigarh

Sr. Environmental Engineer(PLG)
For Chairman

Endst. No. HSPCB/PLG/2021/

2351-79

Dated:

22-12-2021

A copy of the above is forwarded to the following for information and further necessary action:-

1. All Branch Incharges in Head Office.
2. All Regional Officer, in the field.
3. Branch Incharge-IT Cell for uploading the order on the website of the Board.

Sr. Environmental Engineer (PLG)
For Chairman

Endst. No. HSPCB/PLG/2021/

2380-81

Dated:

22-12-2021

A copy of the above is forwarded to the following for information of the officers please:-PS to Chairman.

1. PS to Chairman
2. PA to Member Secretary

Sr. Environmental Engineer(PLG)
For Chairman

METHODOLOGY FOR
ASSESSMENT
ENVIRONMENTAL
COMPENSATION



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA

Website: www.hspcb.gov.in, Email: hspcbho@gmail.com

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Background of Environment Compensation

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

"The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the CPCB within three months"

On the directions of Hon'ble NGT dated 03.08.2018 in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors, CPCB has prepared Methodology for Assessing Environmental Compensation. The Methodology prepared by CPCB has been accepted by Honble NGT vide orders dated 28.08.2019 in same case.

The Central Pollution Control Board vide letter dated 10.04.2019 circulated record notes of discussion and decision taken in 63rd conference of Chairman and Member Secretary of PCBs/Committees held on 18.03.2019, wherein it has been decided that SPCBs/PCCs may frame their guidelines on Environmental Compensation (EC) based on CPCB's report.

Accordingly, HSPCB vide order no. HSPCB/PLG/2019/6043-50 dated 29.04.2019 has adopted the modalities/methodology for assessing, imposing and utilization of environmental compensation from the polluting units in the State of Haryana. The Environment compensation assessment committee constituted at head office level vide order Endst. No. HSPCB/2019/6094-6119 dated 06.05.2019 for examination and finalization of environment compensation report submitted by the Regional Officers.

Hon'ble NGT in its order dated 19.11.2019 in the matter of OA No 1038/2019 held that in absence of exact date of violation environment compensation should be imposed for last 5 years. Hon'ble NGT has also given the reference of orders of Hon'ble Supreme Court of India in matter of Indian Council for Enviro Legal Action & Ors. Vs. Union of India & Ors., (1996) 3 SCC 212 Para 16 and in matter of Vellore Citizens Welfare Forum Vs. Union of India & Ors. (1996) 5 SCC 647 Para 12-18 –holding that "Polluter Pay" principle is accepted principle and part of environmental law of the country, even without specific statute.

Thereafter, HSPCB vide order Endst. No. HSPCB/PLG/2019/734-765 dated 20.12.2019 partially modified this office order dated 29.04.2019 regarding date of computation of environment compensation.

Hon'ble NGT vide orders dated 12.03.2019 in OA No. 710 of 2017 held that SPCBs are also authorized to recover compensation from polluters or laying down their own scale which should be not less than that fixed by CPCB.

In supersession of earlier orders of board, the revised procedure for examining and assessing the environmental compensation submitted by regional officer of HSPCB, ECAC and branch in charges is as follows:-

Area of applicability

The Cases for levying environmental compensation are as under:-

- a. Units discharging the environmental pollutants in excess of the standards prescribed under EP Rules, 1986 and as prescribed in the consent granted to such units under Water Act, 1974/Air Act, 1981.
- b. Non-compliance of the any directions issued by the State Board under the provisions of Water Act, 1974, Air Act, 1981 and EP Act, 1986.
- c. Non-adherence to the action plans submitted by unit to the Board for making compliances.
- d. Failure to install Online Continuous Emission/ Effluent Monitoring system, intentional avoidance of data submission or data manipulation by tampering OCEMS
- e. Accidental discharges lasting for short durations resulting into damage to the environment.
- f. Intentional discharges of effluent and/or emissions to the environment including bypassing the pollution control devices on land, water and air, which results damages to the environment.
- g. Injection of treated/partially treated/ untreated effluent to ground water.
- h. Discharge of untreated/partial treated Sewage by STP and/or CETP
- i. Failure of preventing the pollutants being discharged in water bodies.
- j. Operating without obtaining prior consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 and/or Air (Prevention and Control of Pollution Act, 1981.
- k. Operating without installation pollution control devices of water and/or emission.
- l. Failure to implement responsibilities assigned /stipulated for CBWTF and Health care facilities covered under provisions of Bio Medical Waste Management Rules 2016 (as amended).
- m. Failure to implement responsibilities assigned /stipulated for industrial sectors/units/CHWDF under provisions of Hazardous Waste Management Rules 2016 (as amended).

- n. Failure to implement responsibilities assigned /stipulated for industrial sectors/units/CHWDF under provisions of Solid Waste Management Rules 2016 (as amended)
- o. Failure to implement other Waste Management Rules.
- p. All violations of Graded Response Action Plan (GRAP) in Haryana NCR area.
- q. Any other violation of Environmental act/rule/policy not covered above. In such cases concerned regional officer shall forward the case to ECAC mentioning all details of violation and grounds on which EC is recommended to be levied.

Formula of Calculation of Environmental Compensation

The assessment of environment compensation shall be carried out as per methodology and guidelines prepared by CPCB and accepted by Hon'ble NGT for cases specifically mentioned below:-

1. Environment Compensation to be levied for various violation by Industrial Units.
2. Environmental Compensation to be levied for all violations of Graded Response Action Plan (GRAP) in NCR.
3. Environmental Compensation to be levied for failure of preventing the pollutants being discharged in water bodies.
4. Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority
5. Environment Compensation to be levied on Concerned Individual/Authority for Improper Solid Waste Management
6. Environmental Compensation to be levied for various violations of Healthcare facilities (HCFs).
7. Environmental Compensation to be levied for various violations for Common Biomedical Waste Treatment Facility (CBWTF).
8. Environmental compensation to be levied for various violation of HOWM Rules, 2016.

Note :-

- i. The Number of days for which violation took place shall be counted as suggested in methodology and guidelines prepared by CPCB for calculation of EC. The duration of violation in terms of number of days may be different for various violations, In such case, the amount will be calculated individually for different violations and added. Further in case, Honble NGT, Honble High court, Honble Apex court or any

- other legal forum, issue orders regarding the number of days then same shall be taken into account for calculation of EC.
- ii. In case of results of sample found beyond the prescribed limits, the number of days shall be counted from the date of non compliance observed to the date of implementation of closure order or date of compliance verified. The analysis report submitted with compliance shall be from laboratory of Board or laboratory recognized by the Board.
 - iii. In absence of exact date of violation environment compensation should be imposed for last 5 years.
 - iv. In specific cases, where the Board is of the view that the damages caused to the environment are of such magnitude that it may require enormous efforts/money to restore the environment or reconstruct/repair property, a detailed study may be ordered to be carried out by ECAC through one or more expert agencies/institutions to assess such damages and work out the cost of restoration and environment compensation to be levied on polluters. The expenditure incurred on such study (studies) shall be borne by the polluters.

Procedure to impose Environmental Compensation

1. Concerned RO will issue the Show cause notice of 15 days to the unit mentioning the ground on which EC is proposed to be imposed and tentative amount of EC to be levied.
2. After expiry of period of SCN, concerned RO will carry out assessment of EC after examining the reply submitted by unit (in case received). Accordingly concerned RO will submit the detailed report to head office within 07 days.
3. The environment assessment report recommended by RO will be checked by Branch/Cell Incharge and submitted to ECAC alongwith details of violations and grounds on which EC is being recommended on the industrial sector/non industrial sector / units within a period 07 days.
4. The Environmental Compensation assessment Committee (ECAC) will examine and finalize amount of EC to be imposed, within 15 days' time from receipt of the details from the concerned branch.
5. The amount finalized by ECAC will be processed by concerned branch in head office and to place before competent authority for final orders of imposition of EC on defaulting units. The competent authority for issuing direction for levy and deposition of EC will be the same as prescribed for issuing direction under section 33-A of Water Act, 1974, section 31-A of Air Act, 1981 and section 5 of EP Act, 1986.

Action to be taken in case failure to deposit Environmental Compensation

- a. EC imposed will need to be deposited by Project Proponent at concerned Regional Offices within a period of 30 days from issue of directions. In case of failure to deposit EC amount within 30 days, concerned RO will follow up with defaulting unit and issue show cause notice intimating the further course of action proposed to taken.
- b. The cases of new/renewal of CTO, suspension of closure order of the defaulting unit shall not be entertained until and unless the EC is deposited.
- c. Legal actions against the defaulter in accordance with law shall also be initiated against the unit by concerned RO.
- d. In case PP fails to deposit EC after expiry of six months, the concerned RO shall request to concern Deputy Commissioner to recover the EC amount in accordance with law of Haryana Land Revenue Act or any other Act for the time being in force.

Chapter-1

Environment Compensation to be levied for various violation by Industrial Units:-

The environmental compensation for the industries will be calculated as per the following formula:

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

Where,

EC is Environmental Compensation in ₹

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

Pollution Index (PI)

The range of Pollution Index for Red, Orange and Green is 60 to 100, 41 to 59 and 21 to 40, respectively.

The following values of PI have been suggested in the CPCB report:—

Category	Red	Orange	Green
PI	80	50	30

Number of days (N)

N, number of days for which violation took place is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by Regional office

Factor in Rupees (R)

The minimum of 100 and maximum of 500 of factor in Rupees (R) mentioned in report of CPCB.

The CPCB has suggested R as 250 for calculation of the Environmental Compensation in cases of violation.

Factor for scale of operation (S)

The following values of PI have been suggested in the CPCB report:—

Category	Small/micro	Medium	Large
S	0.5	1.0	1.5

Location factor (LF)

Value of Location Factor will be based on population of the city/town and location of the industrial activity. For the industrial unit located within municipal boundary or up to 10 Km. distance from the municipal boundary of the city/town, following values of location factors (LF) have been suggested in the CPCB report based on the population of the city/town

S. No.	Population (In million)*	Location Factor
1.	Upto one million	1.0
2.	1 to <5	1.25
3.	5 to <10	1.5
4.	10 and above	2.0

*Population of the city/town as per the latest Census of India

LF will be 1.0 in case unit is located at a distance > 10 Km. from the municipal boundary.

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

In any case, minimum Environmental Compensation shall be ₹ 5000/day.

Chapter-2

Environmental Compensation to be levied for all violations of Graded Response Action Plan (GRAP) in NCR.

The CPCB has suggested the following EC to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi NCR:-

Activity	State Of Air Quality	Environmental Compensation
Industrial Emissions	Severe +/Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
Vapour Recovery System (VRS) at Outlets of Oil Companies		
i. Not installed	Target Date	Rs 1.0 Crore
ii. Non-functional	Very poor to Severe +	Rs 50.0 Lakh
	Moderate to Poor	Rs 25.0 Lakh
Construction sites (Offending plot more than 20,000 Sq.m.)	Severe +/Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
Solid waste/ garbage dumping in Industrial Estates	Very poor to Severe +	Rs 25.0 Lakh
	Moderate to Poor	Rs 10.0 Lakh
Failure to water sprinkling on unpaved roads		
a) Hot-spots	Very poor to Severe +	Rs 25.0 Lakh
b) Other than Hot-spots	Very poor to Severe +	Rs 10.0 Lakh

Chapter-3

Environmental Compensation to be levied for failure of preventing the pollutants being discharged in water bodies.

Environmental Compensation Formula

The CPCB has suggested that environmental compensation in these cases should be comprised of two components i.e.

1. Cost saved/benefits achieved by the concerned individual/authority by not having proper waste/sewage management system; and
2. Cost to the environment (environmental externality) due to untreated/partially treated waste/sewage because of insufficient capacity of waste/sewage management/treatment facility.

Cost saved/benefits achieved by not having proper waste/sewage management system includes the interest on capital cost of the waste/sewage management facility and daily operation and maintenance (O&M) cost associated with the facility.

Capital Cost Factor may be considered as 10% on loan amount of annual interest rate borrowed by concerned individual/authority for setting-up waste/sewage management facility, for calculation of environment compensation.

Further, O&M cost factor may be considered as 100% of the O&M cost saved, as whole O&M cost is saved by concerned individual/authority for not managing required waste/sewage management system.

Therefore, generalized formula for Environmental Compensation may be described as:

$$\begin{aligned}
 EC = & \text{Capital Cost Factor} \times \text{Marginal Average Capital Cost for Establishment of Waste or Sewage} \\
 & \text{Management or Treatment Facility} \times (\text{Waste or Sewage Management or Treatment Capacity Gap}) \\
 & + \text{O\&M Cost Factor} \times \text{Marginal Average O\&M Cost} \times (\text{Waste or Sewage Management or Treatment} \\
 & \text{Capacity Gap}) \times \text{No. of Days for which facility was not available} + \text{Environmental Externality}
 \end{aligned}$$

Cost to the environment due to untreated/partially treated waste/sewage discharge by concerned individual/authority mentioned in the CPCB report is given as under:-

Table No. 3.1: Environmental externality for untreated/partially treated sewage discharge

Sewage Treatment Capacity Gap (MLD)	Marginal Cost of Environmental Externality (Rs. per MLD/day)	Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)
Up to 200	75	Min. 0.05, Max. 0.10
201-500	85	Min. 0.25, Max. 0.35
501 and above	90	Min. 0.60, Max. 0.80

Table No. 3.2: Environmental externality for improper municipal solid waste management

Municipal Solid Waste Management Capacity Gap (TPD)	Marginal Cost of Environmental Externality (Rs. per ton per day)	Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)
Up to 200	15	Min. 0.01, Max. 0.05
201-500	30	Min. 0.10, Max. 0.15
501-1000	35	Min. 0.25, Max. 0.35
1001-2000	40	Min. 0.50, Max. 0.60
Above 2000		Max. 0.80

The minimum and maximum cost for capital and O&M component for Environmental Compensation mentioned in the CPCB report are given as under:

Table No. 3.3: Minimum and Maximum EC to be levied for untreated/partially treated sewage discharge

Class of the City/Town	Mega-City	Million-plus City	Class-I City/Town and others
Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 2000 Max. 20000	Min. 1000 Max. 10000	Min. 100 Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 2 Max. 20	Min. 1 Max. 10	Min. 0.5 Max. 5

Table No. 3.4: Minimum and Maximum EC to be levied for improper municipal solid waste management

Class of the City/Town	Mega-City	Million-plus City	Class-I City/Town and others
Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 1000 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 1.0 Max. 10.0	Min. 0.5 Max. 5.0	Min. 0.1 Max. 1.0

Chapter-4

Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority:

Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

EC= Capital Cost Factor x [Marginal Average Capital Cost for Treatment Facility x (Total Generation-Installed Capacity) + Marginal Average Capital Cost for Conveyance Facility x (Total Generation -Operational Capacity)] + O&M Cost Factor x Marginal Average O&M Cost x (Total Generation- Operational Capacity) x No. of Days for which facility was not available
+ Environmental Externality x No. of Days for which facility was not available

Alternatively;

EC (Lacs Rs.) = [17.5(Total Sewage Generation – Installed Treatment Capacity) + 55.5(Total Sewage Generation-Operational Capacity)] + 0.2(Sewage Generation-Operational Capacity) x N + Marginal Cost of Environmental Externality x (Total Sewage Generation-Operational Capacity) x N

Where; N= Number of days from the date of direction of HSPCB till the required capacity systems are provided by the concerned authority

Quantity of *Sewage is in MLD*

Chapter-5

Environment Compensation to be levied on Concerned Individual/Authority for Improper Solid Waste Management:

Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

$$\begin{aligned}
 EC = & \text{Capital Cost Factor} \times \text{Marginal Average Cost for Waste Management} \times \\
 & (\text{Per day waste generation} - \text{Per day waste disposed as per the Rules}) + \text{O\&M} \\
 & \text{Cost Factor} \times \text{Marginal Average O\&M Cost} \times (\text{Per day waste generation} - \text{Per} \\
 & \text{day waste disposed as per the Rules}) \times \text{Number of days violation took place} + \\
 & \text{Environmental Externality} \times N
 \end{aligned}$$

Where;

Waste Quantity in tons per day (TPD)

N= Number of days from the date of direction of HSPCB till the required capacity systems are provided by the concerned authority

Simplifying;

$$\begin{aligned}
 EC \text{ (Lacs Rs.)} = & 2.4(\text{Waste Generation} - \text{Waste Disposed as per the Rules}) + 0.02 \\
 & (\text{Waste Generation} - \text{Waste Disposed as per the Rules}) \times N + \text{Marginal Cost of} \\
 & \text{Environmental Externality} \times (\text{Waste Generation} - \text{Waste Disposed as per the} \\
 & \text{Rules}) \times N
 \end{aligned}$$

Chapter-6

Environmental Compensation to be levied for various violations of Healthcare facilities (HCFs).

Environmental Compensation for HCFs = HR x T x S x R x N

Where;

HR – Health Risk factor

T- Type of Healthcare Facility

S – Size of Health Care Facility

R – Environmental Compensation factor

N – Number of days of Violation

Health Risk (HR)

Health Risk (HR) is a number from 0 to 100 and increasing HR value denotes the increasing degree of health risk due to improper handling of BMW in healthcare facility.

	No arrangement for disposal of BMW with CBWTF (1)	Not Applied for Authorization (2)	Improper Segregation of BMW (3)	No pre-Treatment (4)	On-site storage not provided or not adequate (5)	No ETP Despite requirement (6)	Score for each of Other Violations of BMW Rules, 2016 (7)
Health Risk Score (HR)	30	10	20	10	10	15	5

Note: Score of 5 to be added for each of other violations at column (7), with sum of HR limited to 100

HR is sum of (1) + (2) + (3) + (4) + (5) + (6) + (7) [restricted to 100]

Type of Healthcare Facility (T) is a factor for type of healthcare facility, as given below:

Type of Healthcare Facility	T Factor
Bedded Hospitals	1.0
Bedded Ayush Hospitals	0.5
Non-bedded (veterinary hospital, pathological laboratory, blood bank)	1.0
Non-bedded (clinic, dispensary, and clinical establishment)	0.5
Animal Test Houses	1.0

Size of Health Care Facility (S) is a factor for size of Healthcare Facility (HCFs) based on number of beds of the Healthcare Facility, as given below:

Size of Healthcare Facility (HCFs)	S factor
Non-bedded (clinic, dispensary, and clinical establishment)	0.15
Non-bedded (veterinary institution, pathological laboratory, blood bank)	0.2
1 to 10 bedded HCFs	0.20

Size of Healthcare Facility (HCFs)	S factor
10 to 50 bedded HCFs	0.30
50 to 100 bedded HCFs	0.50
100 to 500 bedded HCFs	1.00
500 and more bedded HCFs	1.50
Animal Test House	1.00

Number of days of Violation (N) Number of days for which violation took place is the period between the day of violation observed/due date of implementation as per BMW Rules, 2016/due date of compliance of directions and the day of compliance verified by HSPCB.

Environmental Compensation factor (R) is a factor in Rupees, taken as 250 Further, in any case minimum Environmental Compensation in respect to Healthcare Facility shall not be less than Rs.1200/- per day.

2.1 Deterrent Factor for Healthcare Facilities

Incremental effect on Environmental compensation charges are given below:

Scenario	Applicable ECC
Up to 15 days from target date	Original ECC
Between 15 to 30 days beyond target date	Two times
Fails to comply in 2 nd inspections including new violations if any	Two times
Between 30 to 45 days beyond target date	Four times
Fails to comply in 3 rd inspections including new violations if any	Four times
Beyond 60 days from target date	Closure of HCF
Fails to comply in 4 th consecutive inspection	Closure of HCF

Chapter-7

Environmental Compensation to be levied for various violations for Common Biomedical Waste Treatment Facility (CBWTF).

Environmental Compensation for CBWTFs =
 $PI \times S \times R \times N$ Environmental Compensation

Where;

PI– Pollution Index

S – Size of Operation

R – Environmental

Compensation factor N –

Number of days of Violation

Pollution Index (PI) is a number from 0 to 100 and increasing value of PI denotes the increasing degree of pollution hazard from CBWTF.

Cases	Incinerator emissions not complying with standards notified under BMWM Rules, 2016 (1)	Treated wastewater not complying with standards notified under BMWM Rules, 2016 (2)	Not complying with standards of autoclave/ microwave notified under BMWM Rules, 2016 (3)	Biomedical waste not collected and Disposed off within 48 hours (4)	Each of Other violations to BMWM Rules, 2016/CPCB Guidelines (5)
PI	20	15	15	10	10

Note: Score of 10 can be added at column (5) for each of other violations, provided sum of PI is limited to 100

$$PI = (1) + (2) + (3) + (4) \text{ [Restricted to 100]}$$

Size of Operation (S) Scale of operation for CBWTFs will be taken from following Table;

Authorized Treatment Capacity (Based on Incinerator size)	Scale Factor
Up to 100 Kg/hour	0.25
100 to 250 Kg/hour	0.50
250 to 500 Kg/hour	1.00
> 500 Kg/hour	1.50

Environmental Compensation factor (R) is a factor in Rupees, which is taken as 250

Number of days of Violation (N) Number of days for which violation took place is the period between the day of violation observed/due date of implementation as per BMWM Rules, 2016/due date of compliance of directions and the day of compliance

verified by CPCB/SPCB/PCC.

Further, in any case minimum Environmental Compensation in respect to Common Biomedical Waste Treatment Facility shall not be less than Rs. 3,000/- per day.

For Healthcare facilities having their own treatment and disposal facility, the environmental compensation shall be calculated as in the case of CBWTFs.

3.1 Deterrent Factor for Common Biomedical Waste Treatment Facilities

Incremental effect on Environmental compensation charges are given below:

Scenario	Applicable ECC
Up to 30 days from target date	Original ECC
Between 30 to 60 days beyond target date	Two times
Fails to comply in 2 nd inspection including new violations if any	Two times
Between 60 to 90 days beyond target date	Four times
Beyond 90 days	Closure of CBWTF
Fails to comply in 3 rd consecutive inspection	Closure of CBWTF

Chapter-8

Environmental compensation to be levied for various violation of HOWM Rules, 2016.

1. Categorization of violations and financial penalty & environmental compensation thereof various violations of HOWM Rules, 2016

For the purpose of imposing financial penalty and environmental compensation, various violations of HOWM Rules, 2016, can be broadly classified into the following two categories:

- A. Category A: Only procedural violations of HOWM Rules, 2016, which has not caused damage to environment or third party
- B. Category B: violations causing environmental damage including procedural violations
 - i. **Category B1:** Cases where mismanagement of hazardous or other waste has resulted or resulting into environmental damage and such damages liability including assessment of remediation required can be assessed in terms of cost also by applying provisions laid down under CPCB's "Guidelines on Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty".
 - ii. **Category B2:** Cases where mismanagement of hazardous or other waste may have caused environmental damage and such damages & remediation required including cost thereof are difficult to assess.

2. Methodology for Assessing Financial Penalty and Environmental Compensation.

- A. Financial Penalty
- B. Environmental Compensation

Under such wide variables, the following quantity based environmental compensation calculation in Rupees may be used and be imposed on violating facility operator:

$$\text{Environmental Compensation (EC)} = Q \times \text{ERF} \times R$$

[.....Equation 1]

Where,

Q is noticed¹ or observed¹ quantity (in tonne) of hazardous or other wastes which have not been managed in compliance with various provisions of the Acts/Rules/Guidelines/conditions of the authorisation/directions issued by CPCB/SPCB/PCC/MoEF&CC (barring procedural violations which have not caused environmental damage)

ERF = Environmental Risk Factor which is a number (as given in Table 1 below) denoting the increasing degree of risk to the environment and human health due to the scenarios as given in the Table 1.

Table 1: Environmental Risk factor (ERF)

S. No.	Violation	ERF	
		For Hazardous Waste	For Other* Waste
1.	When hazardous and other wastes is disposed at unauthorised place or handed over or sold to unauthorised party	1.5	0.3
2.	When treatment has not been imparted , as required, but only partial treatment has been given (by TSDF/Actual user)	1.0	0.2
3.	When product (derived from hazardous or other waste) is not confirming to prescribed specification or is specified for restricted use but sold in open market against (in case of actual user)	1.0	0.2
4.	Wastes found stored beyond the stipulated period (refer Rule 8 of the HOWM Rules, 2008)	0.1	0.05

**Applicable to waste generated indigenously only.*

R= Environmental Compensation factor, which may be taken as Rs. 30,000.

Note:

- (i) For facility engaged in generation/ recycling/ utilizing/ disposing of hazardous or other waste and such wastes have never been handed over to common TSDF/ actual user:

Case I: *If authorisation has been taken at any point of time, in such cases, Q may be taken as below:*

Q= Quantity in terms of tone/per year, as specified in authorisation(one year =300 days) x **Y**

[.....Equation 2]

Where, **Y** is Number of years of operation of the facility and may be considered as given in Table 6 below. In case authorisation is given in quantity/day, then convert in tone/year by multiplying the same with 300 days.

Case II: *If authorisation has not been taken at any point of time for all or any given category of hazardous or other waste being generated/utilized*

When above scenario comes to the notice of SPCB/PCC/CPCB, it may be difficult to find Q as records pertaining to quantity of generation/utilization of hazardous or other waste may not be available. In such case, a generalised way of calculating Environmental Compensation (EC) in Rupees may be used as below:

$$\text{EC (in Rupees)} = \text{T} \times \text{S} \times \text{C} \times \text{ECF} \times \text{Y}$$

[.....Equation 3]

Where,

T = Type of facility factor and may be taken as below from Table 2 below:

Table 2: Type of facility factor

Sl. No.	Scale of operation	Factor
1.	(i)Actual user procuring hazardous waste from outside their premises including importing hazardous or other waste from other country	1.5
2.	(i) Actual user engaged in utilizing/ recycling of only other wastes which are generated indigenously, and; (ii) All facility other than at Sl. No. (1) and 2(i) above	1

S = Scale of Operation factor of the facility and may be taken from Table 3 as below:

Table 3: Scale of operation of the facility

Scale of operation	Scale Factor
Large	1.5
Medium	1
Small or Micro	0.5

ECF = Environmental Compensation Factor, which is summation of one or more ECF, as applicable, as given in Table 4 below:

Table 4: Environmental Compensation Factor

S. No	Type of operations from where waste is generated	ECF
1.	Main Process (when significant quantity of waste generation like spent acid, process sludge, spent solvent, etc.)	45,00,000
2	Pollution control equipment like ETP, APCDs, etc. such as ETP sludge, incineration bottom residues, cyclone residue, etc.	35,00,000
3	Ancillary equipment used for supporting the industrial process such as DG set, etc.	10,00,000
4	Handling of hazardous chemicals and wastes (waste packaging materials like emptied drums/bags/etc. contaminated with hazardous chemicals/wastes) and Cleaning activities like cotton/cloth waste contaminated with oil/grease/grease, hazardous chemical storage tank, etc.	20,00,000
5.	Other operations not listed above	10,00,000

C = Category of Facility factor and be taken from Table 5 as given below;

Table 5: Category of Facility Factor

Type of Facility	T Factor
Red Category	1
Orange Category	0.2
Green Category	0.05

Y = Number of years of operation of the facility and may be considered from Table 6 as below:

Table 6: Number of days of operation of the facility

S.No	Years of Operations	Factor to be taken
1.	More than 03 years	5
2.	Equal to less than 03 years	Actual duration of operation in months/12

In cases where non-compliances have been observed for known period wherein quantity (Q) of hazardous or other waste correlated to such violations is also known – e.g. in-adequate storage facility in cases of authorised facility or failure to comply with any directions of SPCB/PCC/CPCB (say directions issued w.r.t. non-compliance of incinerator emission standards and facility continued to operate). Amount of EC for such cases may be calculated based on Q associated with such violations period and number of days for which violation took place. Such number of days for which violation took place is the period between the day of violation observed/ due date of compliance of directions and the day of compliance verified by CPCB/ SPCB/ PCC.

EC = EC (as derived from Equation 1) + (Rs. 5000 x Nos. of days for which violation took place]

[.....Equation 4]

- (i) Apart from the above cases, there could be following violations or other similar type violations (which are not covered in the various above mentioned scenarios) in hazardous waste TSDF or actual user facility:
- The leachate is illegally disposed or send to unauthorised party
 - Violations in leachate management or the leachate management facility requires upgradation as per direction of CPCB/ SPCB/ MoEF&CC
 - Waste Water generated during the process is disposed illegally or not as per the consent conditions
 - Effluent Treatment Plant is not meeting the norms stipulated under EPA, 1986 or CTO issued by SPCB/PCC
 - Effluent Treatment Plant exist but requires upgradation so

as to meet the conditions specified under CTO or CPCB' guidelines/SoP

- f. Treated effluent not managed as per the conditions specified under CTO or CPCB' guidelines/SoP

Under such circumstances, the environment compensation may be calculated as below:

$$\text{Environmental Compensation (EC)} = \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF}$$

.....Equation 5]

Where,

PI is Pollution index (based on the CPCB guidelines on Revised Classification of Industrial Sectors under Red, Orange, Green and White Categories) and to be taken from Table 7 below:

Table 7: Classification of industrial sector

Category	Pollution Index
Red	80
Orange	50
Green	30

N is Number of days for which violation took place is the period between the day of violation observed/ due date of compliance of directions and the day of compliance verified by CPCB/ SPCB/ PCC.

R is Environmental Compensation factor in Rupees R to be taken as 250

S = Scale of Operation of the facility and may be taken from Table 8 below;

Table 8: Scale of operation

Scale of operation	Factor
Micro or small	0.5
Medium	1.0
Large	1.5

LF could be based on population of the city/town and location of the industrial unit. For the industrial unit located within municipal boundary or up to 10 km distance from the municipal boundary of the city/town, following factors (LF) may be taken from Table 9 below:

Table 9: Location factor based on population

S. No.	Population* (million)	Location Factor#
1	Less than 1	1.0
2	1 to < 5	1.25
3	5 to <10	1.5
4	10 and above	2.0

*population of the city/town as per the latest Census of India
LF will be 1.0 in case unit is located > 10km from municipal boundary

C. Deterrent Factor**(a) In case of non-timely submission of Environmental Compensation and Financial Penalty**

The Environmental Compensation Charges and Financial Penalty shall be deposited by the violating facility within the stipulated time period specified under directions issued by CPCB/SPCB/PCC. In case, such facility does not submit the same within the stipulated time frame the amount will be exponentially increased. The details of exponential increase are given below

Table 10: Environmental Compensation Charges and Financial Penalty w.r.t. non-timely submission

SI. No.	Amount Deposition time period	Environmental Compensation and Financial Penalty Amount
1.	Within 15 days from the stipulated time period as directed by CPCB/SPCB/PCC	Original amount with interest @ 12% per annum for number of days delayed after the stipulated date of amount deposition
2.	After 15 days but within 03 months after the stipulated time period as directed by CPCB/SPCB/PCC	Two times the original amount with interest @ 12% per annum for number of days delayed after 15 days of the stipulated date of
3.	After 03 months and up to 06 months from the stipulated time period	Four times the original amount with interest @ 12% per annum for number of days delayed after three months of the stipulated date of amount deposition
4.	After 06 month	Closure of unit/facility and court

(a) In case of repeated violations

In case the violators found repeatedly non-complying with previous violations or new violations, the amount of Environmental Compensation and Financial Penalty be

exponentially increased. The details of exponential increase in such cases are given below:

Table 11: Environmental Compensation Charges in case of repeated violation

Sl. No.	Time Period for compliance	Environmental Compensation and Financial Penalty Amount
1.	First time violation	Original amount
2.	Second time violation	Two times the original amount
3.	Third time violation	Four times the original amount
4.	Fourth time violation	Closer of unit and Court case

Performa for recommendation for environmental compensation by Regional Officer.

1.	Name & address of the unit																	
2.	Name and designation of the officer(s) inspected the unit																	
3.	Product(s) and bio-products																	
4.	Manufacturing process																	
5.	Status of CTE																	
6.	Status of CTO																	
7.	Date of inspection of the unit																	
8.	Date of commissioning																	
9.	Detail of violation observed during inspection:	<ul style="list-style-type: none"> a. Operational / not operational b. Established and Operating without CTE/CTO of the Board. c. ETP not installed/ not adequate d. APCM not installed/ not adequate e. Reverse pumping/by-passing the effluent/air emissions f. Others 																
10.	Category of the unit	<ul style="list-style-type: none"> i. Red / Orange / Green ii. Large / Medium / Small Scale 																
11.	Complaint / Court case, if any.																	
12.	Detail of sampling and analysis of effluent/air emission exceeding the norms.	<table border="1"> <thead> <tr> <th>Type of sample</th> <th>A/R no. & date</th> <th>Parameter</th> <th>Results</th> </tr> </thead> <tbody> <tr> <td>Effluent</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Air emissions</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Noise</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Type of sample	A/R no. & date	Parameter	Results	Effluent				Air emissions				Noise			
Type of sample	A/R no. & date	Parameter	Results															
Effluent																		
Air emissions																		
Noise																		
13.	Reasons for not collection of samples, if not collected.																	
14.	Detail of Show Cause Notice for EC issued with date.																	
15.	Reply of Show Cause Notice, if any received.																	
16.	No. and date of closure order issued by the Board																	
17.	Compliance of closure order if applicable.																	

18.	Present status of compliance made by the unit, if any after issue of show cause notice.	
19.	<p>Cases for levying environmental compensation:-</p> <p>a) Units discharging the environmental pollutants in excess of the standards prescribed under EP Rules, 1986 and as prescribed in the consent granted to such units under Water Act, 1974/Air Act, 1981.</p> <p>b) Not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.</p> <p>c) Intentional avoidance of data submission or data manipulation by tempering the Online Continuous Emission/ Effluent Monitoring system.</p> <p>d) Accidental discharges lasting for short durations resulting into damage to the environment.</p> <p>e) Intentional discharges to the environment including bypassing the pollution control devices -- land, water and air resulting into acute injury or damages to the environment.</p> <p>f) Injection of treated/partially treated/ untreated effluent to ground water.</p> <p>g) All violations of Graded Response Action Plan (GRAP)</p>	

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	in Delhi NCR area. h) Failure of preventing the pollutants being discharged in water bodies and failure to implement Waste Management Rules.	
20.	Date of last inspection and sampling i.e. prior present inspection (Water and/or Air and/or other pollution)	
21.	Justification of imposing environmental compensation for last five year	
22.	Final reasoned recommendations in respect of EC and documents attached to be verified.	

Environment Compensation to be levied on Industrial Units

23.	PI - Pollution Index (Red : 80, Orange : 50 and Green : 30)	
24.	N - No of days of violation	From _____ to _____
25.	R - Factor in Rupees	
26.	S - Factor for scale of operation (0.5 for micro or small, 1.0 for medium and 1.5 for large unit)	
27.	LF - Location Factor (as per census)	
28.	EC = $PI \times N \times R \times S \times LF$	
29.	Total Amount calculated	

OR

Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in NCR.

	Activity	State of Air Quality	Environmental Compensation (Rs.)	Recommended by RO
30.	Industrial Emissions	Severe +/Emergency	Rs. 1.0 Crore	
		Severe	Rs. 50 Lakh	
		Very Poor	Rs. 25 Lakh	
		Moderate to Poor	Rs. 10 Lakh	
31.	Vapour Recovery System (VRS) at Outlets of Oil Companies			
	i. Not Installed	Target Date	Rs. 1.0 Crore	
	ii. Non-Functional	Very poor to Severe+	Rs. 50 Lakh	

		Moderate to Poor	Rs. 25 Lakh	
32.	Construction sites (Offending plot more than 20,000 Sq.m.)	Severe +/Emergency	Rs. 1.0 Crore	
		Severe	Rs. 50 Lakh	
		Very Poor	Rs. 25 Lakh	
		Moderate to Poor	Rs. 10 Lakh	
33.	Solid Waste/garbage dumping in Industrial Estates	Very poor to Severe +	Rs. 25.0 Lakh	
		Moderate to Poor	Rs. 10 Lakh	
34.	Failure to water sprinkling on unpaved roads			
	a) Hot-spots	Very poor to Severe +	Rs. 25.0 Lakh	
	b) Other than Hot-spots	Very poor to Severe +	Rs. 10.0 Lakh	
OR				
35.	Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules			Recommendation of RO
	<p>EC= Capital Cost Factor x [Marginal Average Capital Cost for Treatment Facility x (Total Generation-Installed Capacity) + Marginal Average Capital Cost for Conveyance Facility x (Total Generation -Operational Capacity)] + O&M Cost Factor x Marginal Average O&M Cost x (Total Generation- Operational Capacity) x No. of Days for which facility was not available + Environmental Externality x No. of Days for which facility was not available</p> <p>Alternatively;</p> <p>EC (Lacs Rs.) = [17.5(Total Sewage Generation – Installed Treatment Capacity) + 55.5 (Total Sewage Generation-Operational Capacity)] + 0.2(Sewage Generation-Operational Capacity) x N + Marginal Cost of Environmental Externality x (Total Sewage Generation-Operational Capacity) x N</p> <p>Where; N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority</p> <p>Quantity of Sewage is in MLD</p>			
OR				
36.	Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management:			Recommendation of RO
	<p>EC = Capital Cost Factor x Marginal Average Cost for Waste Management x (Per day waste generation-Per day waste disposed as per the Rules) + O&M Cost Factor x Marginal Average O&M Cost x (Per day waste generation-Per day waste disposed as per the Rules) x Number of days violation took place + Environmental Externality x N</p>			

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	<p>Where; Waste Quantity in tons per day (TPD) N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority</p> <p>Simplifying; EC (Lacs Rs.) = 2.4 (Waste Generation - Waste Disposed as per the Rules) + 0.02 (Waste Generation - Waste Disposed as per the Rules) x N + Marginal Cost of Environmental Externality x (Waste Generation - Waste Disposed as per the Rules) x N</p>	

Signature of AEE/Sc.B

Signature of Regional Officer

Documents to be enclosed:.

- i) Copy of show cause notice dated _____.
- ii) Copy of spot inspection report dated_____.
- iii) Copy of reply of show cause notice if any.
- iv) Copy of analysis report(s).
- v) Copy of CA certificate regarding investment.
- vi) Proof of commissioning.
- vii) Copy of last inspection report (i.e. prior to the present inspection)
- viii) Copy of proof of location factor.