

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 104/2020

Pramod Kumar, Shambhu Kumar & Ors. Applicants

-Versus-

State of Bihar Respondent(s)

FACTUAL & ACTION TAKEN REPORT

In compliance with the order dated 08.07.2020, passed by the Hon'ble Tribunal for furnishing a 'Factual & Action Taken Report', the respective report, accordingly, is being furnished as hereunder:-

- 1. That** the Hon'ble Tribunal, vide Their Order dated 08.07.2020, in the instant matter, directed for looking into the allegations made by the applicant regarding emission of toxic smokes and gases, effecting the environment and public health in Gram Panchayat Antandpur, Musepur, Katesar and furnish a 'Factual & Action Taken Report' and for which the Hon'ble Tribunal constituted a Joint Committee, comprising the District Magistrate, Patna and State PCB and further, the Hon'ble Tribunal was pleased to make the State PCB the Nodal Agency for coordination and compliance.

2. **That** the Board, accordingly, informed the District Magistrate, Patna, vide this Board's letter no. B-3144, dated 05.08.2020, followed by another letter bearing no. 3688, dated 25.08.2020 and requested for a joint inspection in compliance with the direction dated 08.07.2020, passed by the Hon'ble Tribunal.
3. **That** in compliance with the direction dated 08.07.2020, a joint inspection of M/s. Pinax Steel Industries Pvt. Ltd., Village - Deokuli, P.O. - Musepur, Bihta, Patna - 801103, comprising the Sub-Divisional Magistrate, Danapur, Patna (representative of the District Magistrate, Patna) and the Regional Officer, Patna (representative of Bihar State Pollution Control Board, Patna), was conducted on 05.09.2020 by the Joint Committee.
4. That the Joint Committee, during inspection, looked into the allegations regarding emission of toxic smoke and gases by the unit, affecting the environment and the public health of the area, under reference. The alleged fact that the land of the area, ground water, forest and wild life are also affected was considered and looked into during inspection.
5. That the joint committee during inspection, observed and noted the following facts:-

- [i].** The unit, under reference, was an integrated plant with induction furnace to produce MS Ingot (70 MT/day), Electro Forged Gratings and Galvanization unit to produce galvanized fabricates steel structure (15000 MT/year) ;
- [ii].** There was one Pre Engineered Building (PEB) Structure unit to facilitate fabricated structure's installation (12000 MT/year) ;
- [iii].** The unit was found operational except the newly constructed galvanization unit, which was not operational during the day of inspection ;
- [iv].** The unit had installed hood based Fume Extraction System to control fugitive emission above the induction furnace/ crucible. The fume is channelized to wet scrubber through a duct and is finally allowed for its dispersion through MS stack of 20 meter height as Air Pollution Control Devices (APCD). Stack had Porthole and platform for facilitating stack emission monitoring ;
- [v].** There was visible fugitive emission in this plant indicative of the fact that their Air Pollution Control Devices (fume extractor) were not working properly ;
- [vi].** The unit had dismantled old galvanization unit along with ETP and had replaced new unit with Effluent Treatment Plant and Air Pollution Control Devices for facilitating the galvanization of fabricated structures ;
- [vii].** The galvanization unit had separate fume extraction system for extraction of fumes above the upper part of acid tank along with wet scrubber with a MS stack of 20 meter height and extraction of fumes from upper part of zinc smelting tank along with wet scrubber along with

MS stack of 20 meter height. The fumes/ flue gas from furnace/ bhatthi used for heating the zinc, is channelized through a MS stack of 32 meter height, Furnace Oil/LDO is used as fuel for heating the furnace for smelting the zinc ;

- [viii]. This unit, as stated before, was found closed during inspection. But it appeared that this plant had been operational before the day of inspection. Due to the unit, not under operation, there was no emission ;
- [ix]. During inspection, the ETP was found non-operational ;
- [x]. Painting work was not done in closed area ;
- [xi]. Area for vehicular movement/ internal road was found unpaved/ kacha ;
- [xii]. Plantation was done, but it was inadequate ;
- [xiii]. Newly constructed Galvanizing section had not obtained CTE and CTO from the Board ;
- [xiv]. There was no sign of ground water pollution or any ill effect on wild life. As regard ill effects on forest, there was no forest in the nearby vicinity ; **and**
- [xv]. A total number of 11 samples of ground water were collected from the locations inside the unit and outside the unit on 18 - 19 of August, 2020. The results, after analysis, conformed to the IS 10500:2012 - Drinking Water Specifications.

6. **That** from the facts, gathered during inspection by the Joint Committee and the ground water samples collected by the Board, it appeared that though there was no ground water pollution or noticeable ill effects on the environment, yet the

unit, under reference, had no adequate pollution control devices/ arrangement.

7. **That** having looked into the inadequacy of pollution control arrangements, including operation of the galvanization section in the unit without CTE and CTO, Board has :-

[i]. Served upon the unit a Show Cause Notice before imposition of environmental compensation of Rs.7,40,000/- (Rupees Seven Lac Forty Thousand) only, vide this Board's Letter no. 3679, dated 07.09.2020 ;

and

[ii]. Served upon the unit a Direction under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention & Control of Pollution) Act, 1981, vide this Board's Letter No. 3680, dated 07.09.2020, to furnish a bank guarantee of Rs.20 Lac (Rupees Twenty Lac) only as Performance Guarantee, wherein they have been directed to undertake to perform the following jobs within a time schedule:-

[a]. The unit shall not operate newly constructed Galvanizing unit without obtaining Prior CTE/CTOs from the Board ;

[b]. The unit shall ensure adequacy of installed APCD within 4 weeks and operate it regularly to control

Particulate Matter/ Fugitive emission and submit SEMR to the Board on quarterly basis ;

- [c].** The unit shall construct paved/concrete road inside the premises within 3 months to minimize dust fugitive emission ;
- [d].** The unit shall do painting work in closed area ;
- [e].** The unit shall ensure regular use of fixed water sprinklers for dust suppression ;
- [f].** The unit shall do plantation (min. 6 ft. Height) of suitable dust suppressant species around the boundary and vacant land within 1 month ;
- [g].** The unit shall properly treat its waste water and explore for its reuse in cleaning of fabricated structures or dust suppression; **and**
- [a].** The unit shall obtain permission from Central Ground Water Authority for extraction of ground water.

The 'Factual & Action Taken Report', as above, in compliance with directions may graciously be accepted.

And for this act of kindness, the answering respondent shall ever pray.

Ashish Kumar Gupta

(Ashish Kumar Gupta)
Regional Officer
Bihar State Pollution
Control Board, Patna