



ગુજરાત વેપારી મહામંડળ

Gujarat Chamber of Commerce & Industry



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15th February, 2022 / 15196

Shri R.B.Barad, IAS
Chairman
Gujarat Pollution control Board
Paryavaran Bhavan, Sector-10A
Gandhinagar-382010

**Sub: Issues to be discussed in the meeting held on 17th February, 2022
at 5.00 PM at GCCI**

Respected Sir,

Greetings from Gujarat Chamber of Commerce & Industry.

We again sincerely thank you for your confirmation to interact with members regarding issues faced by them related to GPCB on **17th February, 2022 at 5.00 PM.**

Please find attached herewith issues received from our members to be discussed in the said meeting.

We look forward to welcoming you at GCCI.

With regards,

Yogendrakumar Trivedi
Secretary General

ENVIRONMENT RELATED ISSUES

Sr. No.	Issue	Proposal
1.	To review the EDC policy of GPCB	<ul style="list-style-type: none">• The existing system of liability and compensation relies on individual actions and case to case adjudication. It is not ideally suited for dealing with the effects of large scale pollution.• There is a need of technical evaluation of actual damage of pollution.• In case of violation of COD norms, is almost similar for 251 mg/l and pH 7.5 against COD 1,00,000 mg/L with acidic discharge.• A nuclear power plant, thermal power plant, pesticide unit has to pay same amount of Environment damage compensation as a milk dairy or a Hotel with sewage discharge > 1.0 lakh liters/day as they all fall under Red large category (score 80 for all large categories)• There is ambiguity in respect of considering the no. of days for non-compliance.• In case of accident EDC is based on NGT Orders of Vapi issue which is also debatable. Accident is always unintentional and authority should represent NGT in this regard.• GPCB collects Environmental Damage compensation (EDC) in every closure and in accidental cases.• EDC of Rs. 25 lakh, 50 lakh and 1 crore is imposed based on NGT order in Vapi matter. However Hon. Supreme court has stayed this order. Till final order from Hon. Supreme Court, EDC shall not be taken by GPCB.

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		<ul style="list-style-type: none"> • After issue of closer order, GPCB also takes Bank guarantee .In addition to this, EDC is also taken. Thus industry is penalized twice. • Large amount has been collected by GPCB as EDC in past. However this money has not been utilized. We request for utilization of this EDC money for common environment projects like up gradation of CETP, Effluent conveyance pipeline etc. <p>In other states like Maharashtra, State pollution control board is not taking EDC in closure or accident cases. Only bank guarantees is taken to ensure the compliances. While in Gujarat, both EDC and Bank guarantee are imposed.</p>
2	<p>Request to remove parameter of FDS from the CC&A issued to members and CETPs of Ahmedabad ref to Hon'ble HC order in 770 dated. 05/08/1995.</p> <p>Previously these parameter was not specified in the CCA</p>	<ul style="list-style-type: none"> • In Honourable High Court order dt. 05/08/1995 in Special Civil Application no 770 of 1995, it has been mentioned that “Norms regarding TDS can be fully meet only after the treated effluent from the industrial units are mixed with Pirana Sewage discharge after treatment. The TDS is expected to be reduced to the level of the GPCB norms either as a result of the secondary treatment given by the industrial unit concerned at the plant level or by mixing the treated industrial effluent of the estate taken together and mixed with the municipal sewage after the treatment in the pirana plant.” • On this basis, mega pipe line was commissioned in 2001. After commissioning of mega pipeline, all CETPs are discharging their treated wastewater into Mega pipeline.

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		<ul style="list-style-type: none"> • At present apx 200 MLD industrial effluent is mixed with 1000 MLD sewage hence resultant TDS after mixing is always less than 2100 ppm • In CCA issued to CETPs and members after commissioning of mega pipeline, norms of TDS/FDS was not prescribed. • From 2017, GPCB has started prescribing FDS Norms of 2100 mg/L in CCA of the CETPs and its member units. • Majority of the CETP member units are chemical units. Hence, it is very difficult to achieve FDS norms for member units as well as for CETPs. This aspect was also considered by Hon'ble High court in the matter 770. • After upgradation CETPs will meet all the parameters (including COD), but even after upgradation FDS parameter will not meet. Hence, Section 18 1(B) direction will continue. So, permission for expansion of existing units as well as new units will be restricted.
3	To resume Open House by the GPCB at regional level	<ul style="list-style-type: none"> • To resolve individual issues of small and medium industries, previously GPCB was conducting Open House at regular intervals at regional levels. • Request to restart open house at regional level every month, so that pending issues of individual industries can be resolved quickly.
4	Many units generate by-products which are saleable and some of the by-products are also generated due to scrubbing of various gases. In CCA, GPCB prescribed all by-products in Hazardous waste.	<p>The prevailing policy needs to be reviewed for “Ease of Doing Business”.</p> <p>As per the definition given in the Haz Waste rules: 2016, the material which can be used directly without alteration or process, can be considered as by-products, so considering that GPCB can take holistic views.</p>

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	As a result, industry has to obtain separate permission under Rule (9) of Hazardous and Other Wastes Rules, 2016.	It is necessary that GPCB should publish SOPs for by-products and procedure for certification as “By-products”. Accordingly, it should be removed from hazardous wastes and include as by-products in CC&A.
5	Request to include two representatives of GCCI on the Board of GPCB	<p>We are requesting since long that the representative from GCCI shall be included in the Board of GPCB so that proper and timely representation of the Industry shall be made.</p> <p>We are requesting to include technical representative from GCCI as a member in different committee like TCM, Rule 9 etc.</p>
6	Deep Sea Discharge Pipeline project	<p>The DPR for disposal line is prepared and ready since 2018.</p> <p>The onshore, off shore routes are finalised. The Industry has also paid its share of funds for the project. However, the project is not getting implemented due to the Kalpsar project. As the kalpsar project is in very primitive stage and will take more than 15 years to commission, our humble request is to start work on the Deep Sea Pipeline project at the earliest and lay the line on the existing routes.</p>
7	Some holistic views to be taken for issuing closures.	<ul style="list-style-type: none"> • GPCB has prepared manual (By former Chairman Meena sir and MS Shri Tyagi sir) for issuing show cause notice to Closures to deal with default conditions. Please implement it. <p>The present policy in case of non-compliance is differed in case to case as well as area-wise. This needs to be stream-lined in the State. Such units can be given enough opportunity instead of direct closure order. Our suggestions are as below:</p> <ol style="list-style-type: none"> 1. For first time non-compliance “Improvement Notice” should be issued with 30 days’ time for compliance to take the actions. 2. For second time non-compliance “Show Cause Notice” should be issued with 15 days’ notice period for compliance. 3. For third time non-compliance “Notice under section 33-A” should be issued with 15 days’ notice period for compliance. 4. For Fourth time non-compliance “Closure under section 33-A” with effect after 15 days should be issued for compliance.

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		<ol style="list-style-type: none"> 5. For Gross violation “Immediate Closure Order” should be issued. 6. If the non-compliant unit is a member of CETP then, CETP monitoring results of that unit shall also be considered in defining non-compliance 7. The civil construction and installation of machinery shall be not be defined as non- compliance. 8. For each non-compliance and gross violation, specific criteria should be defined. If any old criteria are published, it should be reviewed considering Post COVID-19 scenario.
8	Land should be made available at chemical industrial estate by GIDC for Common Environmental Infrastructure Facilities particularly for TSDF.	<p>There are abundant mines which are of no use after excavation of minerals. This is available in various parts of the state and nearby the industrial estate. A technical committee headed by GPCB and representatives of industries may be constituted, who can identify such mines.</p> <ul style="list-style-type: none"> • Based on the recommendations of committee and feasibility report, the land may be utilised for common TSDF.
9	High percentage of rejections of CTE.	<ul style="list-style-type: none"> • Statistics shows that the Rejection percentage for CTE Fresh (New Industries) is very high which needs to be analysed and review each case for sustainable industrial development of Gujarat. • Names of Units and reasons for rejection of the application may be conveyed to GCCI/ Respective Industries Association. (Attached data as Annexure-1)
10	Closure Directions are issued in case of Accident	<ul style="list-style-type: none"> • On notice of the incident, various Govt. Depts. like DISH, GPCB, Police Dept., Collectorate Office functions as per the severity of the incident. • GPCB issues Closures Directions with immediate effect, impose penalty in form of “Environment Damage Compensation”, Bank Guarantee”, files an FIR against the owner depending upon the severity of the incident. • The officials from files the case under the punishment section of Factories Act 1948 in a court, under the section 300 of Cr.P.C prosecution of a person in an offence is to be prohibited by the

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		<p>police department.</p> <ul style="list-style-type: none"> • The Police Department arrest owner and senior management officers under the IPC 304 & 304A without going in a technical inquiry. • GPCB may issue notice in respect of accident as it is not willful phenomena. • GPCB may issue closure direction immediately but, power and water connection may be disconnected after 15 days considering the severity of the accident.

Points from CETP Ankleshwar and Jhagadia for interactive meeting with Mr. R.D. Barad, IAS Chairman GPCB on 3-02-2022

FETP -Ankleshwar CCA renewal application inward no. 199243, dt 27-07-2021 is pending with GPCB.

Jhagadia CCA renewal application inward No. 194502 dt. 02-07-21 is pending with GPCB.

CET application for discharge in deep sea from 60 to 75 MLD applied on 25-11-2021 is pending with GPCB.

Treated effluent from FETP Ankleshwar and Jhagadia is mixed in Sump at Kantiyazal Village and from there it is discharge deep in to Sea. So request GPCB to consider the norms discharged in deep sea instead of outlet of FETP.