

**The NGT, Ganga, U.P. And
Uttaranchal-Implications for the
Sugar & Distillery Sector**

by:

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**IF ALL THE WATER ON
EARTH WERE STORED IN
A 18 LITER BOTTLE.
FRESH WATER WOULD
BE ONLY THREE
SPOONS.**

Water Consumption per unit product

1 Kg Meat	5000 to 20000 Liter
1 Kg Wheat	500 to 4000 Liter
1 Kg Chocolate	17196 Liter
1 Kg Potato	287 Liter
1 Kg Milk	1000 Liter
1 Kg Sugar	1500-2000 liters Sugar to be worst affected by climate change
1 Kg Rice	2500-3400 liters
1 Kg Groundnut	3100 liters
1 Kg Cotton	10,000 Liter

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Supreme Court on 29th October 2014 in CWP 3727 of 1985

“It is in the above back drop that we consider it more appropriate to refer the issue relating to enforcement and its preservation arising out of discharge of industrial effluents into River Ganga to the National Green Tribunal.”

Tribunal dissected the entire 2525 Kms of River Ganga into 4 phases

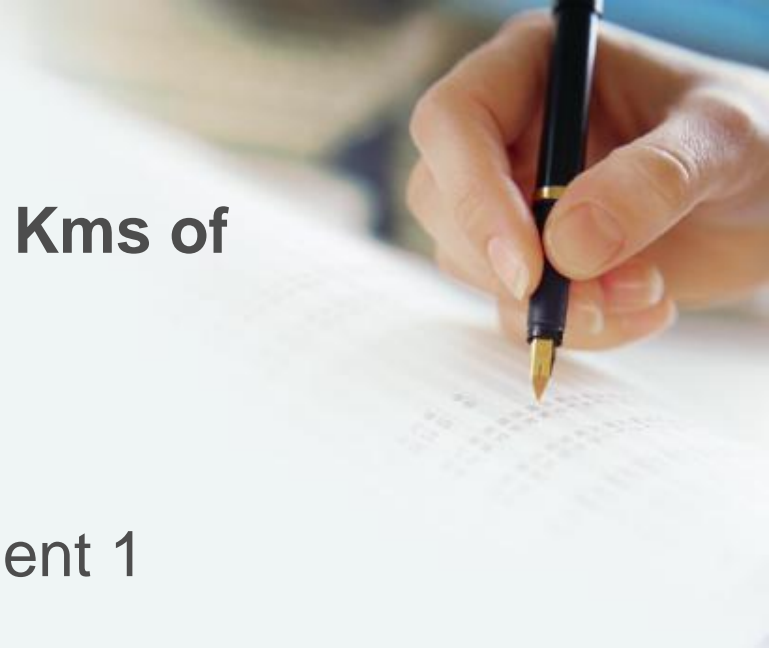
Phase-1

- Gaumukh to Hardwar segment 1
- Hardwar To Kanpur Segment 2

Phase-2 Kanpur to Borders of UP

Phase-3 Mokama Ghat upto the Border of Jharkhand

Phase-4 End of Jharkhand border to West Bengal up to confluence to sea.



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Uttarakhand Judgement Segment 1


- Prohibits discharge of any sewage or any untreated effluent through drains or otherwise into River Ganga or its tributaries in the entire segment A of phase-1 (Page no. 130 H).
- Every effort should be made not to discharge more than 25% of the total release from all the STP's into river Ganga. (Page No. 130 I)
- All the seriously Polluting Industries which are operating without consent or not complying with direction of UKPCB shall be closed forthwith.

On ZLD

- During the course of hearing, all these aspects raised serious controversies. Some of the stakeholders including the Industries Association, particularly, All India Distillery Association vehemently objected to the enforcement of these directions. Page 341.
- We hold and direct that ZLD (Zero Liquid Discharge) and online monitoring system would not be applied across the board.
- To impose ZLD on such industries would neither be fair nor just.
- In fact, it will not be in consonance with the requirement of law under relevant Acts.
- The ultimate purpose is prevention and control of pollution and not an internal management of the plant.



- Effluent discharge must be strictly within the prescribed norms and the Board in appropriate cases could issue directions with regard to recycle, reuse of the treated effluent appropriately.
- The directions shall be on case to case basis particularly with reference to the
 - load of effluent being discharged,
 - quality of effluents,
 - the anti pollution devices that have been installed or directed to be installed and
 - the resultant pollution caused by such industrial units and

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- the environmental risk associated with such pollution
 - This should have reference to the financial viability as well
 - Industries should be assessed on their own performance and function, however, ensuring in all the situations that the effluents strictly adhere to the prescribed norms
- No industry should be permitted to start its operation in the catchment area of **the(?)** drain till the time it either becomes a ZLD unit or recycles its entire treated discharge for agriculture, horticulture and its own industrial purposes

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On Hazardous wastes

- The hazardous waste should be collected on regular basis transported and dealt with, to a duly identified site in accordance with Hazardous Waste Management Rules, 2016.
- New Rules, include other wastes also.

On Dilution with sewage Effluents

- The dilution (by way of mixing with sewage) process of CETP should be preferred to the ZLD technology for tannery cluster in the present case.
- The dilution process would provide a consistent source for reuse and recycle of the treated sewage effluent for
 - Agriculture, horticulture, industries and for cooling and other purposes.
 - Direct impact on reduction in extraction of groundwater.

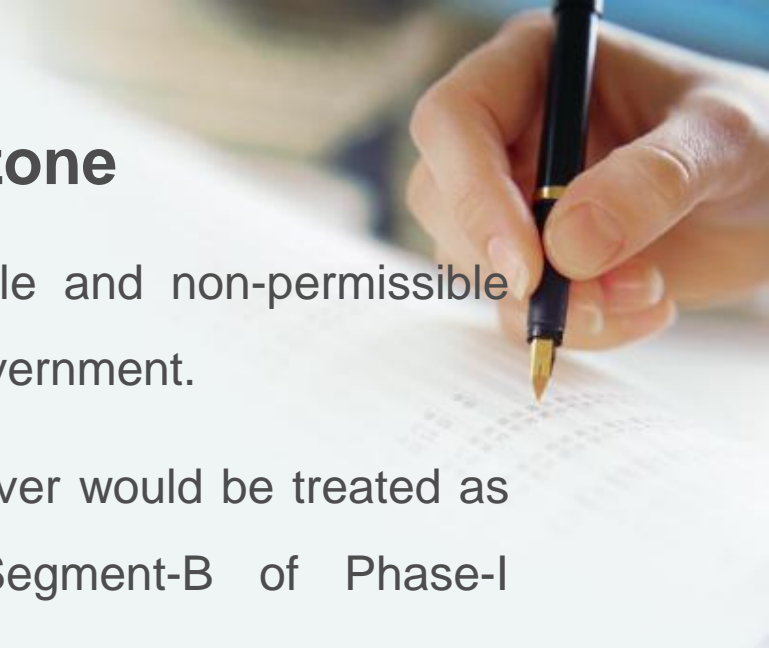


On Environmental Compensation

- Violation of directions will invite a penalty of Rs. 50000/ for every breach.
- The Pollution Control Board will recover
- In the case of tanneries it is more stringent

Demarcation of no development zone


- Floodplains and identification of permissible and non-permissible activities to be demarcated by the State Government.
- Till then 100 meters from the edge of the river would be treated as no development/construction zone in Segment-B of Phase-I (Haridwar to Unnao, Kanpur).
- Complete prohibition on disposing of MSW, E-waste or bio-medical waste on the floodplain or into river Ganga or its tributaries falling in Segment B of Phase-I.
- There shall be no dumping or landfill sites for any kind of waste irrespective of any technology for waste processing,(Biocompost etc.?) within 500 meters from the edge of the river Ganga and/or its tributaries.



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On Ground water abstraction

- Industrial units should not be permitted to indiscriminately extract ground water.
- CGWA Clearance.
- Over exploited, Critical, Semi-critical and Safe Zone to be notified .
- There shall be complete prohibition on extraction of groundwater in the critical areas.
- In relation to other two areas, the fundamental conditions subject to which the extraction of groundwater would be permitted and the extent thereof will be made public.
- If necessary, would require people to fix the flow meters who are using the bore well or tube-well for extraction of the groundwater.

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- Such permission to be granted after
 - Rigorous water use assessment by the industry,
 - Water reuse and recycling methodologies adopted by the industry and
 - Also subject to the rain water harvesting measures adopted by the industry and monitored by the CGWA.
 - The flow meters must be installed prior to the grant of such permissions.
 - Every industry should be directed to pay for extraction of such water, that too, subject to the conditions stated in the order permitting such extraction. (Water Cess?)

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On reuse and recycle and the existing consents

- Boards will issue consent orders which must contain stipulations/conditions with regard to reuse of the treated sewage for industrial and other purposes.
- By an amendment in the orders already issued by the Boards to the industries.
- However, they may be provided time frame for compliance of this direction.
- The Board can implement this direction in stages, giving preferences first in the urban areas and later in rural areas.



On Discharge from STP'S

- All the existing STPs as well as the STPs to be designed and constructed should satisfy the existing standards
- The new STPs should be designed and constructed in a manner in which they should be able to achieve more stringent norms, if prescribed in future.
- The STPs should not be constructed close to the riverbed, preferably there should be a distance of 500 meter plus from the edge of the river.



On Quality of Biocompost

- The compost material should meet the prescribed standards for such purpose as per the Notification issued by the Ministry.
- If the industry is found to be in default, it shall be treated a statutory violation and action should be taken accordingly by the State Board.

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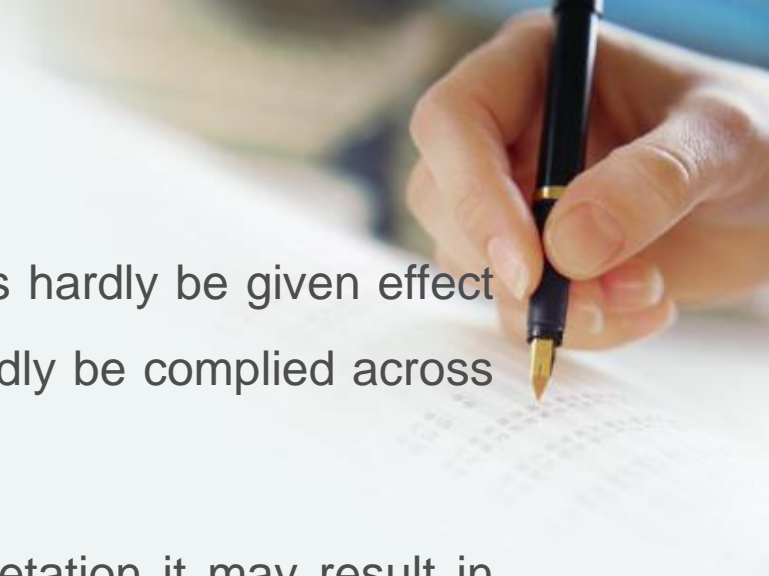
On OCEMS

- Online Monitoring System or Continuous Emission Monitoring System should also be applied on case-to-case basis with reference to the facts and circumstances of the given unit.
- There has to be a specialised, technically sound and dedicated mechanism with every board including CPCB which monitors entire input of Online Monitoring System or Continuous Emission Monitoring System.(Requires legal strengthening. Sec 21).



On the MoWR notification dated 07/10/16

- The Notification issued by MoWR, which places a complete prohibition on discharge of sewage or trade effluent, is contrary to the statutory provisions of the Water Act and the Notification issued by the MoEF&CC in terms of Environmental Protection Act, 1986.
- The Notification issued by MoWR cannot override the provisions of the Water Act, Environmental Protection Act, 1986 and other statutory Notifications.
- However, this Notification does not absolutely prohibit the discharge of the industrial trade effluent, i.e., inconsonance with the prescribed standards.

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- A close-up photograph of a person's hand holding a black fountain pen with a gold nib, writing on a white document. The background is blurred, showing a desk and a book.
- The Notification issued by MoWR can thus hardly be given effect to and the ZLD concept proposed can hardly be complied across the Board.
 - If the Notification is given in literal interpretation it may result in shutting down of large number of industries in the country, that certainly does not seem to be the intent of the Notification, particularly, in face of the enacted law by the Parliament.
 - The purpose is to achieve the prescribed trade effluent and preferably means for recycle, reuse thereof, unless the conditions of the Consent to Operate order specifically provide for installation of devices like incineration or evaporation.



THANK YOU