



**Corporate Environmental  
Governance in the Distillery Sector  
Same issues of Interest**

**by:**  
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**The Wealthy Waste School**  
**(Developing Management Skills in Environmental Governance)**  
**And**  
**Member, Expert Appraisal Committee, MoEF & CC, Govt. of India.**

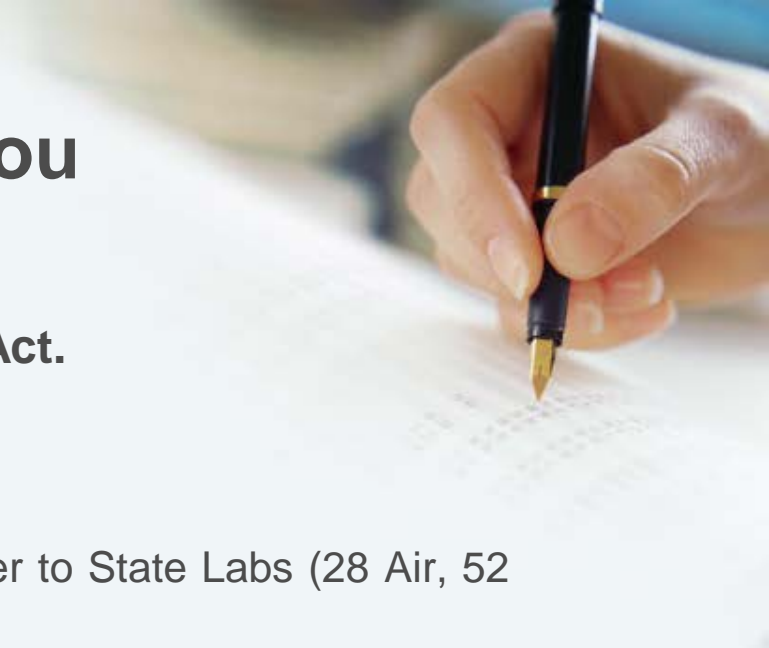


- ❖ **Consents**
- ❖ **Authorisation**
- ❖ **Environmental Clearance**
- ❖ **Directions U/S 33A, 31A.**
- ❖ **Directions U/S 18.**
- ❖ **Public Liability Insurance**
- ❖ **PESO**

# The Following may interest you

## ➤ Section 21 of Water Act/Section 26 of Air Act.

- Provision of notice
- Sample in two parts. One to Lab (U/s 17) other to State Labs (28 Air, 52 Water) even if you do not make a request.
- In case of disagreement. State Lab to prevail.
- Sample can not be used as legal evidence unless this procedure is followed.
- Online monitoring needs to be legalized. AIDA may like to take up with CPCB for protocols on certification, calibration and procedures.
- Online Monitoring across the board has been dis allowed by NGT.





➤ **Section 24 of Water Act/Section 22 of Air Act.**

- Restrains from discharging pollutants beyond prescribed standards.
- Law prohibits discharge of polluted effluents/noxious and toxic.
- Pollution to be determined with reference to standards.
- Contamination is different from Pollution.
- Standards need to be clarified. S.NO. 15 still allows discharge into stream.
- Revised standards. AIDA Represents. Requests OTCLA.



➤ **Section 31A of Water Act/Section 31A of Air Act.**

- Powers to issue directions.
- Notice has to be compulsorily issued. NGT Order.
- Other wise reason has to be mentioned for not issuing the notice.
- Examine that this provision is followed for grievance redressal.
- Provision of Deemed to be granted after 04 months of Complete application
- Any revocation of consent only after due notice.



➤ **Directions under section 18.**

- Both the CPCB and the State Government can issue directions. If they are inconsistent the matter may be referred to the MoEF & CC.

➤ **Environmental Clearance.**

- Deemed to be granted provision. If the minutes of SEAC/EAC are published.
- Eco-sensitive areas. 10 Kms NBWL
- Violation clause.
- Validity 7+3 years.
- Certified compliance report.



➤ **Section 28 of Water Act/Section 31 of Air Act.**

- Provisions of Appeal-30 days.
- Provisions of Revision-State Government can revise an order under section 25/26/27 after examining legality of order No revision if appeal lies and has not been preferred or has been preferred and not heard.
- No provision of revision under Air Act.

➤ **Section 33B of the Water Act/Section 31B of Air Act.**

- Right to appeal to the NGT against orders of the Appellate Authority



- **Environmental Audit is a profitable exercise.**
  - Environmental Performance Rating.
- **Construction and Demolition Waste Handling rules.**
- **CGWA Clearance.**
  - Water Abstraction.
  - Dewatering
- **Procedures under the Companies Act.**
  - Board of Directors approve Plan
  - CSR report to be prepared
  - Progress to be submitted with Annual report.



## ZLD And OTCLA

### ➤ **NGT in Simbhaoli.**

- Technology Selection should be on a case to case basis on all the technologies as recommended in the CREP 2003.

### ➤ **NGT on MOWR notification prohibiting discharge into streams.**

- The ZLD as inferred from the notification dated 07-10-2016 is in capable of being enforced across the Board.



- **NGT in M.C. Mehta. AIDA was the most vocal respondent**
  - “To put it simply the ZLD directives cannot be applied across the Board. On the one hand it would be violative of the rights of the parties while on the other hand would not be in consonance with the provisions of the relevant environmental acts. ZLD should be applied on a case to case basis. The concerned Boards should exercise its technical know how to issue appropriate directions in that behalf. 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 Boards in appropriate cases could issue directions with regards to recycle and reuse of the treated effluents appropriately.”



**NGT in M.C. Mehta. AIDA was the most vocal respondent**

- “The Board must take into consideration of (all) the aspects including technology, financial viability, Limitations of the unit, process adopted by the industries but in all aspects ensuring that the discharge of effluents from the unit has to be strictly in compliance with the prescribed standards.”

A vertical photograph on the left side of the slide shows a hand holding a black pen with a gold nib, writing on a document. The document has some faint, illegible text and a grid pattern. The background is blurred.

## Charter 2018

### ➤ Objective of the Charter

- Encourage distilleries to comply with prescribed norms.
- Accomplish desired level of Environmental Protection.
- Achieve ZLD.
- It is not clear if CPCB/SPCB is a member. Since it is our document every word is important.
- Prescribed norms permit discharge into inland surface waters/land.
- ZLD contradictory to prescribed norms.



- Proposed norms have not been finally notified.
- Proposed norms prescribed ZLD and do not mention OTCLA.
- AIDA has represented.
- Technology selection should be on a case to case basis.
- There should be a mention of prescribed norms since achieving this is the prime objective.
- NGT disallows ZLD across the Board.
- National mission for clean Ganga also does not disallow treated effluents.
- The Charter speaks of suggesting bare minimum Technologies for Ganga Basin. All basins and rivers are equally important and policies should be uniform.
- Charter should not set in any price differential in states.

A vertical photograph on the left side of the slide shows a hand holding a black pen with a gold nib, writing on a white document. The document has some faint, illegible text and a grid pattern. The background is blurred.

## Charter 2003

### ➤ **The Objective of the 2003 Charter were to**

- Go beyond the compliance of regulatory norms through various measures including waste minimization, in plant process controls and adoption of clean Technologies.
- It had set targets for conservation of water, Energy, recovery of chemicals, reduction in pollution elimination of toxic pollutants and disposal of process and management residues.
- It was voluntary.

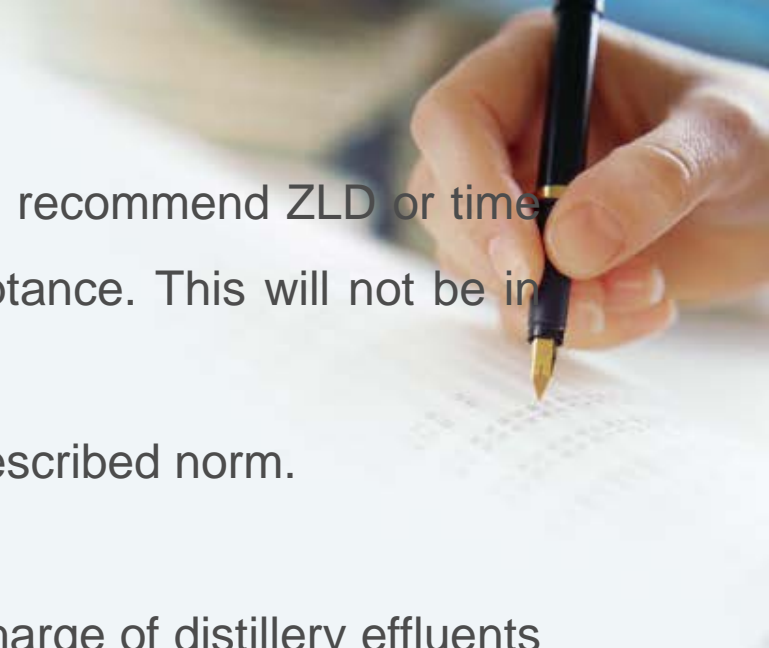
## Observations on 2<sup>nd</sup> Draft of Charter

- Only generic issues.
- Since it is a document on behalf of the industry indicating a voluntary participation and does not have the views of the CPCB, every word is important. AIDA could form a subcommittee to examine this draft.
- We should refrain from any statement that puts the sector in bad light and shows that Distillery has mainly contributed to Ganga Pollution.
- Clearly outline coverage –Main stem/tributaries of Ganga.



- Any reference to the norms should be specific to the notification. Standards should be included.
- Controlled land application and sodic land reclamation should be aggressively recommended.
- By product recoveries from spent wash should be recommended e.g. Ethanol and liquid fertilisers.
- The Charter should include the recommendation from the Simbhaoli judgement and the NGT judgement of 13-07-2017 w.r.t. ZLD and online monitoring and make recommendation accordingly.
- The Charter should be finalised only after the whole set of terms of reference for the committee have been addressed to and the availability and efficacy of each technology documents .



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- A close-up photograph of a person's hand holding a black pen with a gold nib, writing on a white document. The background is blurred, showing what appears to be a desk or table.
- No attempt should be made in the Charter to recommend ZLD or time limits across the Board as a voluntary acceptance. This will not be in accordance to NGT directions.
  - The Charter is ZLD centric. ZLD is not the prescribed norm.
  - These is nothing like a zero discharge norm.
  - Any reference to complete avoidance of discharge of distillery effluents is violative of law and should be avoided.
  - The Expert Committee can also suggest a protocol for one time controlled application and sodic land reclamation.
  - OTCLA has not been shown as a ZLD technology which is so as per Charter of 2003.
  - Charter should allow discharge of excess treated effluents from MEE condensates and other low concentration waters.



- It should also include the views of the CPCB as given from time to time in various courts on ZLD, its economics and sustainability.
- Some of my friends here are also of the same view.
- One of my friends has suggested that CPCB should undertake a study. This may not be required.
- Let this committee suggest a protocol and the proposals examined on a case to case basis.



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