

Item Nos. 10 & 11

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 744/2022

Moharram Ali

Applicant

Versus

State of Uttar Pradesh

Respondent

WITH

Original Application No. 277/2022

Liyakat Ali & Ors.

Applicant

Versus

State of U.P.

Respondent

Date of hearing: 12.03.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Rahul Khurana, Adv. for Applicant in OA 744/2022

Respondent: Mr. Vishwajit Singh, Senior Advocate with Mr. Utkarsh Sharma, Mr. Suryansh Singh & Ms. Vibha Bhat, Advs. for Project Proponents in OA 744/2022 & OA 277/2022
Mr. Vikrant Pachnanda, Adv. for CPCB
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)

ORDER

1. In the Original Application No. 744/2022, registered on the basis of the letter petition, the complaint was in respect of dumping of hazardous waste and coal ash by some of the paper mills at Village Nangala, Bujurg, Bhopa Thana, Muzaffarnagar and in O.A. No. 277/2022, the grievance was in respect of dumping of industrial waste on the agricultural fields by the paper mills and other industries at Village Dhandeda, PS-Sikhera, Pragna,

Tehsil and District Muzuffarnagar, Uttar Pradesh. The Tribunal has taken up the matters on various dates and repeated directions have been issued.

2. In terms of earlier direction of the Tribunal, Joint Committee has filed the report on 11.01.2024. The 16 units found to be operating and violating have been noticed in the report. The observations have been made in respect of the compliance/non-compliance by all the 16 units. The Joint Committee report also reflects that on 11 units, the EC was imposed, which has been collected. The joint Committee in its report has made following recommendation in respect of Waste Water Management, Fly Ash Management, Hazardous Waste Management, Plastic Waste Management and suggested the action plan. The recommendation of the joint Committee in this regard are as under:-

“2.3 Recommendations

a) Wastewater Management

- (i) *UPPCB should quarterly assess the water quality of the Drains and corrective measures and action should be taken in case of deterioration in water quality.*
- (ii) *UP Jal Nigam may expedite the installation of the two (02) new STPs and ensure its operation.*
- (iii) *UPPCB may ensure the compliance of Charter norms w.r.t., "Specific Fresh water consumption (KL/MT of paper production), Wastewater Generation (KL/MT of paper production) and Quality of effluent discharged" as well as the consented discharge norms of UPPCB.*
- (iv) *The Agro based pulp & paper mills should submit an action plan for the complete treatment of wet washing effluent to UPPCB and UPPCB should assess the treatment facility provided for the wet washing wastewater (having high COD load) and issue appropriate direction in this regard as deemed fit.*
- (v) *De-silting of Dhandhera drain should be carried out at regular intervals for avoiding overflow and maintaining continuous flow of water in the drain.*
- (vi) *Treated effluent from industries are being disposed to Dhandhera drain. It is suggested that a study may be carried out for use of treated effluent of industries in irrigation purpose*

in order to conserve the water and stopping the effluent discharge in Dhandera drain.

- (vii) UPPCB may impose Environmental Compensation (EC) to non-complied industries w.r.t effluent discharge norms based on the guidelines prepared by CPCB.*
- (viii) Efforts may be done by industries to reuse/recycle its treated effluent to the maximum possible in the process and other purposes in order to minimize the effluent discharge and also to achieve ZLD in near future.*

b) Fly-ash management:

- i) The industries should make direct agreement/contract with the Cement plants or Brick-kiln to ensure the safe disposal and should maintain the proper logbook records along with bills/receipt for verification as and when required.*
- ii) The UPPCB should ensure regular compliance of the fly ash management and implement monitoring system to track the fly ash generated, recycled, or disposed in an environmentally sound manner.*

UPPCB shall ensure compliance with the above recommendations.

c) Hazardous waste management:

- i) The units should provide adequate storage area for storing the hazardous wastes inside the factory premises. Disposal of hazardous waste should be ensured through TSDFs or registered hazardous waste recyclers.*
- ii) The units should maintain the proper logbook for the Hazardous waste generation, storage and its disposal.*
- iii) CPCB has developed "National Hazardous Waste Tracking System i.e. GIS based hazardous waste management and tracking system integrated with online consent management and monitoring system in the country". All the hazardous waste generating industries shall require to register on the said tracking system.*

UPPCB shall ensure compliance with the above recommendations.

d) Plastic waste management:

- i) The plastic packaging waste generated in the pulp & paper industry should be disposed-off through plastic waste processors (PWPs) which are registered on the Centralized Extended Producer's Responsibility (EPR) Portal for plastic packaging, in compliance of the Plastic Waste Management (PWM) Rules, 2016.*

- ii) *The waste paper-based units shall get themselves registered on the centralized EPR Portal for plastic packaging under the importer category, where the unit imports their waste paper containing plastic waste for use as raw material.*
- iii) *The registered units should fulfill their EPR obligations as assigned on the centralized EPR Portal for plastic packaging, for compliance of the PWM Rules, 2016.*
- iv) *Proper records should be kept for generation as well as disposal of plastic waste through logbooks, bills /receipt received from the authorized plastic waste processors and submit the quarterly report of the same to the UPPCB.*
- v) *Proper covered storage areas should be made available for collection and storage of plastic waste, thus generated, by the waste paper based units.*

UPPCB shall ensure compliance with the above recommendations.

2.4 Recommended Action Plans

S. No.	Acton Points	Responsible Agency for execution	Timelines for execution
a) Wastewater Management			
(i)	Assess the water quality of concerned Drains at relevant locations and in case of any industrial contribution /contamination found, corrective measures and action against the responsible industries shall be taken accordingly.	UPPCB	Quarterly
(ii)	De-silting of Dhandhera drain, Muzaffarnagar should be carried out at regular intervals so that there is continuous flow of water in the drain.	UPPCB and Irrigation Department	Half Yearly
(iii)	UP Jal Nigam should expedite the installation of two (02) new STPs (i.e. 32.5 MLD at Kidwai Nagar, Muzaffarnagar and 22 MLD at vill. Sahawali, Muzaffarnagar) and ensure its operation in a time bound manner.	UP Jal Nigam	6 months
(iv)	The Agro based pulp & paper mills should submit an action plan for the complete treatment of wet washing effluent to UPPCB and UPPCB should assess the treatment facility of the wet washing wastewater (having high COD load) and issue appropriate direction in this regard as deemed fit.	Pulp & Paper Industries and UPPCB	3 months
(v)	All industries are required to upgrade their ETPs to meet the prescribed standards as per CTO issued by UPPCB and Action Plan may be submitted to UPPCB.	Pulp & Paper Industries and UPPCB	1 month
b) Fly-ash Management			

(i)	Industries should enter into direct agreement/contract with cement plants or brick manufacturers and maintain proper logbook records along with bills/receipts to ensure safe disposal.	Pulp & Paper Industries	1 month
(ii)	UPPCB should ensure regular compliance of fly ash management and implement a monitoring system to track the fly ash generated, recycled or disposed.	UPPCB	Regular
c) Hazardous Waste Management			
(i)	Proper records should be maintained for generation as well as disposal of hazardous waste through logbooks and manifests received from authorized recyclers/TSDF operators and quarterly reports of the same should be submitted to UPPCB.	Pulp & Paper Industries	Quarterly
(ii)	All the hazardous waste generating industries shall require to register on the National Hazardous Waste Tracking System developed by CPCB.	Pulp & Paper Industries	Immediate
d) Plastic Waste Management			
(i)	The industries should make direct agreement/contract with the plastic waste processor/Cement plant to ensure the safe disposal and should maintain logbook records along with bills/receipt.	Pulp & Paper Industries	1 month
(ii)	Units should maintain proper daily records for generation as well as disposal of plastic waste through logbooks, bills/receipt received from the authorized plastic waste processors and submit the quarterly report of the same to the UPPCB.	Pulp & Paper Industries	Quarterly
(iii)	Units should set up a dedicated and adequate space for collection, storage and disposal of plastic waste generated by the wastepaper based units.	Pulp & Paper Industries	2 months
S.No.	Acton Points	Responsible Agency for execution	Timelines for execution
(iv)	The plastic packaging waste generated in the pulp & paper industry should be disposed-off through plastic waste processors (PWPs) which are registered on the Centralized Extended Producer's Responsibility (EPR) Portal for plastic packaging, in compliance of the Plastic Waste Management (PWM) Rules, 2016.	Pulp & Paper Industries	3 months •

(v)	The pulp & paper mills which are importing wastewater containing plastic waste as raw material should get themselves registered on the centralized EPR Portal for plastic packaging under the importer category.	Pulp & Paper Industries	3 months
e) Environmental Compensation related issues			
(i)	To recover pending Environmental Compensation (EC) imposed by UPPCB from thenon-complied/defaulters industries and identified responsible persons for illegal dumping of hazardous chemicals fly ash on the bank of irrigation canal.	UPPCB	1 month
(ii)	UPPCB may impose EC for non-compliance as per the guidelines prepared by CPCB. EC collected may be utilized for remedial measures of the area.	UPPCB	As applicable

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3. Learned Counsel appearing for the respondents have not objected to the recommendations of the joint Committee, hence, they are required to comply with the same. The UPPCB has also filed the report in compliance of the order dated 12.01.2024 on 07.03.2024. The report of the UPPCB reflects the reason for non-compliance and action taken against the defaulting industry as under:-

SL no	Name of the industry	Questionable values of Parameters values of Raw influent of ETP	Questionable values of Parameters values of treated effluent of ETP	Reason for non-compliance	Action taken against the defaulting industry
1	M/s Garg Duplex & Paper Mills Pvt. Ltd., Bhopa Road, Muzaffarnagar	BOD=54 mg/l	BOD=26 mg/l	The BOD at the inlet of ETP is very low (54 mg/l) which is not showing the actual characteristics of the raw effluent.	Direction issued to the unit for conducting composite sampling of ETP and Characteristic of influent to ETP through CPPRI and submit ETP efficiency report within 15 days (Notice issued to unit is annexed as Annexure 1).
2	M/s Silverton Pulp & Papers Pvt. Ltd. Unit-1), Bhopa Road, Muzaffarnagar	COD=8052 mg/l	COD=100 mg/l	The analysis results showing reduction of 98.76% for COD at the outlet of ETP which indicates possibility of dilution of effluent without any specific treatment system by the industry.	Direction issued to the unit for conducting composite sampling of ETP and Characteristic of influent to ETP through CPPRI and submit ETP efficiency report within 15 days (Notice issued to unit is annexed as Annexure 2).

3	M/s Silverton Pulp & Papers Pvt. Ltd. (Unit-2), Bhopa Road, Muzaffarnagar	TDS=8775 mg/l	TDS=1908 mg/l	The analysis results showing reduction of 78.26% for TDS at the outlet of ETP which indicates possibility of dilution of effluent without any specific treatment system by the industry.	Direction issued to the unit for conducting composite sampling of ETP and Characteristic of influent to ETP through CPPRI and submit ETP efficiency report within 15 days (Notice issued to unit is annexed as Annexure 3).
4	M/s Meenu Paper Mills Pvt. Ltd., Bhopa Road, Muzaffarnagar	TDS=10612 mg/l	TDS=1922 mg/l	The analysis results showing reduction of 81.88% for TDS at the outlet of ETP which indicates possibility of dilution of effluent without any specific treatment system by the industry.	Direction issued to the unit for conducting composite sampling of ETP and Characteristic of influent to ETP through CPPRI and submit ETP efficiency report within 15 days (Notice issued to unit is annexed as Annexure 4).
5	M/s Tehri Pulp and Paper Ltd (Unit 2) Bhopa Road, Muzaffarnagar	COD=5252 mg/l TDS=3764 mg/l	COD=186 mg/l TDS=1024 mg/l	Reduction of COD and TDS is 96.4% and 72.8% respectively between raw influent and treated effluent of ETP which indicates dilution of effluent by fresh water.	Direction issued to the unit for conducting composite sampling of ETP and Characteristic of influent to ETP through CPPRI and submit ETP efficiency report within 15 days (Notice issued to unit is annexed as Annexure 5).
6	M/s Tehri Pulp and Paper Ltd (Unit 1) Bhopa Road, Muzaffarnagar	COD=7200 mg/l	COD=92 mg/l	Reduction of COD is 98.7% between raw influent and treated effluent of ETP which indicates dilution of effluent by fresh water.	Direction issued to the unit for conducting composite sampling of ETP and Characteristic of influent to ETP through CPPRI and submit ETP efficiency report within 15 days (Notice issued to unit is annexed as Annexure 6).
7	M/s Shri Bhageshwari Papers Pvt. Ltd. (Unit-2), Bhopa Road, Muzaffarnagar	BOD=48 mg/l	BOD=24 mg/l	The BOD at the inlet of ETP is very low (48 mg/l) which is not showing the actual characteristics of the raw effluent.	Direction issued to the unit for conducting composite sampling of ETP and Characteristic of influent to ETP through CPPRI and submit ETP efficiency report within 15 days (Notice issued to unit is annexed as Annexure 7).
8	M/s Tirupati Balaji Fibers Pvt. Ltd., Bhopa Road, Muzaffarnagar	COD=5360 mg/l	COD=97.6 mg/l	Reduction of COD is 98.1% between raw influent and treated effluent of ETP which indicates dilution of effluent by fresh water.	Direction issued to the unit for conducting composite sampling of ETP and Characteristic of influent to ETP through CPPRI and submit ETP efficiency report within 15 days (Notice issued to unit is annexed as Annexure 8).

9	M/s Bindals Papers Mills Ltd., Bhopa Road, Muzaffarnagar	TDS=14802 mg/l	TDS=1247 mg/l	The analysis results showing reduction of 91.5% for TDS at the outlet of ETP which indicates possibility of dilution of effluent without any specific treatment system by the industry.	Direction issued to the unit for conducting composite sampling of ETP and Characteristic of influent to ETP through CPPRI and submit ETP efficiency report within 15 days (Notice issued to unit is annexed as Annexure 9).
10	M/s Shri Sidhballi Paper Mills Ltd., Bhopa Road, Muzaffarnagar	COD=10208 mg/l TDS=17108 mg/l	COD=164 mg/l TDS=1618 mg/l	Reduction of COD and TDS is 98.4 % and 90.5% respectively between raw influent and treated effluent of ETP which indicates dilution of effluent by fresh water.	Direction issued to the unit for conducting composite sampling of ETP and Characteristic of influent to ETP through CPPRI and submit ETP efficiency report within 15 days (Notice issued to unit is annexed as Annexure 10).

4. As per this report, out of identified 16 pulp and paper industries, only one unit is achieving ZLD. Along with the report, the communication dated 27.02.2024 sent to all the pulp and paper units at Muzuffarnagar has been placed on record which contains the specific time bound action plan prepared by the UPPCB and circulated to the industries as under:-

S.No.	Action Points	Responsible Agency for execution	Timelines for execution
a) Wastewater Management			
(iv)	The Agro based pulp & paper rolls should submit an action plan for the complete treatment of wet washing effluent to UPPCB.	Pulp & Paper Industries	03 Months
(v)	All industries are required to upgrade their ETPs to meet the prescribed standards as per CTO issued by UPPCB and Action Plan may be submitted to UPPCB.	Pulp & Paper Industries	01 Month
b) Fly ash Management			
(i)	Industries should enter into direct agreement/contract with cement plants or brick manufacturers and maintain proper logbook records along with bills/receipts to ensure safe disposal.	Pulp & Paper Industries	01 Month
c) Hazardous Waste Management			

(i)	<i>Proper records should be maintained for generation as well as disposal of hazardous waste through logbooks and manifests received from authorized recyclers/TSDF operators and quarterly reports of the same should be submitted to UPPCB.</i>	<i>Pulp & Paper Industries</i>	<i>Quarterly</i>
(ii)	<i>All the hazardous waste generating industries shall require to register on the National Hazardous Waste Tracking System developed by CPCB.</i>	<i>Pulp & Paper Industries</i>	<i>Immediate</i>
d) Plastic Waste Management			
(i)	<i>The industries should make direct agreement/Contract with the plastic waste processor/Cement plant to ensure the safe disposal and should maintain logbook records along with bills/receipt.</i>	<i>Pulp & Paper Industries</i>	<i>01 Month</i>
(ii)	<i>Units should maintain proper daily records for generation as well as disposal of plastic waste through logbooks, bills/receipt received from the authorized plastic waste processors and submit the quarterly report of the same to the UPPCB.</i>	<i>Pulp & Paper Industries</i>	<i>Quarterly</i>
(iii)	<i>Units should set up a dedicated and adequate space for collection, storage and disposal of plastic waste generated by the wastepaper based units.</i>	<i>Pulp & Paper Industries</i>	<i>02 Months</i>
(iv)	<i>The plastic packaging waste generated in the pulp & paper industry should be disposed-off through plastic waste processors (PWPs) which are registered on the Centralized Extended Producer's Responsibility (EPR) Portal for plastic packaging, in compliance of the Plastic Waste Management (PWM) Rules, 2016.</i>	<i>Pulp & Paper Industries</i>	<i>03 Months</i>
(v)	<i>The pulp & paper mills which are importing wastewater containing plastic waste as raw material should get themselves registered on the centralized EPR Portal for plastic packaging under the importer category.</i>	<i>Pulp & Paper Industries</i>	<i>03 Months</i>

5. Learned Counsel for the respondent industrial units have no objection in complying with the said time bound action plan. In fact, they have submitted that the units have already initiated action for implementing the said action plan.

6. The report reflects that some of the industrial units are violating the norms, hence, UPPCB is required to examine the extent and period of violation and take appropriate steps for imposition of environmental compensation. It has also been brought to our notice that so far as the sample reports placed on record are concerned, the same cannot have

much importance as the discharge at the inlet of the ETP is diluted by that units. Hence, the UPPCB is directed to take the sample at the inlet of the ETP and outlet of industrial discharge to ensure that it is not diluted and submit the sample analysis report along with the next report.

7. Let the compliance report in terms of the observation made above be filed by each of the 16 respondent industrial unit and also by the UPPCB at least one week before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

8. The respondent, paper and pulp units will also disclose in their report generation of fly ash by them in last three years and manner of its disposal and the quantity of undisposed fly ash and manner of its storage.

9. Learned Counsel appearing for UPPCB has also submitted that he will ascertain if any other paper and pulp industry unit in the area is indulging in such activity and causing environmental harm and will take suitable action in this regard.

10. List on 22.05.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 12, 2024
Original Application No. 744/2022
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