



Pollution Control Board, Assam

(Department of Environment & Forests, Government of Assam)

অসম প্ৰদূষণ নিয়ন্ত্ৰণ পৰিষদ

(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

NABL Accredited Testing Laboratory : Certificate No. TC-11384



LIFE
Lifestyle for
Environment

No. WB/Z-III/T-2152/Pt-I/98-99/324
12/9

Dated Guwahati the 10th August, 2023

To

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The Director
M/s. Varun Beverage Limited
Patgaon, Rani, Opp. BSF Camp
Kamrup (M), Assam, Pin-781015.



SHOW CAUSE NOTICE UNDER SECTION 33(A) OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974.

WHEREAS, under Section 17 of the Water (Prevention & Control of Pollution) Act 1974, one of the functions of the State Pollution Control Board (SPCB) is to plan a comprehensive programme for prevention, control or abatement of pollution of streams and wells in the state and to secure the execution thereof;

WHEREAS, under Section 25 of Water (Prevention & Control of Pollution) Act 1974, no person shall without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area;

WHEREAS, M/s. Varun Beverage Limited, Patgaon, Rani, Opp. BSF Camp, Kamrup (M), Assam, Pin- 781015 (hereinafter referred as 'the Unit') is involved in bottling of beverages for various brand items of Pepsi;

WHEREAS, it is obligatory on the part of industries to install and operate Effluent Treatment plant (ETP) to comply with the effluent discharge standards as notified under the Environment (Protection) Act, 1986 and the Rules framed thereunder and also to meet the consent conditions granted by Pollution Control Board, Assam (PCBA);

WHEREAS, an inspection of your Unit was made by PCBA Officials on 10.03.2021 as a follow up action of public complaint. During the visit ETP was found non-functional;

WHEREAS, vide letter No. APCB/ROG-1/T-95/19-20/47/552 Dtd. 16.03.2021 the Unit was advised to implement various environmental measures including up gradation of the then existing ETP;

WHEREAS, the Unit was subsequently monitored on three different occasions, viz., **03.08.2023**, **05.08.2023** and **08.08.2023** by a team of PCBA officials. In all the occasions, the Unit was found in operation but the ETP was found defunct. Only the aeration tank was found in operation while the clarifier, which is an integral component of the ETP was under breakdown and bypassed;

WHEREAS, an Activated Sludge Process (ASP) treatment system does not function if one of the component Unit like clarifier remains out of order or non-functional as sludge cannot be recycled from the clarifier bottom into the aeration tank to maintain required MLSS/MLVSS;

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WHEREAS, during the inspection on 05.08.2023 the aeration tank and also the clarifier were found partially filled up indicating the non-operational status of the clarifier for a long duration. Anaerobic condition was prevailing in the effluent contained in the clarifier. No MLSS was visible in the aeration tank;

WHEREAS, the mixed liquor of aeration tank should flow into the clarifier and then the clarified water should be treated in tertiary treatment system. When one of the intermediate system fails to function in an ASP, then the entire ETP cannot function;

WHEREAS, during the visit by PCBA Officials, it has been observed that the Unit was under process to revamp the ETP. Whereas, during the inspection of the Unit on 05.08.2023, the Unit was asked to submit data regarding the effluent generation and treatment and make a presentation to the Board on 08.08.2023. The Unit has failed to provide any data so far;

WHEREAS, the Unit has not installed any flow meter at the discharge point of ETP to record the effluent discharge. Neither the Unit has install online continuous effluent monitoring system;

WHEREAS, Hon'ble NGT vide its order dtd. 19.02.2019 in O.A. No. 593/2017 (Paryavaran Suraksha Samiti & Anr. Vs Union of India & Ors.) directed SPCBs to collect Environmental Compensation fine from the defaulting Units as per the formula mentioned herein under:

Environmental Compensation is assessed as below –

$$EC \text{ (Environmental Compensation)} = PI \times N \times R \times S \times LF$$

PI = Pollution Index of industrial sector (60 for Red category)

N = Number of days of violation took place from 10.03.2021 to 08.08.2023 (882 days)

R = A factor in Rupees (₹) for EC (250)

S = Factor of scale of operation (0.5 for micro or small, 1.0 for medium and 1.5 for large units)

LF = Location factor (1.00)

Accordingly, EC to be paid by M/s. Varun Beverage Limited is assessed as

$$EC = 60 \times 882 \times 250 \times 1.0 \times 1.0 = \text{Rs. } 1,32,30,000/-$$

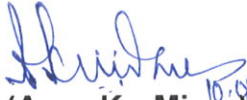
(Rupees one crore thirty two lakhs thirty thousand) only

NOW, THEREFORE, under the above facts and circumstances, Pollution Control Board, Assam is constrained to inform you that since, you have nonchalantly violated the provisions of law in force causing pollution to the environment and in exercising of powers delegated to the Chairman under Section 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 5 of Environment (Protection) Act, 1986 as amended till date, hereby **Notice is served to you to Show Cause** why environmental compensation, as calculated above, should not be imposed to the unit (M/s. Varun Beverage Limited, Patgaon, Rani, Opp. BSF Camp, Kamrup (M), Assam, Pin- 781015) and why the Unit should not be closed down until all the necessary pollution control measures are implemented including modernization of the ETP including suspension of the CTO order.

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You are hereby given an opportunity to file your objections (if any) to the above proposed notice within fifteen (15) days from the issue of this notice failing which it will be presumed that you have nothing to say and appropriate action, including issue of closure notice and withdrawal of Consent to Operate will be taken against the Unit (M/s. Varun Beverage Limited, Patgaon, Rani, Opp. BSF Camp, Kamrup (M), Assam, Pin- 781015) without giving any further notice.


10.08.2023

(Arup Kr. Misra)
Chairman

Memo No. WB/Z-III/T-2152/Pt-I/98-99/324-A, Dated Guwahati the 10th August, 2023

Copy to:

The Regional Head, Regional Office-Kamrup, PCBA for information and necessary action.

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(Shantanu Kr. Dutta)
Member Secretary

