

BY REGISTERED AD

B-354/PCI-III/2K10-K11

15389

29th December, 2017

To

M/s Simbhaoli Sugars Ltd.,
Unit- Chilwaria Distillery, Bahraich-Gonda Road,
P.O. Chilwaria, Dist. Bahraich, UP-271801

Revoking of directions under Section 5 of the Environment (Protection) Act, 1986

WHEREAS, Distilleries are identified as one of the 17 categories of highly polluting industries which have been discharging environmental pollutants directly or indirectly into the ambient air and water, having potential threat to cause adverse effect on the water and air quality; and

WHEREAS, for strengthening the monitoring and compliance through self-regulatory mechanism, a direction under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 was issued on February 05, 2014 to all the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) for installation of online emission monitoring system w.r.t. Particulate Matter parameter & online effluent monitoring system w.r.t. pH, BOD, COD, TSS, Flow parameters in 17 categories of industries including distilleries; and

WHEREAS, it was clarified that flow meter & web camera may be installed in case of units achieving zero liquid discharge (ZLD) by March 31, 2015 vide guidelines uploaded on website of CPCB dated November 7, 2014; and

WHEREAS, considering the requests/ representations received from industries/ industrial associations/ SPCBs / PCCs, an extension of time up to June 30, 2015 for installation of online monitoring systems was granted vide direction dated March 02, 2015 under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981; and

WHEREAS, in follow up to the directions issued to the SPCBs/PCCs, CPCB had issued show cause notices under section 5 of the Environment (Protection) Act, 1986 dated 24.07.2015 to 347 distilleries, including M/s Simbhaoli Sugar Ltd., Unit- Chilwaria Distillery, Dist. Bahraich, UP-271801, hereinafter referred to as 'the unit', as to why the Unit should not be closed down if the Unit has not complied fully with the direction issued w.r.t. installation of online emission & effluent monitoring system by June 30, 2015. It was further directed to submit documentary evidence regarding status of installation and connectivity of online emission & effluent monitoring system in the format given in annexure; and

WHEREAS, in reply to the notice, it was informed that the unit is in the process of installing online monitoring system; and

WHEREAS, CPCB had issued a notice on 27.06.2016 through e-mail directing to install online monitoring system within 10 days & report to CPCB, failing which direction for closing down manufacturing operations shall be issued; and

WHEREAS, unit did not reply to the notice dated 27.6.2016 and did not provide connectivity of the online monitoring system to CPCB; and

WHEREAS, in view of the non compliance of the unit w.r.t installation of online monitoring devices and in exercise of powers vested under Section 5 of the Environment (Protection) Act, 1986, CPCB had issued directions dated 11.08.2016 to close down the unit until installing required online monitoring devices and providing the required connectivity to CPCB; and

WHEREAS, the unit vide letters dated 01.11.2017 & 27.11.2017, has informed that the unit is not in operation since 15.02.2017 (Self certificate) and has installed required flow meters and cameras required for ZLD units and has provided connectivity of these systems to CPCB and the same has been verified by IT division. **HOWEVER**, it is observed from the self certificate provided by the unit, that the unit has closed down its manufacturing operations w.e.f **15.02.2017** and has continued operations, which is non-compliance of closure direction issued by Central Pollution Control Board under section 5 of E(P) Act, 1986 dated 11.08.2016 and for which necessary legal actions, as per the relevant sections of law shall be initiated separately; and

WHEREAS, CPCB constituted a three member Committee vide office order dated 03.10.2017 having representative(s) from CPCB and MOEF&CC for examination and recommendation of the revocation of closure directions issued by CPCB; and

WHEREAS, the Committee in its meeting held on 19.11.2017 reviewed the compliance made by the unit & verified the submitted supporting documents in line with the agreed criteria and recommended that the unit may be allowed to resume its manufacturing operation with certain conditions; and

WHEREAS, the Ministry of Environment & Forests, Government of India, vide notifications No. S.O. 157 (E) of 27.02.1996 and S.O. 730(E) dated 10.07.2002, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof;

NOW THEREFORE, in view of the compliance made by the unit to the direction issued by CPCB and in exercise of powers vested under Section 5 of the Environment (Protection) Act, 1986, **the unit, M/s Simbhaoli Sugar Ltd., Unit- Chilwaria Distillery, Dist. Bahraich, UP-271801, is permitted to resume its manufacturing operations** subject to the following condition;

- a) It shall be ensured that the installed OCEMS devices are functioning properly & continuously and that data from that device are uninterruptedly transferred to CPCB. Any failure in his regard shall be rectified at the earliest.
- b) Unit shall ensure periodic calibration of the analyzers as per Standard Operating Procedure/recommendations of the supplier and submit the calibration results.
- c) Unit shall submit the adequacy assessment report of ZLD systems, including Mass & Water Balance, R.O/MEE design report and ground water monitoring report within 03 months of commencement of operations.

In case of default in compliance with the above directions or any other exigencies, CPCB will be constrained to initiate further stringent action against the Unit, in accordance with the provisions of the Environment (Protection) Act, 1986, without any further notice.

(S. P. Singh Parihar)
CHAIRMAN

Copy to:

1. The Chairman
Uttar Pradesh Pollution Control Board,
Building No. TC-12V,
Vibhuthi Khand, Gomti Nagar,
Lucknow – 226 020
: For information & ensuring compliance of directions. The self-certificate provided by the unit may also be verified, please (copy attached)
2. The Advisor (CP Division)
Ministry of Environment, Forest & C.C
Prithvi Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi – 110 003
: For information, pl
3. The Regional Director,
CPCB Regional Directorate,
PICUP Bhawan, Ground Floor,
Vibhuti Khand, Gomti Nagar,
Lucknow – 226 010.
: For follow up and ensuring compliance, pl
4. The District Magistrate,
Baharaich, Uttar Pradesh
: For information regarding revoking of closure direction, pl.
5. The Executive Engineer,
Madhyanchal Vidyut Vitran Nigam Ltd.,
Head office, 4-A, Gokhele Marg,
Lucknow-226001
: With request to restore the power supply to the unit, pl
6. The Div. Head, I.P.C-III, CPCB
- ✓ 7. The Div. Head, IT Division, CPCB


(A. Sudhakar)
MEMBER SECRETARY