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To,

M/s Wave Industries Ltd.,
Panni Nagar, Bulandshahar,
Uttar Pradesh-203001

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986-

WHEREAS, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries under the Environment (Protection) Act, 1986 and the rules framed there under; and

WHEREAS, the Ministry of Environment & Forests, Govt. of India, vide notification S.O.157(E) of 27.02.1996 has delegated powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board (CPCB), to issue direction to any industry, Municipal Corporation, Municipal Council, Cantonment Board to any local or other Authority for the violation of emission and effluent standards notified under the Environment (Protection) Rules, 1986; and

WHEREAS, it is obligatory on the part of industries to install effluent treatment plants (ETPs) 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 State Pollution Control Board (SPCBs) / Pollution Control Committees (PCCs); and

WHEREAS, M/s Wave Industries Ltd., Panni Nagar, Bulandshahar U.P. (hereinafter referred as 'the unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, CPCB issued direction dated 16.06.2017 to the Unit under section 5 of Environment Protection Act, 1986 to the Unit for carrying out ETP adequacy assessment by reputed institutions; and

WHEREAS, the Unit was inspected on 05.02.2018 by officials from CPCB, Delhi and following observations were made;

1. The Unit was operational. However, ETP was partially functional and treated effluent was not flowing from outlet of ETP. Therefore, lagoon was empty and sample could not be taken from outlet of ETP due to non-availability of treated water.
2. Flowmeters were installed at both bore well. However, log book was not maintained for abstraction and consumption of water.

AND WHEREAS, the Unit was inspected on 13.04.2018 by officials from CPCB, Delhi and following observations were made;

1. The unit was operational without having valid consent to operate. However, the Unit has applied for valid consent under Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981.
2. Analysis of treated effluent sample showed pH-7.48 as against norms of 5.5-9.0, BOD-05 mg/l against norms of 30 mg/l, COD- 41 mg/l against norms of 250 mg/l & TSS-BDL against norms of 30 mg/l.
3. MLSS in aeration tank was 421 mg/l which indicates unstabilised aeration tank and possibility of dilution of ETP system.
4. The unit was operational in violation of CPCB closure direction dated 16.06.2017 issued under section 5 of Environment (Protection) Act, 1986.

AND WHEREAS, CPCB through an Expert Committee comprising of experts from National Sugar Institute (NSI), Kanpur, Vasantdada Sugar Institute (VSI), IITs and representatives from sugar mills prepared a Charter for Water Recycling and Pollution Prevention (thereafter referred to as the Charter); and

WHEREAS, a meeting of sugar mills operating in Uttar Pradesh, representatives of UPPCB and CPCB was held on 06.07.2018 under Chairmanship of Principal Secretary, Sugar Industries and Sugarcane Development, Government of Uttar Pradesh and the following decisions are made;

1. Sugar Mills shall submit an action plan to CPCB by 20.07.2018 regarding the steps taken by them pertaining to the notices issued to them. Also they shall submit action plan to implement recommendations of their adequacy assessment report.
2. All sugar mills shall ensure implementation of Charter and shall submit action plan to CPCB by 20.08.2018.
3. All sugar mills shall ensure the upgradation of their ETP within August, 2018 so as to ensure no interruption in functioning of the ETP in the following seasons.
4. All sugar mills shall maintain a logbook on ETP operations on a daily basis.
5. ETP shall be operational at all times and all bypass arrangements should be dismantled with immediate effect.
6. MLSS in aeration tanks should be maintained at 2000-2500 mg/l.
7. All sugar units shall set up environmental laboratories for regular analysis of raw and treated effluent thereby ensuring proper functioning of the ETP.
8. All sugar mills shall employ dedicated technicians for operating and regular maintenance of ETP and shall also ensure that the technicians are given proper training on ETP maintenance and lab analysis on regular basis.
9. To ensure proper training of the environmental technicians all sugar mills shall facilitate training of 5 employees.
10. All sugar mills may establish an Environment Management Cell at their level consisting of concerned officials in order to ensure compliance with environmental standards at industry level itself.

AND WHEREAS, CPCB issued direction dated 14.08.2018 under section 5 of Environment (Protection) Act, 1986 to the Unit to remain closed; and

WHEREAS, the Unit vide letter dt. 26.08.2018 submitted the ETP adequacy assessment report prepared by NSI, Kanpur; and

WHEREAS, the unit vide letter dated 29.10.2018 submitted their compliance status of the Charter; and

WHEREAS, CPCB issued direction dated 14.01.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions before commencement of crushing season 2018-2019;

1. The unit shall start its operation only after obtaining the valid consent from the Uttar Pradesh Pollution Control Board.
2. The unit shall implement the observation & recommendation of the revalidated adequacy assessment of ETP.
3. The unit shall install sealed flow meter along with running hours meter on bore wells so as to ascertain usage of fresh water for various uses.
4. The unit shall install flow meters at major areas of cold and hot water consumption.
5. The unit shall install flow meters for measuring generation of effluent from various prominent areas.
6. The unit shall maintain logbook for individual process unit for recording daily water consumption and effluent generation also.
7. The unit shall carry out colour coding of pipelines carrying recycled process water and fresh process water.
8. The Unit shall commission mechanical sludge handling system of adequate capacity
9. The unit shall carry out analysis of effluent discharge parameters notified under Environment (Protection) Rules, 1986 and logbook shall be maintained on daily basis.
10. The unit shall submit the implementation status of the Charter in the form of Affidavit and documentary proof of the completion of the work as committed in the action plan.
11. The unit shall submit implementation status of the Charter and performance adequacy audit of ETP including actual assessment of water consumption and effluent generation duly validated by reputed expert institute namely NSI Kanpur, VSI Pune, IITs during crushing season & submit report to CPCB within 45 days of resumption of operation.

WHEREAS, the Unit was inspected on 19.03.2019 by officials from CPCB, Delhi and following observations were made;

1. The unit and ETP were operational at the time of inspection.
2. The unit has not obtained valid consents to operate under Water Act, 1974 and Air Act, 1981.
3. Analysis of treated effluent sample from ETP outlet showed pH-7.81 as against norms of 5.5-8.5, BOD-09 mg/l against norms of 100 mg/l, COD- 18 mg/l against norms of 250 mg/l, TSS- BDL (<10) mg/l against norms of 100 mg/l and TDS- 872 mg/l against norms of 2100 mg/l which indicates compliance with effluent discharge norms on land prescribed under Environment (Protection) Rules,1986.
4. MLSS in aeration tank was **7272 mg/l**, which indicates poor operation and maintenance of aeration tank and dilution of ETP system cannot be ruled out.
5. Analysis of treated effluent sample from lagoon showed pH-7.19 as against norms of 5.5-8.5, BOD- 23 mg/l against norms of 100 mg/l, COD-154 mg/l against norms of 250 mg/l, TSS- 93 mg/l against norms of 100 mg/l and TDS- 628 mg/l against norms of 2100 mg/l which indicates compliance with effluent discharge norms on land prescribed under Environment (Protection) Rules, 1986.
6. Waste water generation in the unit is **280 litre/ton** of cane crushing against 200 litres/ton of cane crushing.
7. The unit has **not installed flow meters** at inlet and outlet of ETP, major areas of cold and hot water consumption.
8. The unit **has not installed flow meters** for measuring generation of effluent from various prominent areas.
9. Equalization tank was found **filled with thick scum and oil & grease skimmer** was found non-operational.
10. During inspection infrastructure for OCEMS system was observed while **sensors were not available**. OCEMS connectivity status was offline during the inspection and was found **last connected up to 19.05.2018**.

AND WHEREAS, Hon'ble NGT vide its orders dated 03.08.2018 and 19.02.2019 in Original Application No. 593/2017 (W.P. (Civil) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed that *"The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment"*; and

WHEREAS, as per the methodology for assessing penalty and environmental compensation, the environmental compensation was levied for the non-compliance period (05.02.2018 to 12.05.2018) for the crushing season 2017- 18 as Rs. **29,10,000/-** and for the non-compliance period (26.11.2018 to 15.04.2019), for the crushing season 2018- 19 as Rs. **84,60,000/-** and

WHEREAS, CPCB issued direction dated 14.06.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall deposit **Rs 1,13,70,000/-** within 15 days in CPCB account towards environmental compensation.
2. The unit shall remain closed and not operate without seeking permission from CPCB.
3. The unit shall obtain valid consent to operate under Water and Air Acts and Hazardous Waste authorization from UPPCB.
4. The unit shall submit adequacy assessment of treatment facility by reputed govt. institute; including work completion report regarding implementation of the recommendations of the adequacy report within 45 days.
5. The unit shall take measures to reduce effluent generation to ≤ 200 l/t of cane crushed.
6. The unit shall install OCEMS system, provide data connectivity to CPCB and ensure transmission of data on continuous basis.
7. The unit shall seek permission from CPCB after compliance of the above directions, for resumption of operation.

AND WHEREAS, the unit replies vide letters dated 25.06.2019 and 10.10.2019 were examined and following observations are made:

1. The unit has submitted R.T.8 (C), according to which unit has closed its manufacturing operations on 15.04.2019.
2. The unit has taken measures to reduce waste water generation from 280 litre/tonne of cane crushing to below 200 litre/tonne.

3. The unit will prepare the adequacy assessment of treatment facility by NSI, Kanpur including work completion report regarding implementation of the recommendations of the adequacy report and submit to CPCB for crushing season 2019-20.

AND WHEREAS, Hon'ble NGT vide order dated 22/05/2019 in Appeal No. 27/2019 with Appeal No. 35/2019 and order dated 29/07/2019 in Appeal no. 22/2019 directed that, *CPCB may treat the impugned order as tentative and pass further appropriate order after permitting the affected parties to furnish their viewpoint*; and

WHEREAS, Principal Secretary, Sugar Industry and Cane Development, UP Government vide DO no. 1934/46-2-19-38/2018 dated 17/09/2019 requested CPCB to waive off the environmental compensation considering the financial constraint of sugar mills to enable them to use the same money for upgradation of pollution control measures in order to ensure compliance to environmental norms and also to allow the sugar mills to function efficiently; and

WHEREAS, CPCB vide office order dated 04.09.2019 issued policy for levying environmental compensation (EC) for industries which prescribes that;

- a. EC for the closure direction issued on the ground of non-compliance of prescribed discharge/ emission norms shall applied for the period between date of inspection and monitoring of date of closing of manufacturing operation.
- b. Direction for closure or revocation and direction for imposition of EC to be dealt separately.

AND WHEREAS, considering unit's reply and office order dated 04.09.2019, Environmental Compensation has been recalculated as **Rs. 8,40,000/-** for the period from date of inspection (19.03.2019) to date of end of crushing season (15.04.2019); and

WHEREAS, CPCB constituted a three-member committee vide office order dated 27.09.2017 having representative from CPCB, MoEF&CC and NMCG for examination and recommendation for revocation of the closure direction issued by CPCB; and

WHEREAS, the Three Member Committee in its meeting held on 17.10.2019 examined the unit's replies and recommended that the unit may be allowed to resume operation; and

NOW, THEREFORE, in view of above observations and in exercise of the powers delegated to the Chairman, CPCB under section 5 of the Environment (Protection) Act, 1986, the unit (**M/s Wave Industries Ltd., Panni Nagar, Bulandshahar U.P**) is directed to comply with the following directions before commencement of crushing season 2019-2020;

1. The unit may resume its operation after obtaining the valid consent from UP Pollution Control Board.
2. The unit shall deposit Environmental Compensation amount of Rs. 8,40,000/- (Rupees Eight Lakhs Fourty Thousands Only) either in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271) or in ESCROW account to be operated by Department of Sugar Industries in State Government within 15 days from date of issuance of the direction. In case of delay in deposition of EC, simple interest @ 12% shall be levied for delay period. The unit shall provide detail of EC amount deposited and ESCROW account to CPCB within 15 days.
3. EC deposited in CPCB account will be spent by CPCB as per the EC utilization policy as approved by Hon'ble NGT. In case of deposition of the aforementioned EC amount in ESCROW account, the unit shall submit a time bound action plan within 15 days and get it approved from CPCB for utilization of the EC amount for environmental management including augmentation/upgradation of ETP, implementation of charter, training programs etc. Approved plan shall be made available by industry to Department of Sugar Industries, State Government for releasing funds for which appropriate methodology shall be worked out by the State Government. Utilization of the funds shall be monitored by the State Government and reported to CPCB on monthly basis.
4. The unit shall submit adequacy assessment of treatment facility by reputed govt. institute; including work completion report regarding implementation of the recommendations of the adequacy report within 60 days.
5. The unit shall submit performance assessment of effluent treatment plant including analysis of treated effluents by the reputed government institute within 60 days of resumption of operation.
6. The unit shall properly operate OCEMS and ensure continuous transmission of data to CPCB/ UPPCB servers.
7. The unit shall inform CPCB about resumption of manufacturing operations.

In case of default in compliance with the above directions, CPCB will be constrained to initiate action against the Unit (**M/s Wave Industries Ltd., Panni Nagar, Bulandshahar U.P.**) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.


06/11/19
(S. P. SINGH PARIHAR)
CHAIRMAN

Copy to:

- 1) **Joint Secretary (CP Division)**
Ministry of Environment, Forest & C.C
Prithvi Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
- 2) **Principal Secretary**
Sugar Industry and Cane Development
Department, "G" Block, 2/3, Mantri Wing, 4th
Floor, Babu Bhawan, Vidhan Sabha Marg
Lucknow - 226 001
- 3) **Member Secretary**
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow - 226 010
- 4) **District Magistrate**
Bulandshahar, U.P.
- 5) **Superintending Engineer**
Bulandshahar circle, P.W.D., Bulandshahr
- 6) **Regional Director**
Regional Directorate
Central Pollution Control Board, PICUP
Bhawan, Ground Floor, Vibhuthi Khand,
Gomti Nagar, Lucknow - 226 010
- 7) **In-charge, IT Division, CPCB**
- 8) **Master file/Guard file, WQM II, CPCB Delhi**
- 9) **In-charge, F&A, CPCB**

: For kind information, please.

: With directions to ensure following actions:

- a) To ensure compliance of these directions.
- b) To open ESCROW account within 10 days to ensure deposition of Environmental Compensation (EC) in ESCROW account within 15 days of issuance of these directions.
- c) The ESCROW account shall be operated by Department of Sugar Industries, State Government.
- d) Action plan for utilization of EC fund as approved by CPCB shall be made available by the industry to the Department of Sugar Industries, State Govt. for releasing funds for which appropriate methodologies shall be worked out by the State Government.
- e) Utilization of funds shall be monitored by State Government and reported to CPCB on monthly basis (before 10th of every month).
- f) To constitute surveillance teams for monitoring sugar mills to stop any non-compliance including bypass/ discharge of untreated effluent.
- g) To organize surprise inspection of the unit on monthly basis to ensure that ETP is properly operated and treated effluent complies with environmental norms.
- h) To obtain undertaking from sugar mills that they will not indulge in bypass of effluent and will maintain functional ETP.

: To reconnect the power supply of the unit.

:For follow up and ensuring compliance.

:with request to upload on CPCB server.


(PRASHANT GARGAVA)
MEMBER SECRETARY