



Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/82/2016-17 १३३१

22.11.2019
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To,

**M/s Wave Industries Pvt. Ltd.
Vill-Malaysia P.O.-Mandi Dhanaura,
Distt- J.P.Nagar, Uttar Pradesh**

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 Pvt. Ltd., Malaysia, Mandi Dhanaura, J.P.Nagar U.P. (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, the Unit was inspected on 30.01.2018 by officials from CPCB, and following observations were made;

1. During the inspection, the Unit and ETP were in operational.
2. Huge volume of water logging was found just outside the boundary wall of the industry in an unlined pool, on the North-West side, this area has the opening of pipelines coming from ETP which as per industry representatives is meant for irrigation purpose.
3. Analysis of effluent sample collected from unlined pool adjacent to boundary wall shows pH-6.49 as against norms of 5.5-9.0, **BOD-213 mg/l** against norms of 30 mg/l, **COD-718 mg/l** against norms of 250 mg/l and **TSS-283 mg/l** against norms of 30 mg/l which indicated non-compliance w.r.t. BOD, COD & TSS with the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.

4. Analysis of treated effluent sample showed pH-7.34 as against norms of 5.5-9.0, **BOD-271 mg/l** against norms of 30 mg/l, **COD-644 mg/l** against norms of 250 mg/l and **TSS-285 mg/l** against norms of 30 mg/l which indicated non-compliance w.r.t. BOD, COD & TSS with the effluent surface discharge norms prescribed under Environment (Protection) Rules,1986.
5. Waste water generation is **275 Litre/tonne** higher than permissible limit of 200 Litre/tonne.

AND WHEREAS, CPCB issued closure direction dated 16.04.2018 under section 5 of the Environment (Protection) Act, 1986 to the Unit; and

WHEREAS, the unit reply vide letter dated 30.4.2018 was examined; and

WHEREAS, the Unit submitted the ETP adequacy assessment report prepared by NSI, Kanpur vide letter dt. 19.07.2018; 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 were 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, the unit vide letter dated 28.09.2018 submitted their compliance status of the Charter; and

WHEREAS, CPCB issued direction dated 26.10.2018 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 the 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 govt. expert institute namely NSI Kanpur, VSI Pune, IITs during crushing season & submit the report to CPCB within 60 days of resumption of operation.

AND WHEREAS, the unit was inspected on 25.03.2019 by team of CPCB officials and following observations were made;

1. The unit has not installed the flow meters at Power turbine cooling, boiler, wet scrubber, and final molasses cooling.
2. A channel was found before inlet which should be emptied and dismantled and wastewater should be treated through ETP.
3. Analysis of treated effluent samples from ETP outlet showed pH-7.66 against the norms of 5.5-9.0, BOD- 63mg/l against the norms of 100mg/l, TSS- **155mg/l** against the norms of 100mg/l, **COD-253 mg/l** against the norms of 250mg/l and TDS-1124 mg/l against the

norms of 2100mg/l which indicates non-compliance w.r.t COD and TSS as per land discharge norms prescribed under Environment (Protection) Rules,1986.

4. Analysis of treated effluent samples from lagoon showed pH-7.84 against the norms of 5.5-9.0, BOD- 28mg/l against the norms of 100mg/l, TSS- 61mg/l against the norms of 100mg/l, COD-149 mg/l against the norms of 250mg/l and TDS-800 mg/l against the norms of 2100mg/l which indicates compliance with land discharge norms prescribed under Environment (Protection) Rules,1986.
5. The unit has not installed flow meter at the overflow of the spray pond.
6. The unit has not maintained the logbook of the installed flow meters.
7. The unit has not submitted the irrigation management plan.
8. The unit has not installed the mechanical sludge handling system.
9. The unit has not done the colour coding in the pipelines of water distributing network

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, CPCB has been levying Environmental Compensation in compliance to Hon'ble NGT order dated 03.08.2018 and 19.02.2019 and as per the methodology for imposing Environment Compensation issued vide CPCB circular dated 24/05/2019, the Environmental Compensation to be levied on the unit M/s Wave Industries Pvt. Ltd., Malaysia, Mandi Dhanaura, J.P.Nagar U.P. was calculated as **Rs. 32,10,000/-** (Rupees thirty-two lakhs ten thousand only) for the non-compliance period (30.01.2018-16.05.2018), for the crushing season 2017- 18; and

WHEREAS, CPCB issued show cause notice dt. 24.06.2019 under Section 5 of the Environment (Protection) Act, 1986 to the unit as the unit failed to meet the effluent discharge norms and directed to deposit the Environmental compensation of **Rs. 32,10,000/-** (Rupees thirty-two lakhs ten thousand only) for the non-compliance period (30.01.2018-16.05.2018), for the crushing season 2017- 18; and

WHEREAS, the unit's reply vide letter dated 15.07.2019 was examined and following observations are made:

1. The unit has implemented the recommendation of revalidated adequacy assessment of ETP.
2. The unit has installed the sealed flow meter on all borewells.
3. The unit has installed flow meters at hot and cold-water consumption points.
4. The unit has commissioned sludge handling system of adequate capacity as per adequacy report of NSI.

5. The unit has submitted the analysis report through EPA recognized lab indicating compliance with the norms.

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

AND WHEREAS, CPCB vide office order dated 04.09.2019 issued policy for levying environmental compensation (EC) for industries and it prescribes that:

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

AND WHEREAS, considering the viewpoints of the unit, Environmental Compensation has been recalculated/ revised as **Nil** for the non-compliance period (30.01.2018 to 16.05.2018) for the crushing season 2017- 18 as per CPCB office order dated 04.09.2019; 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 Pvt. Ltd., Malaysia, Mandi Dhanaura, J.P.Nagar U.P.) is directed to comply with the following directions;

1. The unit shall provide performance assessment of effluent treatment system and analysis of treated effluent by the reputed government institute within 60 days from resumption of operation in next crushing season 2019-20.

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


26/11/19
(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

: For kind information, please.

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

: With directions to ensure following actions:

- a) To ensure compliance of directions.
- b) To constitute surveillance team for monitoring of sugar mills to stop any

3) Member Secretary

Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow – 226 010

4) District Magistrate

J.P. Nagar, U.P.

5) Regional Director

Regional Directorate
Central Pollution Control Board, PICUP
Bhawan, Ground Floor, Vibhuthi Khand, Gomti
Nagar, Lucknow – 226 010

✓ **6) In-charge, IT Division, CPCB**

7) Master file/Guard file, WQM II, CPCB Delhi

8) In-charge, F&A, CPCB

bypass/ discharge of untreated effluent.

c) To organize surprise inspection of the unit on monthly basis to ensure that ETP is properly operated and treated effluent is complied with the norms.

d) To obtain undertaking from sugar mills that they will not indulge in bypass of effluent and will maintain functional ETP.

:For follow up and ensuring compliance.

:with request to upload on CPCB server.


(PRASHANT GARGAVA)
MEMBER SECRETARY