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B-190198/WQM-II(RG)/CPCB/Sugar/66/2016-17

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To,

M/s Simbhaoli Sugar Ltd. (Sugar Division),
Simbhaoli, District-Hapur,
Uttar Pradesh-245207

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

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 Boards (SPCBs) / Pollution Control Committees (PCCs); and

WHEREAS, M/s Simbhaoli Sugar Ltd., Simbhaoli, District-Hapur, 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 08.02.2018 by officials from CPCB; and

WHEREAS, CPCB issued closure direction dated 19.04.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit; and

WHEREAS, the Unit replied vide letter dated 29.5.2018; 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

WHEREAS, the unit vide letter dated 20.07.2018 submitted their compliance status of the Charter; and

WHEREAS, CPCB issued direction dated 22.10.2018 under section 5 of the Environment (Protection) Act, 1986 to the Unit; and

WHEREAS, the unit vide letters dated 03.11.2018 and 20.02.2019 submitted their compliance status including report on validation of ETP performance of season 2018-19 validated by NSI, Kanpur; and

WHEREAS, the Unit was inspected on 26.03.2019 by officials from CPCB and following observations are made;

1. Unit has installed the flow meter at the cold, hot water consumption points, ETP inlet, outlet & spray pond overflow.
2. Analysis of treated effluent sample from ETP outlet showed BOD- 42 mg/l against norms of 100 mg/l and **TSS-146mg/l** against norms of 100 mg/l which indicates non-compliance w.r.t TSS with norms prescribed for discharge on land under Environment (Protection) Rules, 1986.
3. Analysis of treated effluent sample from lagoon shows pH-7.9, BOD-45mg/l against norms of 100 mg/l, COD- 177 mg/l against norms of 250 mg/l, TSS- 100mg/l against norms of 100 mg/l and TDS- 592 mg/l against norms of 2100 mg/l w.r.t norms prescribed for discharge on land under Environment (Protection) Rules, 1986.
4. Unit has adopted the Hydro jet method for tube cleaning.
5. Sludge drying beds at ETP were full of wet sludge, having limited scope for sludge dewatering.
6. The unit has not installed separate flow meter to measure fresh water consumption and generation for cogeneration usage.

AND WHEREAS, The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) 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 of Hon'ble NGT order and as per the methodology for imposing Environment Compensation issued vide CPCB circular dated 24.05.2019, the Environmental Compensation to be levied to the unit is calculated as Rs. 32,40,000/- (Rupees thirty-two lakhs forty thousand only) for the non-compliance period (08.02.2018-26.05.2018), for the crushing season 2017- 18; and

WHEREAS, CPCB issued show cause notice dt. 31.05.2019 under Section 5 of the Environment (Protection) Act, 1986 to the unit as the unit failed to meet the effluent discharge norms and also directed to deposit **Rs.32,40,000/-** within 15 days from the date of receipt of direction towards environmental compensation; and

WHEREAS, the unit's reply vide letter dated 15.06.2019 was examined and following observations are made:

1. The unit has submitted analysis report of treated effluent from EPA recognized lab from November 2018 to May 2019, which indicates compliance of effluent discharge norms.
2. The unit has committed to install mechanical sludge handling system of adequate capacity before start of next crushing season.
3. The unit has installed sealed flow meter on bore well to measure fresh water consumption for cogeneration usage.
4. The unit has deposited the Rs. 32,40,000/- through RTGS on 15.06.2019 under protest.

WHEREAS, CPCB issued direction dt. 29.10.2019 under Section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions;

1. The unit shall submit treated effluent analysis report from environmental laboratory recognized under Environment (Protection) Rules, 1986 within 30 days from resumption of operation in next crushing season 2019-20.

AND WHEREAS, National Mission for Clean Ganga, New Delhi vide letter dated 25.11.2019 forwarded local newspaper article regarding discharge of untreated effluent from the unit at Garhmukteshwar in Hapur district into river Ganga; and

WHEREAS, UPPCB vide letter dated 25.11.2019 informed that a team of officials also inspected the unit on 25.11.2019 to investigate the newspaper article and the following observations were made;

1. The unit and ETP were found operational at the time of inspection.
2. Samples were collected from ETP outlet of the unit, lagoon and Phuldera drain.
3. During inspection, odour of sugar effluent was detected in Phuldera drain indicating the possibilities of discharge of sugar mill effluent into Phuldera drain which ultimately meets with river Ganga.
4. Samples collected from upstream of Phuldera drain before sewage line of Simbhaoli city shows pH 7.0, BOD of 80 mg/l and COD of 152 mg/L and unpleasant odour was observed.
5. The samples collected from Phuldera drain after meeting sewage line of Simbhaoli city shows pH 7.1, BOD of **150 mg/l** and COD of **322 mg/l**, and unpleasant odour was found.
6. Analysis of sample stored in lagoon of the unit shows pH 7.5, **BOD-37 mg/l** against norms of 100 mg/l, **COD-106 mg/l** against norms of 250 mg/l with the effluent land discharge norms prescribed under Environment (Protection) Rules, 1986.
7. Sugar effluent odour has been found in Phuldera drain indicating the possibilities of Sugar mill effluent into Phuldera drain during the inspection.

WHEREAS, a team of officials from CPCB carried out inspection of the unit and nearby drains including Phuldera drain on 02.12.2019 and following observations are made;

1. The Unit and its ETP were found operational at time of visit.
2. The Unit is having valid consent to operate under Water Act 1974 & Air Act 1981, with validity up to 31.12.2019.

- a) The unit shall stop discharge of untreated/partially treated effluent from sugar mill into Phuldera/ Panchayat drains.
- b) The unit shall ensure proper operation of the effluent treatment plant and shall comply with norms as prescribed under the consent to operate by UPPCB.

You are hereby given an opportunity to file your objections (if any) to the above proposed direction within 15 days from the date of receipt of this notice, failing which appropriate action will be taken against the Unit without giving any further notice as, in accordance with provision of the Environment (Protection) Act, 1986.


12/1/20
(S.P. SINGH PARIHAR)
CHAIRMAN

Copy to:

- 1. Principal Secretary**
Sugar Industry and Cane Development
Department, "G" Block 2/3, Mantri Wing 4th
Floor Bapu Bhawan Vidhan Sabha Marg
Lucknow - 226 001
: With request to ensure compliance
of the directions.
- 2. Member Secretary**
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow – 226 010
: For kind information, please.
- 3. Joint Secretary (CP Division)**
Ministry of Environment, Forest & CC
Prithvi Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi – 110 003
: For kind information, please.
- 4. District Magistrate**
DIET Premises, Kothi Gate,
Hapur, Uttar Pradesh -245101
: For follow up and ensuring
compliance.
- 5. Regional Directorate**
Regional Director
Central Pollution Control Board, PICUP Bhawan,
Ground Floor, Vibhuti Khand, Gomti Nagar,
Lucknow – 226 010
: For follow up and ensuring
compliance.
- 6. In-charge, IT Division, CPCB**
- 7. Master file/Guard file WQM II, CPCB Delhi**


(PRASHANT GARGAVA)
MEMBER SECRETARY