

BY REGISTERED AD

No.B-745(S)/IPC-III/2019-20/

January 14, 2019

To

M/s United Provinces Sugar Co. Ltd.,
Sevorahi, Kushinagar,
Uttar Pradesh -274 406

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986

WHEREAS, Sugar industries 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 Sugar; 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 602 Sugar industries, including M/s United Provinces Sugar Co. Ltd., Sevorahi, Kushinagar, Uttar Pradesh-274 406 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, no reply as recorded was filed by the said unit in response of the same; and

WHEREAS, in view of the above and in exercise of the powers delegated to the Chairman, Central Pollution Control Board under section 5 of the Environment (Protection) Act, 1986, the unit vide letter no. B-400(S)/PCI-III/2016-17/4363/ dated 22.08.2016 was directed to close down their sugar mill and not to resume their manufacturing operation till installation and commissioning of online 24x7 monitoring system and networking of data with SPCB and CPCB, and to submit compliance to CPCB within 15 days on the receipt of the Closure Direction; and

WHEREAS, the unit has responded to the above said Closure Direction vide its letter dated 19.12.2016 and informed to have stopped all manufacturing operations on 07.04.2017 & complied with the CPCB's directions regarding installation and commissioning of online continuous effluent monitoring system (OCEMS) and asked for revocation of closure directions issued under Section 5 of E(P)A, 1986 dated 22.08.2016; and

WHEREAS, it has been observed that the unit has deliberately failed to respond the CPCBs closure directions and resumed operations during crushing season 2016-17 without seeking permission from CPCB which is non-compliance of the closure direction issued by CPCB dated 22-08-2016 under Section 5 of the E(P) Act, 1986; and

WHEREAS, based on the compliance made by the unit (M/s United Provinces Sugar Co. Ltd) and verification by IT Division of CPCB, it was allowed to resume its manufacturing operations vide CPCB revoking directions u/s 5 of E(P)A, 1986 dated 04.07.2017. However, a separate clause was inserted in the revoke direction that action as per law shall be initiated separately

WHEREAS, it has been noticed that even after CPCB's closure directions the unit has operated for 127 days during crushing season 2016-17 without obtaining revocation orders from CPCB.

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."

WHEREAS, in compliance of above quoted Hon'ble NGT order, a Committee was constituted by CPCB. As per the Committee recommendations one of the cases to be considered for levying environmental compensation is 'not complying with the directions issue, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.'

Dir. u/s 5 of E (P) Act, 1986 to M/s United Provinces Sugar Co. Ltd, Uttar Pradesh


WHEREAS, as per formula derived for levying environmental compensation by CPCB, the total environmental compensation amount was calculated Rs. 38, 10,000/- (Rupees Thirty eight Lakhs & ten Thousand Only) for the non-compliance period (02.12.2016 to 07.04.2017) and same shall be deposited by the unit to CPCB.

WHEREAS, the unit represented vide letter dated 23.03.2019 against the CPCB direction dated 19.02.2019 to deposit EC in CPCB. In this context an opportunity of personal hearing was given to the unit on October 01, 2019. After personal hearing and considering the views of the unit, it was resolved that EC amount levied may be reviewed considering date of connectivity as verified by IT, and in accordance with the CPCB policy on EC.

WHEREAS, as per the CPCB policy dated 04.09.2019 for levying EC for industries 'EC for non-compliance to CPCB's closure direction regarding installation & connectivity of OCEMS shall apply till establishment of initial uninterrupted data connectivity for all the specified parameters in all the permitted outlets/stacks, as verified by the IT division.' The IT division verified the date of establishment of initial uninterrupted data connectivity of OCEMS for all the specified parameters as 25.11.2015.

WHEREAS, considering minutes of the personal hearing and verification of the date of establishment of initial uninterrupted data connectivity of OCEMS for all the specified parameters by IT Division, CPCB in-line with the above cited policy of CPCB; the amount of EC levied on the unit vide direction dated 19.02.2019 was recalculated and it was found that unit started its manufacturing operations during crushing season 2016-17 after complying with the CPCB closure directions dated 22.08.2016.

NOW THEREFORE, in exercise of powers vested to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, the aforesaid direction for imposing EC to the unit M/s United Provinces Sugar Co. Ltd., Sevorahi, Kushinagar, Uttar Pradesh-274 406 vide direction dated 19.02.2019 is hereby revoked.


(S.P.SINGH PARIHAR)
CHAIRMAN

Copy to:

1. **The Member Secretary,**
Uttar Pradesh Pollution Control Board,
Building No. TC-12V,
Vibhuti Khand, Gomti Nagar,
Lucknow-226 010

: For information please

2. **The Regional Directorate, (North),**
Central Pollution Control Board,
PICUP Bhawan,
Ground Floor, Vibhuti Khand, Gomti Nagar,
Lucknow-226 010

: For information please

3. The In-charge, IT Division, CPCB

: For uploading on CPCB website

4. The In-charge, IPC-III Division, CPCB

: For Record purpose only



(PRASHANT GARGAVA)
MEMBER SECRETARY