

Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/81/2016-17 1731
To,

29.04.2019
06.05.2019

M/s Wave Industries Pvt. Ltd.
Nagina Road, Bijnor,
U.P.- 246701

**DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986-
CLOSURE 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 Board (SPCBs) / Pollution Control Committees (PCCs); and

WHEREAS, M/s Wave Industries Pvt. Ltd., Nagina Road, Bijnor, 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 16.01.2018 by officials from CPCB, and following observations were made;

1. The Unit has installed Effluent Treatment Plant (ETP) which is comprised of Screen Chamber, Oil and Grease Skimmer, Equalisation Tank, Primary Clarifier, Aeration Tank, Secondary Clarifier, Activated Carbon & Sand Filter and Sludge Drying Beds.
2. The analysis of treated effluent sample shows pH-7.74 as against norms of 5.5-9.0, BOD-25 mg/l against norms of 30 mg/l, COD-123 mg/l against norms of 250 mg/l and TSS-48 mg/l against norms of 30 mg/l which indicates non-compliance w.r.t. TSS with the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.
3. Total effluent discharge is estimated to be 360 L/t of cane crushed which exceeds the norms of 200 litre/ tonne of cane crushed.
4. Treated effluent is discharged into a municipal drain by the Unit.

AND WHEREAS, CPCB has issued show cause notice dt.26.04.2018 under section 5 of the Environment (Protection) Act, 1986 to the unit as the unit failed to meet the effluent discharge norms; and

WHEREAS, the Unit has not submitted the revalidated adequacy assessment reports of ETP; 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 has not submitted the revalidated adequacy assessment report and action plan of the Charter; and

WHEREAS, the Unit. was inspected on 19.03.2019 by team of CPCB officials and following observations are made;

1. The unit and ETP were operational at the time of inspection.
2. The unit started crushing from 28.11.2018.

3. The unit has obtained consent to operate from UPPCB valid upto 31.12.2019 under Water and Air act and Hazardous authorization from UPPCB valid upto 02.02.2023.
4. The analysis of treated effluent sample shows pH-7.66 as against norms of 5.5-9.0, BOD-07 mg/l against norms of 30 mg/l, COD-22mg/l against norms of 250 mg/l and TSS-13 mg/l against norms of 30 mg/l and TDS-1796 mg/l against norms of 2100 mg/l which indicates compliance with the effluent surface discharge norms prescribed under Environment (Protection) Rules,1986.
5. The analysis of sample from aeration tank shows MLSS-3033 mg/l.
6. The unit was **by passing** the untreated effluent from inlet channel of ETP to nearby land and ponding in nearby land and the analysis results of sample showed pH-**4.11** as against norms of 5.5-9.0, BOD-**1608 mg/l** against norms of 30 mg/l, COD-**3172mg/l** against norms of 250 mg/l and TSS-**415mg/l** against norms of 30 mg/l and TDS-**2432 mg/l** against norms of 2100 mg/l which indicates non-compliance with the effluent surface discharge norms prescribed under Environment (Protection) Rules,1986.
7. The unit has not installed flow meters at outlet of mill house and boiling house.
8. The unit has not provided any information related to recirculation of treated effluent in the unit.

It is evident that untreated effluent is being discharged by the unit causing grave injury to the environment.

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, in compliance of above quoted Hon'ble NGT order, cases to be considered for levying penalty are discharges in violation of consent conditions/ non-compliance with the directions, such as direction for closure due to non-installation of OCEMS/ non-adherence to the action plans submitted/ intentional avoidance of data submission or data manipulation by tampering OCEMS; and

WHEREAS, as per the methodology for assessing penalty and environmental compensation, the environmental compensation to be levied to the unit is calculated as Rs. **34,80,000/-** (Thirty-four lakhs eighty thousand Rupees only) for the non-compliance period (16.01.2018 to 11.05.2018), for the crushing season 2017- 18; and Rs. **40,80,000/-** (Forty lakhs eighty thousand Rupees only) for the non-compliance period (28.11.2018 to 12.04.2019), for the crushing season 2018- 19; and

NOW, THEREFORE, in exercise of powers delegated to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, the Unit (M/s Wave Industries Pvt. Ltd., Nagina Road, Bijnor, U.P.) is directed **close down its manufacturing operations immediately and deposit Rs.75,60,000/-** in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of

India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271)/ demand draft in favour of EC by CPCB towards environmental compensation **within 15 days** from the date of receipt of direction and shall comply with the following directions;

1. The Unit shall close down its Sugar manufacturing operations with immediate effect and shall not resume its operations.
2. The Unit shall dismantle the bypass arrangements and stop discharge of untreated/ partially treated effluent discharge immediately.
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.
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.
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 government expert institute namely NSI Kanpur, VSI Pune, IITs during crushing season & submit the report to CPCB.
12. The Unit shall seek permission from CPCB, after compliance of the above directions, before resumption of operation.

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., Nagina Road, Bijnor, U.P.) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.


(S. P. SINGH PARIHAR)
CHAIRMAN

Copy to:

1. The Chairman

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

:With request to ensure compliance of
the directions.

2. **Principal Secretary (Sugar)**
Sugar Industry and Cane Development
Department, "G" Block 2/3, Mantri Wing 4th Floor
BapuBhawanVidhan Sabha Marg
Lucknow - 226 001
:For kind information, please.
3. **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
4. **The District Magistrate**
Bijnor, U.P.-246701
:With request to ensure closure of the
unit in compliance of the directions
5. **The Superintending Engineer**
Paschimanchal Vidyut Vitaran Nigam Limited,
Bijnor, U.P.
:With a direction to disconnect power
supply
6. **The Regional Director**
Regional Directorate
Central Pollution Control Board, PICUP Bhawan,
Ground Floor, Vibhuti Khand, Gomti Nagar,
Lucknow – 226 010
:For follow up and ensuring
compliance
- ✓ 7. The In-charge, IT Division, CPCB
:with request to upload on CPCB
server.
8. Master file/Guard file, WQM II, CPCB Delhi


(PRASHANT GARGAVA)
MEMBER SECRETARY