

Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/66/2016-17 2215

27/05.2019  
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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 Board (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 following observations were made;

1. The Unit has installed Effluent Treatment Plant (ETP) which is comprised of Oil and Grease trap, Equalization Tank, Primary Clarifier, Aeration Tank, Secondary Clarifier, Sand and Carbon Filter, Sludge Drying Bed.
2. The analysis of treated effluent sample showed pH-7.37 as against norms of 5.5-9.0, **BOD-105 mg/l** against norms of 30 mg/l, **COD-464 mg/l** against norms of 250 mg/l and **TSS-51 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.
3. The Unit has high pressure boiler and R.O. is installed for boiler blow down which was not working at the time of visit, and no CPU was installed.

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**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 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 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 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 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 the report to CPCB within 60 days of resumption of operation

**AND WHEREAS**, the unit vide letter 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.

**It is evident that partially treated effluent is being discharged by the Unit, posing potential threat to river water quality.**

**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. 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;

**NOW, THEREFORE**, in view of the above observations and in exercise of the powers, delegated to the Chairman, CPCB under section 5 of the Environment (Protection) Act, 1986, the unit is directed to **deposit Rs.32,40,000/- within 15 days** from the date of receipt of direction in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271) towards environmental compensation and notice is hereby served to the Unit (M/s Simbhaoli Sugar Ltd., Simbhaoli, District-Hapur, U.P.) to **show cause, why the Unit should not be closed** down until all the necessary pollution control measure are planned and implemented so as to comply with the prescribed effluent discharge standards notified under Environment (Protection) Act, 1986 to satisfaction of CPCB.

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.



(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

**3. Joint Secretary (CP Division)**

Ministry of Environment, Forest & C.C  
Prithvi Block, Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi – 110 003

**4. The Regional Director**

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

**5. The District Magistrate**

Hapur-245 207, U.P.

**6. The In-charge, IT Division, CPCB**

**7. Master file/Guard file, WQM II, CPCB Delhi**

:With request to ensure compliance  
of the directions.

:For kind information, please.

:For follow up and ensuring  
compliance

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:with request to upload on CPCB server.

**(PRASHANT GARGAVA)**  
MEMBER SECRETARY