

SPEED POST

B-190197/WQM-II(RG)/CPCB/Sugar/80/2017-18 2456

12.06.2019
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To,
M/s Wave Industries Ltd.,
Panni Nagar, Bulandshahar,
Uttar Pradesh-203001

**DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986-
CLOSURE 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 & Climate Change, 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 there under and also to meet the consent conditions granted by State Pollution Control Board (SPCBs) / Pollution Control Committees (PCCs); and

WHEREAS, M/s Wave Industries Ltd., Panni Nagar, Bulandshahar, 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 05.02.2018 by officials from CPCB, Delhi and following observations were made;

1. The Unit was operational. However, ETP was partially functional and treated effluent was not flowing from outlet of ETP. Therefore, lagoon was empty and sample could not be taken from outlet of ETP due to non-availability of treated water.
2. Flowmeters were installed at both bore well. However, log book was not maintained for abstraction and consumption of water.

AND WHEREAS, the Unit was inspected on 13.04.2018 by officials from CPCB, Delhi and following observations were made;

1. The Unit was operational without having valid consent to operate. However, the Unit has applied for valid consent under Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981.
2. Analysis of treated effluent sample showed pH-7.48 as against norms of 5.5-9.0, BOD-05 mg/l against norms of 30 mg/l, COD- 41 mg/l against norms of 250 mg/l & TSS-BDL against norms of 30 mg/l.
3. MLSS in aeration tank was 421 mg/l which indicates unstabilised aeration tank and possibility of dilution of ETP system.

4. The Unit was operational in violation of CPCB closure direction dated 16.06.2017 issued under section 5 of Environment (Protection) Act, 1986.

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 (hereafter 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 are 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.

WHEREAS, CPCB issued direction dated 14.08.2018 under section 5 of Environment (Protection) Act, 1986 to the Unit to remain closed; and

WHEREAS, the Unit vide letter dt. 26.08.2018 submitted the revalidated adequacy assessment reports prepared by NSI, Kanpur; and

WHEREAS, the unit vide letter dated 29.10.2018 submitted their compliance status of the Charter; and

WHEREAS, CPCB issued direction dated 14.01.2019 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 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 expert institute namely NSI Kanpur, VSI Pune, IITs during crushing season & submit report to CPCB within 45 days of resumption of operation.

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 has not obtained valid consents to operate under Water Act, 1974 and Air Act, 1981.
3. Analysis of treated effluent sample from ETP outlet showed pH-7.81 as against norms of 5.5-8.5, BOD-09mg/l against norms of 100 mg/l, COD- 18 mg/l against norms of 250 mg/l, TSS- BDL (<10) mg/l against norms of 100 mg/l and TDS- 872 mg/l against norms of 2100 mg/l which indicates compliance with effluent discharge norms on land prescribed under Environment (Protection) Rules,1986.
4. MLSS in aeration tank was 7272 mg/l, which indicates poor operation and maintenance of aeration tank and dilution of ETP system cannot be ruled out.
5. Analysis of treated effluent sample from lagoon showed pH-7.19 as against norms of 5.5-8.5, BOD- 23 mg/l against norms of 100 mg/l, COD-154 mg/l against norms of 250 mg/l, TSS- 93 mg/l against norms of 100 mg/l and TDS- 628 mg/l against norms of 2100 mg/l which indicates compliance with effluent discharge norms on land prescribed under Environment (Protection) Rules,1986.
6. Waste water generation in the unit is **280 litre/ton** of cane crushing against 200 litres/ton of cane crushing.
7. The unit has not installed flow meters at inlet and outlet of ETP, major areas of cold and hot water consumption.
8. The unit has not installed flow meters for measuring generation of effluent from various prominent areas.

9. Equalization tank was found filled with thick scum and oil & grease skimmer was found non-operational.
10. During inspection infrastructure for OCEMS system was observed while sensors were not available. OCEMS connectivity status was offline during the inspection and was found last connected upto 19.05.2018.

It is evident that the unit (M/s Wave Industries Ltd., Panni Nagar, Bulandshahar, U.P.) has failed to provide the connectivity of the OCEMS to CPCB server since 19.05.2018.

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. 29,10,000/-** (Rupees twenty-nine lakhs ten thousand only) for the non-compliance period (05.02.2018 to 12.05.2018), for the crushing season 2017- 18; and **Rs. 84,60,000/-** (Rupees eighty-four lakhs sixty thousand only) for the non-compliance period (26.11.2018 to 15.04.2019), 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 Ltd., Panni Nagar, Bulandshahar, U.P.) is directed **to remain closed and deposit Rs. 1,13,70,000/-** in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271) towards environmental compensation **within 15 days** from the date of receipt of direction and shall comply with the following directions;

1. The unit shall remain closed and not operate without seeking permission from CPCB.
2. The unit shall obtain valid consent to operate under Water and Air Acts and Hazardous Waste authorization from UPPCB.
3. The unit shall submit adequacy assessment of treatment facility by reputed govt. institute; including work completion report regarding implementation of the recommendations of the adequacy report within 45 days.
4. The unit shall take measures to reduce effluent generation to ≤ 200 l/t of cane crushed.
5. The unit shall install OCEMS system, provide data connectivity to CPCB and ensure transmission of data on continuous basis.
6. The unit shall seek permission from CPCB after compliance of the above directions, for 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 Ltd., Panni Nagar, Bulandshahar, U.P.) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.

(S. P. SINGH PARIHAR)
CHAIRMAN

13/6/2019

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 Industry and Cane Development
Department, "G" Block 2/3, Mantri Wing 4th Floor
Bapu Bhawan Vidhan 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**
Bulandshahar, U.P.
: To ensure physical verification, closure, sealing and disconnection of power supply in compliance of closure direction.
5. **Managing Director**
Paschimanchal Vidyut Vitran Nigam Ltd.,
Urja Bhawan, Victoria Park, Meerut 250001, 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