

Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/82/2016-17

19.06.2019  
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To,

M/s Wave Industries Pvt. Ltd.  
Vill-Malaysia P.O.-Mandi Dhanaura,  
Distt- J.P.Nagar,  
Uttar Pradesh

**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 Wave Industries Pvt. Ltd., Malaysia, Mandi Dhanaura, J.P.Nagar 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 30.01.2018 by officials from CPCB, and following observations were made;

1. During the inspection, the Unit and ETP were in operational.
2. Huge volume of water logging was found just outside the boundary wall of the industry in an unlined pool, on the North-West side, this area has the opening of pipelines coming from ETP which as per industry representatives is meant for irrigation purpose.
3. Analysis of effluent sample collected from unlined pool adjacent to boundary wall shows pH-6.49 as against norms of 5.5-9.0, **BOD-213 mg/l** against norms of 30 mg/l, **COD-718 mg/l** against norms of 250 mg/l and **TSS-283 mg/l** against norms of 30 mg/l

(mm)

o/c

which indicated non-compliance w.r.t. BOD, COD & TSS with the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.

4. Analysis of treated effluent sample showed pH-7.34 as against norms of 5.5-9.0, **BOD-271 mg/l** against norms of 30 mg/l, **COD-644 mg/l** against norms of 250 mg/l and **TSS-285 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.
5. Waste water generation is **275 Litre/tonne** higher than permissible limit of 200 Litre/tonne.

**AND WHEREAS**, CPCB issued closure direction dated 16.04.2018 under section 5 of the Environment (Protection) Act, 1986 to the Unit; and

**WHEREAS**, the compliance status of the direction 16.4.2018 submitted by the unit vide letter dated 30.4.2018 was examined; and

**WHEREAS**, the Unit submitted the revalidated adequacy assessment reports prepared by NSI, Kanpur vide letter dt. 19.07.2018; 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 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.

**AND WHEREAS**, the unit vide letter dated 28.09.2018 submitted their compliance status of the Charter; and

**WHEREAS**, CPCB issued direction dated 26.10.2018 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 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 govt. 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 was inspected on 25.03.2019 by team of CPCB officials and following observations are made;

1. Mill has not installed the flow meters at Power turbine cooling, boiler, wet scrubber, and final molasses cooling.
2. A channel was found before inlet which should be emptied and dismantled and wastewater should be treated through ETP.

3. Analysis of treated effluent samples from outlet showed pH-7.66 against the norms of 5.5-9.0, BOD- 63mg/l against the norms of 100mg/l, TSS- **155mg/l** against the norms of 100mg/l, COD-**253 mg/l** against the norms of 250mg/l and TDS-1124 mg/l against the norms of 2100mg/l which indicates non –compliance w.r.t COD and TSS as per land discharge norms prescribed under Environment (Protection) Rules,1986.
4. Analysis of treated effluent samples from lagoon showed pH-7.84 against the norms of 5.5-9.0, BOD- 28mg/l against the norms of 100mg/l, TSS- 61mg/l against the norms of 100mg/l, COD-149 mg/l against the norms of 250mg/l and TDS-800 mg/l against the norms of 2100mg/l which indicates compliance with land discharge norms prescribed under Environment (Protection) Rules,1986.
5. The unit has not installed flow meter at the overflow of the spray pond.
6. The unit has not maintained the logbook of the installed flow meters.
7. The unit has not submitted the irrigation management plan.
8. The unit has not installed the mechanical sludge handling system.
9. The unit has not done the colour coding in the pipelines of water distributing network

**It is evident that partially treated effluent is being discharged by the Unit, posing potential threat to surface water/ground 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. 32,10,000/-** (Rupees thirty-two lakhs ten thousand only) for the non-compliance period (30.01.2018-16.05.2018), 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 comply with the following directions:

1. The unit shall **deposit Rs.32,10,000/- 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.

2. The unit is hereby directed to **Show cause as to 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.

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21/6/19  
**(S. P. SINGH PARIHAR)**  
CHAIRMAN

Copy to:

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| <p>1. <b>Principal Secretary</b><br/>Sugar Industry and Cane Development<br/>Department, "G" Block, 2/3, Mantri Wing, 4th<br/>Floor, Babu Bhawan, Vidhan Sabha Marg<br/>Lucknow - 226 001</p> | <p>: With request to ensure compliance of<br/>the directions.</p> |
| <p>2. <b>Member Secretary</b><br/>Uttar Pradesh Pollution Control Board,<br/>Building No. TC-12V, Vibhuthi Khand,<br/>Gomti Nagar, Lucknow - 226 010</p>                                      | <p>: With request to ensure compliance of<br/>the directions.</p> |
| <p>3. <b>Joint Secretary (CP Division)</b><br/>Ministry of Environment, Forest &amp; C.C<br/>Prithvi Block, Indira Paryavaran Bhawan,<br/>Jorbagh Road, New Delhi - 110 003</p>               | <p>: For kind information, please.</p>                            |
| <p>4. <b>The District Magistrate</b><br/>J.P. Nagar, U.P.</p>   | <p>: For kind information, please.</p>                            |
| <p>5. <b>The Regional Director</b><br/>Regional Directorate<br/>Central Pollution Control Board, PICUP<br/>Bhawan, Ground Floor, Vibhuti Khand, Gomti<br/>Nagar, Lucknow - 226 010</p>        | <p>: For follow up and ensuring<br/>compliance</p>                |
| <p>6. <input checked="" type="checkbox"/> The In-charge, IT Division, CPCB</p>  | <p>: with request to upload on CPCB<br/>server.</p>               |
| <p>7. Master file/Guard file, WQM II, CPCB Delhi</p>  |   |

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**(PRASHANT GARGAVA)**  
MEMBER SECRETARY

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