

Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/52/2019-20

Date: 09.10.2019
14

To,

M/s Majhauria Sugar Industries Pvt. Ltd.,
(Jay Shree) Majhauria, West Champaran, Betiah
Bihar - 845454

DIRECTIONS UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986

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 the State Pollution Control Board (SPCBs) / Pollution Control Committees (PCCs); and

WHEREAS, M/s Majhauria Sugar Pvt. Ltd, West Champaran, Bihar - 845454 (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, the unit was issued Show Cause Notice dated 26.04.2018 under Section 5 of the Environment (protection) Act, 1986 to the unit; and

WHEREAS, the unit submitted water balance and ETP adequacy verification report prepared by VSI, Pune vide letter dated 21.04.2018; 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 the State of Bihar, representatives of the Bihar State Pollution Control Board (BSPCB) and CPCB was held on 10.08.2018 under Chairmanship of Chairman, BSPCB and the following decisions were made

1. Sugar Mills shall submit an action plan to CPCB by 20.08.2018 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 15.09.2018.
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 submitted its replies vide letters dated 16.05.2018, 09.06.2018, 16.06.2018 and 18.08.2018 along with the action plan for implementation of recommendations of adequacy report; and

WHEREAS, CPCB issued directions dated 22.10.2018 under section 5 of 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 Bihar State Pollution Control Board.
2. The unit shall implement all the observation & recommendation of the revalidated adequacy assessment of ETP.
3. The Unit shall submit the irrigation management plan duly validated by NSI/VSI/IITs.
4. The unit shall install sealed flow meters along with running hours meter on bore wells so as to ascertain usage of fresh water for various uses.
5. The unit shall install flow meters at major areas of cold and hot water consumption.
6. The unit shall install flow meters for measuring generation of effluent from various prominent areas.
7. The unit shall maintain logbook for individual process unit for recording daily water consumption and effluent generation also.
8. The unit shall carry out colour coding of pipelines carrying recycled process water and fresh process water.
9. The Unit shall commission the mechanical sludge handling system of adequate capacity.
10. The Unit shall carry out analysis of parameters of treated effluent notified under the Environment (Protection) Rules, 1986 on daily basis and maintain its logbook.

11. The unit shall submit the implementation status of the Charter in the form of an Affidavit and the documentary proof of the completion of the work as committed in the action plan.
12. The unit shall submit the 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 the CPCB within 60 days of resumption of operation.

AND WHEREAS, the unit vide letter dated 24.11.2018 submitted their compliance report of CPCB directions dated 22.10.2018 and affidavit regarding implementation of the charter before crushing season 2018 – 19; and

WHEREAS, the unit vide letter dated 18.03.2019 submitted the following documents:

1. Consent to Operate under the Water Act' 1974 and the Air Act, 1981 valid upto 30.09.2023.
2. Irrigation plan for the utilization of treated effluent.
3. Water Balance and ETP Adequacy Verification report prepared by VSI in December' 2018.

AND WHEREAS, the unit was inspected on 27.03.2019 by a team of CPCB officials and the following observations were made:

1. The unit and ETP were operational at the time of inspection.
2. The unit was discharging effluent through drain into river Kahara. Analysis of effluent sample collected from drain showed pH-5.7 against the norms of 5.5-8.5, **BOD- 868 mg/l** against the norms of 30mg/l, **TSS 113mg/l** against the norms of 30mg/l, **COD- 1452mg/l** against the norms of 250mg/l which indicate non-compliance as per the surface discharge norms under the Environmental (Protection) Act, 1986.
3. Analysis of treated effluent sample collected from ETP Outlet showed pH-7.8 (against the norms of 5.5-8.5), BOD- 34 mg/l (against the norms of 100mg/l), TSS- 71 (against the norms of 100mg/l), and COD-191 mg/l (against the norms of 250mg/l). Aeration tank was not functioning properly where anaerobic condition was observed as DO was found nil. High value of Settleable solids 440 mg/l, MLSS 3228 mg/l and MLVSS 2671 mg/l were observed in aeration tank.
4. The unit has not installed flow meters at most of the cold-water distribution locations.
5. The unit has not maintained the logbook of water recycling points, wastewater (influent) generation and wastewater (effluent) generation.

AND WHEREAS, the Hon'ble National Green Tribunal (NGT), 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 was calculated as Rs. 44,70,000/- (Rupees Forty-four lakhs seventy thousand only) for the non-compliance period (27.11.2018 to 24.04.2019), for the crushing season 2018- 19; and

WHEREAS, CPCB issued directions dated 21.06.2019 under section 5 of Environment (Protection) Act, 1986 to the unit, to comply with the following directions:

1. The unit shall remain closed and not operate without seeking permission from CPCB.
2. All bypass arrangements/ unauthorized channel shall be dismantled immediately and photographic evidence shall be provided to CPCB within 45 days from the date of receipt of direction.
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 seek permission from CPCB after compliance of the above directions, for resumption of operations.

AND WHEREAS, the unit replies vide letters dated 02.07.2019, 07.08.2019 and 23.08.2019 were examined and the following observations are made:

1. The unit has closed its operation on 24.04.2019.
2. The unit has dismantled bypass arrangements and submitted photographic evidence.
3. The unit has submitted adequacy assessment report of effluent treatment plant by reputed govt. institute in August, 2019; including work completion report regarding implementation of the recommendations of the adequacy report.
 - a) The adequacy report indicates that ETP system comprises of bar screen chamber, oil and grease skimmer for preliminary treatment, equalization tank and primary clarifier for primary treatment, aeration tank and secondary clarifier for secondary treatment, Chlorine Contact Tank, MGF and ACF for tertiary treatment and found adequate facilities.
 - b) Effluent generation is 177.53 l/t of cane as against notified norms of 200 l/t of cane.
4. The unit has submitted Rs. 44,70,000/- in the account of CPCB vide UTR No. PUNBH19219116433 dated 07.08.2019, for Environmental Compensation Under Protest.


AND WHEREAS, the Three Member Committee in its meeting held on 17.09.2019 examined the unit's replies and recommended that the unit may be allowed to resume operation and shall submit Performance Audit Report of ETP within 60 days of start of operation; and

NOW, THEREFORE, in view of the above mentioned observations and in exercise of the powers delegated to the Chairman CPCB, under section 5 of the Environment (Protection) Act,

1986, the directions dated 21.06.2019, are hereby revoked and the unit M/s Majhaulia Sugar Pvt. Ltd, West Champaran, Bihar – 845454 is directed to comply with the following directions:

1. The unit shall start its operation only after obtaining valid consent from the concerned State Pollution Control Board.
2. The unit shall submit performance assessment of treatment system including analysis of treated effluents by the same reputed government institute within 60 days.

In case of failure of compliance with the above directions, CPCB will be constrained to initiate appropriate actions against the unit (**M/s Majhaulia Sugar Pvt. Ltd, West Champaran, Bihar - 845454**), without giving any further notice, in accordance with provisions of Environment (Protection) Act, 1986.


(S.P. SINGH PARIHAR)
CHAIRMAN

Copy to:

- | | |
|--|---|
| 1. Principal Secretary
Sugarcane Industries,
Government of Bihar
Department of Sugarcane Development
Vikas Bhawan, New Secretariat
Patna-800015 | : For kind information, please. |
| 2. Member Secretary
Bihar Pollution Control Board,
Parivesh, Bhawan, Plot No., Ns-B/2,
Patliputra Industrial Area,
Patliputra, Patna (Bihar)-800 023 | : With request to ensure
compliance of the directions. |
| 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. District Magistrate
West Champaran-845454, Bihar | : With request to ensure
compliance of the directions. |
| 5. The Superintending Engineer
Bihar State Power Holding Company Limited
Gopalganj, Bihar | : With a direction to connect
power supply. |

6. **Regional Director**
Central Pollution Control Board Regional
Directorate
Southern Conclave, Block-502,
5th & 6th Floor, 1582, Rajdanga Main Road,
Kolkata – 700 107 (West Bengal) : For follow up and ensuring
compliance
7. In-charge, IT Division, CPCB : With request to upload on
CPCB server.
8. Master file/Guard file WQM II, CPCB Delhi : For record.


(PRASHANT GARGAVA)
MEMBER SECRETARY