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17.10.2019
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To,

**M/s HPCL Biofuel Ltd. (Sugar Division)
Sagauli, East Chamaparan,
Bihar-845456**

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

WHEREAS, M/s HPCL Biofuel Ltd. (Sugar Division), Sagauli, East Chamaparan, Bihar (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, the Unit was inspected on 07.03.2018 by officials from CPCB for validation of ETP performance, and following observations were made;

1. The unit was operational and produces white sugar by double sulphitation process and also co-generating power to the extent of 20MW by utilizing bagasse.
2. Effluent Treatment Plant (ETP) which is comprised of Bar screen, Oil and Grease Separator, Equalization Tank, Primary Clarifier, Aeration Tank, Secondary Clarifier, Tertiary treatment (Filtration units) was non-operational and discharging untreated effluent outside the premises
3. The unit was found discharging untreated effluent from sugar mill along with spent wash from its Distillery plant to outside premises without treatment which indicated non-compliance with effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.

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4. Analysis of trade effluent sample discharging outside premises showed pH-4.57 as against norms of 5.5-9.0, BOD-77,120 mg/l against norms of 30 mg/l, COD-1,28,000 mg/l against norms of 250 mg/l and TSS-4,500 mg/l against norms of 30 mg/l, TDS- 1,13,800 mg/l against norms of 2100 mg/l which indicates non-compliance w.r.t. pH, BOD, COD TSS & TDS with the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.
5. OCEMS found non-operational.

AND WHEREAS, CPCB issued closure direction dated 23.05.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit; and

WHEREAS, the Unit replied along with the revalidated adequacy assessment reports prepared by NSI, Kanpur vide letter dt. 11.07.2018, which were examined, and following observations were made:

1. Flow meters to be installed at major unit operations to ascertain and control hot and cold-water requirement.
2. Flow meters to be installed at various fresh water consumption points.
3. The System for spray pond/process cooling tower overflow for sulphate removal was under erection.
4. The unit is having adequate Effluent Treatment Plant for 3500 TCD and effluent generation is estimated as 133 l/t for cane crushed.

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 Bihar, representatives of BSPCB and CPCB was held on 10.08.2018 under Chairmanship of Chairman, Bihar State Pollution Control Board, 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.

WHEREAS, CPCB received the compliance status of the Charter vide letter dated 01.10.2018; and

WHEREAS, CPCB issued direction dated 06.11.2018 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 sugar manufacturing operation only after obtaining valid consent from the Bihar State Pollution Control Board and shall not resume operation of Distillery unit/alcohol /ethanol production.
2. The unit shall implement the observations & recommendations 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 expert institute namely NSI Kanpur, VSI Pune, IITs during crushing season & submit the report to CPCB within 60 days of resumption of operation.
12. The unit shall seek permission for resumption of distillery operational separately from CPCB.

AND WHEREAS, the unit was inspected on 28.03.2019 by team of CPCB officials and following observations are made;

1. The Unit and ETP were operational.

2. Valid Consent to Operate (CTO) for discharge and emission is available from 01.10.2018 to 30.09.2023, but Hazardous waste authorization is not available.
3. Analysis result of ETP outlet showed pH-5.7 against the norms of 5.5-8.5, **BOD-2484 mg/l** against norms of 100 mg/l, **COD-4024 mg/l** against the norms of 250 mg/l, **TSS-135 mg/l** against norms of 100 mg/l, **TDS-4088 mg/l** against norms of 2100 mg/l, which indicate non-compliance w.r.t to BOD, COD, TSS and TDS against land discharge norms prescribed under Environment (Protection) Rules, 1986.
4. Leakage of untreated effluent through boundary wall of ETP of the unit was found and analysis result of the same showed pH-7.8, **BOD-3632 mg/l**, **COD-5061 mg/l**, **TSS-3490 mg/l**, **TDS-3740 mg/l**, which indicates discharge of untreated effluent which is non-compliance w.r.t BOD, COD, TSS and TDS against surface effluent discharge norms prescribed under Environment (Protection) Rules, 1986.
5. There was no segregation between industrial effluent drain and storm water drain.
6. The unit has not installed any separate collection tank/drum for collection of oil and grease from oil skimmer.
7. Industry effluent was found flooded everywhere in ETP area and housekeeping was poor.

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 CPCB circular dated 24.08.2019 for imposing environmental compensation, the environmental compensation to be levied to the unit was calculated as **Rs. 8,70,000/-** (Eight Lakhs Seventy Thousands Only) for the non-compliance period (07.03.2018 to 04.04.2018), for the crushing season 2017- 18; and **Rs. 82,80,000/-** (Rupees Eighty-Two Lakhs Eighty Thousands Only) for the non-compliance period (05.12.2018 to 21.04.2019), for the crushing season 2018-19; and

WHEREAS, CPCB issued direction dated 28.05.2019 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 remain closed and not operate without seeking permission from CPCB.
2. The unit shall deposit **Rs 91,50,000/-** within 15 days in CPCB account towards environmental compensation.

3. The unit shall dismantle the bypass arrangements and stop discharge of untreated/ partially treated effluent discharge immediately.
4. The unit shall repair all seepage and leakages to stop effluent discharge outside and unit shall ensure single point discharge for effluent within 45 days.
5. 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.
6. The unit shall seek permission from CPCB after compliance of the above directions, for resumption of operation.

WHEREAS, the unit replies vide letters dated 19/06/2019, 01/08/2018 and 23/09/2019, were examined and following observations are made:

1. The unit has submitted R.T.8 (C), according to which unit has closed its manufacturing operations on 22.04.2019.
2. The unit has submitted adequacy assessment of treatment facility by NSI, Kanpur; including work completion report regarding implementation of the recommendations of the adequacy report which indicates that ETP is adequate.
3. Unit has submitted environmental compensation of Rs. 94,17,731.51/- (Rs. 91,50,000/- with 12 % simple interest) levied to the unit.

AND WHEREAS, Hon`ble NGT vide order dated 22/05/2019 in Appeal No. 27/2019 with Appeal No. 35/2019 and order dated 29/07/2019 in Appeal no. 22/2019 directed that, *CPCB may treat the impugned order as tentative and pass further appropriate order after permitting the affected parties to furnish their viewpoint.*

AND WHEREAS, personal hearing was held on 24.09.2019 in CPCB, Delhi and the unit represented the following viewpoints:

1. They have already deposited EC amount of Rs. 94,17,731 (with 12% interest).

WHEREAS, CPCB constituted a Three-member committee vide office order dated 27.09.2017 having representative from CPCB, MoEF &CC and NMCG for examination and recommendation for revocation of the closure direction issued by CPCB; and

WHEREAS, the Three Member Committee in its meeting held on 24.09.2019 examined the unit's replies and recommended that the unit may be allowed to resume operation; and

NOW, THEREFORE, in view of above observations and in exercise of the powers delegated to the Chairman, CPCB under section 5 of the Environment (Protection) Act, 1986, the unit (M/s HPCL Biofuel Ltd. (Sugar Division) Sagauli, East Chamaparan, Bihar) is directed to comply with the following directions before commencement of crushing season 2019-2020;

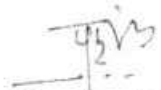
1. The unit may resume its operation after obtaining the valid consent from Bihar State Pollution Control Board.
2. The unit shall submit performance assessment of Effluent treatment plant including analysis of treated effluents by the reputed government institute within 60 days of resumption of operation.
3. The unit shall inform CPCB about resumption of manufacturing operations.

In case of default in compliance with the above directions, CPCB will be constrained to initiate action against the Unit (M/s HPCL Biofuel Ltd. (Sugar Division) Sagauli, East Champaran, Bihar) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.


(S. P. SINGH PARIHAR)
CHAIRMAN

Copy to:

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| 1. Principal Secretary
Sugarcane Industries,
Govt. of Bihar
Department of Sugarcane Development
Vikas Bhawan, New Secretariat, Patna-800015 | : With request to ensure compliance
the directions |
| 2. Member Secretary
Bihar Pollution Control Board,
Parivesh Bhawan, Plot No. Ns-B/2
Patliputra Industrial Area,
Patliputra, Patna (Bihar) – 800023 | : With request to ensure compliance
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. The District Magistrate
East Champaran, Motihari-843327 | : With request to ensure compliance
the directions |
| 5. The Superintending Engineer
Bihar State Power Holding Company Limited
Motihari, Bihar | : To reconnect the power supply of t
unit, please |
| 6. Regional Director
Regional Directorate,
Central Pollution Control Board,
Southern Conclave, Block-502, 5th & 6th Floor, 158
Rajdanga Main Road, Kolkata-700107 (W.B.) | : For follow up and ensure
compliance |
| ✓ 7. In-charge, IT Division, CPCB | |
| 8. Master file/Guard file, WQM II, CPCB Delhi | |


(Prashant Gargava)
MEMBER SECRETARY