

Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/23/2016-17

Date: 24.10.2019

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To,

M/s Harinagar Sugar Mills Ltd.
Harinagar, West Chamaparan,
BIHAR-845103

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 Harinagar Sugar Mills Ltd., Harinagar, West Chamaparan, Bihar (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, CPCB issued Show Cause Notice dated 23.04.2018 under Section 5 of the Environment (protection) Act, 1986 to the unit; and

WHEREAS, the unit replies vide letters dated 16.05.2018, 25.05.2018 and 30.08.2018 were examined; 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 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 vide letters dated 14.08.2018 and 15.09.2018 submitted their action plan and implementation status of the Charter for water recycling and pollution prevention in sugar factories; and

WHEREAS, CPCB issued direction dated 20.11.2018 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 operate within the licensed crushing capacity of 10,000 TCD and available treatment capacity of ETP.
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.
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 government expert institute namely NSI Kanpur, VSI Pune, IITs during crushing season & submit the report to CPCB within 45 days of resumption of operation.

AND WHEREAS, the unit replies vide letters dated 17.12.2018 & 24.01.2019 were examined; and

WHEREAS, the unit was inspected on 26.03.2019 by team of CPCB officials and the following observations were made:

1. Analysis of treated effluent samples showed pH-8.2 against the norms of 5.5-8.5, BOD-03 mg/l against the norms of 100mg/l, TSS 08 mg/l against the norms of 100mg/l, COD-25 mg/l against the norms of 250mg/l and TDS 681 mg/l against the norms of 2100mg/l, O&G-BDL against the norms of 10 mg/l which indicates compliance w.r.t on land effluent discharge norms of Environment (Protection) Rules,1986. MLSS in aeration tank was 1150 mg/l, which indicates unstabilised aeration tank and dilution of ETP system.
2. Analysis of treated effluent samples of lagoon showed pH-6.6 against the norms of 5.5-8.5, **BOD-334** mg/l against the norms of 100mg/l, **COD-622** mg/l against the norms of 250mg/l, TSS-63 mg/l against the norms of 100mg/l, TDS -1349mg/l against the norms of 2100mg/l and O&G-BDL against the norms of 10 mg/l which indicates non-compliance w.r.t BOD and COD as per on land effluent discharge norms of E(P)Rules,1986.
3. The unit has installed OCEMS at final outlet.

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 levied to the unit was calculated as **Rs. 54,60,000/-** (Rupees fifty-four lakhs sixty thousand only) for the non-compliance period (14.11.2018 to 14.05.2019), for the current crushing season 2018- 19; and

WHEREAS, CPCB issued directions dated 30.05.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit, to comply with the following directions:

1. The unit shall close down its Sugar manufacturing operations with immediate effect and shall not resume its operations till augmentation and upgradation of ETP system is carried out.
2. 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.
3. The unit shall seek permission from CPCB, after compliance of the above directions, before resumption of operation.
4. The unit shall deposit Rs. 54,60,000/- 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.

AND WHEREAS, CPCB issued letter dated 31.07.2019 to the unit and directed the unit to deposit EC along with simple interest @12% for delay period.; and

WHEREAS, the unit replies vide letters dated 08.06.2019, 08.07.2019 and 06.08.2019 were examined and the following observations are made:

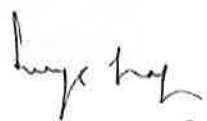
1. The unit has closed its manufacturing operation on 23.04.2019.
2. The unit has submitted adequacy assessment report of effluent treatment plant by reputed govt. institute prepared in June, 2019; including work completion report regarding implementation of the recommendations of the adequacy report.
 - a) The adequacy report indicates that ETP system comprises of secondary biological treatment system followed by tertiary treatment. Secondary biological system comprises of Bar screen chamber, oil and grease skimmer, equalization tank with aeration, primary clarifier, aeration tank, secondary clarifier which are adequate. MGF and ACF for tertiary treatment are found marginally adequate.
 - b) Effluent generation is 183.1 l/t of cane as against notified norms of 200 l/t of cane.
3. The unit has deposited the Rs. 55,420,574/- (Rs. 54,60,000 towards EC and Rs. 82,574/- towards interest for delay period) through RTGS on 06.08.2019, 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 issued to the unit, are hereby revoked and the unit M/s Harinagar Sugar Mills Ltd., Harinagar, West Chamaparan, Bihar – 845103 is directed to comply with the following directions:

1. The unit shall start its operation only after obtaining valid consent from Bihar State Pollution Control Board.
2. The unit shall install diffusers in equalization and aeration tank as well as augment capacity of tertiary treatment units namely MGF and ACF within 60 days.
3. The unit shall submit Performance Audit Report of ETP within 60 days of start of operation along with the implementation status of the recommendations of adequacy report.

In case of failure of compliance with the above directions, CPCB will be constrained to initiate appropriate actions against the unit (**M/s Harinagar Sugar Mills Ltd., Harinagar, West Chamaparan, Bihar-845103**), 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
2. **Member Secretary**
Bihar Pollution Control Board,
Parivesh, Bhawan, Plot No., Ns-B/2,
Patliputra Industrial Area,
Patliputra, Patna (Bihar)-800 023

: For kind information, please.

: With request to ensure compliance of the directions.

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| <p>3. Joint Secretary (CP Division)
Ministry of Environment, Forest & C.C
Prithvi Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi – 110 003</p> | <p>: For kind information, please.</p> |
| <p>4. District Magistrate
West Champaran-845454, Bihar</p> | <p>: With request to connect power supply and ensure compliance of the directions.</p> |
| <p>5. Regional Director
Central Pollution Control Board,
Regional Directorate
Southern Conclave, Block-502,
5th & 6th Floor, 1582, Rajdanga Main Road,
Kolkata – 700 107 (West Bengal)</p> | <p>: For follow up and ensuring compliance</p> |
| <p>6. In-charge, IT Division, CPCB</p> | <p>: With request to upload on CPCB server.</p> |
| <p>7. Master file/Guard file WQM II, CPCB Delhi</p> | <p>: For record.</p> |


(PRASHANT GARGAVA)
MEMBER SECRETARY