



SPEED POST

B-190198/WQM-II(RG)/CPCB/Sugar/05/2016-17/19501

04.11.2019

८६

To,

M/s Bajaj Hindustan Ltd.,  
Maqsoodpur, Shahjahanpur,  
U.P.-242042

**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 Bajaj Hindustan Ltd., Maqsoodpur, Shahjahanpur, 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 08.03.2018 by officials from CPCB, Delhi and following observations were made;

1. The unit and ETP was operational.
2. Effluent Treatment Plant (ETP) comprises of Bar Screen, Oil Grease Separator, Equalisation Tank, Primary Clarifier, Aeration Tank, Secondary Clarifier & Tertiary treatment (Filtration units).
3. The analysis of treated effluent sample shows pH-7.54, against 5.5-9.0, **BOD-162 mg/l** against 30 mg/l, **COD- 456 mg/l** against 250 mg/l, **TSS- 501 mg/l** against 30 mg/l which indicates non-compliance w.r.t. BOD, COD & TSS with effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.
4. The MLSS in aeration tank was found 1461 mg/l which indicates unstabilised Activated Sludge Process system and poor operation and maintenance of ETP system.
5. The analysis of treated effluent sample from lagoon is also found non-compliance w.r.t. **BOD-151 mg/l** against norms of 100 mg/l, **COD- 507 mg/l** against norms of 250 mg/l, **TSS- 473 mg/l** against norms of 100 mg/l for land discharge.
6. The Unit has installed cooling tower but there is no separate treatment of excess water containing sulphate and it is transferred to inlet of ETP directly.
7. Flow meter was not installed at inlet of ETP and at various location of unit process.
8. Sludge was found floating in secondary clarifier and treated water was found turbid at outlet of ETP.

**AND WHEREAS**, CPCB issued closure direction dated 23.04.2018 under Section 5 of the Environment (Protection) Act, 1986; and

**WHEREAS**, the unit replied vide letters dt. 23.05.2018, 20.7.2018 & 24.9.2018 and submitted ETP adequacy assessment report validated by NSI, Kanpur;

**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.

**WHEREAS**, the unit vide letter dated 20.07.2018 submitted their compliance status of the Charter; and

**WHEREAS**, CPCB issued direction dated 22.10.2018, under section 5 of the Environment (Protection) Act, 1986, to the unit to comply with the following directions;

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 before commencement of crushing season 2018-2019.
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 before commencement of crushing season 2018-2019.
4. The unit shall install flow meters at major areas of cold and hot water consumption before commencement of crushing season 2018-2019.
5. The unit shall install flow meters for measuring generation of effluent from various prominent areas before commencement of crushing season 2018-2019.
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 before commencement of crushing season 2018-2019.
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 before resumption of crushing season 2018-2019.
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.

**AND WHEREAS**, the unit was inspected on 30.03.2019 by officials from CPCB, and following observations were made;

1. The unit and ETP were found operational.
2. Analysis of treated effluent sample from ETP outlet showed pH-7.42 as against norms of 5.5-9.0, BOD-40mg/l against norms of 100 mg/l, COD- 217 mg/l against norms of 250 mg/l, TSS- 44.9 mg/l against norms of 100 mg/l and TDS- 828 mg/l against norms of 2100 mg/l which indicates compliance against land discharge norms prescribed under Environment (Protection) Rules, 1986.
3. Analysis of effluent sample from lagoon showed pH-7.78 as against norms of 5.5-9.0, **BOD-211mg/l** against norms of 100 mg/l, **COD- 388 mg/l** against norms of 250 mg/l, TSS- 63.3 mg/l against norms of 100 mg/l and TDS- 927 mg/l against norms of 2100 mg/l which indicates **non-compliance** against land discharge norms prescribed under Environment (Protection) Rules, 1986.
4. MLSS in aeration tank was 1817 mg/l.
5. Wastewater generation is estimated as 122.34 L/T of cane crushing against the standards 200 L/T.

**AND WHEREAS**, Hon'ble NGT vide its orders dated 03.08.2018 and 19.02.2019 in Original Application No. 593/2017 (W.P. (Civil) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed 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**, CPCB has been levying Environmental Compensation in compliance of Hon'ble NGT and as per the methodology for imposing Environment Compensation issued vide CPCB circular dated 24/05/2019, the environmental compensation to be levied to the unit is calculated as Rs. 30,00,000/- (Rupees Thirty lakhs only) for the non-compliance period (08.03.2018 to 15.06.2018), for the crushing season 2017- 18; and Rs. 98,40,000/- (Rupees Ninety Eight lakhs Forty thousand only) for the non-compliance period (10.11.2018 to 22.04.2019) 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:

1. The unit shall deposit Rs 1,28,40,000/- within 15 days in CPCB account towards environmental compensation.
2. The unit shall immediately close down all its manufacturing operations with immediate effect and shall not resume its operations.
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 for CPCB, after completion of above direction, before resumption of operation.

**AND WHEREAS**, the unit reply vide letter dated 17.06.2019, was examined and following observations are made:

1. The unit has submitted ETP outlet analysis report dated 01.04.2019 from NABL accredited laboratory which indicates that treated effluent was complied with norms.

2. The unit has submitted submit adequacy assessment of treatment facility by NSI, Kanpur dated 17.06.2019; including work completion report regarding implementation of the recommendations of the adequacy report.
  - a. Adequacy reports indicate that ETP system comprise of secondary biological system followed by tertiary treatment. ETP system comprises of bar screen chamber, O&G trap, equalization tank with aeration, pH correction tank, primary clarifier, aeration tank, secondary clarifier, MGF and ACF and is adequate for treating effluent generating for 5,511 TCD production.

**AND WHEREAS**, CPCB vide letter dated 30.07.2019 forwarded observations 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**, Principal Secretary, Sugar Industry and Cane Development, UP Government vide DO no. 1934/46-2-19-38/2018 dated 17/09/2019 requested CPCB to waive off the environmental compensation considering the financial constraint of sugar mills to enable them to use the same money for upgradation of pollution control measures in order to ensure compliance to environmental norms and also to allow the sugar mills to function efficiently; and

**WHEREAS**, the unit reply vide letter dated 19.08.2019, was examined and following observations are made:

1. The unit has installed the sulphate removal system for the treatment of the spray pond overflow.

**AND WHEREAS**, CPCB vide office order dated 04.09.2019 issued policy for levying environmental compensation (EC) for industries which prescribes that

- a. EC for the closure direction issued on the ground of non-compliance of prescribed discharge/emission norms shall applied for the period between date of inspection and monitoring of date of closing of manufacturing operation.
- b. Direction for closure or revocation and direction for imposition of EC to be dealt separately.

**AND WHEREAS**, as per office order dated 04.09.2019, Environmental Compensation has been recalculated as Rs. 7,20,000/- for the period from date of inspection (30.03.2019) to date of end of crushing season (22.04.2019).

**AND WHEREAS**, the unit reply vide letter dated, 30.09.2019 was 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 assured that it has complied with all the recommendations of NSI, Kanpur made in the last adequacy report.

**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 04.10.2019 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 Bajaj Hindustan Ltd.,

Maqsoodpur, Shahjahanpur, U.P.) is directed to comply with the following directions before commencement of crushing season 2019-2020:

1. The unit may resume its operation only after obtaining the valid consent from Uttar Pradesh State Pollution Control Board.
2. The unit shall deposit Environmental Compensation amount of Rs. 7,20,000/- (Rupees Seven Lakhs Twenty Thousands Only) either in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271) or in ESCROW account to be operated by Department of Sugar Industries in State Government within 15 days from date of issuance of the direction. In case of delay in deposition of EC, simple interest @ 12% shall be levied for delay period. The unit shall provide detail of EC amount deposited and ESCROW account to CPCB within 15 days.
3. EC deposited in CPCB account will be spent by CPCB as per the EC utilization policy as approved by Hon'ble NGT. In case of deposition of the aforementioned EC amount in ESCROW account, the unit shall submit a time bound action plan within 15 days and get it approved from CPCB for utilization of the EC amount for environmental management including augmentation/upgradation of ETP, implementation of charter, training programs etc. Approved plan shall be made available by industry to Department of Sugar Industries, State Government for releasing funds for which appropriate methodology shall be worked out by the State Government. Utilization of the funds shall be monitored by the State Government and reported to CPCB on monthly basis.
4. 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.
5. 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 Bajaj Hindustan Ltd., Maqsoodpur, Shahjahanpur, U.P.**) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.

  
(S. P. SINGH PARIHAR)  
CHAIRMAN

Copy to:

- 1) **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.
- 2) **Principal Secretary**  
Sugar Industry and Cane Development  
Department, "G" Block, 2/3, Mantri Wing, 4<sup>th</sup>  
Floor, Babu Bhawan, Vidhan Sabha Marg  
Lucknow - 226 001  
: With directions to ensure following actions:
  - a) To ensure compliance of these directions.
  - b) To open ESCROW account within 10 days to ensure deposition of Environmental Compensation (EC) in ESCROW account within 15 days of issuance of these directions.
  - c) The ESCROW account shall be operated by Department of Sugar Industries, State Government.
  - d) Action plan for utilization of EC fund as approved by CPCB shall be made available by the industry to the Department of Sugar Industries, State Govt. for releasing funds for which appropriate methodologies shall be worked out by the State Government.
- 3) **Member Secretary**  
Uttar Pradesh Pollution Control Board,  
Building No. TC-12V, Vibhuthi Khand,  
Gomti Nagar, Lucknow - 226 010
- 4) **District Magistrate**  
Shahjahanpur, U.P.

- e) Utilization of funds shall be monitored by State Government and reported to CPCB on monthly basis (before 10th of every month).
- f) To constitute surveillance teams for monitoring sugar mills to stop any non-compliance including bypass/ discharge of untreated effluent.
- g) To organize surprise inspection of the unit on monthly basis to ensure that ETP is properly operated and treated effluent complies with environmental norms.
- h) To obtain undertaking from sugar mills that they will not indulge in bypass of effluent and will maintain functional ETP.

5) **The Superintending Engineer**  
Madhyanchal Vidyut Vitran Nigam Ltd.  
Shahjahanpur, U.P.

: To reconnect the power supply of the unit.

6) **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) In-charge, IT Division, CPCB

:with request to upload on CPCB server.

8) Master file/Guard file, WQM II, CPCB Delh

9) In-charge, F&A, CPCB

  
(PRASHANT GARGAVA)  
MEMBER SECRETARY