



Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/55/2016-17/8498

04.11.2019
06

To,

M/s New Swadeshi Sugar Mills
Narkatiyaganj, West Champaran,
Bihar-845455.

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 New Swadeshi Sugar Mills, Narkatiyaganj, West Champaran, 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 11.01.2018 by officials from CPCB, and following observations were made;

1. The Unit has installed Effluent Treatment Plant (ETP) which is comprised of Oil and Grease trap, Equalisation tank, Primary Clarifier, Aeration Tank, Secondary Clarifier, Sand and Activated Carbon Filter.
2. The analysis of treated effluent sample showed **pH-4.32** as against norms of 5.5-9.0, **BOD-175 mg/l** against norms of 30 mg/l, **COD-280 mg/l** against norms of 250 mg/l and **TSS-143 mg/l** against norms of 30 mg/l. which indicated non-compliance w.r.t. pH, BOD, COD and TSS with the effluent discharge norms prescribed under Environment (Protection) Rules, 1986.

AND WHEREAS, CPCB issued closure direction dated 27.04.2018 under Section 5 of the Environment (Protection) Act, 1986 the unit; and

WHEREAS, the Unit replied along with the adequacy assessment reports prepared by VSI, Pune vide letters dt.11.05.2018 and 18.06.2018; and

WHEREAS, the unit replies dated 15.06.2018 and 02.07.2018 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 BSPCB and CPCB was held on 10.08.2018 under Chairmanship of Chairman, Bihar State Pollution Control Board, and the following decisions are 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 letter dated 16.08.2018 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 the unit to comply the following:

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 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.

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

WHEREAS, the Unit was inspected on 26.03.2019 by officials from CPCB, and following observations were made;

1. Analysis of treated effluent sample from ETP outlet showed pH-8.05 against norms of 5.5-8.5, BOD-98 mg/l against norms of 100 mg/l, **COD- 274 mg/l** against norms of 250 mg/l, TSS- 81 mg/l against norms of 100 mg/l and TDS- 574 mg/l against norms of 2100 mg/l which indicates non-compliance w.r.t. COD with on land effluent discharge norms prescribed under Environment (Protection) Rules, 1986. MLSS in aeration tank was 1150 mg/l and MLVSS was 570 mg/l which indicate un-stabilized aeration tank and possibility of dilution of ETP system could not be ruled out.
2. Analysis of treated effluent sample collected from lagoon showed pH-8.13 as against norms of 5.5-8.5, **BOD-559 mg/l** against norms of 100 mg/l, **COD- 788 mg/l** against norms of 250 mg/l, TSS- 76 mg/l against norms of 100 mg/l and TDS- 875 mg/l against norms of 2100 mg/l which indicates non-compliance w.r.t. BOD and COD with on land effluent discharge norms prescribed under Environment (Protection) Rules, 1986.
3. The unit has not installed Flow meters at outlet of mill house and boiling house.
4. Effluent generation is estimated as 208 l/t of cane against norms of 200 lit/ton of cane crushed.
5. The unit has not installed Mechanical sludge handling system.

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

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. 32,10,000 (Rupees thirty-two lacs ten thousand only) for the non-compliance period (11.01.2018-27.04.2018), during the crushing season 2017-18; and Rs. 1,00,80,000/- (Rupees One crore eighty thousand only) for the non-compliance period (05.11.2018 to 21.04.2019), during the crushing season 2018- 19; and

WHEREAS, CPCB issued direction dated 06.06.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall deposit **Rs 1,32,90,000/-** within 15 days in CPCB account towards environmental compensation.
2. The unit shall remain closed and not operate without seeking permission from CPCB.
3. The unit shall take measures to achieve effluent generation norms as prescribed under the Environment (Protection) Rules, 1986.
4. 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.
5. The unit shall seek permission from CPCB, after compliance of the above directions, before resumption of operation.

AND WHEREAS, the unit replies vide letters dated 06.06.2019, 29.07.2019 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 VSI, Pune; 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, primary clarifier, pH correction tank, anaerobic lagoon, aeration tank with surface and diffused aerator, secondary clarifier, MGF and ACF and is adequate for treating effluent generating for 7500 TCD production.
 - b. The unit has constructed anaerobic lagoon for sulphate removal from spray pond overflow.
3. The unit has requested for the personal hearing and to wave off the levied EC amount.

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, personal hearing was held on 24.09.2019 in CPCB, Delhi and the unit represented viewpoints regarding financial constraints of the mills, delinking of EC with compliance, deposition of EC in ESCROW account, review of EC calculation from date of inspection to the end of closing of manufacturing operations, consideration of OCEMS data for compliance, characteristics of lagoon samples considered for EC, in addition to the following specific viewpoints:

1. Mill has submitted adequacy assessment of treatment facility including work completion report.
2. Mill is trying to comply with discharge norms and improving their system for reducing pollution level. Therefore, CPCB may wave off the levied EC.
3. Considering financial constraint levied EC should be waived off so that the fund could be used for environmental management.
4. Non-compliance should be considered from date of inspection to date of end of crushing season and past events should not be considered.

AND WHEREAS, during personal hearing CPCB officials considered the viewpoints of the unit and provided clarifications for the same including the following:

- a. Proper operation and maintenance of ETP is necessary even though the ETP is adequate.
- b. The treated effluent outlet was not complied with norms which indicates poor operation and maintenance of ETP.
- c. Untreated effluent is stored in lagoon which is used for irrigation on land, causing potential threat to ground water quality.

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, considering the viewpoints of the unit during personal hearing held on 24.09.2019 Environmental Compensation has been recalculated to Rs. 8,40,000/- for the period from date of inspection (26.03.2019) to date of end of crushing season (22.04.2019) as per CPCB office order dated 04.09.2019; and

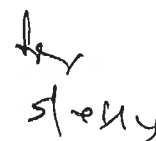
WHEREAS, CPCB constituted a Three-member committee vide office order dated 27.09.2017 having representative from CPCB, MoEF&CC and NMCG for examination and recommendation for revocation of the closure direction issued by CPCB; and

WHEREAS, the Three Member Committee in its meeting held on 25.09.2019 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 New Swadeshi Sugar Mills, Narkatiyaganj, West Champaran, Bihar) 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 Bihar State Pollution Control Board.
2. The unit shall deposit Environmental Compensation amount of Rs. 8,40,000/- (Rupees Eight Lakhs Forty 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 New Swadeshi Sugar Mills, Narkatiyaganj, West 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:

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 Industries, Government of Bihar
Department of Sugarcane Development
Vikas Bhawan, New Secretarial
Patna - 800015 (Bihar)

: 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.

3) Member Secretary

Bihar State Pollution Control Board,
Parivesh Bhawan, Plot No.-NS-B/2
Paliputra Industrial Area,
Patliputra, Patna - 800010 (Bihar)

4) District Magistrate

West Champaran,
Bettiah, Bihar

5) Superintending Engineer

Bihar State Power Holding Company
Ltd. (BSPHCL), West Champaran, Bihar

6) Regional Director

Regional Directorate
Central Pollution Control Board,
Southern Conclave, Block- 502, 5th
and 6th floor, 1582 Rajdanga main
road, Kolkata- 700107 (W.B.)

7) In-charge, IT Division, CPCB

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

9) In-charge, F&A, CPCB

- 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.
- 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.

: To reconnect the power supply of the unit.

:For follow up and ensuring compliance.

:with request to upload on CPCB server.


(PRASHANT GARGAVA)
MEMBER SECRETARY