



SPEED POST

B-190197/NGRBA (RG)/CPCB/Sugar/71/2016-17 / 8494

04.11.2019
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To,

M/s Triveni Engineering & Industries Ltd.,
Sabitgarh, Karora, Khurja Bulandshahar
Uttar Pradesh

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 & Climate Change, 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 there under and also to meet the consent conditions granted by State Pollution Control Board (SPCBs) / Pollution Control Committees (PCCs); and

WHEREAS, M/s Triveni Engineering & Industries Ltd., Sabitgarh, Karora, Khurja, Bulandshahar, 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 06.02.2018 by officials from CPCB, Delhi; and

WHEREAS, CPCB issued letter dated 16.04.2018 to the unit for compliance of the following:

1. To submit analysis reports through environmental lab recognized under the Environment (Protection) Act, 1986.
2. To submit revalidated ETP adequacy assessment report within 45 days from the date of resumption of operation to CPCB.

AND WHEREAS, the Unit replied vide letter dated 02.05.2018 & 13.06.2018 enclosing the Analysis report from EPA recognized laboratory and revalidated adequacy assessment reports by NSI, Kanpur; 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 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 were 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.

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

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 was inspected on 29.01.2019 & 30.01.2019 by NGT Monitoring Committee of Ganga Phase-I along with officials from CPCB, and following observations were made;

1. The plant has installed capacity of 6500 MT per day and was found operational at the time of inspection.
2. The mill uses ground water for its operations and the representative informed that the unit has NOC from CGWA for ground water abstraction.
3. The sugar plant has an ETP of 650KLD treatment capacity based on ASP technology.
4. The ETP area is odorous and poorly maintained.
5. The drains around the plant are choked and carry extremely black and thick effluent.
6. A lagoon is made at the back of the factory with construction going on in the intervening area. Since the area is fenced off for construction, lagoon is not accessible.
7. The committee could see pipes laid from lagoon and water getting utilised for irrigation in the fields.
8. The treated effluent showed pH-7.92 against norms of 5.5-8.5, BOD-30 mg/l against norms of 100 mg/l, COD- 153 mg/l against norms of 250 mg/l, TSS- 49 mg/l against norms of 100 mg/l and TDS- 1752 against norms of 2100 mg/l at outlet of the ETP as per on-land effluent discharge norms.

AND WHEREAS, CPCB issued letter dated 11.03.2019 to the unit for compliance of the following;

1. The unit shall implement the observation & recommendation of the revalidated adequacy assessment of ETP.
2. The unit shall install sealed flow meters along with running hours meters on bore wells so as to ascertain usage of fresh water for various uses.
3. The unit shall install flow meters at major areas of cold and hot water consumption.
4. The unit shall install flow meters for measuring generation of effluent from various prominent areas.
5. The unit shall maintain logbook for individual process unit for recording daily water consumption and effluent generation also.
6. The unit shall carry out colour coding of pipelines carrying recycled process water and fresh process water.
7. The Unit shall commission mechanical sludge handling system of adequate capacity
8. The unit shall carry out analysis of effluent discharge parameters notified under Environment (Protection) Rules, 1986 and logbook shall be maintained on daily basis.
9. 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 report to CPCB within 45 days of resumption of operation.
10. The unit shall submit the implementation status of the Charter in the form of Affidavit within 15 days.

WHEREAS, the unit was inspected on 19.03.2019 by officials from CPCB, and following observations were made;

1. The unit has not installed flow meters at all the recommended places as per the charter.
2. Sludge from septic tank was spread on soil inside the premises of the unit near to lagoon.
3. Analysis result of treated effluent sample showed pH-8.5 as against norms of 5.5-8.5, BOD-06 mg/l against norms of 100 mg/l, COD- 51 mg/l against norms of 250 mg/l, TSS- 16 mg/l against norms of 100 mg/l and TDS- 1404 mg/l against norms of 2100 mg/l which indicates compliance w.r.t. surface effluent discharge norms prescribed under Environment (Protection) Rules, 1986.

4. The lagoon of the unit receives treated water of ETP as well as STP. Analysis result of sample collected from Lagoon showed pH-7.25 against the norms of 5.5-8.5, **BOD-245 mg/l** against norms of 100 mg/l, **COD-464 mg/l** against the norms of 250 mg/l, TSS-77 mg/l against norms of 100 mg/l, TDS-2048 mg/l against norms of 2100 mg/l, which indicate that unit is not complying with stipulated on-land effluent discharge norms w.r.t to **BOD and COD**.
5. The unit has not installed the mechanical sludge handling system and spray pond overflow treatment process.

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 order 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. 14,40,000/- (Rupees Fourteen Lakhs Forty Thousands Only) for the non-compliance period of (19.03.2019 to 05.05.2019); 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 14,40,000/- 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 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, before resumption of operation.

AND WHEREAS, the unit replies vide letters dated 17.06.2019 and 09.09.2019, 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 05.05.2019.
2. The unit has requested for the personal hearing and to wave off the levied EC amount
3. The unit has submitted submit adequacy assessment of treatment facility by VSI, Pune dated 19.07.2019; 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, primary clarifier, aeration tank with surface aerator, secondary clarifier, mechanical sludge removal system, MGF and ACF and is adequate for treating effluent generating from 7,000 TCD production.
 - b. The unit has installed mechanical sludge handling system.

WHEREAS, CPCB issued letter dated 16.07.2019 to the unit; and

WHEREAS, Hon'ble NGT 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. During inspection CPCB officials observed that mill was storing untreated effluent directly into lagoon. However, it was done due to breaking ETP inlet pipeline and after repairing ETP inlet pipeline mill treated effluent into ETP.
2. The unit has submitted adequacy assessment of treatment facility including work completion report.
3. The unit is trying to comply with discharge norms, also, improving their system to reduce pollution level and requested to waive- off levied EC.

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

1. Mill shall submit documentary/ photographic evidence that untreated effluent stored into lagoon due to breakage of inlet pipeline was treated in ETP after repairing the ETP inlet pipeline.
2. During inspection no arrangement for recycling of stored effluent from lagoon to ETP for treatment was observed.

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 made during personal hearing held on 18.09.2019, calculation has been rechecked for Environmental Compensation as Rs. 14,40,000/- for the period from date of inspection (19.03.2019) to date of end of crushing season (05.05.2019) 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

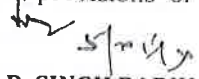
WHEREAS, the Three Member Committee in its meeting held on 25.09.2019 examined the unit's replies and recommended that the unit may be allowed to resume operation; and

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 Triveni Engineering & Industries Ltd., Sabitgarh, Karora, Khurja, Bulandshahar, 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 UPPCB.
2. The unit shall deposit Environmental Compensation amount of Rs. 14,40,000/- (Rupees Fourteen 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 Triveni Engineering & Industries Ltd., Sabitgarh, Karora, Khurja, Bulandshahar, 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)** : For kind information, please.
Ministry of Environment, Forest & C.C.
Prithvi Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
- 2) **Principal Secretary** : With directions to ensure following actions:
Sugar Industry and Cane Development
Department, "G" Block, 2/3, Mantri Wing, 4th
Floor, Bapu Bhawan, Vidhan Sabha Marg
Lucknow - 226 001
 - 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.
 - 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.
- 3) **Member Secretary**
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow - 226 010
- 4) **District Magistrate**
Bulandshahar, U.P.
- 5) **Superintending Engineer** : To reconnect the power supply of the unit.
Electricity Distribution Division
Paschimanchal Vidyut Vitran Nigam Limited
Bulandshahar-262201, U.P.
- 6) **Regional Director** : For follow up and ensuring compliance.
Regional Directorate
Central Pollution Control Board, PICUP
Bhawan, Ground Floor, Vibhuthi Khand, Gomti
Nagar, Lucknow - 226 010
- 7) **In-charge, IT Division, CPCB** : With request to upload on CPCB server.
- 8) Master file/Guard file, WQM II, CPCB Delhi
- 9) In-charge, F&A, CPCB


(PRASHANT GARGAVA)
MEMBER SECRETARY