



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA
SPEED POST

B-190198/WQM-II(RG)/CPCB/Sugar/41/2016-17 / 8499

04.11.2019
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To,

M/s The Kisan Sahkari Chini Mill Ltd.
Tilhar, Shahjahanpur,
Uttar Pradesh-242307

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 Kisan Sahkari Chini Mill Ltd., Tilhar, 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 29.01.2018 by officials from CPCB, and following observations were made:

1. During the inspection, the Unit and ETP were operational.
2. Effluent Treatment Plant (ETP) comprises of Equalisation Tank, Primary Clarifier, Aeration Tank, Secondary Clarifier & Tertiary treatment (Filtration units).
3. Analysis of treated effluent sample showed pH-6.59 (norm 5.5-9.0), **BOD-186mg/l** (norm of 30 mg/l), **COD-301 mg/l** (norms 250 mg/l) and TSS-77.2 mg/l (norm 100 mg/l) which indicated non-compliance w.r.t. BOD, COD with the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.
4. MLSS in aeration tank was **440 mg/l** which indicated unstabilised Activated Sludge Process system due to poor operation and maintenance of ETP system and there is possibility of dilution of ETP system.
5. The analysis of underground water sample showed **Total Hardness-270 mg/l** as against norms of 200 mg/l, **Ca²⁺- 75.2 mg/l** against norms of 75 mg/l and **Alkalinity-357 mg/l** against limit of 200 mg/l which is higher than the permissible limit of Bureau of Indian Standards (BIS).
6. Total wastewater generation is **421.84 Litre/ tonne** which is higher than the permissible limit.
7. The Unit has installed 03 low pressure boilers (02 of 20 TPH & 01 of 30 TPH capacity) for power generation. Wet scrubbers are installed as APCDs for these boilers. The flue gases are finally emitted through stack of more than 30 m height.

AND WHEREAS, CPCB issued direction dated 16.04.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit to close down its operations; and

WHEREAS, the compliance status of the direction 16.04.2018 submitted by the unit vide letter dated 30.4.2018 was examined; and

WHEREAS, the Unit submitted the revalidated adequacy assessment report prepared by VSI, Pune vide letter dated 09.06.2018; 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.
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 17.7.2018, 30.7.2018, and 24.08.2018 submitted their compliance status of the Charter; and

WHEREAS, CPCB issued directions dated 22.10.2018 under Section 5 of Environment (Protection) Act, 1986 to permit the unit to resume operations; and

WHEREAS, the unit vide letters dated 23.10.2018, 24.10.2018 and 19.03.2019 submitted information regarding Molasses management, Water balance and ETP Adequacy verification report; and

WHEREAS, the unit was inspected on 30.03.2019 by team of CPCB officials and following observations were made;

1. Wastewater generation is 192.49 l/ton of cane crushing against the norm of 200 l/ton of cane crushing.
2. Analysis of ETP outlet sample showed pH 6.38 (against norm 5.5-8.5), BOD 88.4 mg/l (against norm 100 mg/l), **TSS 473 mg/l** (against norm 100 mg/l) and **COD 354 mg/l** (against norm 250 mg/l), which indicate non-compliance in terms of TSS, COD of on land effluent discharge norms prescribed under Environment (Protection) Rules, 1986. MLSS in aeration tank was 2174 mg/l.
3. Spray pond overflow was discharged directly without any treatment, outside the premises and the characteristics of effluent discharge was pH 6.68 (norm 5.5 to 8.5), **TSS 246 mg/l** (norm 100 mg/l), BOD 58.4 mg/l (norm 100 mg/l), **COD 310 mg/l** (norm 250 mg/l) and TDS 743 mg/l (norm 2100 mg/l), which indicates non-compliance.
4. Analysis of effluent sample collected from lagoon showed pH 7.32 (norm 5.5-8.5), COD 292 mg/l (norm 250 mg/l), BOD 75.6 mg/l (norm 100 mg/l), TSS 110 mg/l (norm 100 mg/l) and TDS 684 mg/l (norm 2100 mg/l) which indicate non-compliance in terms of COD, TSS of on land effluent discharge norms prescribed under Environment (Protection) Rules, 1986.
5. The unit has multiple outlets for discharge of effluents.
6. The unit has permission for one bore-well from CGWAs for ground water abstraction but has two functional bore-wells.
7. Boiler ash is dumped indiscriminately within the premises.
8. The mill has not installed the mechanical sludge handling system as well as the colour coding of the process pipelines is not done.

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. 34,50,000/- (Rupees Thirty Four lakhs Fifty thousand only) for the non-compliance period (29.01.2018 to 23.05.2018), during the crushing season 2017- 18; and Rs. 1,05,60,000/- (Rupees One Crore Five Lakhs Sixty thousand only) for the non-compliance period (18.11.2018 to 12.05.2019) 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 1,40,10,000/- within 15 days in CPCB account towards environmental compensation.
2. The unit shall remain closed and shall 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 22.06.19, 7.09.2019, 21.09.2019 and 26.09.2019 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 12.05.2019
2. The unit has submitted adequacy assessment of treatment facility by VSI, Pune dated 07.09.2019; 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, MGF and ACF and is adequate for treating effluent generating for 2500 TCD production.
3. Unit was 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 18.09.2019 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. CPCB has not considered Online Continuous Effluent Monitoring System (OCEMS) data and logbooks maintained by the units during preparation of direction.
2. Methodology for calculation of Environmental Compensation (EC) is not provided by CPCB and number of days of violation considered for calculating EC amount may be re-verified based on RT8C form.
3. The unit has submitted the adequacy report prepared by VSI, Pune which indicate adequate ETP system which was not considered during issuance of the direction.
4. The unit is facing huge financial loss, therefore, CPCB may waive off the levied EC amount.
5. Non-compliance should be considered from date of inspection to date of closure and past non-compliance 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. OCEMS has been installed for self-regulatory purpose and for the monitoring compliance by SPCB/ CPCB. The OCEMS data are not being used for regulatory purpose. Since, the unit has to meet the norms all the time, the manual grab samples are being considered for verification of compliance status. Further, OCEMS was not found to be properly calibrated since long and their operation and maintenance was faulty and therefore, data generated from OCEMS could not be relied upon.

- b. Copy of the Methodology for assessing Environmental Compensation was provided to the representatives of the sugar mills.
- c. The unit was bypassing untreated effluent and for such violation CPCB may prosecute the unit.
- d. CPCB has issued closure direction and levied EC for non-compliance with effluent discharge norms and bypassing of untreated effluent only and not for charter compliance which includes installation of flow meter and colour coding of pipe.
- e. Though the sugar mills have prepared the adequacy assessment report from VSI which indicates that ETPs are adequate, however, operation and maintenance of ETPs were found poor.

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, Environmental Compensation has been recalculated as Rs. 13,20,000/- for the period from date of inspection (30.03.2019) to date of end of crushing season (12.05.2019) 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

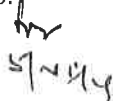
WHEREAS, the Three Member Committee in its meeting held on 04.10.2019 examined the unit's replies and recommended that the unit may be allowed to resume operation; and

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 Kisan Sahkari Chini Mill Ltd., Tilhar, 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 valid consent from UPPCB.
2. The unit shall deposit Environmental Compensation amount of Rs. 13,20,000/- (Rupees Thirteen Lakh Twenty Thousand 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 **Kisan Sahkari Chini Mill Ltd., Tilhar, 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)** : 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, Babu
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**
Shahjahanpur-242307, U.P.
- 5) **The Superintending Engineer** : To reconnect the power supply of the unit.
Madhyanchal Vidyut Vitaran Nigam
Limited, Shahjahanpur, U.P.

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 Delhi**

9) In-charge, F&A, CPCB


(PRASHANT GARGAVA)
MEMBER SECRETARY