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B-190198/WQM-II(RG)/CPCB/Sugar/65/2016-17/8502

04.11.2019

To,

M/s Lakshmiiji Sugar Mills Co. Ltd.
(Prop. M/s Shree Ajudhia Sugar Mills)
Raja-Ka-Sahaspur, Bilari, Moradabad,
Uttar Pradesh-202415

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 Lakshmiiji Sugar Mills Co. Ltd., (Prop. M/s Shree Ajudhia Sugar Mills) Raja-Ka-Sahaspur, Bilari, Moradabad, U.P. (hereinafter referred as 'the unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, the unit [M/s Lakshmiiji Sugar Mills Co. Ltd., (Prop. M/s Shree Ajudhia Sugar Mills) Raja-Ka-Sahaspur, Bilari, Moradabad, U.P.] was inspected on 09.01.2018 by officials from CPCB, Delhi and following observations were made:

1. The unit does not have valid authorization of Hazardous Waste Management.
2. The analysis of treated effluent sample shows pH-7.89 as against norms of 5.5-9.0, BOD-12 mg/l against norms of 30 mg/l, COD-50 mg/l against norms of 250 mg/l and TSS-33 mg/l against norms of 30 mg/l.
3. Waste water generation is **257.28 Litre/ tonne** (83.68 L/t from ETP outlet + 173.6 L/t from Spray pond overflow) which is higher than the permissible limit.
4. The treated effluent is being discharged through the pipeline which opens outside the industrial premises into nearby drain.
5. At the time of visit, the drain was found carrying the hot effluent being discharged from industrial premises. The drain shortly opens into the Sot River which is a tributary of river Ganga.
6. The unit is abstracting water through bore well which is provided with flow meter. The final reading as recorded from bore well at the time of visit was 4356.1 m³. The minimum consumption of water is approximately 96-100 KLD.
7. The unit has not submitted the irrigation management plan.
8. The unit has not submitted the ETP adequacy assessment report within 45 days to CPCB.

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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

AND WHEREAS, a show cause notice was served to the Unit on 11.04.2018 under Section 5 of Environment (Protection) Act, 1986; 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 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.

AND WHEREAS, the Unit replied vide letters dated 04.05.2018, 04.06.2018, 06.06.2018, 19.07.2018, 28.07.2018 and 31.08.2018 and submitted implementation status of Charter, validation report on water balance & ETP adequacy assessment, irrigation management plan; and

WHEREAS, CPCB issued letter dated 12.11.2018 to the unit to comply with the following directions;

1. The Unit shall operate within the ETP capacity available.
2. The Unit shall operate the effluent treatment plant properly as to achieve the notified treated effluent discharge standards as per Standard G.S.R. 35 (E), MoEF&CC, January 14, 2016.
3. The unit shall implement the observation & recommendation of the revalidated adequacy assessment of ETP.
4. The unit shall install sealed flow meter along with running hours meter on bore wells to ascertain usage of fresh water for various uses.
5. The unit shall install flow meters at major areas of cold and hot water consumption.
6. The unit shall install flow meters for measuring generation of effluent from various prominent areas.
7. The unit shall maintain logbook for individual process unit for recording daily water consumption and effluent generation also.
8. The unit shall carry out colour coding of pipelines carrying recycled process water and fresh process water.
9. The Unit shall commission mechanical sludge handling system of adequate capacity.
10. The Unit will carry out analysis of parameters of treated effluent notified under Environment (Protection) Rules, 1986 on daily basis and maintain its logbook.

11. 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.
12. 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 Government institutes 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 02.04.2019 by team of CPCB officials and following observations are made;

1. The unit and ETP were operational during the inspection.
2. Secondary clarifier of the ETP requires improvement/upgradation.
3. No flowmeter was found installed at all recommended points in process, except for imbibition water.
4. No logbook was maintained for flowmeter installed in process.
5. No mechanical sludge handling system was found installed.
6. No logbook was found maintained for flowmeter installed on the final outlet of ETP.
7. Lagoon made for storing treated effluent was found filled with molasses.
8. The unit discharges treated effluent into a drain (near railway track) outside the premises. Sample was collected from the drain at a distance approximately 1.5km downstream from the unit's location and sample analysis showed pH-7.32 against norms of 5.5-9.0, **BOD-536mg/l** against norms of 30 mg/l, **COD-1045 mg/l** against norms of 250 mg/l, **TSS- 195 mg/l** against norms of 30 mg/l and TDS- 2048 mg/l against norms of 2100 mg/l which indicate non-compliance with effluent discharge norms on surface water.
9. Unlined/permeable lagoon also observed within unit's premises near the main gate containing diluted molasses. Analysis of sample from lagoon shows **pH-4.70** against norms of 5.5-9.0, **BOD- 26861mg/l** against norms of 100 mg/l, **COD-90960 mg/l** against norms of 250 mg/l, **TSS- 6710 mg/l** against norms of 100 mg/l and **TDS- 63610 mg/l** against norms of 2100 mg/l which indicate storage of molasses in unlined lagoon posing potential threat to ground water pollution.
10. Analysis of treated effluent sample from ETP outlet showed pH-6.85 as against norms of 5.5-9.0, **BOD-1020 mg/l** against norms of 30 mg/l, **COD- 3264 mg/l** against norms of 250 mg/l, **TSS- 354 mg/l** against norms of 30 mg/l and **TDS- 3900 mg/l** against norms of 2100 mg/l which indicates non-compliance as per the surface water effluent surface discharge norms prescribed under Environment (Protection) Rules,1986 with surface discharge norms applicable as the unit is discharging the treated effluent in drain outside industry premises.

AND WHEREAS, Hon'ble National Green Tribunal (NGT), vide its order 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. 41,70,000/-** (Rupees Forty-one Lakhs seventy thousand only) for the non-compliance period of (01.12.2018 to 18.04.2019); and

WHEREAS, CPCB issued direction dated 21.06.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall deposit **Rs. 41,70,000/-** 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 empty the molasses stored in unlined lagoon immediately and molasses should be stored in RCC tank.
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's replies vide letters dated 01.08.2019, 24.09.2019 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 18.04.2019.
2. The unit has submitted photographic evidence regarding removal of molasses from lagoon making it empty and ensured that they will not store molasses in lagoons.
3. The unit vide letter dated 26.09.2019, submitted adequacy assessment of treatment facility prepared by VSI, Pune; including work completion report regarding implementation of the recommendations of the adequacy report. As per the report,
 - a. ETP system of the unit comprises of bar screen chamber, O&G trap, equalization tank with aeration, pH correction tank, primary clarifier, aeration tank, secondary clarifier, MGF, ACF, sludge drying bed, treated effluent storage tank, centrifuge and filter press. ETP is adequate for treating effluent generating from 3,000 TCD production.
 - b. Average fresh water consumption by the unit is 63.93 m³/day while average effluent generation is about 381.1 m³/day (i.e., 133.44 LTR/MT of cane crushed).
 - c. Spray pond overflow is being treated in existing ETP comprising of activated sludge process with adequate capacity to treat effluent and spray pond overflow together.
4. The unit has undertaken remedial measures w.r.t. observations made during CPCB inspection dated 02.04.2019.

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. The unit has stored molasses in the storage tank for more than stipulated time because during that time, cost of molasses in the market was very less, and as per the order by District Magistrate mill has stored the molasses in their premises.
2. Considering financial constraint, the levied EC should be waived off so that the fund could be used for environmental management.
3. 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:

1. The unit shall not store molasses in storage tanks for long duration of time.
2. Discharge of untreated effluent into drains has been observed. ETP outlet showed discharge of untreated effluent.

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

1. 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.
2. Direction for closure or revocation and direction for imposition of EC to be dealt separately.

AND WHEREAS, considering the viewpoints of the unit made during personal hearing held on 24.09.2019, Environmental Compensation has been recalculated as Rs. 5,10,000/- for the period from date of inspection (02.04.2019) till the date of end of crushing season (18.04.2019) as per CPCB office order dated 04/09/2019; and

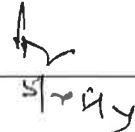
WHEREAS, CPCB constituted a Three-member committee vide office order dated 27.09.2017 having representative from CPCB, MoEF&CC and NMCG for examination and recommendation for revocation of the closure direction issued by CPCB; and

WHEREAS, the Three Member Committee in its meeting held on 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 Lakshmiiji Sugar Mills Co. Ltd., (Prop. M/s Shree Ajudhia Sugar Mills) Raja-Ka-Sahaspur, Bilari, Moradabad, 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 Pollution Control Board.
2. The unit shall deposit Environmental Compensation amount of Rs. 5,10,000/- (Rupees Five Lakhs Ten 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 a 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 Lakshmi Sugar Mills Co. Ltd., (Prop. M/s Shree Ajudhia Sugar Mills) Raja-Ka-Sahaspur, Bilari, Moradabad, 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**
Moradabad, U.P.
- 5) **Superintending Engineer** : To reconnect the power supply of the unit.
Paschimanchal Vidyut Vitran Nigam
Limited Moradabad, 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
- 8) Master file/Guard file, WQM II, CPCB
Delhi
- 9) In-charge, F&A, CPCB

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(PRASHANT GARGAVA)
MEMBER SECRETARY