



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/40/2016-17/8507

04.11.2019
06

To,

M/s Kisan Sahkari Chini Mill Ltd.
Semikhera, Bareilly
U.P.-243203

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., Semikhera, Bareilly, 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 24.01.2018 by officials from CPCB, Delhi and following observations were made;

1. The unit has **bypass arrangement** for untreated effluent through drainage to local drain. Analysis of effluent sample collected from bypass drain showed **BOD-656 mg/l, TSS-438 mg/l & COD-1130 mg/l** which indicated discharge of untreated effluent.
2. The unit operated two ETP plants with capacity 500m³ & 700m³ respectively, having common outlet for both the ETPs and its analysis of treated effluent sample showed pH-6.3, against 5.5-9.0, **TSS- 274** against 30 mg/l, **BOD-572 mg/l** against 30 mg/l, **COD- 1027 mg/l** against 250 mg/l at the common outlet of both the ETPs which indicates non-compliance with the effluent discharge norms prescribed under Environment (Protection) Rules, 1986.
3. The final wastewater discharge is **235 l/ton** which is higher than the permissible limit.

AND WHEREAS, CPCB issued closure direction dated 05.03.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit: and

WHEREAS, the Unit's reply vide letter dated 20.03.2018 was examined; and

WHEREAS, the Unit submitted the adequacy assessment reports prepared by VSI, Pune vide letters dt. 08.06.2018 which was examined and following observations were made:

1. Flow meters to be installed at major unit operations to ascertain and control hot and cold-water requirement.
2. Flow meters to be installed at various consumption points.
3. Flow meters to be installed at ETP inlet and outlet.
4. The unit shall make proper arrangement either to arrest the leakage or collect the leakage material shift to safety place.
5. The unit shall avoid the hot wastewater generation by chemical boiling of evaporator bodies and saving follow hydro jet systems.
6. The unit shall adopt a technology to reduce the steam utilization to reduce the use of fresh water.
7. Effluent generation is estimated as 174.17 litre/tonne for cane crushed.

'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, 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 vide letter dated 28.7.2018 submitted their compliance status of the Charter, which was examined and following observations were made:

1. The unit is in the process of installing necessary flow meters at requisite points as prescribed under the Charter and has assured completion of the same by 30.09.2018.
2. The unit has submitted action plan/ compliance report on upgradation of ETP.
3. The unit is maintaining proper logbook for bore-well readings thereby recording their fresh water consumption on regular basis.
4. The unit has stated that no untreated/ partially treated effluent is being discharged on land.
5. The unit shall employ hydro-jet for cleaning of heat exchanger unit.
6. The unit has planned to arrange training for its technical staff on ETP Operation and Maintenance.
7. The unit has submitted compliance report on BMT for Water Recycling and Pollution Prevention.

AND WHEREAS, CPCB issued direction dated 22.10.2018 under Section 5 of the Environment (Protection) Act, 1986 the unit to comply with the following directions before commencement of crushing season 2018-2019:

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.
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.
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 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 28.03.2019 by officials from CPCB, Delhi and following observations area made:

1. The unit does not have valid consent under Water Act & Air Act. The consent was expired on 31.12.2017 and the unit has applied for the renewal of the same.
2. The wastewater generation in the unit is 164 liter/ton of cane crushing against the 200 liter/ ton of cane crushing.
3. The spray pond overflow of unit was being directly discharged outside premises of the unit without any treatment.
4. The MLSS in Aeration tank was found 2084 mg/l.
5. Analysis of treated effluent sample collected from ETP outlet showed pH: 7.47 (norms: 5.5-8.5), COD: 207 mg/l (norms: 250 mg/l), BOD: 49.01 mg/l (norms: 100 mg/l), TSS: 15 mg/l (norms: 100mg/l), TDS: 631 mg/l (norms: 2100 mg/l) and Oil & Grease: BDL (norms: 10 mg/l).
6. Analysis of effluent collected from lagoon, showed pH-7.33 (norms: 5.5-8.5), **BOD 115 mg/l against the norms of 100 mg/l, COD 669 mg/l against the norms of 250 mg/l**, which indicate non-compliance under the prescribed norms.
7. The unit operated their manufacturing operations without obtaining the valid consent from the Uttar Pradesh Pollution Control Board, which is in violation of CPCB direction dated 22.10.2018 issued under section 5 of the Environment (Protection) Act, 1986;

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. 31,80,000/- (Rupees Thirty-One lacs eighty thousand only) for the non-compliance period (24.01.2018 to 09.05.2018) and Rs.99,60,000/- (Rupees Ninety-Nine Lacs Sixty Thousand only) for the non-compliance period (28.11.2018 to 12.05.2019) for the crushing season 2018-19; and

WHEREAS, CPCB issued direction dated 24.05.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall deposit Rs 1,31,40,000/- 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 government institute; including work completion report regarding implementation of the recommendations of the adequacy report within 45 days.
4. The unit shall obtain consent under water and Air acts and authorization of Hazardous waste from UPPCB.
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 22.06.2019 were examined and following observations are made:

1. The unit has closed its manufacturing operations on 12.05.2019.
2. Unit was requested for the personal hearing and to wave off the levied EC amount.
3. The unit has submitted adequacy assessment of treatment facility by VSI, Pune; dated January 2019, including work completion report regarding implementation of the recommendations of the adequacy report.

- a. Earlier, unit operated two ETP plants having capacity 500m³ & 700m³ respectively. It was suggested by VSI to operate only one ETP plant & the unit has implemented the same as per suggestion.
- b. 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, secondary clarifier, chlorination tank, MGF and ACF and is adequate for treating effluent generating from 2,750 TCD production.

AND WHEREAS, CPCB issued letter dt. 25/07/2019 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, 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:

- a. CPCB has not considered Online Continuous Effluent Monitoring System (OCEMS) data and logbooks maintained by the units during preparation of direction.
- b. Methodology of calculation of Environmental Compensation (EC) is not provided by CPCB and days of violation for calculating EC amount may be re-verified based on RT8C form.
- c. 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.
- d. Sugar mills are facing huge financial loss, thus, they are not able to deposit levied EC amount. Therefore, CPCB may waive off the levied EC amount.

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/monitoring and 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 made during personal hearing held on 18.09.2019, Environmental Compensation has been recalculated as Rs. 13,80,000/- for the period from date of

inspection (28.03.2019) 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

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 Mills, Semikhera, Bareilly, U.P.) is directed comply with the following directions before commencement of crushing season 2019-2020. The unit shall comply with the following directions;

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. 13,80,000/- (Rupees Thirteen Lakhs Eighty 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 Kisan Sahkari Chini Mills, Semikhera, Bareilly, 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, 4th
Floor, Babu Bhawan, Vidhan Sabha Marg
Lucknow - 226 001

: With directions to ensure following actions:

3) **Member Secretary**
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow - 226 010

- 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.

4) **District Magistrate**
Bareilly, U.P. -243203

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.

5) **Managing Director**
Madhyanchal Vidyut Vitran Nigam Limited
Head Office 4-A, Gokhale Marg, Lucknow- 226001

: 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 Delhi

9) In-charge, F&A, CPCB


(PRASHANT GARGAVA)
MEMBER SECRETARY