



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-190197/WQM-II/RG/CPCB/SUGAR/79/2016-17/8506

05.11.2019
06

To,

M/S VISHNU SUGAR MILLS LTD.
GOPALGANJ,
BHAR-841428

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 Vishnu Sugar Mills Ltd., Gopalganj, 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 07.01.2018 by officials from CPCB to verify the compliance status of the Unit and following observations were made;

1. During inspection both unit & ETP found operational.
2. The unit has valid consent under Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981 up to 30.06.2018.
3. The unit has installed full-fledged ETP based on Primary, Secondary & Tertiary treatment process. ETP comprises of oil skimmer, Equalization tank, Primary clarifier, Aeration tank, Secondary Clarifier, Activated Carbon filter, Sand filter & Sludge drying beds.
4. During inspection, ETP samples were collected from Aeration tank and outlet of ETP to assess the performance of ETP. Analysis of ETP outlet effluent sample showed pH 7.81 (against norms 5.5-8.5), BOD 06 mg/L (against norms 30 mg/L), COD 58 mg/L (against norms 30 mg/L) and TSS 14 mg/L (against norms 30 mg/L). However, MLSS and MLVSS in aeration tank are **348 mg/l and 322 mg/l**, which indicates improper stabilization of aeration tank.
5. OCEMS system installed and connected to CPCB/SPCB servers.
6. Treated effluents are stored in lagoon and utilized in cleaning and irrigation purposes.
7. Unit has not submitted the irrigation management plan validated by expert institutes namely NSI, Kanpur/VSI, Pune/Agricultural institute.

AND WHEREAS, a show cause notice was served to the Unit dated 23.05.2018 under section 5 of the Environment (Protection) Act, 1986; and

WHEREAS, the Unit has submitted the Water Balance & ETP Adequacy Verification report duly verified by VSI, Pune vide their letter dated 01.06.2018; 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; and

WHEREAS, a meeting of sugar mills operating in the State of Bihar, representatives of Bihar State Pollution Control Board (BSPCB) and CPCB was held on 10.08.2018 under Chairmanship of Chairman, BSPCB and the following decisions were 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 has submitted the implementation status of Charter vide letter dated 17.08.2018; and

WHEREAS, CPCB issued direction dated 05.11.2018 under section 5 of the Environment (Protection) Act, 1986 to the Unit to comply with the following directions before commencement of crushing season 2018-2019;

1. The unit shall obtain the valid consents to operate 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 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.

7. The unit shall carry out colour coding of pipelines carrying recycled process water and fresh process water.
8. Unit shall submit the irrigation management plan duly validated by VSI/NSI/IITs.
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 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 vide letter dated 10.12.2018 submitted their compliance status which was examined and following observations were made:

1. The unit has obtained valid consents to operate from the Bihar State Pollution Control Board with validity up to 30.06.2023.
2. The unit has installed flow meters at requisite locations.
3. The unit maintains logbook for individual process unit for recording daily water consumption and effluent generation.
4. The unit is carrying out colour coding of pipelines.
5. The unit is carrying out analysis of parameters of treated effluent on daily basis.
6. The unit has submitted the implementation status of the charter in the form of Affidavit.

AND WHEREAS, the unit was inspected on 26.03.2019 by team of CPCB officials and following observations are made;

1. Analysis of treated effluent sample showed pH- 8.01 against the norms of 5.5-8.5, **BOD-152 mg/l** against norms of 100 mg/l, **COD-639** against norms of 250mg/l and **TSS-528 mg/l** against norms of 100 mg/l, which indicate non-compliance *w.r.t.* BOD, COD and TSS with on-land discharge norms prescribed under Environment (Protection) Rules, 1986.
2. The unit has not maintained record for the usage of treated water in irrigation.

AND WHEREAS, the unit vide letter dated 18.04.2019 submitted their compliance report including actual assessment of water consumption and effluent generation of season 2018-19 validated by VSI, Pune; and

WHEREAS, the unit vide letter dated 05.05.2019 submitted irrigation management plan validated by Chandra Shekhar Azad University of agriculture and technology, Kanpur; 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. 43,80,000/- (Rupees Forty-three Lakhs eighty thousand only) for the non-compliance period of (19.11.2018 to 13.04.2019); and

WHEREAS, CPCB issued direction dated 12.07.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall deposit Rs 43,80,000/- 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 25.08.2019 and 13.09.2019, 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 13.04.2019.
2. Unit was 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; 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 with tube settler, anaerobic lagoon, aeration tank with surface and diffused aerator, secondary clarifier, MGF and ACF and is adequate for treating effluent generating from 5,000 TCD production.
 - b. The unit has constructed anaerobic lagoon for sulphate removal from spray pond overflow.

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. Due to mechanical fault the aeration tank was un-stabilized during inspection, resulting in non-compliance of norms.

2. Adequacy report prepared by VSI, Pune indicates that ETP is adequate which should be considered by CPCB. One time non-compliance should not be basis for environmental compliance and closure.
3. Considering financial constraint the 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:

1. Proper operation and maintenance of ETP is necessary even though the ETP is adequate.
2. The treated effluent outlet was not complied with norms which indicates poor operation and maintenance of ETP.
3. ETP of unit was found diluted during inspection in the last crushing season.
4. Directions were issued based on non-compliance of treated effluent discharge norms only.

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 18.09.2019, Environmental Compensation has been recalculated as Rs. 5,70,000/- for the period from date of inspection (26.03.2019) to date of end of crushing season (13.04.2019) 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 Vishnu Sugar & Energy Ltd., Gopalganj, Bihar) is directed 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. 5,70,000/- (Rupees Five Lakhs Seventy 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 effluent by 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 Vishnu Sugar Mills Ltd., Gopalganj, 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
- 2) **Principal Secretary**
Sugar Industries, Government of Bihar
Department of Sugarcane Development
Vikas Bhawan, New Secretarial
Patna - 800015 (Bihar)
- 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**
Gopalganj, Bihar-843327

: For kind information, please.

: 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.
- 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.

5) **Superintending Engineer**
North Bihar Power Distribution Company
Ltd., Gopalganj, Bihar

: To reconnect the power supply of the unit.

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.)

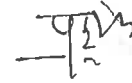
:For follow up and ensuring compliance.

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