



Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/37/2016-17/2565

05.11.2019  
06

To,

Kisan Sahkari Chini Mill  
Gajraula, Hasanpur, Amroha,  
J.P. Nagar-244241, U.P.

**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**, Kisan Sahkari Chini Mill, Gajraula, Hasanpur, Amroha, J.P. Nagar, 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 17.01.2018 by officials from CPCB, Delhi and following observations were made;

1. The Unit was found operational at the time of inspection and ETP was functional.
2. The Unit has installed two bore wells. Fresh water consumption is 2064 KLD, including domestic water consumption of 1857.6 KLD.
3. The Unit has installed flow meters at the inlet as well as at outlet of ETP.
4. The analysis report showed pH-4.56, against 5.5-9.0, **BOD-1184 mg/l** against 30 mg/l, **COD- 1937 mg/l** against 250 mg/l and **TSS-162 mg/l**, against 30 mg/l at the outlet of ETP, which indicated non-compliance with the prescribed effluent discharge norms under Environment (Protection) Act, 1986.
5. Operation and maintenance of aeration tank of ETP system was poor as the MLSS of the aeration tank was 334 mg/l.
6. Tertiary treatment system was not in use and effluent was discharged from secondary clarifier.

**AND WHEREAS**, CPCB issued direction dated 28.02.2018 under section 5 of the Environment (Protection) Act, 1986, to the unit; and

**WHEREAS**, the Unit submitted the revalidated adequacy assessment reports and irrigation management plan prepared by VSI, Pune vide letter dt. 17.03.2018; 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 letter dated 31.07.2018 submitted their compliance status of the Charter; and

**WHEREAS**, CPCB issued direction dated 26.10.2018 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 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 govt. 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 vide letter dated 04.02.2019 submitted their compliance report including actual assessment of water consumption and effluent generation of season 2018-19 validated by VSI, Pune and following observations were made:

1. Fresh water consumption for industrial usage was observed to be 25.12 l/t of cane.
2. Total wastewater generation was observed to be 132 l/t of cane with average cane crushing rate of 2298.35 TCD.

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

1. The unit was operational at the time of inspection.
2. The unit has valid consents to operate under Water Act, 1974 and Air Act, 1981 upto 31.12.2019 for cane crushing capacity of 2500 TCD.
3. Analysis of treated effluent sample showed pH-7.6 as against norms of 5.5-9.0, **BOD-129 mg/l** against norms of 100 mg/l, **COD- 496 mg/l** against norms of 250 mg/l, **TSS- 327 mg/l** against norms of 100 mg/l and TDS- 1064 mg/l against norms of 2100 mg/l which indicates non-compliance w.r.t. BOD, COD & TSS against effluent discharge norms on land prescribed under Environment (Protection) Rules, 1986.
4. Ponding of wastewater was observed within industry premises and analysis results of sample showed **BOD- 805 mg/l, COD-1589 mg/l** and **TSS- 151 mg/l** indicating discharge of untreated effluent.
5. Analysis of treated effluent sample collected from lagoon showed pH-8.03 against norms of 5.5-9.0, BOD- 62mg/l against norms of 100 mg/l, **COD-263 mg/l** against norms of 250 mg/l, **TSS- 162 mg/l** against norms of 100 mg/l and TDS- 524 mg/l against norms of 2100 mg/l which indicates non-compliance w.r.t COD & TSS against effluent discharge norms on land prescribed under Environment (Protection) Rules, 1986.
6. Oil skimmer was found non-operational during the visit.
7. Backwash from ACF & MGF was found directly discharging on land.
8. The unit has not maintained the log book of the hot and cold water consumption.
9. The unit has not installed the flow meter at the overflow of the spray pond.
10. The unit has not complied with the direction dated 26.10.2018.

**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 to Hon'ble NGT order dated 03.08.2018 and 19.02.2019 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 was calculated as **Rs. 38,40,000/-** (Rupees Thirty-eight lakhs forty thousand only) during the non-compliance period of (17.01.2018 to 24.05.2018) and **Rs. 1,12,80,000/-** (Rupees one crore twelve lakhs eighty thousand only) during the non-compliance period of (06.11.2018 to 12.05.2019); 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 1,51,20,000/- 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 comply with the direction dated 26.10.2018.
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 replies vide letters dated 18.06.2019, 10.07.2019, 13.08.2019, 21.09.2019 and 27.09.2019 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. 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; including work completion report regarding implementation of the recommendations of the adequacy report vide letter dated 10.07.2019. As per the report
  - a. The Unit's ETP with designed capacity of 500 m<sup>3</sup>/day is adequate.
  - 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 with diffused aerator, primary clarifier with tube settler, anaerobic lagoon, aeration tank with diffused aerator, secondary clarifier, MGF and ACF and is adequate for treating effluent generating from 2500 TCD production.
  - c. The unit has installed separate chemical treatment system 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. CPCB has not considered Online Continuous Effluent Monitoring System (OCEMS) data and logbooks maintained by the units during preparation of direction.
2. 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.
3. The unit has submitted the adequacy report prepared by VSI, Pune which indicate adequate WTP system which was not considered during issuance of the direction.
4. 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.
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:

1. 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.
2. Copy of the Methodology for assessing Environmental Compensation was provided to the representatives of the sugar mills.
3. CPCB has issued closure direction and levied EC for non-compliance with effluent discharge norms and bypassing of untreated effluent only.
4. 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:

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. 14,40,000/- for the period from date of inspection (26.03.2019) 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 Mill, Gajraula, Hasanpur, Amroha, J.P. Nagar, U.P) is directed comply with the following directions before commencement of crushing season 2019-2020;

1. The unit may resume its operation after obtaining the valid consent from Uttar Pradesh Pollution Control Board.
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 Kisan Sahkari Chini Mill, Gajraula, Hasanpur, Amroha, J.P. Nagar, 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
- 2) **Principal Secretary**  
Sugar Industry and Cane Development  
Department, "G" Block, 2/3, Mantri Wing,  
4th Floor, Bapu Bhawan, Vidhan Sabha  
Marg, Lucknow - 226 001
- 3) **Member Secretary**  
Uttar Pradesh Pollution Control Board,  
Building No. TC-12V, Vibhuthi Khand,  
Gomti Nagar, Lucknow - 226 010
- 4) **District Magistrate**  
J.P. Nagar-244241  
Uttar Pradesh

: 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 10<sup>th</sup> 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**

Paschimanchal Vidyut Vitran Nigam Ltd. J.P. Nagar-244241, U.P.

: 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