

98/WQM-II (RG)/CPCB/Sugar/39/2016-17/8504

05.11.2019
06

To,

M/s The Kisan Sahkari Chini Mills,
Puranpur, Pilibhit,
U.P.-262122

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 The Kisan Sahkari Chini Mills, Puranpur, Pilibhit, 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 01.02.2018 by officials from CPCB and following observations were made;

1. The treated effluent from secondary clarifier outlet was found to be discharged directly into the drain.
2. The Unit has bypass arrangement for untreated effluent from spray pond overflow outside the premises and analysis of treated effluent sample showed **BOD-60.5 mg/l** which indicates non-compliance with the effluent discharge norms.
3. The analysis of treated effluent sample showed pH-6.79, as against norms of 5.5-9.0, **BOD-826 mg/l** against norms of 30 mg/l, **COD- 1372 mg/l** against norms of 250 mg/l, **TSS- 200 mg/l** against norms of 30 mg/l at outlet of the ETP which indicated non-compliance w.r.t. BOD, COD & TSS with the effluent discharge norms prescribed under Environment (Protection) Rules, 1986.
4. The MLSS in aeration tank 1 and aeration tank 2 were 278 mg/l and 475 mg/l, respectively, which indicate unstabilised Activated Sludge Process system due to poor operation and maintenance of ETP system.

AND WHEREAS, CPCB issued closure direction dated 19.03.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit; and

WHEREAS, the Unit's reply dated 20.4.2018 was 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 (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 12.07.2018 & 06.08.2018 submitted their compliance status of the Charter; and

WHEREAS, the Unit was inspected on 19.12.2018 by officials from CPCB and following observations were made;

1. The unit was found operational and started the crushing on 25.11.2018.
2. ETP was found non-functional during inspection.
3. The ETP consists of bar screen, O & G trapping system, equalization tank, primary clarifier, anaerobic tank, aeration tank, secondary clarifier, MGF, ACF, sludge drying beds, and lagoon etc.
4. During inspection the primary clarifier, aeration tank-I and secondary clarifier were found empty.
5. Inlet line (open channel) of the ETP was found with provision of bypassing the untreated effluent to outside Nallah and the characteristics of effluent being bypassed showed pH-5.58, as against norms of 5.5-9.0, **BOD-3420 mg/l** against norms of 30 mg/l, **COD- 4943 mg/l** against norms of 250 mg/l, **TSS- 422 mg/l** against norms of 30 mg/l which indicated non-compliance w.r.t. BOD, COD & TSS with the effluent discharge norms prescribed under Environment (Protection) Rules, 1986.
6. From aeration tank-II, partially treated effluent was being by-passed to local drain outside the premises and the characteristics of effluent showed pH-6.61, as against norms of 5.5-9.0, **BOD- 76.5 mg/l** against norms of 30 mg/l, **COD- 234 mg/l** against norms of 250 mg/l, **TSS- 289 mg/l** against norms of 30 mg/l which indicated non-compliance w.r.t. BOD, COD & TSS with the effluent discharge norms prescribed under Environment (Protection) Rules, 1986.
7. The spray pond overflow was being directly discharged outside premises of the unit without treatment.
8. The unit has not complied with recommendations made by VSI in adequacy report.
9. OCEMS and flow meter was not installed at final discharge point of ETP.
10. The unit has installed 2 bore wells but has obtained permission from CGWA for the abstraction of ground water for one bore well.
11. Flowmeters at the bore well were found non-functional.

12. No logbook was maintained by the unit for water extraction from bore wells, ETP inlet and outlet flow, spray pond overflow, disposal of ETP sludge, press mud, etc.
13. The MLSS in aeration tank- II was found **326 mg/l** which shows unstabilized condition of ETP.

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, as per the methodology for assessing penalty and environmental compensation, the environmental compensation was levied for the non-compliance period (19.3.2018 to 30.4.2018) for the crushing season 2017- 18 as Rs. **12,60,000/-** and for the non-compliance period (25.11.2018 to 31.01.2019), for the crushing season 2018- 19 as Rs. **19,80,000/-** ; and

WHEREAS, CPCB issued direction dated 04.02.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to close down its manufacturing operations immediately and deposit Environmental Compensation of **Rs. 32,40,000** and to comply with the following directions;

1. The unit shall close down its Sugar manufacturing operations with immediate effect and shall not resume its operations.
2. The unit shall dismantle the bypass arrangements and stop discharge of untreated/ partially treated effluent discharge immediately.
3. The unit shall commission and stabilize the ETP system properly.
4. The unit shall seek permission from CPCB, after compliance of the above directions, before resumption of operation.

AND WHEREAS, the unit's reply vide letter dated 19.02.2019 was examined; and

WHEREAS, CPCB received a D.O letter dated 21.02.2019 from District Magistrate, Pilibhit wherein it was requested to withdraw closure direction dated 04.02.2019 issued to M/s The Kisan Sahkari Chini Mills, Puranpur, Pilibhit, U.P.; and

WHEREAS, the unit was re-inspected on 25.03.2019 by team of officials from CPCB and following observations were made:

1. The unit was found bypassing untreated effluent into outside nallah.
2. Inlet line of the ETP was found with provision of bypass of the untreated effluent to outside nallah. During visit bypasses were observed and samples for the same were also collected.
3. Analysis of sample of effluent being by passed through bypass-I showed **pH-4.20** against the norms of 5.5-8.5, **BOD-4053 mg/l** against the norms of 30mg/l, **COD-5339 mg/l** against the norms of 250mg/l, **TSS-355 mg/l** against the norms of 30mg/l, **TDS -2164 mg/l** against the norms of 2100mg/l which indicates non-compliance w.r.t pH, BOD, COD, TSS, TDS as per on surface effluent discharge norms of Environment (Protection) Rules,1986.
4. Analysis of sample of effluent being by passed through bypass-II showed **pH-4.99** against the norms of 5.5-8.5, **BOD-631 mg/l** against the norms of 30mg/l, **COD-857 mg/l** against the norms of 250mg/l, **TSS-149 mg/l** against the norms of 30mg/l, **TDS -1800 mg/l** against the norms of 2100mg/l which indicates non-compliance w.r.t pH, BOD, COD, TSS, as per on surface effluent discharge norms of Environment (Protection) Rules,1986.
5. MLSS in the aeration tank was 1523mg/l.
6. Analysis of effluent sample collected from ETP outlet showed **pH-7.45** against the norms of 5.5-8.5, **BOD-397 mg/l** against the norms of 100mg/l, **COD-878 mg/l** against the norms of 250mg/l, **TSS-182 mg/l** against the norms of 100mg/l, **TDS -1373mg/l** against the norms of 2100mg/l which indicates non-compliance w.r.t BOD, COD, TSS as per on land effluent discharge norms of Environment (Protection)Rules,1986.
7. The diffuser in aeration tank-I and one surface aerator in aeration tank-II were not functional.

8. The spray pond overflow of the unit was being directly discharged outside premises of the unit without any treatment.
9. The unit has obtained permission from CGWA for abstraction of ground water for one borewell. However, the unit is using two borewell within the premises to meet the fresh water requirement which is violation of the NOC given by CGWA.
10. The unit has not maintained the logbook for water extraction from borewell, ETP inlet, outlet, spray pond overflow, disposal of ETP sludge, Press mud, Boiler ash, used oil etc.

WHEREAS, Hon'ble NGT vide order dated 26.04.2019 in O.A. no. 406/2019 asked CPCB to take actions in accordance with the law; and

WHEREAS, CPCB vide letters dated 13.05.2019 & 17.05.2019 asked the unit to submit the Environmental Compensation of Rs 33,37,200/- within three weeks including simple interest @12% for the delay period; 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. 12,60,000/-** (Rupees twelve lakhs sixty thousand only) during the non-compliance period of (19.03.2018 to 30.04.2018) and **Rs. 88,80,000/-** (Rupees eighty eight lakhs eighty thousand only) during the non-compliance period of (25.11.2018 to 21.04.2019); and

WHEREAS, CPCB issued direction dated 24.07.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall deposit Rs. 1,01,40,000/- 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 dismantle the bypass arrangements and stop discharge of untreated/ partially treated effluent discharge immediately.
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 26.09.2019, 27.09.2019 and 12.10.2019 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 21.04.2019.
2. The unit has submitted photographic evidence of dismantle of bypass arrangement.
3. The unit has 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 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 ETP 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. 37,20,000/- for the period from date of inspection (19.12.2018) to date of end of crushing season (21.04.2019) 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 17.10.2019 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 The Kisan Sahkari Chini Mills, Puranpur, Pilibhit, U.P.) is directed to 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. 37,20,000/- (Rupees Thirty-Seven 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 The Kisan Sahkari Chini Mills, Puranpur, Pilibhit, 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:
 - 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).
- 3) **Member Secretary**
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow – 226 010
- 4) **District Magistrate**
Pilibhit-26212, U.P.

- 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**
Madhyanchal Vidyut Vitran Nigam Ltd.
Pilibhit, 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