



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/05/2016-17/8509

04.11.2019
06

To,

M/s Anamika Sugar Mills Ltd.
Bhandaria, Aurangabad, Bulandshahar,
U.P.-245401

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 Anamika Sugar Mill Pvt. Ltd., Bhandaria, Aurangabad, Bulandshahar (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, the unit was inspected on 06.02.2018 by officials from CPCB, Delhi and following observations were made;

1. The analysis report of treated effluent sample shows pH-7.16, against 5.5-9.0, BOD-138 mg/l against 30 mg/l, COD- 236 mg/l against 250 mg/l, TSS- 27 mg/l against 30 mg/l thereby indicating non-compliance w.r.t. BOD with effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.
2. The Unit has not submitted revalidated ETP adequacy assessment report within 45 days from the date of resumption of operation to CPCB.
3. The Unit is discharging untreated sewage outside the premises through a channel and there is a possibility of discharging the untreated effluent of the process or spray pond through this channel.

AND WHEREAS, CPCB issued Show Cause Notice dated 27.04.2018 under Section 5 of Environment (Protection) Act, 1986 to the unit; and

WHEREAS, the unit submitted the revalidated adequacy assessment reports prepared by VSI, Pune on 24.05.2018; and

WHEREAS, the unit submitted reply vide dated 17.09.2018 which was examined; and

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;

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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

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 20.07.2018 submitted their compliance status of the Charter; and

WHEREAS, CPCB issued direction dated 23.10.2018 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 implement the observation & recommendation of the revalidated adequacy assessment of ETP.
2. The unit shall maintain logbook for each individual process unit to record daily water consumption and effluent generation also.
3. The unit shall carry out colour coding of pipelines carrying recycled process water and fresh process water.
4. The unit shall carry out analysis of parameters as per Environment (Protection) Rules, 1986 on daily basis and maintain logbook of the same.
5. The unit shall submit the implementation status of the Charter in the form of Affidavit and documentary proof of the completion of the work as committed in the action plan.
6. 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 institutions 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 17.11.2018 submitted their compliance status which was examined and following observations were made;

1. The unit has implemented observations and recommendations of revalidated adequacy assessment of ETP.
2. The unit has installed flow meters at bore wells, major areas of cold and hot water consumption and for measuring generation of effluent.
3. The unit maintains logbook for individual process unit to record daily water consumption and effluent generation.
4. The unit has done colour coding of pipelines carrying recycled process water and fresh water.
5. The unit is undertaking analysis of effluent discharge parameters notified under Environment (Protection) Rules, 1986 and logbook is being maintained on daily basis.
6. The unit has requested VSI for adequacy audit of ETP.

AND WHEREAS, the unit vide letter dated 23.03.2019 submitted their compliance report including actual assessment of water consumption and effluent generation for crushing season 2018-19, duly validated by VSI, Pune and following observations were made:

1. Fresh water consumption is 67.20 l/t of cane and waste water generation from the mill is 134.36 l/t of cane.
2. Total quantity of treated effluent is being used in industry's own sugarcane field.
3. The unit has established a laboratory for water analysis, as well as appointed trained staff for operation and maintenance of ETP.

AND WHEREAS, the unit was inspected on 29.03.2019 by a team of CPCB officials and following observations were made;

1. The production unit and ETP were both operational at the time of inspection.
2. Total fresh water consumption by the sugar plant was 227m³/day.
3. Total effluent generation during inspection was 130 l/t of cane crushing.
4. The Unit stores treated effluent in the lagoon for further utilization for irrigation purpose.
5. The unit was found to bypass dark-grey colour wastewater/ untreated effluent through a cemented channel under the boundary wall. This untreated effluent was found stored in low-lying, non-lined permeable area, across the road.
6. The analysis of treated effluent sample from ETP outlet shows pH-7.29, against 5.5-9.0, **BOD-301 mg/l** against 100 mg/l, **COD- 571 mg/l** against 250 mg/l, **TSS- 251 mg/l** against 100 mg/l and TDS- 1812 mg/l against 2100 mg/l which thereby indicating non-compliance for the parameters BOD, COD, and TSS w.r.t. effluent land discharge norms prescribed under Environment (Protection) Rules, 1986.
7. Flowmeters have not been installed to measure cold water usage at following locations:
 - a) SO₂ gas cooling
 - b) B and C massecuite cooling
 - c) Final molasses cooling
 - d) Make water for shortfall at any point operation including spray pond/process cooling tower.
8. The mill was discharging the colony domestic sewage into roadside low-lying area.
9. In aeration tank, diffused aerators were found non- operational and 3 out of 4 surface aerators were operational.
10. Oil & Grease skimmer belt was worn out and is found inefficient for skimming activity.

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 on the unit, M/s Anamika Sugar Mills Ltd. was calculated as **Rs. 57,60,000/-** (Rupees Fifty-seven lakhs sixty thousand only) for the non-compliance period (04.11.2018 to 14.05.2019); and

WHEREAS, CPCB issued direction dated 23.05.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions;

1. The unit shall deposit Rs 57,60,000/- in CPCB account through demand draft in favour of EC by CPCB towards environmental compensation within 15 days from receipt of direction.
2. The unit shall close down its Sugar manufacturing operations with immediate effect and shall not resume its operations till augmentation and upgradation of ETP system is carried out.
3. The unit shall dismantle the bypass arrangements and stop discharge of untreated/ partially treated effluent discharge immediately.

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.
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 12.06.2019 and 06.07.2019, were examined and following observations are made:

1. The unit had closed its manufacturing operation on 12.05.2019.
2. The unit denied having any bypass arrangement and informed that the cemented channel has been sealed since 17.11.2018 and same had been verified by VSI team on 03.12.2018.
3. The unit has installed flow meters at all necessary points to measure cold water usage and has maintained logbook for the flowmeters.
4. The unit has submitted adequacy assessment of treatment facility by VSI, Pune including work completion report regarding implementation of the recommendations of the adequacy report vide letter dated 06.07.2019. As per the report,
 - a. The unit's ETP with designed capacity of 700 m³/day is adequate.
 - b. The ETP system comprises of bar screen chamber, O&G trap, equalization tank, primary clarifier, aeration tank with surface and diffused aerator, secondary clarifier, MGF and ACF.
 - c. The unit has installed separate clarification system for sulphate removal from cooling tower overflow.

AND WHEREAS, CPCB vide letter dated 07.08.2019 forwarded their observations 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 24.09.2019 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 does not have any arrangement for bypassing the untreated effluent and VSI have also confirmed the same during inspection.
2. The unit have installed flow meter at each point as per the charter.
3. The unit received the CPCB directions after completion of crushing season therefore mill was not able to cross verify the non-compliance of ETP outlet.
4. Considering the Unit's financial constraint, the EC levied should be waived off so that the fund could be used for environmental management.
5. 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 has to submit the documentary/photographic evidence regarding installation of flow meters.
2. Photographs of bypass drain taken during the inspection was shown which confirms that at the time of inspection there was bypass of effluent treatment.

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

1. EC for the closure direction issued on the ground of non-compliance to prescribed discharge/ emission norms shall be applied for the period between date of inspection and date of closure of manufacturing operation.
2. Direction for closure or revocation and direction for imposition of EC shall 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. 13,50,000/- for the period from date of inspection (29.03.2019) 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 of 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 Anamika Sugar Mill Pvt. Ltd., Bhandaria, Aurangabad, Bulandshahr, U.P.) is directed comply with the following directions before commencement of crushing season 2019-2020;

1. The unit may resume its operation only after obtaining valid consent from Uttar Pradesh Pollution Control Board.
2. The unit shall deposit Environmental Compensation amount of Rs. 13,50,000/- (Rupees Thirteen Lakhs Fifty 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 Anamika Sugar Mill Pvt. Ltd., Bhandaria, Aurangabad, Bulandshahar) 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).
 - 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**
Paschimanchal Vidyut Vitran Nigam Ltd.,
Urja Bhawan, Victoria Park, Meerut
250001, Uttar Pradesh
: 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