



SPEED POST

B-190198/WQM-II(RG)/CPCB/Sugar/33/2016-17/8500

05.11.2019
06

To,
M/s Bisalpur Kisan Sahkari Chini Mills Ltd.,
Bisalpur, Pilibhit,
Uttar Pradesh

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 Bisalpur Kisan Sahkari Chini Mills Ltd., Bisalpur, 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, Delhi and following observations were made;

1. During the inspection, the ETP was found operational.
2. The treated effluent from secondary clarifier outlet was found to be discharged directly into the drain.
3. Inlet channel of the ETP was found broken and untreated effluent was bypassed to outside nallah.
4. Spray pond tank was also found broken and spray pond overflow was bypassed without any treatment to outside nallah.
5. The analysis of treated effluent sample showed pH-6.71, as against norms of 5.5-9.0, **BOD- 965 mg/l** against norms of 30 mg/l, **COD- 3240 mg/l** against norms of 250 mg/l, **TSS- 290 mg/l** against norms of 30 mg/l at outlet of the ETP which indicates non-compliance w.r.t. BOD, COD & TSS with surface effluent discharge norms prescribed under Environment (Protection) Rules, 1986.

6. The analysis of treated effluent sample from lagoon is also found non-compliant w.r.t. **BOD-275 mg/l** against norms of 100 mg/l, **COD- 564 mg/l** against norms of 250 mg/l, **TSS- 143 mg/l** against norms of 100 mg/l for land discharge.
7. The MLSS in aeration tank is found 457 mg/l which indicates unstabilised Activated Sludge Process system due to poor operation and maintenance of ETP system.

~~AND WHEREAS, CPCB issued closure direction dated 28.03.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit for compliance; and~~

WHEREAS, the Unit replied along with the revalidated adequacy assessment reports and irrigation management plan prepared by VSI, Pune vide letters dt. 06.04.2018 and 02.05.2018; 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 (hereafter 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 03.08.2018 submitted their compliance status of the Charter, which was examined and following observations are 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 30.08.2018.
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 ensured to set up environmental laboratory with dedicated technical staff.
7. The unit has planned to arrange training for its technical staff on ETP Operation and Maintenance.
8. The unit has submitted compliance report on BMT for Water Recycling and Pollution Prevention.

AND WHEREAS, the Three Member Committee in its meeting held on 04.10.2018 examined the revalidated adequacy assessment report, & implementation status of the Charter and recommended that the unit may be allowed to resume operation; and

WHEREAS, CPCB issued direction dated 22.10.2018, 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 observations & recommendations of the revalidated adequacy assessment of ETP.
3. The unit shall install sealed flow meters along with running hours meters 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.

WHEREAS, the unit was inspected on 26.03.2019 by officials from CPCB and following observations were made;

1. The unit has multiple outlets for the discharge of treated/untreated effluents.
2. Wastewater generation is estimated as **425.6 L/T** of cane crushing and it exceeds the standards 200 L/T.
3. Analysis of ETP outlet shows pH 7.93 against norms 5.5-8.5, BOD 16.7 mg/L against norms 100 mg/L, COD 96.6 mg/L against norms 250 mg/L, TDS 924 mg/L against norms 2100 mg/L and **TSS 119 mg/L** against norms 100 mg/L which indicates non-compliance w.r.t. TSS as per on land discharge norms.

4. The spray pond overflow is being directly discharged outside the unit's premises without any treatment. Analysis of effluent sample which was being bypassed showed **pH 5.04** against norms 5.5-8.5, **BOD 1995 mg/L** against norms 30 mg/L, **COD 3519 mg/L** against norms 250 mg/L and **TSS 333 mg/L** against norms 30 mg/L as per surface effluent discharge norms.

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. 36,30,000/- (Rupees Thirty-six lakh thirty thousand only) for the non-compliance period (01.02.2018 to 01.06.2018) for the crushing season 2017-18; and Rs. 1,01,40,000/- (Rupees One Crore One Lakh Forty Thousand only) for the non-compliance period (27.11.2018 to 14.05.2019), 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 1,37,70,000/- within 15 days in CPCB account towards environmental compensation.
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 all by-pass arrangements immediately and shall submit photographic evidence to CPCB within 45 days.
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's replies vide letters dated 05.06.2019 and 14.06.2019 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 19.05.2019.
2. Unit has installed flow meters at all requisite locations except for spray pond overflow measurement.
3. Spray pond overflow water treatment system is under construction and shall be completed before the commence of crushing season 2019-20.
4. The unit requested waiver of environmental compensation and revocation of closure direction dated 24.05.2019.

AND WHEREAS, CPCB vide letter dated 30.07.2019 forwarded their observations to the Unit; and

WHEREAS, the unit's replies dated 15.07.2019, 02.08.2019, 05.09.2019, 25.09.2019 and 27.09.2019 were examined and following observations are made:

1. Unit submitted adequacy assessment report vide letter dated 15.07.2019, prepared by VSI, Pune along with work completion report. As per the report:
 - i. The ETP consists of preliminary treatment (screening and oil grease trap), primary treatment (equalization tank and primary clarifier)
 - ii. Unit has minimized fresh water consumption through storage of excess condensate (i.e., 156.67 m³/day) in overhead tank on cooling tower.
 - ii. Unit has installed separate chemical treatment system for sulphate removal but it will be connected to CPCB server in crushing season 2019-20.
2. As per action plan submitted by Unit regarding reduction of waste water generation in accordance to the recommendation of VSI, Pune:
 - i. Unit shall construct a collection tank with recirculation pump and motor to recirculate cold water and minimize fresh water consumption.
 - ii. Unit shall make arrangement to send all cooling water taken for all sulphur furnaces and air compressors to UGR/service water tank instead of injection channel.
 - iii. In order to minimize spray pond overflow, injection water shall be used at wet scrubber (APCS) through pipeline and valve arrangements.
3. Unit has closed all bypass arrangements and provided photographic evidence of the same.
5. Unit has submitted work completion report of the recommendations made by VSI, Pune in adequacy report submitted in April, 2018.
6. Unit has submitted self-certificate in compliance to CPCB closure direction dated 24.05.2019.

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 prior to issuance of closure 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.

- e. Non-compliance should be considered from date of inspection to date of end of crushing season 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 monitoring compliance by SPCB/ CPCB. ~~The OCEMS data are not being used for regulatory purpose. Since, the unit has to meet the norms at all times, 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. The unit was bypassing untreated effluent and for such violation CPCB may prosecute the unit.
4. CPCB has issued closure direction and levied EC for not complying with discharge norms and bypassing of untreated effluent and not for charter compliance which includes installation of flow meter and colour coding of pipe.
5. Although the sugar mills have submitted adequacy assessment report prepared by VSI, Pune, however, operation and maintenance of ETP was 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 and monitoring of 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. 16,50,000/- for the period from date of inspection (26.03.2019) to date of end of crushing season (19.05.2019) 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

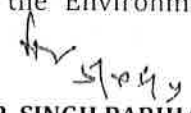
NOW, THEREFORE, in view of above observations and in exercise of the powers delegated to the Chairman, CPCB under section 5 of the Environment (Protection) Act, 1986, the unit (M/s Bisalpur Kisan Sahkari Chini Mills Ltd., Bisalpur, Pilibhit, U.P.) is directed comply with the following directions before commencement of crushing season 2019-2020;

1. The unit may resume its operation only after obtaining the valid consent from Uttar Pradesh Pollution Control Board.
2. The unit shall deposit Environmental Compensation amount of Rs. 16,50,000/- (Rupees Sixteen 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 effluents by the reputed government institute within 60 days of resumption of operation along with the implementation status of the recommendations of adequacy report of July, 2019.
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 Bisalpur Kisan Sahkari Chini Mills Ltd., Bisalpur, 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, Bapu 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.
- 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).

4) **District Magistrate**
Pilibhit, 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

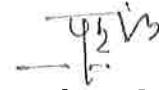
:For follow up and ensuring compliance.

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