



**SPEED POST**

B-190197/WQM-II(RG)/CPCB/Sugar/15/2016-17/18496

04.11.2019  
08

To,

M/s Dhampur Sugar Mills,  
Dhampur, Distt.-Bijnor,  
U.P.-246761

**DIRECTIONS 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 Dhampur Sugar Mills, Dhampur, Bijnor, 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 22.03.2018 by officials from CPCB, Delhi and following observations were made:

1. The Unit and ETP were operational.
2. Analysis of treated effluent sample showed pH-6.70 as against norms of 5.5-9.0, BOD-53 mg/l against norms of 30 mg/l, COD- 101 mg/l against norms of 250 mg/l, TSS- 29 mg/l against norms of 30 mg/l which indicates non-compliance w.r.t. BOD against surface water discharge norms prescribed under Environment (Protection) Rules, 1986.
3. The analysis of effluent sample collected from lagoon showed pH-7.13 as against norms of 5.5-9.0, BOD-10 mg/l against norms of 100 mg/l, COD- 36 mg/l against norms of 250 mg/l, TSS- 14 mg/l against norms of 100 mg/l which indicates compliance as per the land discharge norms prescribed under Environment (Protection) Rules, 1986.

**AND WHEREAS**, CPCB has issued show cause notice dt.07.05.2018 under section 5 of the Environment (Protection) Act, 1986 to the Unit; and

**WHEREAS**, the Unit submitted the revalidated adequacy assessment reports prepared by NSI, Kanpur vide letter dt. 10.10.2018; 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 the 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.

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

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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 directions dated 16.11.2018 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 implement the observation & recommendation of the revalidated adequacy assessment of ETP including installation of condensate polishing unit (CPU) for having boilers more than 45 kg/cm<sup>2</sup> steam pressure.
2. 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.
3. The unit shall install flow meters at major areas of cold and hot water consumption.
4. The unit shall install flow meters for measuring generation of effluent from various prominent areas.
5. The unit shall maintain logbook for individual process unit for recording daily water consumption and effluent generation also.
6. The unit shall carry out colour coding of pipelines carrying recycled process water and fresh process.
7. The Unit shall commission mechanical sludge handling system of adequate capacity.
8. The unit shall carry out analysis of effluent discharge parameters notified under Environment (Protection) Rules, 1986 and logbook shall be maintained on daily basis.
9. 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.
10. 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 government 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 20.02.2019 submitted their performance adequacy audit of ETP including assessment of actual water consumption and effluent generation for the crushing season 2018-19 validated by NSI Kanpur and following observations were made:

1. Total discharged effluent quantity was observed to be 193.81 l/t of cane with average crush rate 12211 TCD.
2. The unit has not installed flow meters at Mill, fibrizer, power turbine cooling, B and C massecuite cooling, and outlet of R.O. water reject.
3. The unit is having high pressure boilers, 105 kg/cm<sup>2</sup> and has not installed condensate polishing unit.
4. The capacity of Multi grade filter and Activated carbon filter is not adequate and should be increased to maintain 20-25 minutes contact time.

**AND WHEREAS**, the unit was inspected on 28.03.2019 by a team of CPCB officials and following observations were made;

1. The unit was operational at the time of inspection.
2. The unit has consents valid upto 31.12.2019 under the Water Act, 1974 and the Air Act, 1981 for cane crushing capacity of 14000 TCD.

3. ETP comprises of Screen bar, Equalization tank, Primary Clarifier, Aeration tank, Secondary Clarifier, and Tertiary treatment (Multigrade filter and Activated Carbon filter). However Primary Clarifier was found non-functional during the inspection.
4. The unit has installed one more Primary clarifier for the treatment of spray pond overflow that was also found non-functional during the inspection.
5. Untreated effluent was being bypassed through a separate channel into the outside drains adjacent to the premises of the mill.
6. The unit has installed the flow meters at the hot water consumption (Six locations) as well as cold water consumption (Five locations).
7. The unit has installed flow meters on all four borewells. The unit has NOC (till 27/04/2019) for ground water withdrawal from the CGWA and mill may abstract 1500 cu.m/day.
8. The unit discharges the treated /untreated effluent through Ikara Drain to Gagan River which ultimate meet into River Ram Ganga.
9. Analysis of sample of effluent being bypassed showed pH-7.43 against the norms of 5.5-8.5, BOD-56 mg/l against the norms of 30mg/l, COD-108 mg/l against the norms of 250mg/l, TSS-35 mg/l against the norms of 30mg/l, TDS -504 mg/l against the norms of 2100mg/l which indicates non-compliance w.r.t BOD and TSS as per surface effluent discharge norms of the Environment (Protection) Rules,1986.
10. MLSS in the aeration tank was 2520 mg/l.
11. Analysis of effluent sample collected from ETP outlet showed pH-7.68 against the norms of 5.5-8.5, BOD-18 mg/l against the norms of 30mg/l, COD-60 mg/l against the norms of 250mg/l, TSS-BDL (<10) mg/l against the norms of 30mg/l, TDS -1328mg/l against the norms of 2100mg/l. However, primary clarifier of ETP system was not functional and therefore, dilution of ETP system could not be ruled out.
12. Analysis of effluent sample collected from lagoon showed pH-7.46 against the norms of 5.5-8.5, BOD-22 mg/l against the norms of 100mg/l, COD-73 mg/l against the norms of 250mg/l, TSS-23mg/l against the norms of 100mg/l, TDS -748mg/l against the norms of 2100mg/l which indicates compliance as per land effluent discharge norms of the Environment (Protection) Rules,1986.

**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. 46,80,000/-** (Forty-six lakhs eighty thousand Rupees only) for the non-compliance period (11.11.2018 to 15.04.2019); and

**WHEREAS**, CPCB issued directions dated 23.04.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit 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 immediately.
3. The unit shall deposit **Rs 46,80,000/-** within 15 days in CPCB account towards environmental compensation.
4. The unit shall install flow meters at Mill, fibrizer, power turbine cooling, B and C massecuite cooling, and outlet of R.O. water reject.
5. The unit shall install condensate polishing unit for high pressure boilers, 105 kg/cm<sup>2</sup>.
6. The unit shall install Multi grade filter and Activated carbon filter of adequate capacity.
7. The unit shall install mechanical sludge handling system of adequate capacity.
8. The unit shall seek permission from CPCB for resumption of operations, after compliance of the above directions.

**AND WHEREAS**, the unit's reply vide letter dated 10.05.2019 was examined and following observations were made;

1. The unit was operational at the time of inspection on 28.03.2019.

2. Primary clarifier was not functional at the time of inspection and the whole peripheral structure of the primary clarifier sunk/ subsided in the ground on 23<sup>rd</sup>/ 24<sup>th</sup> March, 2019.
3. Extra primary clarifier for treatment of spray pond over flow was not in operation and unit installed a reactor which enables the removal of sludge from the bottom.
4. Drain valve of CBD tank, attached to the boiler developed some mechanical fault and became free from its grooves, resulting in overflow of hot water into the nearby drain. Untreated effluent bypassed through the drain to Ikara Drain to Gagan river which ultimately meet into River Ram Ganga.
5. The unit has closed its manufacturing operation on 20.05.2019.

**AND WHEREAS**, the unit has stopped its crushing season 2018-19 on 20.05.2019. The revised environmental compensation to be levied to the unit for full crushing season 2018- 19 is calculated as **Rs. 57,30,000/-** (Rupees Fifty- seven lakhs thirty thousand only) for the non-compliance period (11.11.2018 to 20.05.2019); and

**WHEREAS**, CPCB issued directions dated 01.07.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions before commencement of crushing season 2019-2020:

1. The unit shall dismantle the bypass arrangements and stop discharge of untreated/ partially treated effluent immediately.
2. The unit shall deposit **Rs 57,30,000/-** within 15 days in CPCB account towards environmental compensation.
3. The unit shall install flow meters at Mill, fibrizer, power turbine cooling, B and C massecuite cooling, and outlet of R.O. water reject.
4. The unit shall install condensate polishing unit for high pressure boilers, 105 kg/cm<sup>2</sup>.
5. The unit shall install Multi grade filter and Activated carbon filter of adequate capacity.
6. The unit shall install mechanical sludge handling system of adequate capacity.
7. The unit shall seek permission from CPCB for resumption of operations, after compliance of the above directions.

**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. Due to the high temperature of condensate water, instead of treating it into ETP, mill discharged it through the bypass channel.
2. Considering financial constraint, levied EC should be waived off so that the fund could be used for environmental management.
3. Non-compliance should be considered from the date of inspection to the 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. Primary clarifier was not functional.
2. Spray pond over flow treatment system was also not functional.
3. Photographic evidence of bypass was shown to unit's representative.
4. Effluent being bypassed was not meeting the discharge norms.

**AND WHEREAS**, CPCB vide office order dated 04.09.2019 issued a policy for levying environmental compensation (EC) for industries which prescribes that

1. EC for the closure directions issued on the ground of non-compliance of prescribed discharge/ emission norms shall be levied for the period between the date of inspection and monitoring to the date of closing of manufacturing operation.
2. Direction for closure or revocation and direction for imposition of the EC to be dealt separately.

**WHEREAS**, CPCB has examined the view points of the unit made during the public hearing. EC has been recalculated as Rs. 16,20,000/- (Rupees Sixteen lakh twenty thousand only) for the period from the date of inspection (28.03.2019) to date of end of crushing season (20.05.2019) as per office order 04.09.2019; and

**WHEREAS**, CPCB constituted a Three-member committee vide office order dated 27.09.2017 having a representative from CPCB, MoEF & CC and NMCG for examination and recommendation for revocation of the closure directions 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 the above observations and in the exercise of the powers delegated to the Chairman, CPCB under section 5 of the Environment (Protection) Act, 1986, the unit (M/s. Dhampur Sugar Mills, Dhampur, Bijnor, 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. 16,20,000/- (Rupees Sixteen 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 effluent by a reputed government institute within 60 days of resumption of operations.
5. The unit shall inform CPCB about resumption of manufacturing operations.

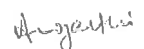
In case of default in compliance with the above directions, CPCB will be constrained to initiate action against the Unit (M/s Dhampur Sugar Mills, Dhampur, Bijnor, U.P.) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.

  
(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

3) **Member Secretary**  
Uttar Pradesh Pollution Control  
Board,  
Building No. TC-12V, Vibhuthi  
Khand,  
Gomti Nagar, Lucknow - 226 010

4) **District Magistrate**  
Bijnor, U.P.-246701

5) **The Superintending Engineer**  
Paschimanchal Vidyut Vitaran  
Nigam Limited, Bijnor, U.P.

6) **Regional Director**  
Regional Directorate  
Central Pollution Control Board,  
PICUP Bhawan, Ground Floor,  
Vibhuti Khand, Gomti Nagar,  
Lucknow - 226 010

7) In-charge, IT Division, CPCB

8) Master file/Guard file, WQM II,  
CPCB Delhi

9) In-charge, F&A, CPCB

: 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.

: To reconnect the power supply of the unit.

:For follow up and ensuring compliance.

:with request to upload on CPCB server.

  
(PRASHANT GARGAVA)  
MEMBER SECRETARY