



SPEED POST

B-190197/NGRBA (RG)/CPCB/Sugar/45/2016-17

04.11.2019
07

To,

M/s Sasa Musa Sugar Works Ltd.
Sasamusa, Gopalganj,
Bihar-811505

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 & Climate Change, 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 there under and also to meet the consent conditions granted by State Pollution Control Board (SPCBs) / Pollution Control Committees (PCCs); and

WHEREAS, M/s Sasa Musa Sugar Works Ltd. Sasamusa, Gopalganj (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, CPCB issued direction dated 27.11.2017 under Section 5 of the Environment (Protection) Act, 1986 to the unit to comply with following directions:

1. The unit shall start its operation only after obtaining valid consent from the concerned State Pollution Control Board.
2. The unit shall install & Commission ETP system upto tertiary treatment level including adequate treatment system for spray pond overflow effluent in case of double sulphitation process (Brine recovery system to be installed in case of sugar refinery having Ion Exchange Process for sugar melt de-colorization).
3. The Unit having high-pressure boiler (>45 Kg/cm²) shall install & Commission Condensate Polishing Unit (CPU) within 45 days for treatment of condensate water to ensure its reuse & recycle within the process.
4. The unit shall restrict the effluent storage capacity to 15 days.
5. The Unit shall utilise treated effluent meeting the prescribed norms for irrigation as per the irrigation management plan validated by expert institutions namely, NSI, Kanpur/ VSI, Pune/ Agricultural Institutions.
6. The unit shall implement the observation and recommendation of the adequacy report within 45 days.
7. The unit shall get the verification of implementation status of the recommendation of adequacy report including ETP performance assessment & effluent generation assessment done by the same institute which carried out adequacy assessment and submit the report to CPCB within 45 days from date of resumption of manufacturing operations.
8. The unit shall submit completion report duly verified by VSI, Pune/ NSI, Kanpur of the action plan submitted vide letter at 28-08-2017, within seven days of resumption of manufacture operation.

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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

9. The analysis result of the treated effluent shall also be submitted within 45 days through EPA recognized laboratories.
10. If the unit fails to provide the verification report duly validated by the expert institutions, the unit shall automatically stop all its manufacturing operations after 45 days from date of resumption of manufacturing operations.

WHEREAS, the Unit was inspected on 07.01.2018 by officials from CPCB and was non-operational due to accident on 20.12.2017; 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 Bihar, representatives of Bihar State Pollution Control Board (BSPCB) and CPCB was held on 10.08.2018 under Chairmanship of Chairman, BSPCB and the following decisions were made:

1. Sugar Mills shall submit an action plan to CPCB by 20.08.2018 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 15.09.2018.
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.

WHEREAS, the Unit reply dated 11.11.2018 was examined and following observations were made;

1. The unit was non-operational due to accident on 20.12.2017.
2. The unit requested to allow the unit for 90 days to submit verification and implementation status of recommendation of adequacy report and water balance by NSI, Kanpur from the date of resumption of manufacturing operation.

WHEREAS, CPCB vide letter dated 30.11.2018 allowed the unit to submit verification and implementation status of recommendation of adequacy report and water balance by NSI, Kanpur within 45 days after resumption of manufacturing operation to CPCB; and

WHEREAS, the unit has not submitted the requisite documents within the stipulated timelines as per the direction dated 27.11.2017; and

WHEREAS, the unit was inspected on 25.03.2019 by officials from CPCB and following observations are made;

1. The unit and ETP were operational during the visit.
2. The unit has valid consents of under Water Act, 1974 and Air Act, 1981 upto 12.12.2023.
3. The unit has not applied for the hazardous waste authorisation and CGWA permission to abstract groundwater.

4. ETP comprises of two aerated oxidation pond followed by secondary clarifier and sand & carbon filters.
5. There was a bypass arrangement from the backside of the unit and the unit was found discharging the untreated effluent into the drain and surrounding area of the industry.
6. The analysis of sample collected from discharge outside ETP 1 shows pH-5.72 against norms of 5.5-8.5, **BOD-2200mg/l** against norms of 30 mg/l, **COD-3408 mg/l** against norms of 250 mg/l, **TSS-65 mg/l** against norms of 30 mg/l and **TDS-2207 mg/l** against norms of 2100 mg/l and that of discharge outside ETP 2 shows **pH-4.1** against norms of 5.5-8.5, **BOD-4819mg/l** against norms of 30 mg/l, **COD-7688 mg/l** against norms of 250 mg/l, **TSS-282 mg/l** against norms of 30 mg/l and **TDS-4160 mg/l** against norms of 2100 mg/l which indicates discharge of untreated effluent.
7. The analysis result of sample collected from ETP outlet shows pH-6.52 against norms of 5.5-8.5, **BOD-332 mg/l** against norms of 30 mg/l, **COD-648 mg/l** against norms of 250 mg/l, **TSS-70 mg/l** against norms of 30 mg/l and TDS-1338 mg/l against norms of 2100 mg/l which indicates non-compliance w.r.t BOD, COD and TSS as per the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986 with surface discharge norms applicable as the unit is discharging the treated effluent in nearby drain.
8. The unit has permeable lagoon for the storage of treated effluent and effluent from lagoon was entering into the nearby drain through leakage.
9. The analysis result of sample collected from lagoon of the unit shows pH-6.02 against norms of 5.5-8.5, **BOD-617 mg/l** against norms of 100 mg/l, **COD-1108 mg/l** against norms of 250 mg/l, **TSS-113 mg/l** against norms of 100 mg/l and **TDS-2158 mg/l** against norms of 2100 mg/l which indicates non-compliance w.r.t BOD, COD, TSS and TDS against effluent discharge norms on land prescribed under Environment (Protection) Rules, 1986.
10. MLLS in aeration tank was found 134mg/l indicating an unestablished ASP system.
11. The unit has installed mechanical flow meters at inlet and outlet of ETP but not maintained the logbook.
12. No sludge drying bed was found in ETP premises.
13. The unit has not maintained logbook of any water extraction and consumptions points.

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

AND WHEREAS, CPCB has been levying Environmental Compensation in compliance of Hon'ble NGT and as per the methodology for imposing Environment Compensation issued vide CPCB circular dated 24/05/2019 and as per the CPCB policies that in case of bypass EC shall levied for entire crushing season, the Environmental Compensation to be levied to the unit is calculated as Rs. 30,60,000/- (Rupees Thirty Six Lacs Sixty Thousand Only) for the non-compliance period (14.12.2018 to 25.03.2019), during the crushing season 2018-19; and

WHEREAS, CPCB issued direction dated 24.06.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall deposit **Rs 30,60,000/-** within 15 days in CPCB account towards environmental compensation.
2. The unit shall remain closed and shall not resume its manufacturing operation without seeking permission from CPCB.
3. The unit shall dismantle all bypass arrangements and stop discharge of untreated/ partially treated effluent immediately.
4. The unit shall treat the effluent stored in lagoon upto the discharge norms before utilizing in the irrigation and shall provide documentary evidence within 45 days.

5. 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.

AND WHEREAS, the unit replies vide letters dated 20.09.2019, 03.10.2019 and 09.10.2019, 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 25.03.2019.
2. The unit has submitted photographic evidence of dismantling all bypass arrangements.
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 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:

- a. Due to a major accident in the mill, the whole system of the mill got affected which led to non-compliance during inspection.
- b. CPCB inspected the mill on the last day of crushing season and found non-compliance w.r.t. stipulated discharge norms as well as bypass arrangement. However, CPCB has levied EC for the whole crushing season.
- c. Considering financial constraint levied EC should be waived off so that the fund could be used for environmental management.
- d. 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:

- a. The unit needs to ensure proper operation and maintenance of ETP and stop bypass of effluent.
- b. ETP adequacy assessment to be done.

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 during personal hearing held on 24.09.2019 Environmental Compensation has been recalculated to Rs. 30,000/- for the period from date of

inspection (25.03.2019) to date of end of crushing season (25.03.2019) 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 Sasa Musa Sugar Works Ltd. Sasamusa, Gopalganj, Bihar) is directed to 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 Bihar State Pollution Control Board.
2. The unit shall deposit Environmental Compensation amount of Rs. 30,000/- (Rupees Thirty 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 adequacy assessment of treatment facility by reputed govt. institute; including work completion report regarding implementation of the recommendations of the adequacy report within 60 days.
5. 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.
6. 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 Sasa Musa Sugar Works Ltd. Sasamusa, Gopalganj, Bihar) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.


06/11/19
(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 Industries, Government of Bihar
Department of Sugarcane Development
Vikas Bhawan, New Secretarial
Patna - 800015 (Bihar)

- 3) **Member Secretary**
Bihar State Pollution Control Board,
Parivesh Bhawan, Plot No.-NS-B/2
Paliputra Industrial Area,
Patliputra, Patna - 800010 (Bihar)

- 4) **District Magistrate**
Gopalganj, Bihar

- : With directions to ensure following actions:
- To ensure compliance of these directions.
 - 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.
 - The ESCROW account shall be operated by Department of Sugar Industries, State Government.
 - 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.
 - Utilization of funds shall be monitored by State Government and reported to CPCB on monthly basis (before 10th of every month).
 - To constitute surveillance teams for monitoring sugar mills to stop any non-compliance including bypass/ discharge of untreated effluent.
 - To organize surprise inspection of the unit on monthly basis to ensure that ETP is properly operated and treated effluent complies with environmental norms.
 - To obtain undertaking from sugar mills that they will not indulge in bypass of effluent and will maintain functional ETP.

- 5) **Superintending Engineer**
Bihar State Power Holding Company Limited,
Gopalganj, Bihar

: To reconnect the power supply of the unit.

- 6) **Regional Director**
Regional Directorate
Central Pollution Control Board, Southern
Conclave, Block- 502, 5th and 6th floor, 1582
Rajdanga main road, Kolkata- 700107 (W.B.)

: 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