



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/62/2016-17

Date: 04.11.2019

To,

M/s Avadh Sugar & Energy Ltd.

Unit: Rosa Sugar Works., Rosa,
Shahjahanpur, UP - 242 406

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 Avadh Sugar & Energy Ltd., Unit: Rosa Sugar Works., Rosa, Shahjahanpur, U.P.-242406 (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, the Unit was inspected on 30.01.2018 by officials from CPCB, and following observations were made:

1. Spray pond overflow is partially bypassed and discharged directly outside the premises through channel into drain, which meets Garra River and ultimate to River Ganga.
2. Multiple outlets (3 Nos.) were found in addition to ETP outlet.
3. The analysis of treated effluent sample showed pH-7.57 as against norms of 5.5-9.0, BOD-7.3 mg/l against norms of 30 mg/l, COD- 27.7 mg/l against norms of 250 mg/l, TSS- 3.6 mg/l against norms of 30 mg/l.
4. The analysis of untreated effluent sample being discharged outside the Unit's premises showed pH-4.20 as against norms of 5.5-9.0, BOD-703 mg/l against norms of 30 mg/l, COD- 1277 mg/l against norms of 250 mg/l, TSS- 95.2 mg/l against norms of 30 mg/l which indicates non-compliance with the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.
5. The Unit has installed Effluent Treatment Plant (ETP) comprising of Equalization tank, primary clarifier, aeration tank, secondary clarifier, sand filters and activated carbon filters.

AND WHEREAS, CPCB issued direction dated 16.04.2018 under Section 5 of the Environment (Protection) Act, 1986 the unit to comply the following:

1. The Unit is directed to close down its Sugar manufacturing operations with immediate effect and shall not resume its operations.
2. The Unit shall dismantle the bypass arrangement and stop untreated effluent discharge immediately.
3. 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.
4. The Unit having high-pressure boiler (>45 Kg/cm²) shall install & Commission Condensate Polishing Unit (CPU) for treatment of condensate water to ensure its reuse & recycle within the process and shall meet the notified standard.
5. The Unit shall restrict the effluent storage capacity to 15 days.
6. The Unit shall submit irrigation management plan and 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.
7. The Unit shall get the verification of implement 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.
8. The Unit shall submit the revalidated ETP adequacy assessment report to CPCB.

'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 Unit shall inform to CPCB about the Closure of operation immediately.
10. The Unit shall seek permission from CPCB before resumption of manufacturing operations.

AND WHEREAS, the Unit was inspected on 14.05.2018 & 15.05.2018 by officials from CPCB, and following observations were made:

1. The villagers informed that the mortality of fishes was happened in the downstream of Rausar Kothi Village. No dead fishes were seen by them in the upstream of the confluence of Kalaha Nalla and River Garra.
2. The colour water flowing through Kalaha Nalla was observed.
3. The management of molasses was very poor in the unit.
4. The unit has stored the molasses in a permeable unlined lagoon.
5. The molasses was flown through the drain into River Garra.
6. The unit was discharging coloured molasses mixed with effluent to Kalaha Nalla.
7. The molasses was found discharge over the land within and outside the premises.

AND WHEREAS, the Unit submitted the adequacy assessment reports and irrigation management plan prepared by VSI, Pune vide letter dated 01.06.2018; and

WHEREAS, the unit replies dated 20.05.2018 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 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 forthcoming 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 18.07.2018 submitted their compliance status of the Charter, which was examined; and

WHEREAS, the unit vide letter dated 09.10.2018 submitted following documents/ information:

1. Point - wise compliance report of CPCB direction dated 16.04.2018.
2. Report of "Irrigation plan for utilization of treated effluent" prepared by Chandra Shekhar Azad University of Agriculture and Technology, Kanpur.
3. Report of "Water balance and ETP adequacy Verification" prepared by Vasantdada Sugar Institute, Pune.

AND WHEREAS, CPCB issued directions dated 26.10.2018 under Section 5 of 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 the observation & recommendation of the revalidated adequacy assessment of ETP.
3. The unit shall install sealed flow meter 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 before resumption of crushing season 2018-2019.
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 Govt. 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 was inspected on 29.03.2019 by team of CPCB officials and following observations are made:

1. The unit has not implemented recommendations of VSI and the charter.
2. An underground pipeline was traced carrying the industrial effluent from the unit which discharges into the **drain behind the unit**. Sample collected from this pipeline has high value of **BOD (126 mg/l)** and **COD (761 mg/l)**. On enquiry from local people, it was informed that the discharge from pipeline is made during night hours.
3. Analysis of effluent sample from lagoon showed BOD 90.9 mg/l (against norms of 100 mg/l), **TSS 135 mg/l** (against norms of 100 mg/l) and **COD 294 mg/l** (against norms of 250 mg/l) which indicates non-compliance with the stipulated standards for on-land effluent discharge.
4. The unit has not installed flow meters at various locations as suggested in the charter. Also, Section wise detail of wastewater generation is not maintained.
5. The logbook for disposal of ETP sludge, Press mud, Boiler ash, used oil etc. are not maintained.
6. The analysis of treated effluent sample at ETP Outlet showed pH-7.83 (against the norms of 5.5-8.5), BOD- 14.2 mg/l (against the norms of 100mg/l), TSS- 21 (against the norms of 100mg/l), COD-26.9 mg/l (against the norms of 250mg/l) which indicates compliance with the stipulated standards for on-land effluent discharge.

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. 33,00,000 (Rupees thirty three lakhs only) for the non-compliance period (30.1.2018 to 19.05.2018) during the crushing season 2017-2018 and Rs.1,06,20,000 (Rupees one crore six lakhs twenty thousand only) for the non-compliance period (11.11.2018 to 06.05.2019) during the crushing season 2018-2019; and

WHEREAS, CPCB issued direction dated 30.05.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The Unit shall deposit Rs 1,39,20,000/- within 15 days in CPCB account towards environmental compensation.
2. The Unit shall close down its sugar manufacturing operations with immediate effect.
3. The Unit shall dismantle the underground pipeline immediately and shall ensure no treated/partially treated effluent is discharged with the drain coming out from the unit.
4. All bypass arrangements/ unauthorized channel shall be dismantled immediately and photographic evidence shall be provided to CPCB within 45 days from the date of receipt of direction.

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.
6. 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 15.06.2019, was 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 24.04.2019.
2. The unit requested for the personal hearing and to wave off the levied EC amount.
3. The unit has submitted adequacy assessment of treatment facility by VSI, Pune; dated 15/07/2019 including work completion report regarding implementation of the recommendations of the adequacy report.
 - a. Adequacy reports indicate that ETP system comprise of secondary biological system followed by tertiary treatment. ETP system comprises of bar screen chamber, O&G trap, equalization tank, Surge tank, primary clarifier(circular), aeration tank with diffused aerator, secondary clarifier, Mechanical sludge removal system, MGF and ACF and is adequate for treating effluent generating for 4,500 TCD production.
4. The Unit has dismantled bypass arrangements/ unauthorized channel and photographic evidence has submitted to CPCB.

WHEREAS, CPCB issued letter dated 25/07/19 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:

- a. CPCB has mentioned that mill is discharging effluent from underground pipeline, whereas, there is no any underground pipeline.
- b. Considering financial constraint levied EC should be waived off so that the fund could be used for environmental management.
- c. Non-compliance should be considered from date of inspection to date of end of crushing season and past events should not be considered.
- d. The Unit assured that no bypass will be made in the current crushing season and the treated effluent meeting with norms shall be used for irrigation.

AND WHEREAS, during personal hearing CPCB officials considered the viewpoints of the unit and provided clarifications for the same including the following:

- a. Inspection team has captured photographs of underground pipeline and collected the sample from the same which showed higher BOD and COD concentration and for such violation CPCB may prosecute against mill

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 24.09.2019, Environmental Compensation has been recalculated as Rs. 11,70,000/- for the period from date of inspection (29.03.2019) to date of end of crushing season (06.05.2019) 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 Avadh Sugar & Energy Ltd. Rosa, Shahjahanpur, UP) 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 Uttar Pradesh State Pollution Control Board.
2. The unit shall deposit Environmental Compensation amount of Rs. 11,70,000/- (Rupees Eleven Lakhs Seventy 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.
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 Avadh Sugar & Energy Ltd., Rosa, Shahjahanpur, UP) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.

(S.P. SINGH PARIHAR)

CHAIRMAN
06/11/19

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

4) **District Magistrate**
Shahjahanpur, U.P.-242 406

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) **The Superintending Engineer**
Madhyanchal Vidyut Vitran Nigam Ltd.
Shahjahanpur, 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