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B-190198/WQM-II(RG)/CPCB/Sugar/70/2016-17

04.11.2019

To,

M/s Tirupati Sugar Ltd.,  
Bagaha, P.O. Narainpur,  
West Chamaparan,  
Bihar-845105

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

**WHEREAS**, M/s Tirupati Sugar Ltd., Bagaha, P.O.-Narainpur, West Chamaparan, Bihar (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

**WHEREAS**, the Unit was inspected on 13.01.2018 by officials from CPCB, and following observations were made;

1. The Unit and the ETP were operational.
2. The Unit has installed Effluent Treatment Plant (ETP) which is comprised of Oil and Grease trap, Equalization Tank, Surge tank, Primary Clarifier, Aeration Tank, Secondary Clarifier, Sand and Activated Carbon Filter.
3. Inlet flow meter is installed between equalization tank and primary clarifier instead of installation at the main inlet of the ETP.
4. The analysis of treated effluent sample showed pH-6.44 as against norms of 5.5-9.0, **BOD-176 mg/l** against norms of 30 mg/l, **COD-304 mg/l** against norms of 250 mg/l and **TSS-75 mg/l** against norms of 30 mg/l which indicated non-compliance w.r.t. BOD, COD & TSS with the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.
5. The MLSS in aeration tank is **353 mg/l** which indicates unstabilised Activated Sludge Process system due to poor operation and maintenance of ETP system.

**AND WHEREAS**, the Unit has submitted the revalidated adequacy assessment reports from VSI, Pune vide letter dt. 26.03.2018; and

**WHEREAS**, CPCB issued closure direction dated 16.04.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit; and

**WHEREAS**, the Unit's reply vide letter dated 21.04.2018 was examined; and

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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

**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 BSPCB and CPCB was held on 10.08.2018 under Chairmanship of Chairman, Bihar State Pollution Control Board, and the following decisions are 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.

**AND WHEREAS**, the unit vide letter dated 18.08.2018 submitted their compliance status of the Charter; 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 Bihar State 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 meter 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 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 27.10.2018 and 04.01.2019 submitted their compliance status including report on validation of ETP performance of season 2018-19 validated by VSI, Pune; 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 at the time of inspection.
2. The unit has not installed flowmeter at outlet of lagoon to estimate amount of water being used for irrigation.
3. The unit has not done colour coding of pipelines carrying recycled process water and fresh process water.
4. The unit has not installed mechanical sludge handling system of adequate capacity.
5. The analysis result of treated effluent from ETP outlet showed pH-7.8 against the norms of 5.5-8.5, BOD-23 mg/l against norms of 100 mg/l, COD-58 mg/l against the norms of 250 mg/l, TSS-10 mg/l against norms of 100 mg/l and TDS-1160 mg/l against norms of 2100 mg/l which indicates compliance against effluent discharge norms on land prescribed under Environment (Protection) Rules, 1986.
6. The analysis result of treated effluent from lagoon showed pH-7.3 against the norms of 5.5-8.5, **BOD-826 mg/l** against norms of 100 mg/l, **COD-1618 mg/l** against the norms of 250 mg/l, TSS-21 mg/l against norms of 100 mg/l and TDS-988 mg/l against norms of 2100 mg/l which indicates non-compliance with respect to effluent discharge norms on land prescribed under Environment (Protection) Rules, 1986.
7. MLSS in aeration tank was 1600 mg/l.

**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. 28,50,000 (Rupees Twenty eight lakhs fifty thousand only) for the non-compliance period (13.1.2018 to 17.04.2018) during the crushing season 2017-2018 and Rs.99,00,000 (Rupees Ninety nine lakhs only) for the non-compliance period (06.11.2018 to 19.04.2019) during the crushing season 2018-2019; and

**WHEREAS**, CPCB issued direction dated 12.06.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall remain closed and not operate without seeking permission from CPCB.
2. The unit shall deposit **Rs 1,27,50,000/-** within 15 days in CPCB account towards environmental compensation.
3. 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.
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 seek permission from CPCB, after compliance of the above directions, before resumption of operation.

**AND WHEREAS**, the unit's reply vide letter dated 20.06.2019, was examined and following observations are made:

1. The unit informed that it had closed its manufacturing operation on 19.04.2019.
2. The unit reiterated its compliance to CPCB discharge norms.
3. The unit requested for waiver of environmental compensation levied on it and revocation of closure direction dated 12.06.2019.

**WHEREAS**, CPCB issued letter dated 15.07.2019 to the unit; and

**WHEREAS**, the unit reply vide letter dated 16.08.2019, 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 19.04.2019.
2. The unit has submitted adequacy assessment of ETP validated by VSI,Pune in August,2019 along with work completion report regarding implementation of the recommendations of the adequacy report. As per adequacy report:
  - a. Total effluent generation was 144.39 L/t of cane during crushing season 2018-19.
  - b. The ETP consists of preliminary (bar screen chamber, Oil & Grease trap), primary (equalization and primary clarifier), Secondary (anaerobic filter, activated sludge process, secondary clarifier) and tertiary treatment (chlorination, MGF and ACF).
  - c. The ETP system is found adequate.
3. The unit has implemented all recommendations given in the adequacy report.
4. The unit requested for the personal hearing and waiver of the EC amount levied on them.

**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. During inspection on 25.03.2019, ETP outlet was in-compliance with discharge norms, whereas, BOD and COD of treated effluent stored in lagoon was not in-compliance w.r.t. discharge norms and higher concentration of COD and BOD was contributed by algal growth present on the surface of the lagoon.
- b. The samples collected from lagoon was from bottom level which could not be pumped for irrigation and contained settled solid resulting in high BOD and COD.
- 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. High BOD and COD values of effluent stored in lagoon shows possibility of storage of untreated effluent, which has potential pollution on land application.

**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. 7,80,000/- for the period from date of inspection (25.03.2019) to date of end of crushing season (19.04.2019) 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 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 Tirupati Sugar, West Champaran, Bihar) 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 Bihar State Pollution Control Board.
2. The unit shall deposit Environmental Compensation amount of Rs. 7,80,000/- (Rupees Seven Lakhs Eighty 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 Tirupati Sugar, West Champaran, Bihar) 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 Industries, Government of Bihar  
Department of Sugarcane Development  
Vikas Bhawan, New Secretarial  
Patna - 800015 (Bihar)  
: 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.
- 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**  
West Champaran, Bettiah, Bihar
- 5) **Superintending Engineer**  
Bihar State Power Holding Company Ltd. (BSPHCL),  
West Champaran, 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