



**Speed Post**

B-190197/WQM-II(RG)/CPCB/Sugar/38/2016-17

04.11.2019  
०१

To,

**M/s Kisan Sahkari Chini Mill Ltd.**  
**Sneh Road, Najibabad, Bijnor,**  
**U.P.-246763**

**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 Kisan Sahkari Chini Mill Ltd., Sneh Road, Najibabad, 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 08.03.2018 by officials from CPCB, Delhi and following observations were made;

1. The Unit and ETP were operational.
2. Analysis of treated effluent sample shows pH-7.05 as against norms of 5.5-9.0, BOD-56 mg/l against norms of 30 mg/l, COD- 157 mg/l against norms of 250 mg/l, TSS- 93 mg/l against norms of 30 mg/l which indicates non-compliance w.r.t. BOD & TSS against surface water discharge norms prescribed under Environment (Protection) Rules, 1986.
3. MLSS in aeration tank was 458 mg/l. which indicates unstabilised Activated Sludge Process system due to poor operation and maintenance of ETP system.
4. OCEMS was installed however flow meter was not connected with CPCB server.
5. Sludge drying beds were overflowing in ETP plant.

**AND WHEREAS**, CPCB has issued show cause notice dt.02.05.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit; and

**WHEREAS**, the unit replied vide letter dated 20.07.2018 was examined and following observations were made:

1. The unit has submitted the valid consent to operate.

2. The discharge parameters of unit satisfy the discharge limits for disposal on land i.e., BOD 100 mg/l and TSS 100mg/l.
3. The required MLSS as recommended by CPCB has been maintained.
4. Sludge drying beds were cleaned properly.
5. The unit has submitted irrigation management plan and revalidated ETP adequacy assessment report.

**AND WHEREAS**, the Unit submitted the ETP adequacy assessment report prepared by VSI, Pune vide letter dt. 20.07.2018; 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 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 26.07.2018 submitted their compliance status of the Charter; and

**WHEREAS**, the Unit vide letter dt. 24.08.2018 has submitted irrigation management plan validated by NSI, Kanpur; and

**WHEREAS**, CPCB issued direction dated 05.11.2018 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.
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 09.02.2019 submitted their compliance report including actual assessment of water consumption and effluent generation of season 2018-19 validated by NSI Kanpur and following observations were made:

1. The unit has not installed necessary flow meters at most of the unit operations to ascertain cold and hot water requirement.
2. Capacity of most of the unit operations of ETP was found inadequate.
3. Total waste water generation was observed to be 242 l/t of cane crushed.
4. ETP outlet flow meter reading on OCEMS was observed to be erroneous and needs to be calibrated.
5. ETP outlet water parameters were not found within permissible limits.

**AND WHEREAS**, the unit was inspected on 20.03.2019 by team of CPCB officials and following observations were made;

1. The unit was operational at the time of inspection.
2. The unit has valid consents of under Water Act, 1974 and Air Act, 1981 upto 31.12.2019 for cane crushing capacity of 3000 TCD.
3. Analysis of treated effluent sample showed pH-7.08 as against norms of 5.5-9.0, **BOD-233 mg/l** against norms of 100 mg/l, **COD- 427 mg/l** against norms of 250 mg/l, TSS- 74 mg/l against norms of 100 mg/l and TDS- 996 mg/l against norms of 2100 mg/l which indicates non-compliance w.r.t. BOD, COD against land discharge norms prescribed under Environment (Protection) Rules, 1986.
4. Analysis of treated effluent sample from lagoon showed pH-7.21, **BOD- 120mg/l** against norms of 100 mg/l, **COD-345mg/l** against norms of 250 mg/l, TSS- 30 mg/l against norms of 100 mg/l and TDS- 816 mg/l against norms of 2100 mg/l with land discharge norms prescribed under Environment (Protection) Rules,1986.
5. Treated effluent discharge estimated as 71 litre/ton.
6. The unit has not installed mechanical sludge handling system and has not done colour coding of the process pipelines.
7. The unit has not installed flow meter for hot and cold water consumption although unit has purchased flow meters.
8. The unit has not maintained the log book of the flow meters.
9. The unit has not installed flow meters at inlet and outlet of ETP with totalizer.

10. As per the adequacy report the Oil & grease chamber, Secondary Clarifier, Multi grade filter and activated carbon filter of ETP were found inadequate.
11. The unit has not submitted the Implementation status in the form of affidavit.

**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 dated 03.08.2018 and 19.02.2019 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. 55,20,000/-** (Rupees fifty-five lakhs twenty thousand only) for the non-compliance period (12.11.2018 to 14.05.2019), for the crushing season 2018- 19; and

**WHEREAS**, CPCB issued direction dated 23.05.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall deposit Rs. 55,20,000/- 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 install flow meters at major areas of cold and hot water consumption and at inlet and outlet of ETP with totalizer.
4. The unit shall submit the implementation status of the Charter in the form of Affidavit.
5. The unit shall seek permission from CPCB, after compliance of the above directions, before resumption of operation.

**AND WHEREAS**, unit replies dated 04.06.2019, 10.08.2019, 14.09.2019 and 25.09.2019 were examined and following observations are made:

1. The unit has closed its manufacturing operations on 08.05.2019.
2. The unit has submitted submit adequacy assessment of treatment facility by NSI, Kanpur dated 23.09.2019; 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 chamber, equalization tank with aeration, pH correction tank, primary clarifier, aeration tank, secondary clarifier, MGF and ACF and is adequate for treating effluent generating from 7,000 TCD production.
  - b. The unit has installed mechanical sludge handling system.

**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:

1. CPCB has not considered Online Continuous Effluent Monitoring System (OCEMS) data and logbooks maintained by the units during preparation of direction.
2. 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.
3. The unit has submitted the adequacy report prepared by VSI, Pune which indicate adequate WTP system which was not considered during issuance of the direction.
4. 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.
5. Non-compliance should be considered from date of inspection to date of closure 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 the monitoring compliance by SPCB/ CPCB. The OCEMS data are not being used for regulatory purpose. Since, the unit has to meet the norms all the time, 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. CPCB has issued closure direction and levied EC for non-compliance with effluent discharge norms and bypassing of untreated effluent only.
4. Though the sugar mills have prepared the adequacy assessment report from VSI which indicates that ETPs are adequate, however, operation and maintenance of ETPs were found poor.

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

1. 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.
2. 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. 15,00,000/- for the period from date of inspection (20.03.2019) to date of end of crushing season (08.05.2019) as per CPCB office order dated 04/09/2019; and

**WHEREAS**, CPCB constituted a Three-member committee vide office order dated 04.09.2017 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 Kisan Sahkari Chini Mill Ltd., Sneh Road, Najibabad, Bijnor, U.P.) is directed to comply with the following directions;

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. 15,00,000/- (Rupees Fifteen Lakhs 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 without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.

(S. P. SINGH PARIHAR)  
CHAIRMAN

06/11/2019

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.

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

- 5) **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

- 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

