



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/38/2016-17
8557

04.11.2019
07

To,

M/s U.P. State Sugar Corporation Ltd.,
Mohiuddinpur, Meerut-250205 (U.P.)

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(F) 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 U.P. State Sugar Corporation Ltd., Mohiuddinpur, Meerut (hereinafter referred as 'the unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, the unit was inspected on 22.01.2018 by officials from CPCB and following observations were made:

1. The unit has installed flow meter at one tube well and the other tube well was found closed.
2. The unit has not installed flow meters at the inlet of ETP and spray pond. It has placed order for 08 flow meters as per NSI recommendations.
3. Analysis of effluent sample collected from ETP outlet showed, pH- 7.50 against 5.5-9.0, BOD- 21 mg/l against 30 mg/l, COD- 91 mg/l against 250 mg/l and Oil and Grease is 15 mg/l against 10 mg/l, which indicate non-compliance.
4. Secondary clarifier was not found operational at the time of inspection.
5. The unit has not installed flow meters at the requisite monitoring location.
6. The unit is storing effluent in lagoons having capacity for 40 days, against 15 days.
7. Irrigation management plan validated by expert institutions is not provided.

AND WHEREAS, CPCB issued Show Cause Notice dated 14.05.2018 under Section 5 of Environment (Protection) Act, 1986; and

WHEREAS, the unit reply dated 31.05.2018 was examined and following observations were made:

1. The unit has installed flowmeters at ETP inlet, spray pond overflow, tube wells and RO plants.
2. The unit has improved the working of the plant and the quantity of oil & grease checked out into the inlet water. The lubrication system of the machinery has been made leak proof.
3. The unit has constructed the lagoon according to its expanded capacity i.e. 3500 TCD.
4. The secondary clarifier was under repair at the time of the inspection and was started after completing the repair work.
5. The unit has submitted irrigation management plan.

AND WHEREAS, the unit submitted the adequacy assessment report validated by NSI, Kanpur vide letter dated 19.07.2018; 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 19.07.2018 submitted their compliance status of the Charter, which was examined and following observations were made:

1. The unit has upgraded ETP system with diffusers, air blower, pumps and primary clarifier upto the tertiary treatment with increasing the capacity of carbon and sand filter as recommended in the adequacy report.
2. The unit ensured operation of ETP without any bypass of water.
3. The MLSS level of aeration tank will be maintained between 2000-2500 mg/l during operation.
4. Laboratory facility is being developed for analysis of effluent.
5. The operating staff will be sent for training to NSI, Kanpur for operation and analysis work of ETP.
6. The environmental management cell has been formed in the unit.

AND WHEREAS, the unit vide letter dated nil received on 29.10.2018 informed following:

1. The unit is complying with the observations given in adequacy assessment report.
2. The unit has already upgraded ETP system and installed the new diffusers, air blower, pumps and augmented capacity of ETP as recommended in the adequacy report.
3. The unit will maintain logbook for ETP and tube wells as recommended in adequacy report.
4. The unit has operated ETP without any bypass of effluent.
5. MLSS level of aeration tank will be maintained at 2000-2500 mg/l during operation.
6. The Environment Management Cell including Site Incharge, Chief Engineer, Chief Chemist, Lab Incharge, under chairmanship of G.M has been formed in the unit.

AND WHEREAS, CPCB issued direction dated 29.11.2018 under section 5 of the Environment (Protection) Acts, 1986 to the unit to comply with the following directions before start of the crushing season 2018-19;

1. The unit shall strictly adhere to CPCB norms of wastewater generation *i.e* 200 l/tonne of cane crushed.
2. The unit shall implement the observation & recommendation of the revalidated adequacy assessment of ETP including installation of condensate polishing unit for having boiler of 87 kg/cm² pressure.
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 commission mechanical sludge handling system of adequate capacity.

8. The unit shall carry out colour coding of pipelines carrying recycled process water and fresh process water.
9. The unit shall carry out analysis of parameters as per Environment (Protection) Rules, 1986 on daily basis and maintain logbook of the same.
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.
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 12.01.2019 has submitted their compliance status and following observations were made;

1. The unit is circulating the cooling water for various uses and using condensate-polishing unit.
2. The unit has implemented the observation of revalidated adequacy report & has increased capacity of tertiary treatment.
3. The unit has installed flow meter at borewell and sealing work is in process.
4. The unit has installed flow meter at mills, pan and condensate polishing unit.
5. The unit has installed flow meters at various prominent locations at ETP, hot water condensate, tubewell and spray pond.
6. The colour coding of the pipelines and commissioning of mechanical sludge handling system is in process.

AND WHEREAS, the unit was inspected on 02.04.2019 by officials from CPCB, Delhi and following observations were made:

1. The unit was operational during the visit.
2. The unit has valid consents under Water Act, 1974 and Air Act, 1981 upto 31.12.2019 for cane crushing capacity of 3500 TCD.
3. The unit has started its crushing on 11.11.2018 for the crushing season 2018-19.
4. The ETP comprises of Oil & grease, Equalization tank, Primary Clarifier, Aeration tank, Secondary Clarifier, and Tertiary treatment (Sand filter and Activated Carbon filter). However, Oil & Grease removal unit and Primary Clarifier were found non-functional during the inspection.
5. The unit was bypassing the untreated effluent from ETP inlet channel and equalization tank of ETP to the adjacent drain (Shekhpur drain) which meets Kadrabad drains and ultimately falls into East Kali.
6. The unit has not installed the flow meter at the inlet of ETP and Online Continuous Effluent Monitoring System (OCEMS) was found non-functional at the outlet of ETP during the inspection.
7. The unit has stored the treated effluent into the lagoon through pump but has not submitted the irrigation management plan to CPCB.
8. The unit has not installed the flow meter at the overflow of the spray pond and has not installed the separate treatment system for the spray pond overflow.
9. The unit has not installed the mechanical sludge handling system.
10. The unit has high pressure boiler with a capacity of 80TPH (as per consent) but has not installed the condensate polishing unit and is discharging the water into the ETP inlet.
11. The analysis of treated effluent sample from ETP outlet shows pH-7.54, against 5.5-9.0, BOD-13 mg/l against 100 mg/l, COD- 41 mg/l against 250 mg/l, TSS- 48 mg/l against 100 mg/l and **TDS- 3340 mg/l** against 2100 mg/l which indicates non-compliance w.r.t. TDS with effluent land discharge norms prescribed under Environment (Protection) Rules, 1986.
12. The analysis of sample of effluent being by passed through bypass showed **pH- 5.31** against the norms of 5.5-8.5, **BOD- 527 mg/l** against the norms of 30mg/l, **COD- 1028 mg/l** against the norms of 250mg/l, **TSS- 150 mg/l** against the norms of 30mg/l, TDS- 1128 mg/l against the norms of 2100mg/l which indicates non-compliance w.r.t. pH, BOD, COD and TSS as per on surface effluent discharge norms of Environment (Protection) Rules, 1986.
13. The analysis of spray pond overflow shows pH- 5.70, against 5.5-9.0, **BOD- 159 mg/l** against the norms of 100 mg/l, **COD- 449 mg/l** against the norms of 250 mg/l, TSS- 13 mg/l against the norms of 100 mg/l and TDS- 196 mg/l against the norms of 2100 mg/l which indicates non-compliance w.r.t. BOD and COD with effluent land discharge norms prescribed under 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 was calculated as Rs. **43,80,000/-** (Forty-three lakhs eighty thousand rupees only) for the non-compliance period (22.01.2018 to 16.06.2018), for the crushing season 2017- 18 and Rs. **46,80,000/-** (forty-six lakhs eighty thousand rupees only) for the non-compliance period (11.11.2018 to 15.04.2019), for the crushing season 2018- 19; and

WHEREAS, CPCB issued direction dated 06.05.2019 under Section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall deposit Rs. 90,60,000/- 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.
3. The unit shall dismantle the bypass arrangements and stop discharge of untreated/ partially treated effluent discharge immediately.
4. The unit shall install flow meters at major areas of cold and hot water consumption.
5. The unit shall maintain logbook for individual process unit for recording daily water consumption and effluent generation also.
6. The unit shall commission mechanical sludge handling system of adequate capacity.
7. The unit shall carry out colour coding of pipelines carrying recycled process water and fresh process water.
8. The unit shall submit the implementation status of the Charter in the form of Affidavit.
9. 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 and IITs.
10. 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 27.05.2019 and 12.10.2019 were examined and following observations are made:

1. The unit has closed its manufacturing operations since 30.04.2019.
2. The unit has submitted photographic evidence regarding dismantling of bypass arrangements.
3. The unit has submitted that it will install flowmeters at major areas of cold and hot water consumption and mechanical sludge handling system in the upcoming crushing season 2019-20.
4. The unit has completed colour coding of pipelines and has submitted photographic evidence of the same.

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 19.07.2019 in CPCB, Delhi and the unit represented the following viewpoints:

1. The unit representatives explained the poor financial condition of sugar mills and requested to waive off the Environmental compensation.
2. The unit claimed that they have installed Online Continuous Effluent Monitoring System (OCEMS) and the data of the same was also uploaded on the CPCB server which was within the prescribed discharge limit at the time of CPCB inspection.

3. The unit also denied that they were bypassing untreated effluent from ETP inlet channel and equalization tank of ETP to the adjacent drain.

AND WHEREAS, during personal hearing CPCB officials made following clarification:

1. CPCB informed the unit that Environmental Compensation has been imposed in compliance of Hon'ble NGT orders dated 03.08.2018 and 19.02.2019 in O.A. No. 593/2017 (W.P. (Civil) No. 375/2012) and thus cannot be waived off.
2. CPCB clarified that OCEMS require regular calibration to generate real time effluent quality data. The unit's OCEMS was not properly calibrated since long and therefore, data generated from OCEMS could not be relied upon. Further, for all legal purposes lab analysis data will only prevail. Moreover, at the time of inspection, OCEMS was found not functional.
3. It was also informed that OCEMS has been installed for self-regulatory purpose and for monitoring status of compliance by SPCB/CPCB. OCEMS data is not to be used for regulatory purposes.
4. CPCB showed the photographs of bypass observed during CPCBs inspection, duly signed Form 1 served to the unit for samples collected from bypass channel. Also, photographs and analysis results of the bypass drain were already communicated to the unit vide letter dated 02.07.2019.

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

AND WHEREAS, considering the viewpoints made during personal hearing held on 18.09.2019, Environmental Compensation has been recalculated as Rs. 8,70,000/- for the period from date of inspection (02.04.2019) to date of end of crushing season (30.04.2019) 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 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 U.P. State Sugar Corporation Ltd., Mohiuddinpur, Meerut, U.P.) is directed comply with the following directions before commencement of crushing season 2019-2020.

1. The unit may resume its operation only after obtaining valid consent from UPPCB.
2. The unit shall deposit Environmental Compensation amount of Rs. 8,70,000/- (Rupees Eight 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 same reputed government institute within 60 days of resumption of operation.
5. The unit shall install flowmeters and mechanical sludge handling system 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 U.P. State Sugar Corporation Ltd., Mohiuddinpur, Meerut, U.P.)** 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 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**
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow - 226 010
- 4) **District Magistrate**
Meerut, U.P.
: To reconnect the power supply of the unit.
- 5) **The Superintending Engineer**
Paschimanchal Vidyut Vitran Nigam Ltd.
Meerut, U.P.- 250402
- 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