



Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/28/2017-18

04.11.2019

To,

M/s Indian Potash Limited (Sugar Unit),
Sakouti Tanda, Dist- Meerut
Uttar Pradesh

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 Indian Potash Limited, Sakouti Tanda, Meerut, 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 05.01.2018 by the officials of CPCB and following observations were made; and

1. The Unit was operational at the time of inspection.
2. The Unit is having two outlets.
3. The untreated spray pond overflow is stored in lagoon.
4. The Unit is not maintaining the proper piping network for storing the effluent.
5. The untreated effluent from storage lagoon discharge on land.

AND WHEREAS, CPCB issued closure direction dated 07.02.2018 under section 5 of Environment Protection Act, 1986 to the Unit; and

WHEREAS, the compliance status of direction dated 07.02.2018 submitted by the unit vide letters dated 22.02.2018 & 01.10.2018 were examined, and the Unit was re-inspected on 01.03.2018 by officials of CPCB Delhi and found operational and analysis of treated effluent showed **TSS-108 mg/l** against norms of 100 mg/l which indicated non-compliance w.r.t. TSS with effluent surface discharge norms prescribed for sugar units under Environment (Protection) Rules, 1986; and

WHEREAS, the Unit (M/s Indian Potash Limited, Sakouti Tanda, Meerut, U.P.) submitted the ETP adequacy assessment report prepared by VSI, Pune vide letter dt. 11.05.2018; 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 were 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.

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawani, East Arjun Nagar, Delhi-110032

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

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 andp 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 07.09.2018 submitted their compliance status of the Charter; and

WHEREAS, CPCB issued direction dated 06.11.2018 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 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 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 adequacy capacity.
9. The unit shall carry out analysis of effluent discharge parameters notified under Environment (Protection) Rules, 1986 and log book should be maintained on daily basis.
10. The unit shall submit the implementation status of the Charter in the form of Affidavit and 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 audit of ETP 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 vide letter dated 27.03.2019 submitted their compliance report including actual assessment of water consumption and effluent generation of season 2018-19 validated by VSI, Pune which was examined and following observations were made:

1. Fresh water consumption was observed to be 127.54 litres/ton of cane crushed.
2. Total effluent generation was observed to be 137.51 litres/ton of cane with average crushing rate of 1613.10 TCD.

AND WHEREAS, the unit (M/s Indian Potash Limited, Sakouti Tanda, Meerut, U.P.) was inspected on 04.04.2019 by team of CPCB officials and following observations are made;

1. The unit and ETP were operational at the time of inspection.

2. Analysis result of treated effluent sample from ETP outlet showed pH- 7.01 against norms of 5.5-8.5, Oil & grease- 5.0 mg/l against norms of 10 mg/l, **BOD- 227 mg/l** against norms of 100 mg/l, **TSS- 325 mg/l** against norms of 100 mg/l, **COD- 601 mg/l** against norms of 250 mg/l and TDS- 1992 mg/l against norms of 2100 mg/l, which indicate non-compliance w.r.t. COD, BOD and TSS as per the stipulated discharge norms for disposal on land.
3. Analysis result of sample collected from Lagoon showed pH- 7.26 against norms of 5.5-8.5, **BOD- 150 mg/l** against norms of 100 mg/l, **TSS- 86 mg/l** against norms of 100 mg/l, **COD- 453 mg/l** against norms of 250 mg/l and TDS- 1340 mg/l against norms of 2100 mg/l, which indicate non-compliance w.r.t. BOD and COD as per the stipulated discharge norms for disposal on land and use of partially treated effluent in irrigation poses threat to environment.
4. The unit has not installed the flow meters at cold water recycling system i.e., power turbine cooling and at Mills, fibrizer bearing, pumps cooling, SO₂ gas cooling, B&C massecuite cooling and final molasses cooling.
5. The unit used a kaccha lagoon for storage of treated effluent.
6. The unit has not submitted implementation status of the Charter and not implemented the recommendations of performance adequacy audit of ETP carried out by VSI, Pune
7. The Unit has installed 09 flow meters at various hot water and cold water consumption points. Out of 09 flowmeters, 04 were found non-functional.
8. Closed loop system for hot water condensate is not implemented.
9. The Unit carried out partial colour coding of pipelines carrying recycled process water and fresh water.

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. 35,10,000/-** (Rupees Thirty-Five Lakhs Ten Thousands Only) for the non-compliance period (05.01.2018 to 01.05.2018), for the crushing season 2017- 18; and **Rs. 99,00,000/-** (Rupees Ninety-Nine Lakhs Only) for the non-compliance period (15.11.2018 to 28.04.2019) for the crushing season 2018- 19; 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 before commencement of crushing season 2018-2019;

1. The unit shall deposit **Rs. 1,34,10,000/-** within 15 days in CPCB account towards environmental compensation.
2. The unit shall remain closed until the augmentation and upgradation of ETP is carried out.
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 seek permission from CPCB, after compliance of the above directions, before resumption of operation.

AND WHEREAS, the unit vide letter dated 13.06.2019 requested that since it is a very low capacity (1600 TCD) manufacturing plant, the environmental compensation may be waived and closure direction may be revoked.

AND WHEREAS, CPCB vide letter dated 22.07.2019 forwarded their observations to the Unit; and **WHEREAS**, the unit's replies vide letter dated 25.07.2019, 31.07.2019, 18.09.2019, and 30.09.2019 were examined and following observations are made:

1. The unit has submitted R.T.8 (C) for 2018-19 season, according to which unit has closed its manufacturing operations on 28.04.2019.

2. The unit vide letter dated 25.07.2019, submitted water balance and adequacy assessment of treatment facility prepared by VSI, Pune in December, 2018. As per the report
 - a. the ETP comprising of bar screen chamber, O&G trap, equalization tank, primary clarifier (Tube settler), aeration tank, secondary clarifier, chlorination tank, MGF and ACF is adequate for treating effluent generating from 1800 TCD production.
 - b. As per flow meter reading, average fresh water abstracted is 127.54 L/t of cane while excess condensate generation is 7.44 L/t of cane and effluent generation is 137.51 L/t of cane.
3. The unit requested for personal hearing and waiver of environmental compensation on sympathetic ground.

AND WHEREAS, Hon'ble NGT 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.*

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:

1. UPPCB officials had inspected the mill in December, 2018 and found it complying while CPCB officials inspected the mill in April, 2019 and found it non-complying w.r.t. effluent discharge norms. However, CPCB has levied EC for the entire crushing season of 2018-19.
2. Mill also desired to know the ways to ensure that ETP is performing well to meet the discharge norms and whether it is possible for CPCB officials to re-inspect the mill after upgradation of its process and ETP technology.
3. Considering financial constraint, the levied EC should be waived off so that the fund could be used for environmental management.
4. 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:

1. The unit may submit UPPCB's inspection report of December 2018 to CPCB. CPCB will examine the same and take necessary action/modification in EC amount, if required.
2. The unit may develop its own laboratory and may analyse their effluent on daily basis by using standard methods. This will ensure them to remain updated on compliance status of their ETP.
3. It is not possible for CPCB to conduct inspection at Unit's will. Therefore, it has to ensure that the unit's ETP is in compliance at all times.

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

1. EC for the closure direction issued on the ground of non-compliance to prescribed discharge/emission norms shall be applied for the period between date of inspection and date of closure of manufacturing operation.
2. Direction for closure or revocation and direction for imposition of EC shall 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. 7,50,000/- for the period from date of inspection (04.04.2019) to the date of end of crushing season (28.04.2019) in accordance to CPCB office order dated 04/09/2019; and

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 Indian Potash Limited, Sakouti Tanda, Meerut, U.P.) 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 valid consent from UPPCB.
2. The unit shall deposit Environmental Compensation amount of Rs. 7,50,000/- (Rupees Seven Lakhs Fifty 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 treatment system 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 Indian Potash Limited, Sakouti Tanda, Meerut, U.P.) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.

(S. P. SINGH PARIHAR)
CHAIRMAN

06/11/2019

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, Babu 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

4) **District Magistrate**
Meerut, U.P.

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.

5) **Superintending Engineer**
Paschimanchal Vidyut Vitran Nigam Limited
Meerut , 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

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