



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/57/2016-17

04.11.2019
07

To,

M/s P.B.S. Foods, (Sugar) Pvt. Ltd.
Chandpur, Distt.-Bijnor,
U.P.-246725

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 P.B.S. Foods, Pvt. Ltd., Chandpur, 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 16.01.2018 by officials from CPCB, and following observations were made;

1. During the inspection, the Unit and ETP were operational.
2. Analysis of treated effluent sample showed pH-7.18 as against norms of 5.5-9.0, BOD-103 mg/l against norms of 30 mg/l, COD-501 mg/l against norms of 250 mg/l, TSS-453 mg/l against norms of 30 mg/l and TDS-264 mg/l against norms of 2100 mg/l which indicated non-compliance w.r.t. BOD, COD & TSS with the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.
3. The MLSS in aeration tank was 1325 mg/l which indicates unstabilised Activated Sludge Process system due to poor operation and maintenance of ETP system.
4. The unit does not have provision for the treatment of spray pond overflow. The Unit has not installed flow meter at the overflow of spray pond and overflow water is discharged through open drain into a Kaccha pond which poses threat to ground water pollution.
5. The analysis of untreated effluent sample from Spray Pond overflow shows pH-6.48 as against norms of 5.5-9.0, BOD-93 mg/l against norms of 30 mg/l, COD-306 mg/l against norms of 250 mg/l, TSS-206 mg/l against norms of 30 mg/l and TDS-1380 mg/l against norms of 2100 mg/l which indicates non-compliance w.r.t. BOD, COD & TSS with the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.

AND WHEREAS, CPCB issued closure direction dated 27.04.2018 under section 5 of the Environment (Protection) Act, 1986, to the unit; and

WHEREAS, the compliance status of the direction 27.4.2018 submitted by the unit vide letter dated 01.05.2018 was examined; and

WHEREAS, the unit submitted the revalidated adequacy assessment report prepared by NSI Kanpur, on 08.10.2018; 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 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 28.09.2018 submitted their compliance status of the Charter; and

WHEREAS, CPCB issued direction dated 26.10.2018 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 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 adequate
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.
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 has not replied to the compliance direction dated 26.10.2018; and

WHEREAS, the unit was inspected on 18.03.2019 by the team of CPCB officials and following observations are made;

1. The unit and ETP were operational at the time of inspection.
2. A channel carrying waste water was observed coming out of the unit's premises and discharging into nearby agricultural fields.
3. Analysis of effluent samples collected from the channels going outside the premises found non-compliant w.r.t **pH-4.24** against the norms of 5.5-8.5, **BOD- 1215mg/l** against the norms of 30mg/l, **TSS 933mg/l** against the norms of 30mg/l, **COD- 2592mg/l** against the norms of 250mg/l as per surface discharge norms prescribed under Environment (Protection) Rules, 1986.
4. Analysis of treated effluent sample from ETP outlet shows pH-7.67, against 5.5-9.0, BOD- 06 mg/l against 100 mg/l, COD- 30 mg/l against 250 mg/l, TSS- 18 mg/l against 100 mg/l and TDS- 1872 mg/l against 2100 mg/l which indicates compliance with effluent land discharge norms prescribed under Environment (Protection) Rules, 1986.
5. The unit has not installed the mechanical sludge handling system.
6. The unit has not installed the spray pond overflow treatment system.
7. The unit has not installed the flow meters at hot and cold-water consumption points.
8. The unit has not maintained the logbook of water consumption and recycling points.
9. The unit is not having lagoon and is directly using treated water for irrigation purpose.
10. The unit has not submitted 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.

AND WHEREAS, The Hon'ble National Green Tribunal (NGT), Principal Bench vide its orders dated 03.08.2018 and 19.02.2019 in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) 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 Environmental Compensation issued vide CPCB circular dated 24.05.2019, the Environmental Compensation to be levied to the unit is calculated as **Rs. 34,50,000/-** (Rupees thirty-four lakhs fifty thousand only) for the non-compliance period (16.01.2018 to 10.05.2018), for the crushing season 2017- 18; and **Rs. 1,02,60,000/-** (Rupees one crore two lakhs sixty thousand only) for the non-compliance period (25.11.2018 to 14.05.2019), for the crushing season 2018- 19; and

WHEREAS, CPCB issued direction dated 24.05.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall deposit Rs. 1,37,10,000/- within 15 days in CPCB 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 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 install the spray pond overflow treatment process.
5. The Unit shall comply to CPCB direction dated 26.10.2018 and shall submit response within 15 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 05.06.2019 and 10.10.2019, were examined and following observations are made:

1. The unit has closed its manufacturing operations on 10.05.2019.
2. The unit will get adequacy assessment in upcoming season 2019-20.
3. The unit will install the spray pond overflow treatment process.

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

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/monitoring and date of closing of manufacturing operation.
2. Direction for closure or revocation and direction for imposition of EC to be dealt separately.

AND WHEREAS, Environmental Compensation has been recalculated as Rs. 16,20,000/- for the period from date of inspection (18.03.2019) to date of end of crushing season (10.05.2019) 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 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 P.B.S. Foods, Pvt. Ltd., Chandpur, Bijnor, 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 the valid consent from Uttar Pradesh Pollution Control Board.
2. The unit shall deposit Environmental Compensation amount of Rs. 16,20,000/- (Rupees Sixteen Lakhs Twenty 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 adequacy assessment of treatment facility by reputed govt. institute; including work completion report regarding implementation of the recommendations of the adequacy report within 60 days.
5. 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.
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 P.B.S. Foods, Pvt. Ltd., Chandpur, Bijnor, 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

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Signature

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.
- 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.

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

: To reconnect the power supply of the unit.

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

: 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