



SPEED POST

B-190197/NGRBA (RG)/CPCB/Sugar/68/2016-17

04.11.2019
07

To,

M/s Kisan Sahkari Chini Mills,
Satha, Aligarh,
U.P-202127

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 & Climate Change, 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 Kisan Sahkari Chini Mills, Satha, Aligarh (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, the unit was inspected by the officials of Central Pollution Control Board (CPCB) on 08.03.2018 and following observations were made:

1. The Unit has partially implemented suggestion/recommendation of adequacy report.
2. Leakages of molasses through pumps were found spread on the mill floor.
3. The unit didn't maintain records of daily water consumption in separate logbook in absence of water meter.
4. The Unit has not submitted revalidated ETP adequacy report within 45 days from the date of resumption of operation to CPCB.
5. Analysis of ETP outlet sample showed pH-8.25 as against norms of 5.5-8.5, BOD -07mg/l as against norms of 100 mg/l, COD - 41 mg/l as against norms of 250 mg/l, TSS- 12 as against norms of 100 mg/l and TDS -936 as against norms of 2100 mg/l which indicate compliance with on land effluent discharge standards.

AND WHEREAS, CPCB issued letter on 02.05.2018 to the unit to provide the action plan on the following:

1. The unit shall implement suggestion/recommendation of adequacy report in totality.
2. The unit shall repair/replace the corroded and leakage pipes, valves, oil pumps and tanks to minimise the material lose.
3. The unit shall install water meters and maintain the logbook.
4. The unit shall submit revalidated ETP adequacy assessment report.
5. The unit shall submit irrigation management plan validated by reputed institute namely NSI, Kanpur, and VSI Pune/Agriculture institutions.

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.
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 letters dated 18.07.2018 and 24.10.2018 submitted their action plan; and

WHEREAS, the unit vide letter dated 31.07.2018 submitted their compliance status of the Charter; and

WHEREAS, CPCB issued letter dated 11.03.2019 to the unit for compliance with the following:

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 water.
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 implementation status of the Charter and performance adequacy audit of ETP including actual assessment of water consumption and effluent generation duly validated by reputed govt. expert institute namely NSI Kanpur, VSI Pune, IITs during crushing season
10. The unit shall submit the implementation status of the Charter in the form of Affidavit within 15 days

AND WHEREAS, the unit was inspected on 18.03.2019 by officials from CPCB, Delhi and following observations were made;

1. Flowmeters are not installed on boiler make-up, vacuum filter, Lime preparation, movement water at pans, super heater at batch type centrifugal and continuous machine, for monitoring excess condensate.
2. Additional O&G trap with oil skimmer was not installed at mill side as required by adequacy report.
3. Fresh water replacement with spray pond water for ash handling is not implemented.
4. Boiler blowdown water and boiler feed pump cooling water not sent to ETP and not utilized for wet scrubber rather it is sent outside to fields.
5. No provision of pits with ceramic tiles, at clarification station and centrifugal station near boiler feed pumps/condensate pump made to collect leakages.
6. Flowmeters are not installed at spray pond overflow, ETP inlet, ETP outlet and lagoon.
7. Oil & Grease skimmer belt was worn out and was not operating adequately. Also no collection pit or container was made to collect the skimmed O&G.
8. No flow from secondary unit in ETP was observed during inspection.
9. No activity was observed in MGF and ACF i.e. unit was non-operational and corroded with rust.
10. As per analysis report, outlet of ETP was found complying w.r.t pH-5.52 as against norms of 5.5-8.5 and found non-complying w.r.t COD - **3843 mg/l** as against norms of 250 mg/l, **BOD -2065 mg/l** as against norms of 100 mg/l, **TDS -4956** as against norms of 2100 mg/l and **TSS- 240** as against norms of 100 mg/l for disposal on land.
11. Lagoon has impermeable concrete lining and stagnant water was observed in decantation pit of lagoon.
12. No outlet was evident to collection tank where OCEMS probe was dipped.
13. Untreated wastewater was found to be discharged on nearby area.

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. 9,00,000/- (Rs. Nine Lakhs only) for the non-compliance period (18.03.2019 to 16.04.2019) for the crushing season 2018- 19; and

WHEREAS, CPCB issued direction dated 06.06.2019 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. 9,00,000/- within 15 days in CPCB account towards environmental compensation.
2. The unit shall remain closed and not operate without seeking permission from CPCB.
3. No water logging shall take place.
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 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 replies vide letters dated 17.06.2019 21.06.2019 and 25.09.2019 were examined and following observations are made:

1. The unit has closed all its manufacturing operations on 16.04.2019 and submitted self-certificate of closure.
2. The unit vide letter dated 17.06.2019, submitted water balance and adequacy assessment of treatment facility prepared by VSI, Pune in February, 2019. As per the report:
 - a) Adequacy reports indicate that ETP system comprising of bar screen chamber, O&G trap, equalization tank, primary clarifier, aeration tank with surface aerator, secondary clarifier, MGF and ACF is found adequate.
3. As per the work completion report, the unit has rectified leakages and replaced damaged pipes and pumps.
4. The unit requested for personal hearing and waiver of EC imposed on it.

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*; 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 for calculation of Environmental Compensation (EC) is not provided by CPCB and number of days of violation considered 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 ETP system which was not considered during issuance of the direction.
4. The unit is facing huge financial loss, 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 monitoring compliance by SPCB/ CPCB. The OCEMS data is not 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 were 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 unit.
3. CPCB has issued the closure direction and levied EC only for non-compliance with effluent discharge norms and bypassing of untreated effluent.

4. Although the unit has submitted vide letter dated 17.06.2019, the adequacy assessment report prepared by VSI, Pune which indicates that ETP is adequate, however, operation and maintenance of ETP was found to be poor.

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

1. EC for the 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 date of closing 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/rechecked as Rs. 9,00,000/- for the period from date of inspection (18.03.2019) to date of end of crushing season (16.04.2019) in accordance to 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 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 Mills, Satha, Aligarh**) 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 UPPCB.
2. The unit shall deposit Environmental Compensation amount of Rs. 9,00,000/- (Nine 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 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 Kisan Sahkari Chini Mills, Satha, Aligarh**) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.

↓
06/11/19
(S P SINGH PARIHAR)
CHAIRMAN

Signature

Copy to:

1) Joint Secretary (CP Division)

: For kind information, please.

Ministry of Environment, Forest & C.C
Prithvi Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003

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:

- 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

: To reconnect the power supply of the unit.

4) District Magistrate

Aligarh, Uttar Pradesh

5) Managing Director

Dakshinanchal Vidyut Vitran Nigam Ltd.
Urja Bhavan Agra - Delhi, Bypass Road,
Sikandra, Agra, Uttar Pradesh 282007

: For follow up and ensuring compliance.

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

: 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