



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD

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MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

B-190197/WQM-II (RG)/CPCB/Sugar/63/2016-17

04.11.2019

07

To,

M/s Rudra Bilas Kisan Sahkari Chini Mills Ltd.,  
Bilaspur, Rampur, U.P.-244923

**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 Rudra Bilas Kisan Sahkari Chini Mills Ltd., Bilaspur, Rampur, U.P. (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

**WHEREAS**, the Unit (M/s Rudra Bilas Kisan Sahkari Chini Mills Ltd., Bilaspur, Rampur, U.P.) was inspected on 08.03.2018 by officials from CPCB, Delhi and following observations were made;

1. Effluent Treatment Plant (ETP) comprised of Bar screen, Oil Grease skimmer, Equalization Tank, Primary Clarifier, Aeration Tank, Secondary Clarifier & Tertiary treatment (Filtration units). However, Oil Skimmer was not working properly.
2. Analysis of treated effluent sample showed pH-8 as against norms of 5.5-9.0, BOD-13 mg/l against norms of 30 mg/l, COD-58 mg/l against norms of 250 mg/l and TDS- 440 mg/l against norms of 2100 mg/l.
3. MLSS in aeration tank was **826 mg/l**, which indicates un-stabilised Activated Sludge Process system due to poor operation and maintenance of ETP system and possibility of dilution of ETP system.
4. The Unit does not have provision for treatment of spray pond overflow.
5. Effluent was overflowing from storage tank of secondary clarifier.
6. Proper logbook is required to maintain by the Unit for water consumption and waste water generation.
7. High variation was observed between fresh water consumption (1077 litre/tonne) and wastewater generation (216 litre/tonne).
8. Flowmeters were not installed at process of the unit.
9. The Unit has not submitted the irrigation management plan and analysis report through E (P)A recognised laboratory.
10. The Unit has not submitted revalidated ETP adequacy assessment report within 45 days from the date of resumption of operation to CPCB.

**AND WHEREAS**, CPCB issued Show Cause Notice dated 07.05.2018 under Section 5 of Environment (Protection) Act, 1986 to the unit; and

**WHEREAS**, the unit reply dated 29.05.2018 was examined; 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 letter dated 19.07.2018 submitted their compliance status of the Charter; and

**WHEREAS**, CPCB issued direction dated 15.10.2018 under section 5 of the Environment (Protection) Act, 1986, to the unit for 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 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.
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 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 was inspected on 03.04.2019 by officials from CPCB, Delhi and following observations were made;

1. During inspection unit was operational.
2. The Unit has valid consent under Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981 with validity up to 31.12.2019.
3. Flow meters are not installed at power turbine cooling, boiler, wet scrubber, cooling tower of co-generation, SO<sub>2</sub> gas cooling, final molasses cooling at the inlet and reject of RO plant and to make water for shortfall at spray pond/ process cooling tower.
4. Equalization tank does not have aeration system.
5. No proper logbook is maintained at ETP for inlet and outlet readings.
6. MLSS in aeration tank was 2186 mg/l.
7. Wastewater generation is estimated as **384.43 L/T** of cane crushed as per adequacy assessment report.
8. OCEMS system installed and connected to CPCB/SPCB servers.
9. Treated effluents are stored in lagoon and utilized in cleaning and irrigation purposes.
10. Analysis of treated effluent sample from ETP outlet showed pH-7.45 as against norms of 5.5-9.0, **BOD- 161 mg/l** against norms of 100 mg/l, **COD- 294 mg/l** against norms of 250 mg/l, **TSS- 106 mg/l** against norms of 100 mg/l and TDS- 972 mg/l against norms of 2100 mg/l which indicates non-compliance w.r.t. BOD, COD and TSS against on-land effluent discharge norms prescribed under Environment (Protection) Rules, 1986.
11. Analysis of treated effluent sample from lagoon shows pH-7.94 as against norms of 5.5-9.0, BOD-06 mg/l against norms of 100 mg/l, COD- 25 mg/l against norms of 250 mg/l, TSS- 17 mg/l against norms of 100 mg/l and TDS- 488 mg/l against norms of 2100 mg/l which indicates compliance w.r.t. to on-land effluent discharge norms prescribed under Environment (Protection) Rules, 1986.
12. Lagoon was found full of algae, no proper cleaning done.
13. The unit has submitted the irrigation management plan validated by NSI, Kanpur.

**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. 40,50,000/-** (Rupees Forty Lakhs fifty thousand only) for the non-compliance period of (30.11.2018 to 13.04.2019); and

**WHEREAS**, CPCB issued direction dated 12.06.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall deposit Rs 40,50,000/- 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 until 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 seek permission from CPCB, after compliance of the above directions, before resumption of operation.

**AND WHEREAS**, the unit replies vide letters dated 02.07.2019 and 26.09.2019 were examined and following observations are made:

1. The unit has submitted R.T.8 (C), according to which unit has closed its manufacturing operations on 13.04.2019.
2. The unit made request for the personal hearing and to wave off the levied EC amount.
3. The unit has submitted adequacy assessment of treatment facility by VSI, Pune; including work completion report regarding implementation of the recommendations of the adequacy report.
  - a. Adequacy reports indicate that, ETP system comprises of bar screen chamber, O&G trap, equalization tank, primary clarifier with tube settler, anaerobic lagoon, activated sludge process, secondary clarifier, Chlorination tank, MGF, ACF and sludge dewatering system and is adequate for treating effluent generating from 2,000 TCD production.

**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:

- a. CPCB has not considered Online Continuous Effluent Monitoring System (OCEMS) data and logbooks maintained by the units during preparation of direction.
- b. 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 RT8-C form.
- c. 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.
- d. 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.
- e. Non-compliance should be considered from date of inspection to date of closure and past non-compliance (previous crushing season) 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:

- a. 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.
- b. Copy of the Methodology for assessing Environmental Compensation was provided to the representatives of the sugar mills.

- c. CPCB has issued closure direction and levied EC for non-compliance with effluent discharge norms and bypassing of untreated effluent only.
- d. Though sugar mills have prepared the adequacy assessment report from VSI, Pune 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;

- a. 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.
- b. 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. 3,30,000/- for the period from date of inspection (03.04.2019) to date of end of crushing season (13.04.2019) 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 25.09.2019 examined the unit's replies and recommended that the unit may be allowed to resume operation; and

**WHEREAS**, the unit reply vide letter dated 27.09.2019 was examined; 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 Rudra Bilas Kisan Sahkari Chini Mills Ltd., Bilaspur, Rampur, U.P) is directed to comply with the following directions before commencement of crushing season 2019-2020:

1. The unit may resume its operation after obtaining the valid consent from UP State Pollution Control Board.
2. The unit shall deposit Environmental Compensation amount of Rs. 3,30,000/- (Rupees Three Lakhs Thirty 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 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 Rudra Bilas Sahkari Chini Mills Ltd., Bilaspur, Dist. Rampur, 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, 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

- To ensure compliance of these directions.
- 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.
- The ESCROW account shall be operated by Department of Sugar Industries, State Government.
- 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.
- Utilization of funds shall be monitored by State Government and reported to CPCB on monthly basis (before 10th of every month).
- To constitute surveillance teams for monitoring sugar mills to stop any non-compliance including bypass/ discharge of untreated effluent.
- To organize surprise inspection of the unit on monthly basis to ensure that ETP is properly operated and treated effluent complies with environmental norms.
- To obtain undertaking from sugar mills that they will not indulge in bypass of effluent and will maintain functional ETP.

4) **District Magistrate**

Rampur, U.P.

: To reconnect the power supply of the unit.

5) **The Superintending Engineer**

Rampur circle, P.W.D., Rampur

: For follow up and ensuring compliance.

6) **Regional Director**

Regional Directorate  
Central Pollution Control Board, PICUP  
Bhawan, Ground Floor, Vibhuthi 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