



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/86/2016-17

15.11.2019

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To,

**M/s Kisan Sahkari Chini Mills
Powayan, Shajahanpur, Bareilly,
U.P.-250205**

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 Kisan Sahkari Chini Mills, Powayan, Shajahanpur; Bareilly, 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 07.03.2018 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-7.48 as against norms of 5.5-9.0, **BOD-40 mg/l** against norms of 30 mg/l, COD-183 mg/l against norms of 250 mg/l, **TSS-99.5 mg/l** against norms of 30 mg/l and TDS-587 mg/l against norms of 2100 mg/l which indicated non-compliance w.r.t. BOD & TSS with the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.
3. The Unit does not have provision for treatment of Spray Pond overflow and used directly for irrigation purpose.
4. The analysis of untreated effluent sample from Spray Pond overflow shows pH-6.06 as against norms of 5.5-9.0, **BOD-227 mg/l** against norms of 30 mg/l, **COD-357 mg/l** against norms of 250 mg/l, **TSS-64.2 mg/l** against norms of 30 mg/l and TDS-1146 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.

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

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5. A pipeline was observed from secondary clarifier to discharge treated effluent without tertiary treatment.
6. The Unit has installed flowmeters at final discharge point of ETP. However, flowmeters were not installed at process of unit.
7. Total effluent discharge is estimated to be **324.5 Litre/ Tonne** of cane crushed which is higher than the permissible limit.

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

WHEREAS, the Unit replied along with the revalidated adequacy assessment reports prepared by VSI, Pune vide letters dt. 03.07.2018 and 11.10.2018; which was examined and following observations were made:

1. Flow meters to be installed at major unit operations to ascertain and control hot and cold-water requirement.
2. Flow meters to be installed at various fresh water consumption points.
3. The Unit should construct additional anaerobic filter followed by aerobic system to reduce the sulphate
4. The Unit should use the spray pond water for pump gland cooling, wet scrubber juice heaters and evaporators brushing.
5. The Unit should install the standby pump to all condensate pump to reduce loss of condensate.
6. The unit have implemented the recommendation of the revalidated adequacy w.r.t Oil & Grease, Equalization tank, Primary Clarifier, and Secondary Clarifier.
7. The unit is having adequate facility for 2125TCD and effluent generation is estimated as 222.29 litre/tonne for cane crushed.

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;

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.

WHEREAS, the unit vide letters dated 12.07.2018, 03.08.2018 & 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 and shall not operate beyond the consented crushing capacity (2125 TCD).
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 capacity
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

WHEREAS, the Unit was inspected on 26.03.2019 by officials from CPCB, Delhi and following observations are made;

1. Flow meters at inlet and outlet of ETP installed but non-functional.
2. MLSS in aeration tank was 2463 mg/l.
3. Waste water generation is estimated as **222.29 L/T** of cane crushing against the standards 200 L/T.
4. Analysis of treated effluent sample from ETP outlet showed pH 8.35 as against norms 5.5-9, BOD-10.6 mg/L against norms 100mg/L, COD-64.7 mg/L against norms 250 mg/L, TSS-78.9 mg/L against norms 100 mg/L and TDS 583 mg/L against norms of 2100 mg/L which indicates compliance with on land discharge norms.
5. The unit discharges into local drain (Bhansi Nala) which connected to Gomti river (16 Km) and finally meets with Ganga river at a distance of 450 Km.
6. The capacity of ETP is 212.5 KLD as per consent but during visit the flow was found 425 KLD. Excess waste water received in ETP shall be restricted to consented conditions.
7. No proper storage room for sulphur and chemical drums.
8. Old temporary pits should be immediately filled and levelled to prevent the water logging.

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 to Hon'ble NGT order dated 03.08.2018 and 19.02.2019 and as per the methodology for imposing Environment Compensation issued vide CPCB circular dated 24.05.2019 the Environmental Compensation to be levied on the unit, M/s Kisan Sahkari Chini Mills, Powayan, Shajahanpur, Bareilly, U.P was calculated as **Rs. 29,40,000/-** (Rupees Twenty-nine lakh forty thousand only) for the non-compliance period (07.03.2018 to 12.06.2018) for the crushing season 2017-18; and

WHEREAS, CPCB issued show cause notice dt. 12.06.2019 under Section 5 of the Environment (Protection) Act, 1986 to the unit as the unit failed to meet the final wastewater discharge limit and directed to deposit Environment Compensation of Rs. 29,40,000 for the non-compliance period (07.03.2018 to 12.06.2018) for the crushing season 2017-18; and

WHEREAS, the unit's replies vide letters dated 01.07.2019, 10.08.2019 and 25.9.2019 were examined and following observations are made:

1. The unit has installed flow meters at various places.
2. The unit has submitted the analysis report through EPA recognized lab indicating compliance with the norms.
3. As per consent, discharge capacity is 425 KLD, i.e. 212.5 KLD from process and 212.5 KLD from cooling tower overflow.

4. 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 vide letter dated 25.09.2019 and as per the report,
 - a. The ETP system comprises of bar screen chamber, O&G trap, equalization tank, primary clarifier, aeration tank, secondary clarifier, chlorine contact tank, MGF and ACF.
 - b. As per water balance effluent generation is estimated as 131 l/t of cane crushed.

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, CPCB vide letter dated 30.07.2019 forwarded observations to the Unit; 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 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 RT8C form.
3. The unit has submitted the adequacy report prepared by VSI, Pune which indicate adequate WTP system which was not considered during issuance of the direction.
4. 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.
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 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.
2. Copy of the Methodology for assessing Environmental Compensation was provided to the representatives of the sugar mills.
3. CPCB has issued closure direction and levied EC for non-compliance with effluent discharge norms and bypassing of untreated effluent only.

4. Though the sugar mills have prepared the adequacy assessment report from VSI 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 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 18.09.2019, Environmental Compensation has been recalculated as Nil for the non-compliance period (07.03.2018 to 12.06.2018), for the crushing season 2017- 18 as per CPCB office order dated 04.09.2019; 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, Powayan, Shajahanpur, Bareilly, U.P.) is directed to comply with the following directions;

1. The unit shall provide performance assessment of effluent treatment system and analysis of treated effluent by the reputed government institute within 60 days from resumption of operation in next crushing season 2019-20.

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 Mill Ltd., Ghosi, Mau, U.P.) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.


(S. P. SINGH PARIHAR)
CHAIRMAN

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 directions.
b) To constitute surveillance team for monitoring of sugar mills to stop any bypass/ discharge of untreated effluent.

ofc

Angarwa

3) **Member Secretary**
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow – 226 010

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

5) **Regional Director**
Regional Directorate
Central Pollution Control Board, PICUP
Bhawan, Ground Floor, Vibhuthi Khand, Gomti
Nagar, Lucknow – 226 010

6) **In-charge, IT Division, CPCB**

7) **Master file/Guard file, WQM II, CPCB Delhi**

8) **In-charge, F&A, CPCB**

c) To organize surprise inspection of the unit on monthly basis to ensure that ETP is properly operated and treated effluent is complied with the norms.

d) To obtain undertaking from sugar mills that they will not indulge in bypass of effluent and will maintain functional ETP.

:For follow up and ensuring compliance.

:with request to upload on CPCB server.


(Prashant Gargava)
MEMBER SECRETARY