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B-190198/WQM-II/CPCB/Sugar/44/2016-17 9338

22.11.2019
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To,

M/s Kisan Sahkari Chini Mill Ltd.
Ghosi, Mau-275304,
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 Kisan Sahkari Chini Mill Ltd., Ghosi, Mau, 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 17.01.2018 by officials from CPCB and UPPCB following observations were made;

1. During the inspection, the Unit and ETP were operational.
2. The Unit does not have valid consent since 2014 under Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981.
3. Analysis of treated effluent sample showed pH-7.29 as against norms of 5.5-9.0, BOD-7.6 mg/l against norms of 30 mg/l, COD-34.6 mg/l against norms of 250 mg/l and TSS-20 mg/l against norms of 30 mg/l. However, MLSS in aeration tank was 347 mg/l which indicates the possibility of dilution of ETP system.
4. Spray pond overflow effluent is discharged without treatment and the analysis of Spray pond overflow effluent sample showed **BOD-390 mg/l** against norms of 30 mg/l, **COD-546 mg/l** against norms of 250 mg/l, **TSS- 81.1 mg/l** against norms of 30 mg/l which indicates non-compliance w.r.t. BOD, COD & TSS with the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.

5. The MLSS in aeration tank was 347 mg/l which indicates unstabilised Activated Sludge Process system due to poor operation and maintenance of ETP system.
6. Analysis of drain effluent sample shows **BOD-164 mg/l** against norms of 30 mg/l & **TSS-148 mg/l** against norms of 30 mg/l which is higher than permissible limit.
7. OCEMS is installed and connected with CPCB server but pH sensor was non-functional during inspection.
8. Effluent discharge was **268 L/Ton** of cane crushed which is higher than permissible limit.
9. The Unit has two boilers of capacity 20 TPH each and one boiler with capacity 32 TPH. Emissions from 20 TPH boilers are emitted through common stack of height approx. 30 m without APCS (Air Pollution Control System) and emission from 30 TPH boiler is emitted through stack of height approx. 40.55 m which is equipped with Cyclone Dust Collector as APCS. It shows non-compliance with the stipulated norms.

WHEREAS, CPCB issued closure direction dated 19.04.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit to comply with following:

1. The Unit is directed to close down its Sugar manufacturing operations with immediate effect and shall not resume its operations.
2. The Unit shall obtain valid consent under Water/Air Acts from UPPCB and submit the copies of valid consent to CPCB.
3. The Unit shall stop untreated effluent discharge immediately.
4. The Unit shall install & Commission ETP system upto tertiary treatment level including adequate treatment system for spray pond overflow effluent in case of double sulphitation process.
5. The Unit having high-pressure boiler (>45 Kg/cm²) shall install & Commission Condensate Polishing Unit (CPU) for treatment of condensate water to ensure its reuse & recycle within the process and shall meet the notified standard.
6. The Unit shall restrict the effluent storage capacity to 15 days.
7. The Unit shall submit irrigation management plan and utilise treated effluent meeting the prescribed norms for irrigation as per the irrigation management plan validated by expert institutions namely, NSI, Kanpur/ VSI, Pune/ Agricultural Institutions.
8. The Unit shall submit revalidated ETP adequacy assessment report to CPCB.
9. The Unit shall get the verification of implement status of the recommendation of adequacy report including ETP performance assessment & effluent generation assessment done by the same institute which carried out adequacy assessment and submit the report to CPCB.
10. The Unit shall inform to CPCB about the Closure of operation immediately.
11. The Unit shall seek permission from CPCB before resumption of manufacturing operations.

AND WHEREAS, the compliance status of the closure direction 19.4.2018 submitted by the unit vide letters dated 31.7.2018 & 26.9.2018 were 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 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 letters dated 14.07.2018 & 31.07.2018 submitted their compliance status of the Charter, which was examined; 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 submit the revalidated adequacy assessment of ETP report along with the recommendation of the revalidated adequacy assessment report to CPCB within 60 days of resumption of operation of crushing season 2018-2019.
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 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 has not submitted reply of the direction dated 06.11.2018; and

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

1. The unit has installed two tube wells. Flow meter is installed on only one borewell which is not functional. No logbook maintained for water extraction, however pump operation hrs are recorded.
2. No flow meter installed at the spray pond overflow, ETP inlet and wash water line. The flow meter installed at the ETP outlet was not working. Flow meter is installed for condensate used for imbibition, however flow meters are not installed on boiler make-up, vacuum filter, lime preparation, excess condensate etc.
3. The unit has constructed a fifteen-day storage tank which is made leak proof by proper lining to reduce ground water pollution.
4. The unit has installed OCEMS for pH, BOD, COD, TSS & Flow with connectivity to CPCB server. However, the OCEMS device is placed at unapproachable location. Large variation was noticed between OCEMS readings and collected samples analysis results.
5. Setting up of spray pond overflow treatment system consisting of micro settlers followed by secondary aerobic treatment is in progress.
6. The unit does not have consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The unit has applied for renewal of the CTO (date of payment of issue of CTO 17.01.2019).
7. The unit has applied for permission from CGWA for the abstraction of ground water.
8. The unit is not maintaining logbook for the flow at inlet and outlet of the ETP and analysis of the inlet and outlet samples.
9. The treated effluent analysis results showed pH-6.98 (against the norms of 5.5-8.5); BOD-14.6 mg/l (against the norms of 30 mg/l); COD-57.0 mg/l (against the norms of 250 mg/l); TSS-21.1 mg/l (against the norms of 30 mg/l); TDS- 616 mg/l (against the norms of 2100 mg/l) and O & G-BDL (against the norms of 10 mg/l) are within prescribed limits. However, **concentrations of MLSS- 95.6 mg/l and MLVSS- 84.4 mg/l in the aeration tank indicates un-stabilised condition of the biological treatment system**. Also, there is drastic reduction in concentration of TDS from ETP inlet to outlet (TDS concentration reduced from 1791 mg/l in inlet to 616 mg/l in outlet – 65% reduction) thus the compliance of the treated effluent with discharge norms becomes doubtful and possibility of dilution of ETP system could not be ruled out.

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 Mill Ltd., Ghosi, Mau, U.P. was calculated as **Rs. 11,70000/-** (Rupees Eleven Lakhs Seventy Thousand only) for the non-compliance period (17.01.2018 to 24.02.2018); and

WHEREAS, CPCB issued show cause notice dt. 21.06.2019 under Section 5 of the Environment (Protection) Act, 1986 to the unit due to poor operation and maintenance of ETP system and directed to deposit the Environmental compensation of **Rs. 11,70,000/-** (Rupees Eleven Lakhs Seventy Thousand only) for the non-compliance period (17.01.2018 to 24.02.2018), for the crushing season 2017- 18; and

WHEREAS, the unit's replies vide letters dated 15.07.2019 and 30.9.2019 were examined and following observations are made:

1. The unit has installed flow meter on one tube well, another tube well is standby and unit will install the flow meter shortly on another tube well.
2. The unit has installed the 15 days leak-proof storage tank for storing the treated effluent during adverse irrigation condition.
3. The unit has installed and commissioned the spray pond overflow treatment system.
4. The unit has submitted the analysis report through EPA recognized labs indicating compliance with the norms.
5. The unit has submitted adequacy assessment report of treatment facility by VSI, Pune vide letter dated 30.09.2019.

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, 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 (17.01.2018 to 24.02.2018), 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 Mill Ltd., Ghosi, Mau, U.P.) is directed 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.

26/11/2019
(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.
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.
- 3) **Member Secretary**
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow – 226 010
: For follow up and ensuring compliance.
- 4) **District Magistrate**
Mau, U.P.
- 5) **Regional Director**
Regional Directorate
Central Pollution Control Board, PICUP
Bhawan, Ground Floor, Vibhuthi Khand, Gomti
Nagar, Lucknow – 226 010
: For follow up and ensuring compliance.
- 6) In-charge, IT Division, CPCB
: with request to upload on CPCB server.
- 7) Master file/Guard file, WQM II, CPCB Delhi
- 8) In-charge, F&A, CPCB


(PRASHANT GARGAVA)
MEMBER SECRETARY