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06.03.2020
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To,

M/s Dhanashree Agro Product Pvt. Ltd.

(Formerly known as M/s Lakshmi Sugar Mills Co. Ltd.)

Iqbalpur, Tehsil Bhagwanpur,

Distt Haridwar-247668

Uttarakhand

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 Dhanashree Agro Product Pvt. Ltd., Iqbalpur, Haridwar, Uttarakhand (herein after referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, the Unit was inspected on 27.03.2018 by officials from CPCB and following observations were made;

1. Effluent Treatment Plant (ETP) comprises of Bar Screen, Oil Grease Separator, Equalisation Tank, Primary Clarifier, Aeration Tank, Secondary Clarifier & Activated Carbon filter.
2. Analysis of treated effluent sample showed pH-7.07 against norms of 5.5-9.0, **BOD- 148 mg/l** against norms of 30 mg/l, **COD- 299 mg/l** against norms of 250 mg/l, **TSS- 81 mg/l** against norms of 30 mg/l and **Oil and grease- 13 mg/l** against norms of 10 mg/l which indicated non-compliance w.r.t. BOD, COD & TSS with effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.
3. MLSS in aeration tank was found 1443 mg/l which indicated unstabilised Activated Sludge Process system and poor operation and maintenance of ETP system.

4. The Unit has installed cooling tower but there is no separate treatment of excess water containing sulphate and it is transferred to inlet of ETP directly.

AND WHEREAS, CPCB issued direction dated 29.05.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit; and

WHEREAS; the Unit vide letter dt 02.07.2018 submitted adequacy assessment reports prepared by VSI, Pune; 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 Uttarakhand, representatives of UEPPCB and CPCB was held on 19.07.2018 under Chairmanship of Cane Commissioner, Government of Uttarakhand and the following decisions were made;

1. Sugar Mills shall submit an action plan to CPCB by 31.07.2018 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 before start the crushing season.
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 24.07.2018 submitted their compliance status of the Charter; and

WHEREAS, CPCB issued directions dated 26.10.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following:

1. The unit shall start its operation only after obtaining the valid consent from the Uttarakhand Environment Protection and Pollution Control Board (UEPPCB).
2. The unit shall implement the observation & recommendation of the adequacy assessment report 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 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 was inspected on 07.02.2019 by officials from CPCB, based on SMS alert programme and following observations were made;

- i. The unit has started its crushing season from 11.12.2018.
- ii. The ETP comprises of Oil skimming & Bar screen chamber, Fine screen, Collection Tank, Chemical Mixing Tank, Primary Clarifier, Aeration Tank-I (Diffused aeration), Aeration tank II, Secondary Clarifier, Pressure Sand filter, Activated Carbon filter, Sludge drying beds (4 nos.)
- iii. Analysis of treated effluent sample showed pH-7.47 against norms of 5.5-8.5, BOD-41.60 mg/l against 100 mg/l, COD- 95.3 mg/l against 250 mg/l, TSS- 12.8 mg/l against 100 mg/l and Oil and grease- BDL against 10 mg/l which indicated compliance w.r.t. BOD, COD & TSS with on land effluent disposal norms prescribed under Environment (Protection) Rules, 1986.
- iv. The unit is meeting its fresh water requirement through two tube wells. The unit has installed the mechanical flow meter at tube wells and maintained the logbook.
- v. The unit has obtained permission from CGWA for ground water abstraction of 3, 27,025m³/yr. (680 m³ for season & 1235 m³/day off season).
- vi. The excess condensate of about 718 m³/day is sent to Under Ground Reservoir (UGR) after cooling for utilizing in the cooling tower make up.
- vii. As per the unit representative, total effluent generation is 426 m³/day including spray pond overflow (168.0 m³/day). During inspection team had observed that spray pond overflow and sugar mill effluent is sent to ETP for further treatment.
- viii. The unit has not installed the flow meters at the spray pond overflow and excess condensate generation points.
- ix. The unit is having pucca lagoon for the storage of treated effluent for the low demand period for irrigation.

- x. The unit has installed flow meter at outlet of ETP and maintain the record.
- xi. During the inspection, OCEMS system was not observed at final outlet of ETP. The unit informed that existing OCEMS sensor was non-functional since January 2019. The unit sent the system to the vendor for repairing/ replacement of the same.
- xii. The unit has installed two boilers of 110TPH (high-pressure boiler) and 40 TPH respectively. The unit have 40m stack followed by multicyclone and wet scrubber as APCD.
- xiii. The unit has not installed the online stack emission monitoring system at boiler stacks for measuring the consented parameters.
- xiv. The unit has not installed STP for treatment of colony domestic wastewater.

AND WHEREAS, IT division, CPCB verified that OCEMS data was available till 07.06.2018 and for BOD and COD faulty data was supplied; and

WHEREAS, the unit vide letter dated 20.02.2019 submitted their compliance report which was examined and following observations were made;

1. The unit has not installed flow meters for measuring generation of effluent at various generation points.
2. The unit has not carried out colour coding of pipelines carrying recycled process water and fresh process water.
3. The Unit has not commissioned mechanical sludge handling system of adequate capacity.
4. The unit has not submitted 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.
5. 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 govt. expert institute namely NSI Kanpur, VSI Pune, IITs during crushing season within 60 days of resumption of operation.

AND WHEREAS, CPCB issued Show cause notice dated 22.03.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit as the unit failed to supply OCEMS data uninterruptedly; and

WHEREAS, unit replies vide email dated 08.04.2019 and 09.04.2019 were examined; 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, in compliance of above quoted Hon'ble NGT order, cases to be considered for levying penalty are discharges in violation of consent conditions/ non-compliance with the directions, such as direction for closure due to non-installation of OCEMS/ non-adherence to

the action plans submitted/ intentional avoidance of data submission or data manipulation by tampering OCEMS; and

WHEREAS, CPCB has been levying Environmental Compensation in compliance of Hon'ble NGT 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 6,00,000/- for the non-compliance period (27.03.2018-15.04.2018), for the crushing season 2017-18; and Rs. 70,80,000/- for the non-compliance period (11.12.2018 to 07.04.2019), for the crushing season 2018- 19; and

WHEREAS, CPCB issued closure direction dated 22.05.2019 under section 5 of Environment (Protection) Act, 1986 to the unit and directed to comply with the following:

1. The unit shall remain closed and not operate without seeking permission from CPCB.
2. The unit shall install OCEMS and provide connectivity.
3. The unit shall deposit Rs. 76,80,000/- within 15 days from the date of receipt of direction in CPCB A/c No. 532702050000164 (Union Bank of India, IP Extension Branch, Vikas Marg Exten. Delhi; IFSC: UBIN0553271) towards environmental compensation.
4. The Unit shall seek permission from CPCB, after compliance of the above directions, before resumption of operation.

AND WHEREAS, the Unit replied vide letter dated 15.06.2019, and assured that the unit will install OCEMS and provide connectivity to CPCB server as soon as the unit will receive the system after repair and requested to drop the EC levied on the unit; and

WHEREAS, CPCB issued letter dated 01.07.2019 to the unit to deposit EC along with simple interest @12% for delay period in compliance to Hon'ble NGT order dated 06.12.2018 in O.A. No. 125/2017; and

WHEREAS, the unit has filed writ petition against CPCB direction dated 22.05.2019 in Hon'ble High Court of Delhi, and the case was disposed by Hon'ble High court vide order 05.07.2019 in W.P.(C) no. 6853/2019 and CM APPL. 28569/2019 that "*The court does not consider it apposite to entertain the present petition and the same is disposed of leaving it open for the petitioner to avail of alternative remedies*"; and

WHEREAS, the unit filed Special Leave to Appeal (C) No. (s) 18576/2019 in Hon'ble Supreme Court and Hon'ble Supreme court passed order on 09.08.2019 that "*The demand of penalty imposed by Central Pollution Control Board shall remained stayed*" and granted period of 04 weeks to CPCB, to file counter affidavit; 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, the unit vide letter dated 24.12.2019 informed about installation and commissioning of OCEMS on 19.12.2019; and

WHEREAS, IT division, CPCB verified on 13.01.2020 that the unit has provided OCEMS data connectivity through M/s Aaxis Nano technologies Pvt. Ltd.; and

WHEREAS, the unit replies vide letter dated 22.01.2020, 23.01.2020 and 31.01.2020 were examined and following observations are made:

1. The unit has informed that the unit closed its crushing operation for the season 2018-19 on 07.04.2019.
2. The unit has submitted CTO with validity up to 31.03.2020 issued by UEPPCB.
3. The unit has submitted self-certificate on the compliance of closure direction issued by CPCB.

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 11.02.2020 examined the unit's replies and recommended that the unit may be allowed to resume operation with the following conditions:

1. The unit shall ensure uninterrupted connectivity with CPCB server.
2. The unit shall submit performance assessment of treatment system by the same reputed government institute including implementation status of the recommendations made in adequacy assessment report validated by VSI, Pune in April 2018 within 06 months.

AND WHEREAS, the unit vide email dated 17.02.2020 informed about the start of crushing operation on 13.12.2019 in the crushing season 2019-20; and

WHEREAS, as per office order dated 04.09.2019, Environmental Compensation has been recalculated as Rs. 18,00,000/- for the period from date of inspection (07.02.2019) to date of end of operation in the crushing season 2018-19 (07.04.2019); and Rs. 1,80,000/- for the period from date of start of crushing (13.12.2019) to period of non- installation and non-transmission of data (18.12.2019). However, the EC will remain stayed and shall be levied subject to the final judgement of the Hon'ble Supreme Court in the matter of M/s Dhanashree Agro Product Pvt. Ltd., Iqbalpur, Haridwar, Uttarakhand Versus CPCB in SLA (c) No. (s) 18576/2019; 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 Dhanashree Agro Product Pvt. Ltd., Iqbalpur, Haridwar, Uttarakhand) is directed to comply with the following directions:

1. The unit shall ensure uninterrupted connectivity with CPCB server.
2. The unit shall submit performance assessment of treatment system by the same reputed government institute including implementation status of the recommendations made in adequacy assessment report validated by VSI, Pune in April 2018 within 06 months.

In case of default in compliance with the above directions, CPCB will be constrained to initiate action against the Unit (M/s Dhanashree Agro Product Pvt. Ltd., Iqbalpur, Haridwar, Uttarakhand) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.


(RAVISH PRASAD)
CHAIRMAN

Copy to:

1. **Member Secretary**
Uttarakhand Environment Protection & Pollution Control Board, 29/20, Nemi Road, Dehradun, Uttarakhand-248001
:With request to ensure compliance of the directions.
2. **Cane and Sugar Commissioner**
Uttarakhand
Village Hempur Ismile, Bazpur Road, Kashipur District, Udham Singh Nagar, Uttarakhand-244713
:With request to ensure compliance of the directions.
3. **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
4. **The District Magistrate**
Haridwar, (U.K.)
:With request to ensure compliance of the directions
5. **Superintending Engineer**
Uttarakhand power corporation Ltd.,
Electricity distribution circle, Roorkee, Haridwar, U.K. -247667
:With a direction to connect power supply
6. **The 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. The In-charge, IT Division, CPCB
:with request to upload on CPCB server.
8. Master file/Guard file, WQM II, CPCB Delhi


(PRASHANT GARGAVA)
MEMBER SECRETARY