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To,

M/s Uttam Sugar Mills Ltd., (Distillery Division)
Village Barkatpur, Tehsil-Najibabad
District -Bijnor,
Uttar Pradesh-246763

July 01, 2020
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CLOSURE 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 there under and also to meet the consent conditions granted by State Pollution Control Board (SPCBs) / Pollution Control Committees (PCCs); and

WHEREAS, M/s Uttam Sugar Mills Ltd., (Distillery unit) Bijnor, U.P (hereinafter referred as 'the Unit') is involved in the production of extra neutral alcohol and rectified spirit using molasses as raw material and;

WHEREAS, CPCB received public complaint dated 30.12. 2019, about disposal of spent wash on the agriculture land near village Barkatpur by the distillery unit of Barkatpur,

AND WHEREAS, CPCB officials carried out inspection of the fields where effluent disposal was reported and areas outside the premises of M/s Uttam Sugar Mills Ltd., (distillery division), Barkatpur on 31.12.2019 to verify the public complaint and following observations were made:

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1. Agricultural field (80 m X 80 m) at Behda Naiwala Road, Selampur, Uttar Pradesh, which is about 5 Km away from M/s Uttam Sugar Mills Ltd., Distillery Division, was found filled up with spent wash. Analysis result of effluent samples collected from the agriculture field showed **pH-7.90, BOD-32800 mg/l, COD-118000mg/l and TS- 167350 mg/l** and **pH-8.07, BOD-23428 mg/l, COD-90,000 mg/l and TS- 133940 mg/l** which indicates illegal disposal of raw spent wash.
2. Traces of dried spent wash was observed at different locations in a dry drain behind the Unit. To hide the appearance of disposed spent wash at some locations, these patches were found partly covered with soil.
3. Evidence of disposal of spent wash in the past through drains passing in the vicinity of the unit was also observed. Photographic evidence and physical verification confirmed the disposal of spent wash from the distillery unit of M/s Uttam Sugar Mills Ltd., Bijnor.

AND WHEREAS, CPCB issued closure direction dated 11.02.2020, under Section 5 of Environment (Protection) Act, 1986 to the Unit, and also issued show cause as to why Environment Compensation should not be imposed on them. The Unit was also directed to comply with the following:

1. The unit shall stop all its manufacturing operations with immediate effect.
2. The unit shall immediately stop disposal of spent wash onto land/drain.
3. The unit shall take measures to remediate damage caused to environment due to illegal disposal of spent wash on agriculture land.
4. The unit shall seek permission from CPCB before resumption of manufacturing operations.

AND WHEREAS, the Unit's reply dated 16.02.2020 was examined and following observations were made:

1. The Unit reported that it had taken all necessary measures for closure of the distillery unit and requested for revocation of closure direction. However, Unit could not confirm the closure of operation.
2. The Unit denied discharging spentwash into the complainant's agricultural field and claimed that the complaint was baseless and does not ascertain the Unit's role in disposal of spentwash.
3. The ponding of spentwash in biocompost yards was due to heavy rainfall in December,2019.
4. The Unit claimed that it had analysed its lagoon samples and the characteristics of the lagoon sample was significantly different from the sample collected by CPCB team from the agricultural field during inspection.
5. The canal and drains around the Unit were dry indicating zero discharge of spentwash from the Unit.
6. The Unit claimed that it has adequate facility to maintain ZLD and spentwash is consumed through bio-digestion followed by MEE and bio-composting. The bio-composting yard of 30 acres is adequate for manufacturing capacity of 150 KLPD and it has also installed CPU system for treatment and recycle of condensate, lees etc.

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AND WHEREAS, public grievance was received on MoEF&CC portal on 24.02.2020, regarding contamination of groundwater and disposal of pressmud on streets by M/s Uttam Sugar Mills Ltd., Barkatpur, U.P.; and

WHEREAS, team of CPCB officials conducted an inspection of the Unit, complainant's agricultural field and drains in the vicinity of the Unit, on 27.02.2020, to verify the Unit's compliance status and following observations are made:

1. At the time of inspection, the unit representative informed that the unit was non-operational but one of the pipelines for MEE concentrate was found discharging spent wash having temperature between 70-80°C into lagoon. Analysis of effluent sample collected from the pipeline discharging into the lagoon shows **pH-7.07, TS-217220 mg/L, BOD- 69000 mg/L and COD- 156800 mg/L** which indicates the characteristics of raw spent wash, thereby confirming that the unit was in operation in violation to the closure direction dated 11.02.2020.
2. Complaint site i.e., Agricultural field situated at Behda Naiwala Road, Selampur, was found to be ploughed and readied for cultivation purpose, however traces of spent wash was observed. Groundwater sample was collected from the hand pump, adjacent to the field.
3. Drain near Pondri Khurd village had ponding/accumulation of red colour effluent in a stretch of approx. 10 meters length. Analysis report of the effluent sample collected from this ponding showed **pH of 5.93, colour of 3054 Hazen, BOD of 292 mg/l, COD of 1280 mg/l, TSS of 141 mg/l and TDS of 2324 mg/l**, which indicates contamination of drain effluent with spentwash.
4. Ponding of spent wash was observed near one of the bio-compost yards of 6 acres. Effluent sample was collected from the ponding area and analysis showed **pH of 8.09, BOD 14200 mg/l, COD 35200 mg/l and TS 45030 mg/l indicating spentwash spillage**. In addition, an unlined channel/bypass from the ponding area is connected to Baheda drain which was partly covered with soil and sandbags to hide the connection; however, no flow was observed in channel. Disposal of the spentwash on unlined surface / bypass channel will lead to leaching and contamination of ground water.
5. The letter dated 18.02.2020 addressed to Chairman, CPCB regarding stoppage of manufacturing operations w.e.f. 18.02.2020, was not received by CPCB. However, copy of the letter received by the RO, Bijnor on 24.02.2020, was provided through WhatsApp on 27.02.2020.
6. The Unit has five bio compost yards having total area of 30 acres (6 acres' x 2, 4.5 acres x 1, 5.5 acres x 1 and 8 acres x 1) and it was observed that the condition of the bio compost yard was in disarray with total failure of spent wash management.

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7. Ponding of spent wash was observed in all the five-bio compost yards. In addition, indiscriminate dumping of press mud was also observed within the bio composting areas.
8. The spent wash and press mud was being mixed arbitrarily (without preparation of windrows or maintenance of proper ratio of press mud to spent wash) to form a slurry of pressmud and spentwash. Unit's representatives confirmed the practice and a complaint regarding the same has also been received by CPCB through MoEF&CC portal.
9. The unit has not provided separate storage space for matured bio compost and press mud. Packaging facility for matured bio compost is also not available.
10. Proper leachate collection pits and catch drains in the bio compost yard are not provided.
11. The Unit can have a lagoon storage capacity of 18000 m³ in accordance to CPCB direction dated 07.12.2015 for storage of 30 days' equivalent of concentrated spentwash. However, Unit has stored excess spent wash of 29500 m³. Both the lagoons were almost filled and there was no storage space available for further storage.
12. Samples from lagoon for bio methanated spentwash (4500 m³ capacity) and lagoon for storage of MEE concentrate (capacity 25000 m³) were collected and the analysis result indicate pH 5.75, BOD-79000 mg/l, COD – 158400 mg/l and TS -19.5% for BMSW stored in lagoon and pH 5.95, BOD-97000 mg/l, COD – 232000 mg/l and TS -298980 mg/l for MEE concentrate.
13. The Unit has provided four pipelines (one for raw spentwash, one for BMSW and two for concentrated spentwash) with outlets in both the lagoons of 4500 m³ and 25000 m³ capacity. Thus, it was evident that raw spent wash, bio-methanated spent-wash and concentrated spent wash were all stored in both the lagoons and no bifurcation or solid content maintenance undertaken for bio composting.
14. Local residents of Pondrikhurd village, District Bijnor, U.P., complained of groundwater contamination. Groundwater sample collected from the village displayed colour.
15. The Unit's existing total biocompost yard area is 30 acres whereas as per calculation, active area required by Unit for biocomposting is 29.7 acres. Therefore, it is evident that Unit does not have any storage space for pressmud and prepared biocompost.
16. The unit is not complying with the protocol of bio-composting with reference to following:
 - Windrow markers indicating windrow number, date of formation, date of inoculation and date of the last application of spent wash is not provided.
 - Leachate collection pits and drains are not provided.
 - Unit has provided five piezometer in place of nine piezometer for 30 acres of compost yard.
 - Logbook at yard for date of formation of windrow, quantity of press mud, feed stock, date of last aero-trilling, date of last spent wash spray, quantity of spent wash spray, temperature date-wise, date of maturity, moisture content etc. is not maintained.
 - Covered shed having platform is not provided for storage of ready compost.

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It is evident that all the available storage capacity of lagoons are filled and ponding of raw spentwash is being made in the compost yards by making bunds of pressmud. Spentwash is being disposed either by making slurry with pressmud on roadsides or raw spentwash is disposed in agriculture fields by tankers. The Unit does not have any storage space/available compost yard for fresh spentwash management till spentwash in lagoons and compost yard are safely disposed. Also, the public grievance regarding disposal of slurry of pressmud and spentwash on roadsides has been verified by the inspection team.

AND WHEREAS, as part of the drain monitoring program by Third Party Technical Institution under PLAS activity, Baheda Nala which is in the periphery of the Unit and meeting Malan River at 3.7 km from the Unit was monitored by IIT, Roorkee on 30.01.2020 and 27.02.2020. The salient observations are as follows:

1. Spentwash was being dumped in the Baheda Nala, on agricultural fields and nearby areas at the time of inspection in January,2020.
2. Flow in the natural drain (Baheda Nala), adjacent to Unit was found to be stopped by dumping soil into it as observed during monitoring in February,2020.
3. Baheda nala was observed to be reconstructed and its depth altered to hide contamination of the drain by spent wash/polluted water.
4. The analysis report of sample collected from downstream of the Unit in January,2020 showed high BOD (10500 mg/l) and high COD (32000 mg/l).
5. The Unit was found to be non-complying during both the occasions of drain monitoring based on the observations of the monitoring team.

AND WHEREAS, the District Magistrate, Bijnor, vide letter dated 26.03.2020 requested that the Closure direction dated 11.02.2020, issued to M/s Uttam Sugar Mills Ltd (Distillery Division), Najibabad, Bijnor, be kept in abeyance and the Unit be allowed to manufacture alcohol for supply to hand sanitizer manufacturing industries in view of the outbreak of Covid-19 pandemic; and

WHEREAS, CPCB vide letter dated 27.03.2020 issued to District Magistrate, Bijnor, conveyed abeyance of Closure Direction dated 11.02.2020 till further order for manufacture and supply of hand sanitizers for control of Covid-19 pandemic, with the condition that the unit shall continue to held liable for non-compliance and Environment Compensation shall be levied accordingly in addition to any other legal action that may become necessary.

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

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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, as per Environmental Compensation policy framed in compliance of NGT order dated 31.08.2018 in O.A no. 593/2017, the unit is levied to deposit environmental compensation (EC) for illegal disposal of spent wash into ambient environment-land and water resulting into acute injury and damage to the environment; and

WHEREAS, as per policy for levying Environmental Compensation for industries dated 04.09.2019, Environmental Compensation to be levied on the unit has been calculated as Rs., 2,53,50,000/- for illegal disposal of spentwash on land and violation of closure direction dated 11.02.2020 (period of violation 30.12.2019 to 15.06.2020); and

NOW, THEREFORE, in view of the above and in exercise of powers delegated to the Chairman, Central Pollution Control Board (CPCB) under section 5 of the Environment (Protection) Act, 1986, CPCB abeyance letter dated 27.03.2020 issued to District Magistrate, Bijnor is withdrawn and the unit (M/s Uttam Sugar Mills Ltd., (Distillery Division), Bijnor, U.P., is directed to **close down its manufacturing operation immediately and to show cause as to why environmental compensation of Rs 2,53,50,000/-** should not be levied on it for illegal disposal of spent wash on land/water/unscientific biocomposting, violation of ZLD condition and continued operation in violation of closure direction dated 11.02.2020.

In case of default in compliance with the above directions by the Unit (M/s Uttam Sugar Mills Ltd., Distillery Division, Bijnor), CPCB will be constrained to initiate appropriate action against the Unit, in accordance with the provisions of the Environment (Protection) Act, 1986.


(SHIV DAS MEENA)
CHAIRMAN

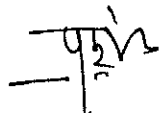
Copy to:

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

: The abeyance letter dated 27.03.2020 issued to District Magistrate, Bijnor is withdrawn and compliance to closure direction shall be ensured.

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- 2. 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
- 3. Superintendent Engineer /Executive Engineer,** : With request to ensure disconnection of
Madhyanchal Vidyut Vitran Nigam Ltd., power supply for industrial operations.
Head office. 4-A, Gokhele Marg However, power supply for domestic
Lucknow -226001 and security purposes to continue.
- 4. Regional Director** : For follow up and ensuring compliance
Regional Directorate
Central Pollution Control Board
PICUP Bhawan, Ground Floor,
Vibhuti Khand, Gomti Nagar,
Lucknow – 226 010
- 5. District Magistrate,** : The abeyance letter dated 27.03.2020 is
Bijnor-Uttar Pradesh withdrawn and compliance to closure
direction shall be ensured.
- ✓ **6. In-charge, IT Division, CPCB** : For uploading of the direction in CPCB
Master file/Guard file, WQM II, CPCB portal


(PRASHANT GARGAVA)
MEMBER SECRETARY