



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/NGRBA(RG)/CPCB/Distillery/26/2016-17 ४०११

9th October, 2020
12th

To,

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

**REVOCATION 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 thereunder; 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:

(Contd...2/-)

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-32,800 mg/l, COD-1,18,000mg/l and TS- 1,67,350 mg/l** and **pH-8.07, BOD-23,428 mg/l, COD-90,000 mg/l and TS- 1,33,940 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 notice 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, public grievance was received on MoEF&CC portal on 24.02.2020, regarding contamination of groundwater and disposal of press mud on streets by M/s Uttam Sugar Mills Ltd., Barkatpur, U.P.; and

WHEREAS, the Unit's reply dated 16.02.2020 was examined and for compliance verification, a team from CPCB conducted an inspection of the Unit, complainant's agricultural fields and drains in the vicinity of the Unit on 27.02.2020 and following observations were 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-2,17,220 mg/L, BOD- 69,000 mg/L and COD- 1,56,800 mg/L** which indicated 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. The site i.e., agricultural field mentioned in the complaint and situated at Behda Naiwala Road, Selampur, was found to be ploughed and ready for cultivation purpose, however traces of spent wash was observed.
3. Drain near Pondri Khurd village had ponding/accumulation of red colour effluent in a stretch of approx. 10 meters. Analysis report of the effluent sample collected from

(Contd...3/-)

this ponding showed **pH of 5.93, colour of 3,054 Hazen, BOD of 292 mg/l, COD of 1,280 mg/l, TSS of 141 mg/l and TDS of 2,324 mg/l**, which indicated contamination of drain effluent with spent wash.

4. Ponding of spent wash was observed near one of the bio-compost yards of 6 acre. Effluent sample was collected from the ponding area and analysis showed **pH of 8.09, BOD 14,200 mg/l, COD 35,200 mg/l and TS 45,030 mg/l indicating spent wash 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.
5. The Unit has five bio compost yards having total area of 30 acres (6 acre x 2, 4.5 acre x 1, 5.5 acre x 1 and 8 acre x 1) and it was observed that the condition of the bio compost yard was in disarray with total failure of spent wash management system.
6. 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.
7. 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 press mud and spent wash. Unit's representatives confirmed the practice and a complaint regarding the same was also received by CPCB through MoEF&CC portal on 24.02.2020.
8. The Unit has not provided separate storage space for matured bio compost and press mud. Packaging facility for matured bio compost was also not available.
9. Proper leachate collection pits and catch drains in the bio compost yard were not provided.
10. The Unit has excess storage capacity of 29,500 m³ against the allowed lagoon storage capacity of 18,000 m³ in accordance to CPCB direction dated 07.12.2015 for storage of 30 days' equivalent of concentrated spent wash.
11. The Unit provided four pipelines (one for raw spent wash, one for BMSW and two for concentrated spent wash) with outlets in both the lagoons of 4,500 m³ and 25,000 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.
12. 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 was evident that Unit did not have any storage space for press mud and prepared biocompost.
13. The unit was not complying with the protocol of bio-composting with reference to the 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. was not maintained.

(Contd...4/-)

- Covered shed having platform is not provided for storage of ready compost.

AND WHEREAS, as part of the monitoring of recipient drains by Third Party Technical Institution, Baheda Nala which is in the periphery of the Unit and meets 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 were as follows:

1. Spent wash 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 (10,500 mg/l) and high COD (32,000 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 be 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

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

(Contd...5/-)

WHEREAS, as per Environmental Compensation (EC) policy framed in compliance of NGT order dated 31.08.2018 in O.A no. 593/2017, the unit is liable to pay 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 spent wash on land and violation of closure direction dated 11.02.2020 (period of violation 30.12.2020 to 15.06.2020); and

AND WHEREAS, CPCB issued closure direction dated 01/03.07.2020, under Section 5 of Environment (Protection) Act, 1986 to the Unit, and also issued show cause as to why Environment Compensation of Rs 2,53,50,000/- should not be levied on them for illegal disposal of spent wash on land/water/unscientific biocomposting, violation of Zero Liquid Discharge (ZLD) condition and continued operation in violation of closure direction dated 11.02.2020; and

WHEREAS, Unit vide letter dated 16.07.2020, submitted a request for revocation of the closure direction dated 01/03.07.2020 along with request for withdrawal of show cause notice for environmental compensation. The Unit's reply was examined and following observations made:

- a. The Unit claimed that it is not responsible for illegal disposal of spent wash into ambient environment and it is strictly maintaining ZLD.
- b. It submitted letter from the Excise Department according to which the Unit had stopped its manufacturing operations on 18.02.2020 in compliance to CPCB direction dated 11.02.2020.
- c. As per Unit's claim, biocompost yards are strictly constructed as per CPCB guidelines for biocomposting and are properly lined to prevent seepage, leakage or percolation to ground water.
- d. Press mud is not stored in the distillery unit but directly obtained from their sugar unit. Also there is no dumping of spent wash in the compost yards.
- e. Unit strictly follows the protocol for biocomposting, however, rainfall caused disturbance of windrows and loss of consistency in press mud –spent wash mix.
- f. No leachate/runoff finds any access to drains.
- g. A storage godown of 17m x15m x 6m for storage and handling of mature biocompost, has been constructed.
- h. The Unit also has necessary mixing machine, weighing machine, bagging machine and stitching machine for packaging of biocompost.
- i. The Unit has adequate system for leachate collection and catch drains.
- j. The Unit has dismantled two out of four pipelines (one for raw spent wash, one for biomethanated spent wash (BMSW) and two for concentrated spent wash) with outlets in both the lagoons of 4,500 m³ and 25,000 m³ capacity.
- k. The Unit also made a request for personal hearing in order to present their case better.

AND WHEREAS, based on Unit's request, personal hearing was held through video conferencing on 17.08.2020 by Member Secretary, CPCB. It was decided during personal hearing that Environmental Compensation shall be levied on the Unit however date of actual closure of the Unit would be determined based on the letter from Excise Department; and

(Contd...6/-)

WHEREAS, as per policy for levying Environmental Compensation for industries dated 04.09.2019, and considering the proceedings of personal hearing, Environmental Compensation has been recalculated as Rs., 76,50,000/- for the period from 30.12.2019 (i.e., date of public complaint) till 18.02. 2020 (i.e., date of stoppage of operation as validated by Excise Dept.), for illegal disposal of spent wash on land; and

WHEREAS, to verify the claims made by the Unit vide letter dated 16.07.2020, a team of CPCB officials conducted an inspection of the Unit, complainant's agricultural field and drains in the vicinity of the Unit, on 07.09.2020 and following observations are made:

1. The Unit was non-operational at the time of inspection. As per information provided by Unit officials, Unit had operated till 04.07.2020 following which it was closed in compliance to CPCB direction dated 01/03.07.2020.
2. Production data provided by Unit indicate that average alcohol production between February, 2020 to July, 2020 was 112 KLD while spent wash generation was 666 KLD during the period from February to June,2020.
3. The Unit has valid consent to operate with validity upto 31.12.2021 while the NOC from CGWA is valid upto 04.09.2021.
4. As per information provided by the Unit officials, no biocomposting activity is being undertaken currently due to ongoing rainy season. The Unit representative informed that one cycle of biocomposting was completed in June, 2020.
5. In three out of five biocompost yards (i.e., yard 3,4 and 5), mixture of spent wash and press mud in slurry form was observed.
6. Leachate collection pit (nos.-2) and catch drains of compost yard 1 (6 acre) and 4 (8 acre) were observed completely filled with slurry. The catch drain of compost yard 2 (5.5 acre), 3 (4.5 acre) and 5 (6 acre) were observed covered/filled with bio-compost.
7. Press mud was stored and found covered with polythene sheets in the bio-compost yard.
8. The Unit has constructed a shed for storage of matured bio-compost but at the time of inspection it was found occupied by labourers of the Unit. Weighing & packing machines were not observed in the shed.
9. In addition to the four old piezometric wells, the unit has installed four new piezometric wells in the bio-compost yards.
10. Lagoon, having capacity of 25,000 m³ used for storage of 30% conc. spent wash, was found to be filled until 200 mm below the red mark (approx. 11,000 m³) while the 4,500 m³ capacity lagoon for biomethanated spent wash was half filled (approx. 2,000 m³).
11. The unit has sealed/welded the extra pipelines which were found carrying concentrated and raw spent wash to both the lagoons of 25000 m³ (dedicated for concentrated spent wash) and 4500 m³ capacity (dedicated for bio-methanated spent wash) during previous inspection on 27.02.2020.
12. The inspection team along with the Unit representatives visited the complaint site i.e., the agricultural field in Behda Naiwla Road, Selampur, U.P. and traces of spent wash was not observed on the field.
13. The team visited various drains in the vicinity of the Unit and found that the drain flowing adjacent to bio compost yard and meeting Baheda drain had no flow/traces of spent wash.
14. Drain near Pondri khurd village, which was previously found to have ponding and contamination

(Contd...7/-)

with spent wash during CPCB inspection dated 27.02.2020, was found partially filled with soil. As per the Unit representative, soil filling was done by Village Head however, according to local residents, it was the Unit which did the soil filling recently.

15. Baheda drain passing adjacent to the lagoon located at backside of the Unit, was found dry at the time of inspection.
16. Drain near the compost yard of 6 acre, which was previously found to be filled with spent wash and blocked by sand bags during last visit on 27-02-2020, was now found completely filled with soil and dry.
17. Analysis of sample collected from Baheda drain at culvert in Phundri Khurd Village showed pH-7.78, TSS- 129mg/l, TDS-88mg/l, COD – 29 mg/l and BOD-7 mg/l, colour 31 Hazen and Sulphate-28 mg/l.
18. Analysis of sample collected from hand pump located at complaint site showed pH-8.0, COD-BDL, TDS-220 mg/l, colour-BDL, total alkalinity-162 mg/l, total hardness-158 mg/l, NO_3^- -21.2 mg/l, sulfate-15 mg/l, chloride-10 mg/l, fluoride-0.3 mg/l, As-BDL, Cd-BDL, Co-BDL, Cr-BDL, Cu-BDL, Fe-0.19 mg/l, Mn-BDL, Ni-BDL, Pb-BDL, Sb-BDL, Se-BDL, V-0.01 mg/l and Zn-0.09 mg/l.
19. Analysis of sample collected from hand pump located at compost yard showed pH-7.8, COD-BDL, TDS-554 mg/l, colour-BDL, total alkalinity-211 mg/l, total hardness-350 mg/l, NO_3^- -69.0 mg/l, sulfate-31 mg/l, chloride-89 mg/l, fluoride-0.2 mg/l, As-BDL, Cd-BDL, Co-BDL, Cr-BDL, Cu-BDL, Fe-0.43 mg/l, Mn-0.45 mg/l, Ni-BDL, Pb-BDL, Sb-BDL, Se-BDL, V-BDL and Zn-0.48 mg/l.
20. Analysis of spent wash samples collected from lagoons of capacity 4,500 m³ (for BMSW) showed pH-7.19, Total solids-1,80,150, COD – 1,60,320 mg/l and BOD-76,000 mg/l and colour 42,515 Hazen.
21. Analysis of spent wash samples collected from lagoons of capacity 25,000 m³ (Conc. Spent wash) showed pH-5.68, Total solids-2,82,570 mg/l, COD – 2,41,600 mg/l and BOD-1,09,667 mg/l and colour 60,479 Hazen.

AND WHEREAS, CPCB constituted Four-Member Committee vide office order dated 24.02.2020 having representative from NMCG, MoEF & CC to examine the representations for revocation of closure directions issued under Section 5 of the Environment (Protection) Act, 1986. The Committee in its meeting held on 28.09.2020 through video conference, examined the inspection report dated 07.09.2020 as well as Unit's reply dated 16.07.2020 and recommended for conditional revocation of the closure directions dated 11.02.2020 and 01/03.07.2020 with restricted production capacity of 75 KLPD.

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, the Unit, M/s Uttam Sugar Mills Ltd., (Distillery Division), Bijnor, U.P., is hereby directed to comply with the following directions:

1. The Unit may resume its operation and shall operate at restricted capacity of 75 KLD as against the consented capacity of 150 KLPD.

(Contd...8/-)

2. The Unit shall concentrate the entire volume of biomethanated spent wash stored in the lagoon of capacity 4,500 m³ through Multi Effect Evaporator (MEE) and store the concentrated spent wash in lagoon of capacity 25,000 m³ until its utilization in biocomposting.
3. The unit shall utilize the slurry of spent wash and press mud, spread over the three bio-compost yards through bio-composting.
4. The Unit shall empty/clear the slurry from the catch drains with leachate collection pits in all five bio-compost yards. Garland drains shall be constructed wherever it is not currently present.
5. After emptying the 4,500 m³ capacity lagoon, the Unit shall immediately seal the lagoon and submit time bound action plan for filling/dismantling/levelling of the same to CPCB within 15 days from receipt of the direction.
6. The Unit shall strictly follow "the standard operating procedure for bio-composting for molasses based distilleries".
7. The unit shall submit time bound action plan for dismantling/levelling/filling the excess lagoon capacity beyond 18,000 m³ within 15 days from date of receipt of direction.
8. The Unit shall deposit an Environmental Compensation of Rs 76,50,000/- (Rupees seventy-six lakh and fifty thousand only) for the period from 30.12.2019 (i.e., date of public complaint) till 18.02.2020 (i.e., date of stoppage of operation as validated by Excise Dept.), in accordance with the Environmental Compensation policy framed in compliance with NGT order dated 31.08.2018 in O.A. No. 593/2017 within 15 days from date of receipt of direction.
9. The Unit shall install hard disc required for recording of web camera data in accordance to the online CEMS data submission procedure issued by CPCB and keep at least two months data as record which should be accessible to CPCB at all times.
10. The Unit shall approach CPCB after compliance of above directions to seek permission along with photographic and documentary evidence for each point for restoration of operation at consented capacity.

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

- a. UPPCB shall ensure that all compliance measures by the Unit are undertaken under its supervision.
- b. UPPCB shall submit monthly compliance report to the above directions to CPCB.

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

(Contd...9/-)

Superintendent Engineer /Executive Engineer,
Madhyanchal Vidyut Vitran Nigam Ltd.,
Head office. 4-A, Gokhele Marg
Lucknow -226001

: With request to ensure reconnection of
power supply for industrial operations.

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

The District Magistrate,
Bijnor-Uttar Pradesh

: For kind information, please

✓ The In-charge, IT Division, CPCB

: For uploading of the direction in CPCB
portal

Master file/Guard file, WQM II, CPCB


(PRASHANT GARGAVA)
MEMBER SECRETARY