

Speed Post

B-190197/WQM-II(RG)/CPCB/Sugar/38/2016-17 11457

20.05.2019
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To,

M/s Kisan Sahkari Chini Mill Ltd.
Sneh Road, Najibabad, Bijnor,
U.P.-246763

**DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986-
CLOSURE THEREOF**

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., Sneh Road, Najibabad, Bijnor, 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 08.03.2018 by officials from CPCB, Delhi and following observations were made;

1. The Unit and ETP were operational.
2. Analysis of treated effluent sample shows pH-7.05 as against norms of 5.5-9.0, BOD- 56 mg/l against norms of 30 mg/l, COD- 157 mg/l against norms of 250 mg/l, TSS- 93 mg/l against norms of 30 mg/l which indicates non-compliance w.r.t. BOD & TSS against surface water discharge norms prescribed under Environment (Protection) Rules, 1986.
3. MLSS in aeration tank was 458 mg/l. which indicates unstabilised Activated Sludge Process system due to poor operation and maintenance of ETP system.
4. OCEMS was installed however flow meter was not connected with CPCB server/.
5. Sludge drying beds were overflowing in ETP plant.

(MM)

AND WHEREAS, CPCB has issued show cause notice dt.02.05.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit as the unit failed to meet the effluent discharge norms; and

WHEREAS, the unit replied vide letter dated 20.07.2018, which was examined and following observations were made:

1. The unit has submitted the valid consent to operate.
2. The discharge parameters of unit satisfy the discharge limits for disposal on land i.e., BOD 100 mg/l and TSS 100mg/l.
3. The required MLSS as recommended by CPCB has been maintained.
4. Sludge drying beds were cleaned properly.
5. The unit has submitted irrigation management plan and revalidated ETP adequacy assessment report.

AND WHEREAS, the Unit submitted the revalidated adequacy assessment reports prepared by VSI, Pune vide letter dt. 20.07.2018; 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 letter dated 26.07.2018 submitted their compliance status of the Charter; and

WHEREAS, the Unit vide letter dt. 24.08.2018 has submitted irrigation management plan validated by NSI, Kanpur; and

WHEREAS, CPCB issued direction dated 05.11.2018 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 implement the observation & recommendation of the revalidated adequacy assessment of ETP.
2. 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.
3. The unit shall install flow meters at major areas of cold and hot water consumption.
4. The unit shall install flow meters for measuring generation of effluent from various prominent areas.
5. The unit shall maintain logbook for individual process unit for recording daily water consumption and effluent generation also.
6. The unit shall carry out colour coding of pipelines carrying recycled process water and fresh process.
7. The Unit shall commission mechanical sludge handling system of adequate capacity.
8. The unit shall carry out analysis of effluent discharge parameters notified under Environment (Protection) Rules, 1986 and logbook shall be maintained on daily basis.
9. 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.
10. 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 government 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 vide letter dated 09.02.2019 submitted their compliance report including actual assessment of water consumption and effluent generation of season 2018-19 validated by NSI Kanpur and following observations were made:

1. The unit has not installed necessary flow meters at most of the unit operations to ascertain cold and hot water requirement.
2. Capacity of most of the unit operations of ETP was found inadequate.
3. Total waste water generation was observed to be 242 l/t of cane crushed.
4. ETP outlet flow meter reading on RTMS was observed to be erroneous and needs to be calibrated.
5. ETP outlet water parameters were not found within permissible limits.

AND WHEREAS, the unit was inspected on 20.03.2019 by team of CPCB officials and following observations are made;

1. The unit was operational at the time of inspection.
2. The unit has valid consents of under Water Act, 1974 and Air Act, 1981 upto 31.12.2019 for cane crushing capacity of 3000 TCD.

3. Analysis of treated effluent sample shows pH-7.08 as against norms of 5.5-9.0, **BOD- 233 mg/l** against norms of 100 mg/l, **COD- 427 mg/l** against norms of 250 mg/l, TSS- 74 mg/l against norms of 100 mg/l and TDS- 996 mg/l against norms of 2100 mg/l which indicates non-compliance w.r.t. BOD, COD against land discharge norms prescribed under Environment (Protection) Rules, 1986.
4. Analysis of treated effluent sample from lagoon shows pH-7.21, **BOD- 120mg/l** against norms of 100 mg/l, **COD-345mg/l** against norms of 250 mg/l, TSS- 30 mg/l against norms of 100 mg/l and TDS- 816 mg/l against norms of 2100 mg/l with land discharge norms prescribed under Environment (Protection) Rules, 1986.
5. Treated effluent discharge estimated as 71 litre/ton.
6. The unit has not installed the mechanical sludge handling system and has not done colour coding of the process pipelines.
7. The unit has not installed flow meter for hot and cold water consumption although unit has purchased.
8. The unit has not maintained the log book of the flow meters.
9. The unit has not installed flow meters at inlet and outlet of ETP with totalizer.
10. As per the adequacy report the Oil & grease chamber, Secondary Clarifier, Multi grade filter and activated carbon filter of ETP were found inadequate.
11. The unit has not submitted the Implementation status in the form of affidavit.

It is evident that untreated/ partially treated effluent is being discharged by the unit causing grave injury to the environment.

WHEREAS, The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) 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

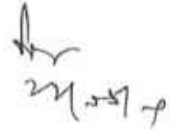
WHEREAS, as per the methodology for assessing penalty and environmental compensation, the environmental compensation to be levied to the unit is calculated as **Rs. 55,20,000/-** (Rupees fifty-five lakhs twenty thousand only) for the non-compliance period (12.11.2018 to 14.05.2019), for the crushing season 2018- 19; and

NOW, THEREFORE, in exercise of powers delegated to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, the Unit (M/s Kisan Sahkari Chini Mill Ltd., Sneh Road, Najibabad, Bijnor, U.P) is directed **close down its manufacturing operations immediately and deposit Rs. 55,20,000/-** in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271).

towards environmental compensation **within 15 days** from the date of receipt of direction and shall comply with the following directions;

1. The unit shall close down its Sugar manufacturing operations with immediate effect and shall not resume its operations till augmentation and upgradation of ETP system is carried out.
2. The unit shall install flow meters at major areas of cold and hot water consumption and at inlet and outlet of ETP with totalizer.
3. The unit shall submit the implementation status of the Charter in the form of Affidavit.
4. The unit shall seek permission from CPCB, after compliance of the above directions, before resumption of operation.

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., Sneh Road, Najibabad, Bijnor, 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. The Chairman**
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow – 226 010
:With request to ensure compliance of the directions.
- 2. Principal Secretary**
Sugar Industry and Cane Development
Department, "G" Block 2/3, Mantri Wing 4th Floor
Bapu Bhawan Vidhan Sabha Marg
Lucknow - 226 001
:For kind information, please.
- 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**
Bijnor, U.P.-246701
:With request to ensure closure of the unit in compliance of the directions
- 5. The Superintending Engineer**
Paschimanchal Vidyut Vitaran Nigam Limited,
Bijnor, U.P.
:With a direction to disconnect power supply
- 6. The Regional Director**
Regional Directorate
Central Pollution Control Board, PICUP Bhawan,
:For follow up and ensuring compliance

Ground Floor, Vibhuti Khand, Gomti Nagar,
Lucknow – 226 010

7. The In-charge, IT Division, CPCB

8. Master file/Guard file, WQM II, CPCB Delhi

:with request to upload on CPCB
server.


(PRASHANT GARGAVA)
MEMBER SECRETARY