

Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/37/2016-17 2029

23.05.2019  
28

To,

Kisan Sahkari Chini Mill  
Gajraula, Hasanpur, Amroha,  
J.P. Nagar-244241, U.P.

**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**, Kisan Sahkari Chini Mill, Gajraula, Hasanpur, Amroha, J.P. Nagar, U.P. (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

**AND WHEREAS**, the Unit was inspected on 17.01.2018 by officials from CPCB, Delhi and following observations were made;

1. The Unit was found operational at the time of inspection and ETP was functional.
2. The Unit has installed the two bore well as the fresh water consumption is 2064 KLD in which maximum water consumption i.e. is 1857.6 KLD in the residential colony.
3. The Unit has installed the flow meter at the inlet as well as at outlet of ETP.
4. The analysis report showed pH-4.56, against 5.5-9.0, **BOD-1184 mg/l** against 30 mg/l, **COD- 1937 mg/l** against 250 mg/l and **TSS-162 mg/l**, against 30 mg/l at the outlet of ETP which indicated non-compliance with the prescribed effluent discharge norms under Environment (Protection) Act, 1986.
5. Operation and maintenance of aeration tank of ETP system was poor as the MLSS of the aeration tank was 334 mg/l.
6. The Unit was found to be bypassing the tertiary treatment system and discharging the effluent from secondary clarifier.

**AND WHEREAS**, CPCB issued direction dated 28.02.2018 under section 5 of the Environment (Protection) Act, 1986, to the unit; and

**WHEREAS**, the Unit submitted the revalidated adequacy assessment reports and irrigation management plan prepared by VSI, Pune vide letter dt. 17.03.2018; 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 were 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.

**WHEREAS**, the unit vide letter dated 31.07.2018 submitted their compliance status of the Charter; and

**WHEREAS**, CPCB issued direction dated 26.10.2018 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 implement the observation & recommendation of the revalidated adequacy assessment 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 vide letter dated 04.02.2019 submitted their compliance report including actual assessment of water consumption and effluent generation of season 2018-19 validated by VSI, Pune and following observations were made:

1. Fresh water consumption for industrial usage was observed to be 25.12 l/t of cane.
2. Total waste water generation was observed to be 132 l/t of cane with average crush rate 2298.35 TCD.

**AND WHEREAS**, the unit was inspected on 26.03.2019 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 to operate under Water Act, 1974 and Air Act, 1981 upto 31.12.2019 for cane crushing capacity of 2500 TCD.
3. Analysis of treated effluent sample shows pH-7.6 as against norms of 5.5-9.0, **BOD- 129 mg/l** against norms of 100 mg/l, **COD- 496 mg/l** against norms of 250 mg/l, **TSS- 327 mg/l** against norms of 100 mg/l and TDS- 1064 mg/l against norms of 2100 mg/l which indicates non-compliance w.r.t. BOD, COD & TSS against effluent discharge norms on land prescribed under Environment (Protection) Rules, 1986.
4. Ponding of wastewater was observed within industry premises and analysis results of sample show **BOD- 805 mg/l**, **COD-1589 mg/l** and **TSS- 151 mg/l** indicating discharge of untreated effluent.

5. Analysis of treated effluent sample from storage lagoon shows pH-8.03 against norms of 5.5-9.0, BOD- 62mg/l against norms of 100 mg/l, **COD-263 mg/l** against norms of 250 mg/l, **TSS- 162 mg/l** against norms of 100 mg/l and TDS- 524 mg/l against norms of 2100 mg/l which indicates non-compliance w.r.t COD & TSS against effluent discharge norms on land prescribed under Environment (Protection) Rules, 1986.
6. Oil skimmer was found non-operational during the visit.
7. Backwash from ACF & MGF was found directly discharging on land.
8. The unit has not maintained the log book of the hot and cold water consumption.
9. The unit has not installed the flow meter at the overflow of the spray pond.
10. The unit has not complied with the direction dated 26.10.2018.

**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

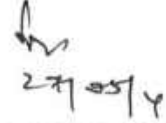
**WHEREAS**, as per the methodology for assessing penalty and environmental compensation, the environmental compensation to be levied to the unit is calculated as **Rs. 38,40,000/-** (Rupees Thirty-eight lakhs forty thousand only) for the non-compliance period (17.01.2018 to 24.05.2018), for the crushing season 2017- 18; and **Rs. 1,12,80,000/-** (Rupees one crore twelve lakhs eighty thousand only) for the non-compliance period (06.11.2018 to 12.05.2019), 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, Gajraula, Hasanpur, Amroha, J.P. Nagar, U.P.) is directed **to remain close and deposit Rs.1,51,20,000/-** 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 remain closed and not operate without seeking permission from CPCB.
2. The unit shall comply with the direction dated 26.10.2018.
3. The unit shall submit adequacy assessment of treatment facility by reputed govt. institute; including work completion report regarding implementation of the recommendations of the adequacy report within 45 days.

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 (Kisan Sahkari Chini Mill, Gajraula, Hasanpur, Amroha, J.P. Nagar, 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. Principal Secretary**

Sugar Industry and Cane Development  
Department, "G" Block, 2/3, Mantri Wing, 4th Floor,  
Bapu Bhawan, Vidhan Sabha Marg  
Lucknow - 226 001

With request to ensure compliance of  
the directions

**2. Member Secretary**

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

:With request to ensure compliance of  
the directions.

**3. Joint Secretary (CP Division)**

Ministry of Environment, Forest & Climate Change  
Prithvi Block, Indira Paryavaran Bhawan, Jorbagh  
Road, New Delhi - 110 003

: For kind information, please

**4. District Magistrate**

J.P. Nagar-244241  
Uttar Pradesh

: With request to ensure closure of the  
unit in compliance of the directions

**5. Superintending Engineer**

Paschimanchal Vidyut Vitran Nigam Ltd.  
J.P. Nagar-244241, U.P.

: With a direction to disconnect power  
supply

**6. 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

**7. 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