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B-190198/WQM-II(RG)/CPCB/Sugar/23/2016-17 2142

24.05.2019
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To,

M/s HARINAGAR SUGAR MILLS LTD.
HARINAGAR
WEST CHAMAPARAN,
BIHAR-845103

**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 Harinagar Sugar Mills Ltd., Harinagar, West Chamaparan, Bihar (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, the Unit was inspected on 12.01.2018 by officials from CPCB to verify the compliance status of the Unit, and following observations were made;

1. The Unit has installed Effluent Treatment Plant (ETP) which is comprised of Oil and Grease trap, Primary Clarifier, Aerated lagoon, Aeration Tank, Secondary Clarifier and Sludge Drying Beds.
2. The Unit has a licensed capacity of 10000 TCD, while it was noted that from December to January most of the days the Unit exceeds (average 10 to 20% per day) its licensed capacity.
3. The analysis of treated effluent sample shows pH-7.37 as against norms of 5.5-9.0, BOD-26 mg/l against norms of 30 mg/l, COD-72 mg/l against norms of 250 mg/l and TSS-55 mg/l against norms of 30 mg/l, which indicates non-compliance w.r.t. TSS with the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.
4. Total effluent is discharged **229 Litre/ tonne** by the Unit which is higher than permissible limit.
5. Flow meters were not found at the inlet and Spray pond overflow.
6. The Unit has not installed any system for treating cooling tower blow down.
7. OCEMS system was installed and connected to CPCB & SPCB server; and

WHEREAS, Unit submitted the revalidated adequacy assessment report prepared by NSI, Kanpur vide letter dated 15.03.2018; and

WHEREAS, CPCB has issued show cause notice dated 23.04.2018 under Section 5 of the Environment (Protection) Act, 1986 to the Unit; and

WHEREAS, the Unit submitted the replies of the show cause notice vide letter dt.16.05.2018, 25.05.2018 and 30.08.2018, following observations were made;

- 1) Unit has installed flow meters on the inlet line, outlet of ETP, 12 flowmeters installed in process and fresh water sources (bore well).
- 2) Lined lagoon of 32000 m³ capacity has been constructed for storage of treated effluent for maximum 14 days.
- 3) Flowmeters were installed in cooling tower overflow.
- 4) Unit has submitted that their ETP having treatment capacity of 250 m³/hr is adequate for cooling towers/spray pond overflow system overflow treatment system and no separate system of treatment for the treatment of overflow from cooling tower/spray pond.
- 5) Unit has submitted that they are using the entire quantity of ETP treated water in the process and any surplus water is stored in lined lagoon for usage in irrigation.
- 6) Unit has submitted that they have commissioned tertiary treatment system (MGF).
- 7) Unit has modified the pipe lines in the sugar plant.
- 8) Modification in drain gutters.
- 9) Preparation of cold water recirculation pits for cold water, pumps glands cooling, cold water recirculation, neutralization pits at D.M. plants, hot water recirculation tanks and soda water storage tank.
- 10) Installation of 04 nos of mini cooling towers of capacities 100 m³/hr, 150 m³/hr, 200 m³/hr and 100 m³/hr for cooling of boilers blow down water, turbine bearing cooling water, excess condensate water respectively 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 Bihar, representatives of Bihar State Pollution Control Board (BSPCB) and CPCB was held on 10.08.2018 under Chairmanship of Chairman, BSPCB and the following decisions were made:

1. Sugar Mills shall submit an action plan to CPCB by 20.08.2018 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 15.09.2018.
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 14.08.2018 and 15.09.2018 submitted their action plan and implementation status of the Charter for water recycling and pollution prevention in sugar factories and which were examined and following observations were made:

1. The Unit has submitted that it is following BMT for most of the processes.
2. The unit is having system to recycle water of SO₂ gas coolers.
3. The Unit is treating the overflow of cooling tower in their ETP with other effluent after sulphate removal process with Milk of Lime.
4. The unit is having pits for collecting pumps glands cooling water at boilers, condensate pumps, injection and spray pumps, at RVF to recycle the same.
5. The unit is having one surplus condensate cooling tower to cool the condensate water and using the same.
6. The unit is having closed loop of cold and hot water circulation systems.
7. The unit is using milk of lime in cooling tower to maintain the pH & being sent to ETP consisting of tertiary treatment plant having MGF & ACF.
8. Unit has adopted rain water harvesting system.
9. Unit has infrastructure for operation and maintenance of ETP, with 04 operators & one Senior Chemist with analytical facilities in Sugar lab.

AND WHEREAS, CPCB issued direction dated 20.11.2018 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 operate within the licensed crushing capacity of 10,000 TCD and available treatment capacity of ETP.
2. The unit shall implement observation & recommendation of the revalidated 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 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 government expert institute namely NSI Kanpur, VSI Pune, IITs during crushing season & submit the report to CPCB within 45 days of resumption of operation.

AND WHEREAS, the Unit replied vide letters dated 17.12.2018 & 24.01.2019, which were examined and following observations were made:

1. The Unit has implemented the observations & recommendations of the revalidated adequacy assessment of ETP.
2. The Unit has installed sealed flow meter on the bore wells (2 nos) to ascertain usage of fresh water for various uses.
3. The Unit has installed a total of 20 flow meters at major areas of cold and hot water consumption.
4. The Unit has installed a total of 2 flow meters for measuring generation of effluent from various prominent areas. The Unit has also installed flow meters at the inlet & outlet of ETP and connected to CPCB server along with online effluent quality monitoring system.
5. The Unit is maintaining logbook for individual process unit for recording daily water consumption and effluent generation.
6. The Unit has done colour coding of pipelines carrying recycled process water and fresh water.
7. The Unit is not having mechanical sludge handling system.
8. The Unit has established Environmental Laboratory for carry out analysis of effluent discharge.
9. The Unit has submitted the implementation status of the Charter in the form of Affidavit.
10. The Unit vide letter dated 24.01.2019 has submitted the validation of implementation status of the Charter and performance adequacy audit of ETP from NSI, Kanpur.

AND WHEREAS, the unit was inspected on 26.03.2019 by team of CPCB officials and following observations are made;

1. Analysis of treated effluent samples showed pH-8.2 against the norms of 5.5-8.5, BOD- 03 mg/l against the norms of 100mg/l, TSS 08 mg/l against the norms of 100mg/l, COD-25 mg/l against the norms of 250mg/l and TDS 681 mg/l against the norms of 2100mg/l, O&G-BDL against the norms of 10 mg/l which indicates compliance w.r.t on land effluent discharge norms of E(P)Rules,1986. MLSS in aeration tank was 1150 mg/l, which indicates unstabilised aeration tank and dilution of ETP system.
2. Analysis of treated effluent samples of lagoon showed pH-6.6 against the norms of 5.5-8.5, **BOD-334** mg/l against the norms of 100mg/l, **COD-622** mg/l against the norms of 250mg/l, TSS-63 mg/l against the norms of 100mg/l, TDS -1349mg/l against the norms of 2100mg/l and O&G-BDL against the norms of 10 mg/l which indicates non-compliance w.r.t BOD and COD as per on land effluent discharge norms of E(P)Rules,1986.
3. The Unit has installed OCEMS at final outlet.

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

AND 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. 54,60,000/-** (Rupees fifty-four lakhs sixty thousand only) for the non-compliance period (14.11.2018 to 14.05.2019), for the current 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 Harinagar Sugar Mills Ltd., Harinagar, West Champaran, Bihar.**) is directed **close down its manufacturing operations immediately and deposit Rs. 54,60,000/-** 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 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.
3. 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 Harinagar Sugar Mills Ltd., Harinagar, West Champaran, Bihar**) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.


28/5/19
(S.P. SINGH PARIHAR)
CHAIRMAN





Copy to:

1. **Principal Secretary**
Sugar Industries
Government of Bihar
Department of Sugarcane Development
Vikas Bhawan, New Secretarial
Patna – 800015 (Bihar)
: With request to ensure compliance of the directions.
2. **Member Secretary**
Bihar State Pollution Control Board,
Parivesh Bhawan, Plot No.-NS-B/2
Paliputra Industrial Area,
Patliputra,
Patna – 800010 (Bihar)
: For kind information, please.
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**
West Champaran, Bettiah, Bihar
: To ensure physical verification, closure, sealing and disconnection of power supply in compliance of closure direction.
5. **Regional Directorate**
Regional Director
Central Pollution Control Board, PICUP Bhawan, Ground
Floor, Vibhuti Khand, Gomti Nagar,
Lucknow – 226 010
: For follow up and ensuring compliance
6. In-charge, IT Division, CPCB
: For uploading on CPCB website
7. Master file/Guard file WQM II, CPCB Delhi
: For record


(PRASHANT GARGAVA)
MEMBER SECRETARY