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23.05.2019
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To,

M/s Bajaj Hindustan Sugar Ltd.,
Barkhera, Pilibhit,
U.P.-262201

**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 violation of emission and effluent standards notified under 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 Bajaj Hindustan Sugar Ltd., Barkhera, Pilibhit, 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 31.01.2018 by officials from CPCB, Delhi and was found non-complying with CPCB norms; and

WHEREAS, CPCB issued directions dated 19.03.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit for compliance of the following:

1. The unit is directed to close down its sugar manufacturing operations with immediate effect and shall not resume its operations.
2. The unit shall dismantle the bypass arrangement and stop untreated effluent discharge immediately.
3. The unit shall install & commission ETP system upto tertiary treatment level including adequate treatment system for spray pond overflow effluent in case of double sulphitation process.
4. The unit having high-pressure boiler (>45 Kg/cm²) shall install & commission Condensate Polishing Unit (CPU) for treatment of condensate water to ensure its reuse & recycle within the process.

5. The unit shall restrict the treated wastewater storage lagoon capacity of 15 days in low demand period for irrigation.
6. The unit shall submit irrigation management plan and utilise treated effluent meeting the prescribed norms for irrigation as per the irrigation management plan validated by expert institutions namely, NSI, Kanpur/ VSI, Pune/ Agricultural Institutions.
7. The unit shall get the verification of implement status of the recommendation of adequacy report including ETP performance assessment & effluent generation assessment done by the same institute that carried out adequacy assessment and submit the report to CPCB.
8. The unit shall submit the revalidated ETP adequacy assessment report within 45 days to CPCB.
9. The unit shall inform to CPCB about the closure of operation immediately.
10. The unit shall seek permission from CPCB before resumption of manufacturing operations.

WHEREAS, the unit's reply dated 22.3.2018 was examined; and

WHEREAS, the unit submitted the revalidated adequacy assessment reports by NSI, Kanpur vide letter dt. 07.05.2018; and

WHEREAS, the unit vide letters dated 20.07.2018 and 24.09.2018 submitted their compliance status of the charter, and

WHEREAS, CPCB issued compliance directions dated 22.10.2018 under Section 5 of Environment (Protection) Act, 1986 to the unit; and

WHEREAS, the unit was inspected on 26.03.2019 by officials from CPCB, Delhi and following observations are made:

1. Analysis of effluent sample stored in lagoon showed pH- 7.57 (against stipulated norms of 5.5- 8.5), TSS - **304 mg/l** (against stipulated norms of 100 mg/l), **BOD -313 mg/l** (against stipulated norms of 100 mg/l) and **COD - 478 mg/l** (against stipulated norms of 250 mg/l), TDS- 1053 mg/l (against stipulated norms of 2100 mg/l) which indicate non-compliance with on land effluent discharge standards.
2. The unit has not installed flowmeters at various locations as suggested in the charter.
3. Analysis of sample collected from ETP outlet showed pH- 7.81 (against stipulated norms of 5.5- 8.5), BOD – 16.7 mg/l (against stipulated norms of 100 mg/l) , COD- 105 mg/l (against stipulated norms of 250 mg/l) , TSS- 28.4 mg/l (against stipulated norms of 100 mg/l) , TDS -977 mg/l (against stipulated norms of 2100 mg/l). However, MLSS in aeration tank was 489 mg/l that indicates unstabilized aeration tank and dilution of ETP system could not be ruled out.
4. The logging of wastewater upto 4-5 inches is observed in storm water drain, a barren field within the premises and in cane yard that indicates that the unit is not using the treated effluent for irrigation purposes and disposing it in indiscriminate way.
5. TDS level reduced drastically from 1751 mg/l (at inlet) to 966 mg/l (at outlet) which indicate possibility of dilution.

It is evident that untreated effluent is being discharged and bye-passed 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 "*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.27,30,000/-** (Rupees twenty-seven lakhs thirty thousand only) for the non-compliance period (31.01.2018 to 01.05.2018), for the crushing season 2017- 18; and **Rs. 1,09,20,000/-** (Rupees One crore nine lakhs twenty thousand only) for the non-compliance period (14.11.2018 to 14.05.2019) for the crushing season 2018- 19; and

NOW, THEREFORE, in view of above observations and in exercise of the powers delegated to the Chairman, CPCB under section 5 of the Environment (Protection) Act, 1986, the unit (M/s Bajaj Hindustan Sugar Ltd., Barkhera, Pilibhit, U.P.) is directed to close down all manufacturing operations and **deposit Rs. 1,36,50,000/-** 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 the unit shall comply with the following directions:

1. The unit shall immediately close down all its manufacturing operations with immediate effect and shall not resume its operations.
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 for CPCB, after completion of above direction, 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 Bajaj Hindustan Sugar Ltd., Barkhera, Pilibhit, U.P.) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.


28/9/19
(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
- 2. The Chairperson**
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow - 226 010
- 3. Joint Secretary (CP Division)**
Ministry of Environment, Forest & C.C
Prithvi Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
- 4. The District Magistrate**
Pilibhit-262201, U.P.

- 5. The Superintending Engineer**
Madhyanchal Vidyut Vitran Nigam Ltd.
Pilibhit, U.P.
- 6. Regional Director**
Regional Directorate
Central Pollution Control Board, PICUP Bhawan,
Ground Floor, Vibhuthi Khand, Gomti Nagar,
Lucknow - 226 010
- 7. In-charge, IT Division, CPCB**

- 8. In-charge, F & A Division, CPCB**

- 9. Master file/Guard file, WQM II, CPCB Delhi**

With request to ensure compliance of the directions.

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For kind information, please.

To ensure physical verification, closure, sealing and disconnection of power supply in compliance of closure direction.

To disconnect the power supply of the unit, please

For follow up and ensuring compliance

With request to upload on CPCB server.


(Prashant Gargava)
MEMBER SECRETARY