

Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/62/2016-17 2139

Dated: 24.05.2019
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To,

M/s Avadh Sugar & Energy Ltd.
Unit: Rosa Sugar Works.,
Rosa, Shahjahanpur, UP - 242 406

**DIRECTIONS 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 Avadh Sugar & Energy Ltd., Unit: Rosa Sugar Works., Rosa, Shahjahanpur, U.P.-242406 (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, the Unit was inspected on 30.01.2018 by officials from CPCB, and following observations were made:

1. Spray pond overflow is partially bypassed and discharged directly outside the premises through channel into drain, which meets Garra River and ultimate to River Ganga.
2. Multiple outlets (3 Nos.) were found in addition to ETP outlet.
3. The analysis of treated effluent sample showed pH-7.57 as against norms of 5.5-9.0, BOD-7.3 mg/l against norms of 30 mg/l, COD- 27.7 mg/l against norms of 250 mg/l, TSS- 3.6 mg/l against norms of 30 mg/l.
4. The analysis of untreated effluent sample being discharged outside the Unit's premises showed pH-4.20 as against norms of 5.5-9.0, BOD-703 mg/l against norms of 30 mg/l, COD- 1277 mg/l against norms of 250 mg/l, TSS- 95.2 mg/l against norms of 30 mg/l with the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.
5. The Unit has installed Effluent Treatment Plant (ETP) comprising of Equalization tank, primary clarifier, aeration tank, secondary clarifier, sand filters and activated carbon filters.

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AND WHEREAS, CPCB issued direction dated 16.04.2018 under Section 5 of the Environment (Protection) Act, 1986 the unit to comply 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 and shall meet the notified standard.
5. The Unit shall restrict the effluent storage capacity to 15 days.
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 which carried out adequacy assessment and submit the report to CPCB.
8. The Unit shall submit the revalidated ETP adequacy assessment report 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.

AND WHEREAS, the Unit was inspected on 14.05.2018 & 15.05.2018 by officials from CPCB, and following observations were made:

1. The villagers informed that the mortality of fishes was happened in the downstream of Rausar Kothi Village. No dead fishes were seen by them in the upstream of the confluence of Kalaha Nalla and River Garra.
2. The colour water flowing through Kalaha Nalla was observed.
3. The management of molasses was very poor in the unit.
4. The unit has stored the molasses in a permeable unlined lagoon.
5. The molasses was flown through the drain into River Garra.
6. The unit was discharging coloured molasses mixed with effluent to Kalaha Nalla.
7. The molasses was found discharge over the land within and outside the premises.

AND WHEREAS, the Unit's reply dated 20.05.2018 informed regarding delay of closing manufacturing operations; and

WHEREAS, the Unit submitted the revalidated adequacy assessment reports and irrigation management plan prepared by VSI, Pune vide letter dated 01.06.2018; 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

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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 forthcoming 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 18.07.2018 submitted their compliance status of the Charter, which was examined; and

WHEREAS, the unit vide letter dated 09.10.2018 submitted following documents/ information:

1. Point – wise compliance report of CPCB direction dated 16.04.2018.
2. Report of “Irrigation plan for utilization of treated effluent” prepared by Chandra Shehkar Azad University of Agriculture and Technology, Kanpur.
3. Report of “Water balance and ETP adequacy Verification” prepared by Vasantdada Sugar Institute, Pune.

AND WHEREAS, CPCB issued directions dated 26.10.2018 under Section 5 of 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 on 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.

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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 before resumption of crushing season 2018-2019.
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 was inspected on 29.03.2019 by team of CPCB officials and following observations are made:

1. The unit has not implemented recommendations of VSI and the charter.
2. An underground pipeline was traced carrying the industrial effluent from the unit which discharge into the **drain behind the unit**. Sample collected from this pipeline has high value of **BOD (126 mg/l)** and **COD (761 mg/l)**. On enquiry from local people, it was informed that the discharge from pipeline is made during night hours.
3. Analysis of effluent sample from lagoon shows BOD 90.9 mg/l (against norms of 100 mg/l), **TSS 135 mg/l** (against norms of 100 mg/l) and **COD 294 mg/l** (against norms of 250 mg/l) which indicates non-compliance with the stipulated standards for on-land effluent discharge.
4. The unit has not installed flow meters at various locations as suggested in the charter. Also, Section wise detail of wastewater generation is not maintained.
5. The logbook for disposal of ETP sludge, Press mud, Boiler ash, used oil etc. are not maintained.
6. The analysis of treated effluent sample at ETP Outlet showed pH-7.83 (against the norms of 5.5-8.5), BOD- 14.2 mg/l (against the norms of 100mg/l), TSS- 21 (against the norms of 100mg/l), COD-26.9 mg/l (against the norms of 250mg/l) which indicates compliance with the stipulated standards for on-land effluent discharge.

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

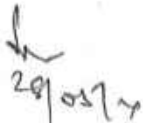
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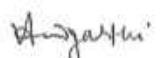
WHEREAS, as per the methodology for assessing penalty and environmental compensation, the environmental compensation to be levied to the unit is calculated as **Rs. 33,00,000/-** (Rupees thirty-three lakhs only) for the non-compliance period (30.01.2018 to 19.05.2018), for the crushing season 2017- 18; and **Rs. 1,06,20,000/-** (Rupees one crore six lakhs twenty thousand only) for the non-compliance period (11.11.2018 to 06.05.2019), 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 Avadh Sugar & Energy Ltd., Unit: Rosa Sugar Works., Rosa, Shahjahanpur, U.P.-242406) is directed **close down its manufacturing operations immediately and deposit Rs. 1,39,20,000/-** 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.
2. The unit shall dismantle the underground pipeline immediately and shall ensure no untreated/ partially treated effluent is discharged with the drain coming out from the unit.
3. All bypass arrangements/ unauthorized channel shall be dismantled immediately and photographic evidence shall be provided to CPCB within 45 days from the date of receipt of direction.
4. Adequacy assessment of treatment facility by reputed government institute; including work completion report regarding implementation of the recommendations of the adequacy report shall be submitted by the unit, within 45 days from the date of receipt of direction.
5. The unit shall seek permission from CPCB after compliance of above directions, for resumption of operations.

In case of default in compliance with the above directions, CPCB will be constrained to initiate action against the Unit (M/s Avadh Sugar & Energy Ltd., Unit: Rosa Sugar Works., Rosa, Shahjahanpur, U.P.-242406) without giving any further notice in accordance with the provisions of the Environment (Protection) Act,1986.


28/05/19
(S.P. SINGH PARIHAR)
CHAIRMAN
28/5/19



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 : For kind information, please.
2. **The 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 & C.C
Prithvi Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003 : For kind information, please.
4. **District Magistrate**
Shahjahanpur, U.P.-242 406 : To ensure physical verification,
closure, sealing and
disconnection of power supply
in compliance of closure
direction.
5. **Superintending Engineer**
Madhyanchal Vidyut Vitran Nigam Ltd.
Shahjahanpur, U.P. : With a direction to disconnect
power supply.
6. **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
7. ✓ In-charge, IT Division, CPCB : With request to upload on CPCB
server.
8. Master file/Guard file WQM II, CPCB Delhi : For record.


(PRASHANT GARGAVA)
MEMBER SECRETARY