

SPEED POST

B-190197/WQM-II/RG/CPCB/SUGAR/7/2018-19

07.06.2019
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To,

M/s Magadh Sugar & Energy Ltd.
(Unit-Bharat Sugar Mill),
P.O. Sidhwalia, Dist: Gopalganj,
Bihar-841423

**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 Magadh Sugar & Energy Ltd., Sidhwalia, Gopalganj, 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 08.01.2018 by officials from CPCB, and following observations were made;

1. Effluent Treatment Plant (ETP) comprises of Bar Screen, Equalisation Tank, Primary Clarifier, Aeration Tank, Secondary Clarifier & Filtration units.
2. Analysis of treated effluent sample showed pH-7.2 against norms of 5.5-9.0, **BOD-249 mg/l** against norms of 30 mg/l, **COD- 616 mg/l** against norms of 250 mg/l, **TSS- 81 mg/l** against norms of 30 mg/l, which indicated non-compliance w.r.t. BOD, COD & TSS as per the effluent surface discharge norms prescribed under Environment (Protection) Act, 1986.
3. MLSS in aeration tank was found 530 mg/l which indicated un-stabilised Activated Sludge Process system and poor operation and maintenance of aeration tank of ETP system.

4. OCEMS readings are also found non-compliance w.r.t. **BOD-44.32 mg/l** against norms of 30 mg/l and **TSS- 50.88 mg/l** against norms of 30 mg/l.

AND WHEREAS, CPCB issued closure direction dated 14.05.2018 under Section 5 of the Environment (Protection) Act, 1986 the unit; and

WHEREAS, the Unit submitted the compliance status of direction dated 14.5.2018 vide letter dated 28.05.2018; and

WHEREAS, the Unit submitted the revalidated adequacy assessment reports prepared by VSI, Pune vide letter dt. 17.05.2018; 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 Bihar, representatives of BSPCB and CPCB was held on 10.08.2018 under Chairmanship of Chairman, Bihar State Pollution Control Board, and the following decisions are 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 17.08.2018 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 Bihar State 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 before commencement of crushing season 2018-2019.
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.

WHEREAS, the Unit was inspected on 24.03.2019 by officials from CPCB, and following observations are made;

1. Effluent Treatment Plant (ETP) comprises of Bar Screen, Equalisation Tank, Primary Clarifier, Aeration Tank, Secondary Clarifier & Filtration units.
2. Analysis result of treated effluent sample of ETP outlet showed pH-6.8 against norms of 5.5-9.0, BOD-15 mg/l against norms of 100 mg/l, COD- 119 mg/l against norms of 250 mg/l, TSS- 46 mg/l against norms of 100 mg/l, **TDS 2102 mg/l** against norms of 2100 mg/l, which indicated non-compliance w.r.t. TDS as per on land effluent discharge norms prescribed under Environment (Protection) Rules, 1986.
3. Analysis of effluent sample collected from Lagoon showed pH-7.31 against norms of 5.5-9.0, **BOD-362 mg/l** against norms of 100 mg/l, **COD- 767 mg/l** against norms of 250 mg/l, TSS- 87 mg/l against norms of 100 mg/l, **TDS 2474 mg/l** against norms of 2100mg/l which indicated non-compliance w.r.t. **BOD, COD & TDS** as per on-land effluent discharge norms prescribed under Environment (Protection) Rules, 1986.
4. MLSS in aeration tank was 4590 mg/l, which indicate poor operation and maintenance of aeration tank.
5. Effluent generation is estimated as 216.8 l/t of cane crushed as against standard of 200 l/t of cane crushed.

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. 22,80,000** (Rupees Twenty-Two Lacs Eighty Thousands only) for the non-compliance period (08.01.2018-24.03.2018), for the crushing season 2017- 18; and **Rs. 79,20,000/-** (Rupees seventy-nine Lacs twenty thousand only) for the non-compliance period (24.11.2018 to 04.04.2019), 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 Magadh Sugar & Energy Ltd., Sidhwalia, Gopalganj, Bihar) is directed to **remain closed and deposit Rs 1,02,00,000/-** 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 before commencement of crushing season 2018-2019;

1. The unit shall remain closed and not operate without seeking permission from CPCB.
2. The unit shall achieve effluent generation norms as prescribed under Environment (Protection) Rules, 1986.
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 (**M/s Magadh Sugar & Energy Ltd., Sidhwalia, Gopalganj, Bihar**) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.


(S. P. SINGH PARIHAR)

CHAIRMAN
10/6/19

Copy to:

1. **Principal Secretary**
Sugarcane Industries,
Govt. of Bihar
Department of Sugarcane Development
Vikas Bhawan, New Secretariat
Patna (Bihar) - 800015
: With request to ensure compliance of the directions
2. **Member Secretary**
Bihar Pollution Control Board,
Parivesh Bhawan, Plot No. Ns-B/2
Patliputra Industrial Area,
Patliputra, Patna (Bihar) – 800023
: 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. **The District Magistrate**
Gopalganj, Bihar-843327
: To ensure physical verification, closure, sealing and disconnection of power supply in compliance of closure direction.
5. **Superintending Engineer**
North Bihar Power Distribution Company Ltd.
(NBPDC), Gopalganj, Bihar
: With a direction to disconnect power supply
6. **Regional Director**
Regional Directorate,
Central Pollution Control Board,
Southern Conclave, Block-502, 5th & 6th Floor, 1582
Rajdanga Main Road
Kolkata-700107 (W.B.)
: 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