

Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/70/2016-17

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To,

M/s Tirupati Sugar Ltd.,
Bagaha, P.O. Naraipur,
West Chamaparan,
Bihar-845105

**DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986.
CLOSURE NOTICE 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 Tirupati Sugar Ltd., Bagaha, P.O.-Narainpur, 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 13.01.2018 by officials from CPCB, and following observations were made;

1. The Unit and the ETP were operational.
2. The Unit has installed Effluent Treatment Plant (ETP) which is comprised of Oil and Grease trap, Equalization Tank, Surge tank, Primary Clarifier, Aeration Tank, Secondary Clarifier, Sand and Activated Carbon Filter.
3. Inlet flow meter is installed between equalization tank and primary clarifier instead of installation at the main inlet of the ETP.
4. The analysis of treated effluent sample showed pH-6.44 as against norms of 5.5-9.0, **BOD-176 mg/l** against norms of 30 mg/l, **COD-304 mg/l** against norms of 250 mg/l and **TSS-75 mg/l** against norms of 30 mg/l which indicated non-compliance w.r.t. BOD,

M/s Tirupati Sugar Ltd., Village-Narainpur, Bagaha, West Chamaparan, Bihar

COD & TSS with the effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.

5. The MLSS in aeration tank is **353 mg/l** which indicates unstabilised Activated Sludge Process system due to poor operation and maintenance of ETP system.

AND WHEREAS, the Unit has submitted the revalidated adequacy assessment reports from VSI, Pune vide letter dt. 26.03.2018; and

WHEREAS, CPCB issued closure direction dated 16.04.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit; and

WHEREAS, the Unit's reply vide letter dated 21.04.2018 was examined; 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 18.08.2018 submitted their compliance status of the Charter; and

WHEREAS, CPCB issued direction dated 22.10.2018 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.
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 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 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 27.10.2018 and 04.01.2019 submitted their compliance status including report on validation of ETP performance of season 2018-19 validated by NSI, Kanpur; and

WHEREAS, the Unit was inspected on 25.03.2019 by officials from CPCB and following observations are made;

1. The unit and ETP were operational at the time of inspection.
2. The unit has not installed flowmeter at outlet of lagoon to estimate amount of water being used for irrigation.
3. The unit has not done colour coding of pipelines carrying recycled process water and fresh process water.
4. The unit has not installed mechanical sludge handling system of adequate capacity.
5. The analysis result of treated effluent from ETP outlet showed pH-7.8 against the norms of 5.5-8.5, BOD-23 mg/l against norms of 100 mg/l, COD-58 mg/l against the norms of 250 mg/l, TSS-10 mg/l against norms of 100 mg/l and TDS-1160 mg/l against norms of

2100 mg/l which indicates compliance against effluent discharge norms on land prescribed under Environment (Protection) Rules,1986.

6. The analysis result of treated effluent from lagoon showed pH-7.3 against the norms of 5.5-8.5, **BOD-826 mg/l** against norms of 100 mg/l, **COD-1618 mg/l** against the norms of 250 mg/l, TSS-21 mg/l against norms of 100 mg/l and TDS-988 mg/l against norms of 2100 mg/l which indicates non-compliance against effluent discharge norms on land prescribed under Environment (Protection) Rules,1986.
7. MLSS in aeration tank was 1600 mg/l.

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. 28,50,000/-** (Rupees Twenty-eight lakhs fifty thousand only) for the non-compliance period (13.01.2018 to 17.04.2018), for the crushing season 2017- 18; and **Rs. 99,00,000/-** (Rupees ninety-nine lakhs only) for the non-compliance period (06.11.2018 to 19.04.2019), 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 Tirupati Sugar Ltd., Bagaha, P.O.-Narainpur, West Champaran, Bihar) is directed to **remain closed and deposit Rs.1,27,50,000/-** 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 shall comply with the following directions;

1. The unit shall remain closed and not operate without seeking permission from CPCB.
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 treat the effluent stored in lagoon upto the discharge norms before utilizing in the irrigation and shall provide documentary evidence 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 Tirupati Sugar Ltd., Bagaha, P.O.-Narainpur, West Chamaparan, 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**
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. **Superintending Engineer**
Bihar State Power Holding Company Ltd. (BSPHCL),
West Champaran, Bihar
: With a direction to disconnect power supply
6. **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**
: For uploading on CPCB website
8. **Master file/Guard file WQM II, CPCB Delhi**
: For record

(PRASHANT GARGAVA)
MEMBER SECRETARY

(MM)

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Prashant