

Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/52/2019-20 / 2861

Dated: 17.06.2019  
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To,

M/s Majhaulia Sugar Industries Pvt. Ltd.,  
Majhaulia, West Champaran, Betiah  
Bihar - 845454

**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 the State Pollution Control Board (SPCBs) / Pollution Control Committees (PCCs); and

**WHEREAS**, M/s Majhaulia Sugar Pvt. Ltd, West Champaran, Bihar - 845454 (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

**WHEREAS**, the Unit was inspected on 09.01.2018 by officials from CPCB, and the following observations were made:

1. The analysis of treated effluent sample shows pH-7.55 as against norms of 5.5-9.0, BOD-09 mg/l against norms of 30 mg/l, COD-24 mg/l against norms of 250 mg/l and TSS-22 mg/l against norms of 30 mg/l. However, MLSS in aeration tank was 186 mg/l.
2. **186 mg/l MLSS in aeration tank** indicates unstabilised Activated Sludge Process system due to poor operation and maintenance of ETP system and possibility of dilution of ETP system.
3. **Kaccha permeable lagoon** was found outside the industry where treated effluent reaches through an open channel.
4. Flow meters were not installed at the inlet, outlet of ETP, Spray pond overflow and other unit operations by the Unit.
5. The Unit has not submitted the irrigation management plan.
6. The Unit has not submitted the revalidated ETP adequacy assessment report within 45 days from the date of resumption of operation to CPCB.

**AND WHEREAS**, CPCB issued Show Cause Notice dated 26.04.2018 under Section 5 of the Environment (protection) Act, 1986 to the unit; and

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**WHEREAS**, the Unit submitted water balance and ETP adequacy verification report prepared by VSI, Pune vide letter dated 21.04.2018 which were examined and following observations were made:

1. Flow meters were not installed on wet scrubber, excess condensate, boiler makeup, vacuum, filter, lime preparation, movement water at pans, super heater at batch type centrifugals and continuous machines.
2. Installed cane crushing capacity of the sugar mill is 5000 TCD with average crushing rate of last three years as 4396.24 TCD and crushing efficiency was 99.60%.
3. One cooling tower is installed for cooling water of mill house and power house having capacity 300 m<sup>3</sup>/hour and another for crystallizer cooling water from boiling house having capacity of 50m<sup>3</sup>/hour.
4. As per the flow meter reading average water abstracted from ground was 463m<sup>3</sup>/day i.e. 92.60 L/tonne of cane.
5. The ETP system of the Unit is designed for treating 1000m<sup>3</sup>/day of effluent but during crushing season effluent quantity generation can be reduced to 851 m<sup>3</sup>/day, making the ETP overcapacity but considering low temperature during winter season and variations in flow & organic load, it is adequate.
6. Unit has established a laboratory for waste water analysis.
7. Effluent generation was about 227.25 L/tonne of cane crushed.

**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 the State of Bihar, representatives of the 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.

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**AND WHEREAS**, the Unit has submitted its replies vide letters dated 16.05.2018, 09.06.2018, 16.06.2018 and 18.08.2018 along with the action plan for implementation of recommendations of adequacy report, which were examined and following observations were made:

1. Construction of Leak proof lagoon i.e. pakka lagoon is completed.
2. Cooling tower installed for machinery cooling water.
3. Dry cleaning of floor is being carried out.
4. Cooling tower injection water is used for cleaning of evaporators, pans etc.
5. Water from cooling tower partially used for wet scrubber, pumps gland cooling and cleaning of juice heater and evaporators.
6. The unit is planning exclusive tubewell operation for drinking water, not used for plant to minimize fresh water taps in the sugar mill.
7. The unit has installed oil and grease trap with oil skimmer at mill side effluent.
8. Installation of flowmeters and compliance of other recommendations of the VSI report was under process and shall be completed before start of crushing season.
9. Low MLSS at the time of CPCB inspection was because of dilution due to leakage from an old drinking water pipe which was controlled in two days.
10. The unit has submitted the Action plan of Charter for Water Recycling & Pollution Prevention in Sugar factories issued by CPCB.

**AND WHEREAS**, CPCB issued directions dated 22.10.2018 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 Bihar State Pollution Control Board.
2. The unit shall implement all the observation & recommendation of the revalidated adequacy assessment of ETP.
3. The Unit shall submit the irrigation management plan duly validated by NSI/VSI/IITs.
4. The unit shall install sealed flow meters along with running hours meter on bore wells so as to ascertain usage of fresh water for various uses.
5. The unit shall install flow meters at major areas of cold and hot water consumption.
6. The unit shall install flow meters for measuring generation of effluent from various prominent areas.
7. The unit shall maintain logbook for individual process unit for recording daily water consumption and effluent generation also.
8. The unit shall carry out colour coding of pipelines carrying recycled process water and fresh process water.
9. The Unit shall commission the mechanical sludge handling system of adequate capacity.
10. The Unit shall carry out analysis of parameters of treated effluent notified under the Environment (Protection) Rules, 1986 on daily basis and maintain its logbook.
11. The unit shall submit the implementation status of the Charter in the form of an Affidavit and the documentary proof of the completion of the work as committed in the action plan.
12. The unit shall submit the 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 the CPCB within 60 days of resumption of operation.

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**AND WHEREAS**, the unit vide letter dated 24.11.2018 submitted point-wise compliance of CPCB directions dated 22.10.2018 & affidavit with implementation status of the charter before crushing season 2018 – 19; and

**WHEREAS**, Unit vide letter dated 18.03.2019 submitted the following documents:

1. Consent to Operate under the Water Act' 1974 and the Air Act, 1981 valid upto 30.09.2023.
2. Irrigation plan for the utilization of treated effluent.
3. Water Balance and ETP Adequacy Verification report prepared by VSI in December' 2018.

**AND WHEREAS**, the unit was inspected on 27.03.2019 by a team of CPCB officials and the following observations are made;

1. The unit and ETP were operational at the time of inspection.
2. The unit is discharging effluent through drain into river Kahara. Analysis of effluent sample collected from drain showed pH-5.7 against the norms of 5.5-8.5, **BOD- 868 mg/l** against the norms of 30mg/l, **TSS 113mg/l** against the norms of 30mg/l, **COD-1452mg/l** against the norms of 250mg/l which indicate non-compliance as per the surface discharge norms under the Environmental (Protection) Act, 1986.
3. Analysis of treated effluent sample at ETP Outlet showed pH-7.8 (against the norms of 5.5-8.5), BOD- 34 mg/l (against the norms of 100mg/l), TSS- 71 (against the norms of 100mg/l), COD-191 mg/l (against the norms of 250mg/l) which indicates compliance with the norms under the Environment (Protection) Act, 1986, but the aeration tank was not functioning properly where anaerobic condition was prevailing as DO was found nil. High value of Settleable solids 440 mg/l, MLSS 3228 mg/l and MLVSS 2671 mg/l was observed in aeration tank.
4. The unit has not installed flow meters at most of the cold-water distribution locations.
5. The unit has not maintained the logbook of water recycling points, wastewater (influent) generation and wastewater (effluent) generation.

**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

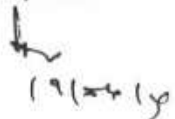
**WHEREAS**, as per the methodology for assessing penalty and environmental compensation, the environmental compensation to be levied to the unit is calculated as **Rs. 44,70,000/-** (Rupees Forty-four lakhs seventy thousand only) for the non-compliance period (27.11.2018 to 24.04.2019), for the crushing season 2018- 19; and

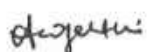
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**NOW, THEREFORE**, in exercise of powers delegated to the Chairman, CPCB under Section 5 of the Environment (Protection) Act, 1986, the Unit (M/s Majhaulia Sugar Pvt. Ltd, West Champaran, Bihar - 845454) is hereby directed to **remain closed and deposit Rs. 44,70,000/-** 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 directions and shall comply with the following directions;

1. The unit shall remain closed and not operate without seeking permission from CPCB.
2. 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.
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, for resumption of operations.

In case of default in compliance of the above directions, CPCB will be constrained to initiate action against the Unit (M/s Majhaulia Sugar Pvt. Ltd, West Champaran, Bihar - 845454) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.

  
(S.P. SINGH PARIHAR)  
CHAIRMAN







**Copy to:**

1. **Principal Secretary**  
Sugarcane Industries,  
Government of Bihar  
Department of Sugarcane Development  
Vikas Bhawan, New Secretariat  
**Patna-800015** : For kind information, please.
2. **Member Secretary**  
Bihar Pollution Control Board,  
Parivesh, Bhawan, Plot No., Ns-B/2,  
Patliputra Industrial Area,  
**Patliputra, Patna (Bihar)-800 023** : 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**  
West Champaran-845454, Bihar : With request to ensure closure of  
the unit in compliance of the  
directions.
5. **The Superintending Engineer**  
Bihar State Power Holding Company Limited  
Gopalganj, Bihar : With a direction to disconnect  
power supply.
6. **Regional Director**  
Central Pollution Control Board Regional  
Directorate  
Southern Conclave, Block-502,  
5<sup>th</sup> & 6<sup>th</sup> Floor, 1582, Rajdanga Main Road,  
**Kolkata – 700 107 (West Bengal)** : 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