

Speed Post

B-190197/WQM-II(RG)/CPCB/Sugar/15/2016-17

3506

25.06.2019

01.07.2019

To,
M/s Dhampur Sugar Mills,
Dhampur, Distt.-Bijnor,
U.P.-246761

**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 Dhampur Sugar Mills, Dhampur, Bijnor, 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 22.03.2018 by officials from CPCB, Delhi and following observations were made:

1. The Unit and ETP were operational.
2. Analysis of treated effluent sample shows pH-6.70 as against norms of 5.5-9.0, BOD- 53 mg/l against norms of 30 mg/l, COD- 101 mg/l against norms of 250 mg/l, TSS- 29 mg/l against norms of 30 mg/l which indicates non-compliance w.r.t. BOD against surface water discharge norms prescribed under Environment (Protection) Rules, 1986.
3. The analysis of effluent sample collected from lagoon shows pH-7.13 as against norms of 5.5-9.0, BOD-10 mg/l against norms of 100 mg/l, COD- 36 mg/l against norms of 250 mg/l, TSS- 14 mg/l against norms of 100 mg/l which indicates compliance as per the land discharge norms prescribed under Environment (Protection) Rules, 1986.

AND WHEREAS, CPCB has issued show cause notice dt.07.05.2018 under section 5 of the Environment (Protection) Act, 1986 to the Unit; and

WHEREAS, the Unit submitted the revalidated adequacy assessment reports prepared by NSI, Kanpur vide letter dt. 10.10.2018; 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 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 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 20.07.2018 submitted their compliance status of the Charter; and

WHEREAS, CPCB issued direction dated 16.11.2018 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 implement the observation & recommendation of the revalidated adequacy assessment of ETP including installation of condensate polishing unit (CPU) for having boilers more than 45 kg/cm² steam pressure.
2. 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.
3. The unit shall install flow meters at major areas of cold and hot water consumption.
4. The unit shall install flow meters for measuring generation of effluent from various prominent areas.
5. The unit shall maintain logbook for individual process unit for recording daily water consumption and effluent generation also.
6. The unit shall carry out colour coding of pipelines carrying recycled process water and fresh process.
7. The Unit shall commission mechanical sludge handling system of adequate capacity.

8. The unit shall carry out analysis of effluent discharge parameters notified under Environment (Protection) Rules, 1986 and logbook shall be maintained on daily basis.
9. 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.
10. 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 government 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 20.02.2019 submitted their compliance report including actual assessment of water consumption and effluent generation of season 2018-19 validated by NSI Kanpur and following observations were made:

1. Total discharged effluent quantity was observed to be 193.81 l/t of cane with average crush rate 12211 TCD.
2. The unit has not installed flow meters at Mill, fibrizer, power turbine cooling, B and C massecuite cooling, and outlet of R.O. water reject.
3. The unit is having high pressure boilers, 105 kg/cm² and has not installed condensate polishing unit.
4. The capacity of Multi grade filter and Activated carbon filter is not adequate and should be increased to maintain 20-25 minutes contact time.

AND WHEREAS, the unit was inspected on 28.03.2019 by team of CPCB officials and following observations are made;

1. The unit was operational at the time of inspection.
2. The unit has valid consents of under Water Act, 1974 and Air Act, 1981 upto 31.12.2019 for cane crushing capacity of 14000 TCD.
3. ETP comprises of Screen bar, Equalization tank, Primary Clarifier, Aeration tank, Secondary Clarifier, and Tertiary treatment (Multigrade filter and Activated Carbon filter). However Primary Clarifier was found non-functional during the inspection.
4. The unit has installed one more Primary clarifier for the treatment of spray pond overflow that was also found non-functional during the inspection.
5. Untreated effluent was being bypassed through a separate channel into the outside drains adjacent to the premises of the mill.
6. The unit has installed the flow meters at the hot water consumption (Six locations) as well as cold water consumption (Five locations).
7. The unit has installed flow meters on all four borewells. The unit has NOC (till 27/04/2019) for ground water withdrawal from the CGWA and mill may abstract 1500 cu.m/day.
8. The unit discharges the treated /untreated effluent through Ikara Drain to Gagan River which ultimate meet into River Ram Ganga.

It is evident that untreated effluent is being discharged by the Unit, posing potential threat to river water quality.

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. **46,80,000/-** (Forty-six lakhs eighty thousand Rupees only) for the non-compliance period (11.11.2018 to 15.04.2019), for the crushing season 2018- 19; and

WHEREAS, CPCB issued direction dated 23.04.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to close down its manufacturing operations immediately and deposit **Rs. 46,80,000/- within 15 days** in CPCB A/c No. 532702050000164 (Bank name: Union Bank of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271)/ demand draft in favour of EC by CPCB towards environmental compensation and shall comply with the following directions;

1. The Unit shall close down its Sugar manufacturing operations with immediate effect and shall not resume its operations.
2. The Unit shall dismantle the bypass arrangements and stop discharge of untreated/ partially treated effluent discharge immediately.
3. The unit shall install flow meters at Mill, fibrizer, power turbine cooling, B and C massecuite cooling, and outlet of R.O. water reject.
4. The unit shall install condensate polishing unit for high pressure boilers, 105 kg/cm².
5. The unit shall install adequate Multi grade filter and Activated carbon filter.
6. The Unit shall install mechanical sludge handling system of adequate capacity.
7. The unit shall seek permission from CPCB, after compliance of the above directions, before resumption of operation.

AND WHEREAS, the unit was inspected on 28.03.2019 and following additional observations are made:

1. Analysis of sample of effluent being by passed showed pH-7.43 against the norms of 5.5-8.5, **BOD-56 mg/l** against the norms of 30mg/l, COD-108 mg/l against the norms of 250mg/l, **TSS-35 mg/l** against the norms of 30mg/l, TDS -504 mg/l against the norms of 2100mg/l which indicates non-compliance w.r.t BOD and TSS as per surface effluent discharge norms of Environment (Protection) Rules,1986. Photographs of the bypasses observed by the inspection team are enclosed as **Annexure I**.
2. MLSS in the aeration tank was 2520 mg/l.

3. Analysis of effluent sample collected from ETP outlet showed pH-7.68 against the norms of 5.5-8.5, BOD-18 mg/l against the norms of 30mg/l, COD-60 mg/l against the norms of 250mg/l, TSS-BDL (<10) mg/l against the norms of 30mg/l, TDS -1328mg/l against the norms of 2100mg/l. However, primary clarifier of ETP system was not functional and therefore, dilution of ETP system could not be ruled out.
4. Analysis of effluent sample collected from lagoon showed pH-7.46 against the norms of 5.5-8.5, BOD-22 mg/l against the norms of 100mg/l, COD-73 mg/l against the norms of 250mg/l, TSS-23mg/l against the norms of 100mg/l, TDS -748mg/l against the norms of 2100mg/l which indicates compliance as per on land effluent discharge norms of Environment (Protection) Rules,1986.

AND WHEREAS, the unit's reply vide letter dated 10.05.2019 was examined and following observations are made;

1. The unit was operational at the time of inspection on 28.03.2019.
2. Primary clarifier was not functional at the time of inspection and the whole peripheral structure of the primary clarifier sunk/ subsided in the ground on 23rd/ 24th March, 2019.
3. Extra primary clarifier for treatment of spray pond over flow was not in operation and unit installed a reactor which enables the removal of sludge from the bottom.
4. Drain valve of CBD tank, attached to the boiler developed some mechanical fault and became free from its grooves, resulting in overflow of hot water into the nearby drain. Untreated effluent bypassed through the drain to Ikara Drain to Gagan river which ultimately meet into River Ram Ganga.
5. The unit has closed its manufacturing operation on 20.05.2019.

AND WHEREAS, the unit has stopped its crushing season 2018-19 on 20.05.2019. The environmental compensation to be levied to the unit for full crushing season 2018- 19 is revised and calculated as **Rs. 57,30,000/-** (Rupees Fifty- seven lakhs thirty thousand only) for the non-compliance period (11.11.2018 to 20.05.2019); and

WHEREAS, in case of delay in receipt of Environmental Compensation simple interest shall be charged @12% for delay period.

NOW, THEREFORE, in exercise of powers delegated to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, the Unit (M/s Dhampur Sugar Mills, Dhampur, Bijnor, U.P.) is directed **to remain closed, immediately deposit Rs. 57,30,000/- within 15 days** from the date of receipt of direction in CPCB A/c No. 532702050000164 (Bank name: Union Bank of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271) towards environmental compensation and shall comply with following directions:

1. The Unit shall dismantle the bypass arrangements and stop discharge of untreated/ partially treated effluent discharge immediately.
2. The unit shall install flow meters at Mill, fibrizer, power turbine cooling, B and C massecuite cooling, and outlet of R.O. water reject.
3. The unit shall install condensate polishing unit for high pressure boilers, 105 kg/cm².
4. The unit shall install adequate Multi grade filter and Activated carbon filter.
5. The Unit shall install mechanical sludge handling system of adequate capacity.

6. 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 Dhampur Sugar Mills, Dhampur, Bijnor, U.P.) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.

(S. P. SINGH PARIHAR)
CHAIRMAN

27/6/19

Copy to:

1. 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.

2. Principal Secretary

Sugar Industry and Cane Development
Department, "G" Block 2/3, Mantri Wing 4th Floor
BapuBhawanVidhan Sabha Marg
Lucknow - 226 001

:For kind information, please.

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

Bijnor, U.P.-246701

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

5. The Superintending Engineer

Paschimanchal Vidyut Vitaran Nigam Limited,
Bijnor, U.P.

:With a direction to disconnect power supply

6. The Regional Director

Regional Directorate
Central Pollution Control Board, PICUP Bhawan,
Ground Floor, Vibhuthi Khand, Gomti Nagar,
Lucknow – 226 010

:For follow up and ensuring compliance

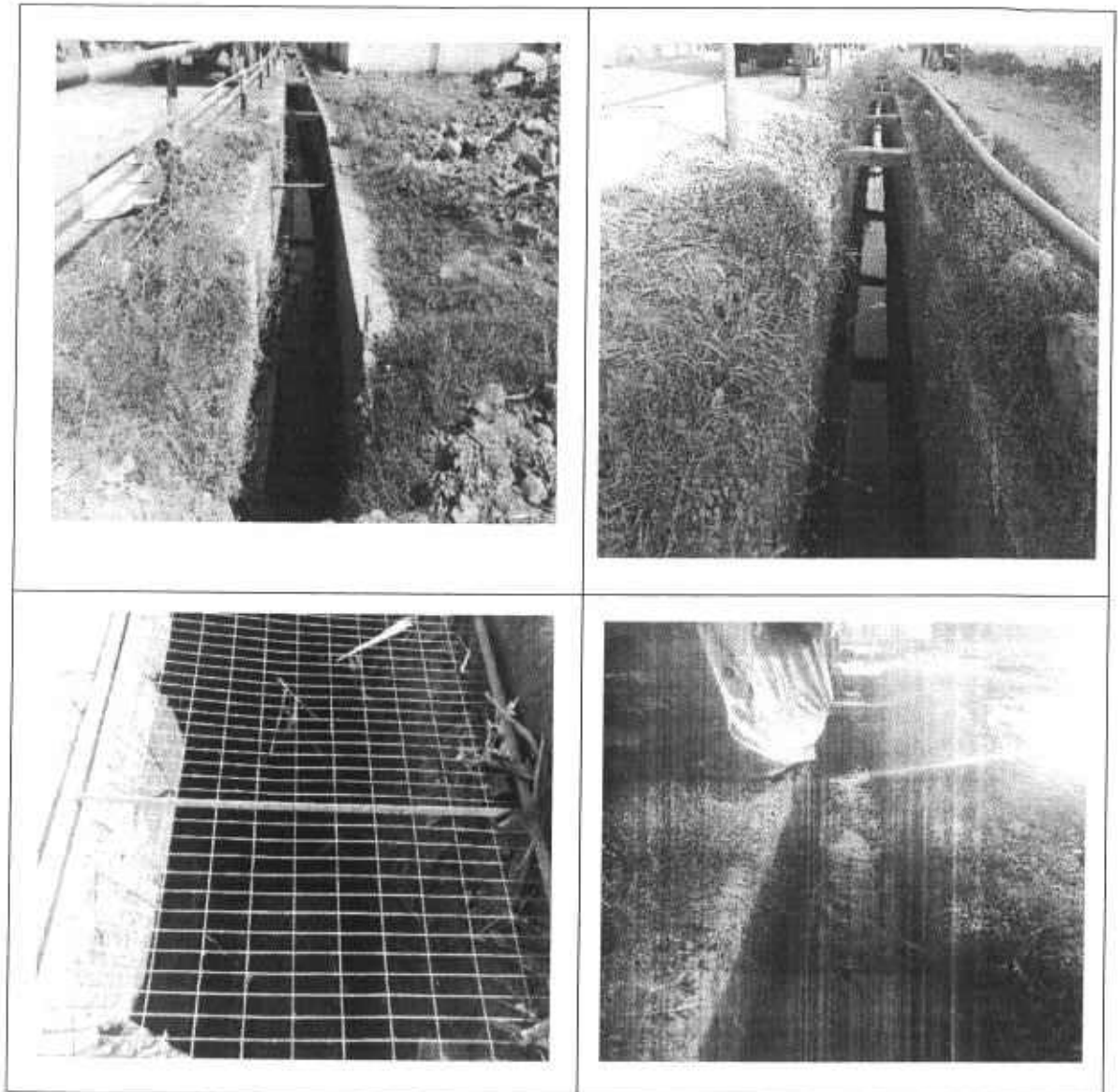
✓ The In-charge, IT Division, CPCB

:with request to upload on CPCB server.

8. Master file/Guard file, WQM II, CPCB Delhi

(PRASHANT GARGAVA)
MEMBER SECRETARY

Annexure I.



Pictures: Drain which carries the untreated effluent