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B-190198/WQM-II (RG)/CPCB/Sugar/39/2016-17

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To,

M/s The Kisan Sahkari Chini Mills,
Puranpur, Pilibhit,
U.P.-262122

**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 The Kisan Sahkari Chini Mills, Puranpur, Pilibhit, 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 01.02.2018 by officials from CPCB and following observations were made;

1. The treated effluent from secondary clarifier outlet was found to be discharged directly into the drain.
2. The Unit has bypass arrangement for untreated effluent from spray pond overflow outside the premises and analysis of treated effluent sample showed **BOD-60.5 mg/l** which indicates non-compliance with the effluent discharge norms.
3. The analysis of treated effluent sample showed pH-6.79, as against norms of 5.5-9.0, **BOD-826 mg/l** against norms of 30 mg/l, **COD- 1372 mg/l** against norms of 250 mg/l, **TSS- 200 mg/l** against norms of 30 mg/l at outlet of the ETP which indicated non-compliance w.r.t. BOD, COD & TSS with the effluent discharge norms prescribed under Environment (Protection) Rules, 1986.
4. The MLSS in aeration tank 1 and aeration tank 2 was 278 mg/l and 475 mg/l, respectively, which indicate unstabilised Activated Sludge Process system due to poor operation and maintenance of ETP system.

AND WHEREAS, CPCB issued closure direction dated 19.03.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit; and

WHEREAS, the Unit's reply dated 20.4.2018 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 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 letters dated 12.07.2018 & 06.08.2018 submitted their compliance status of the Charter; and

WHEREAS, the Unit was inspected on 19.12.2018 by officials from CPCB and following observations were made;

1. The unit was found operational and started the crushing on 25.11.2018.
2. ETP was found non-functional during inspection.
3. The ETP consists of bar screen, O & G trapping system, equalization tank, primary clarifier, anaerobic tank, aeration tank, secondary clarifier, MGF, ACF, sludge drying beds, and lagoon etc.

4. During inspection the primary clarifier, aeration tank-I and secondary clarifier were found empty.
5. Inlet line (open channel) of the ETP was found with provision of bypassing the untreated effluent to outside Nallah and the characteristics of effluent being bypassed showed pH-5.58, as against norms of 5.5-9.0, **BOD-3420 mg/l** against norms of 30 mg/l, **COD- 4943 mg/l** against norms of 250 mg/l, **TSS- 422 mg/l** against norms of 30 mg/l which indicated non-compliance w.r.t. BOD, COD & TSS with the effluent discharge norms prescribed under Environment (Protection) Rules,1986.
6. From aeration tank-II, partially treated effluent was being by-passed to local drain outside the premises and the characteristics of effluent showed pH-6.61, as against norms of 5.5-9.0, **BOD-76.5 mg/l** against norms of 30 mg/l, **COD- 234 mg/l** against norms of 250 mg/l, **TSS- 289 mg/l** against norms of 30 mg/l which indicated non-compliance w.r.t. BOD, COD & TSS with the effluent discharge norms prescribed under Environment (Protection) Rules,1986.
7. The spray pond overflow was being directly discharged outside premises of the unit without treatment.
8. The unit has not complied with recommendations made by VSI in adequacy report.
9. OCEMS and flow meter was not installed at final discharge point of ETP.
10. The unit has installed 2 bore wells but has obtained permission from CGWA for the abstraction of ground water for one bore well.
11. Flowmeters at the bore well were found non-functional.
12. No logbook was maintained by the unit for water extraction from bore wells, ETP inlet and outlet flow, spray pond overflow, disposal of ETP sludge, press mud, etc.
13. The MLSS in aeration tank- II was found **326 mg/l** which shows unstabilized condition of ETP.

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/ not complying with the directions issued, 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 was levied for the non-compliance period (19.3.2018 to 30.4.2018) for the crushing season 2017- 18 as Rs. **12,60,000/-** and for the non-compliance period (25.11.2018 to 31.01.2019), for the crushing season 2018- 19 as Rs. **19,80,000/-**; and

WHEREAS, CPCB issued direction dated 04.02.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to close down its manufacturing operations immediately and

deposit **Rs.32,40,000 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 to 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 commission and stabilize the ETP system properly.
4. The unit shall seek permission from CPCB, after compliance of the above directions, before resumption of operation.

AND WHEREAS, the unit's reply vide letter dated 19.02.2019 was examined; and

WHEREAS, CPCB received a D.O letter dated 21.02.2019 from District Magistrate, Pilibhit wherein it was requested to withdraw closure direction dated 04.02.2019 issued to M/s The Kisan Sahkari Chini Mills, Puranpur, Pilibhit, U.P. with full abatement of penalty; and

WHEREAS, Hon'ble NGT vide order dated 26.04.2019 in O.A. no. 406/2019 asked CPCB to take actions in accordance with the law; and

WHEREAS, the unit was inspected on 25.03.2019 by team of officials from CPCB and following observations are made:

1. The unit was found bypassing untreated effluent into outside nallah.
2. Inlet line of the ETP was found with provision of bypass the untreated effluent to outside nallah. During visit bypasses were observed and sample for the same was also collected.
3. Analysis of sample of effluent being by passed through bypass-I showed **pH-4.20** against the norms of 5.5-8.5, **BOD-4053 mg/l** against the norms of 30mg/l, **COD-5339 mg/l** against the norms of 250mg/l, **TSS-355 mg/l** against the norms of 30mg/l, **TDS -2164 mg/l** against the norms of 2100mg/l which indicates non-compliance w.r.t pH, BOD, COD, TSS, TDS as per on surface effluent discharge norms of Environment (Protection) Rules,1986.
4. Analysis of sample of effluent being by passed through bypass-II showed **pH-4.99** against the norms of 5.5-8.5, **BOD-631 mg/l** against the norms of 30mg/l, **COD-857 mg/l** against the norms of 250mg/l, **TSS-149 mg/l** against the norms of 30mg/l, **TDS -1800 mg/l** against the norms of 2100mg/l which indicates non-compliance w.r.t pH, BOD, COD, TSS, as per on surface effluent discharge norms of Environment (Protection) Rules,1986.
5. MLSS in the aeration tank was 1523mg/l.
6. Analysis of effluent sample collected from ETP outlet showed pH-7.45 against the norms of 5.5-8.5, **BOD-397 mg/l** against the norms of 100mg/l, **COD-878 mg/l** against the norms of 250mg/l, **TSS-182 mg/l** against the norms of 100mg/l, **TDS -1373mg/l** against the norms of 2100mg/l which indicates non-compliance w.r.t BOD, COD, TSS as per on land effluent discharge norms of Environment (Protection)Rules,1986.
7. The diffuser in aeration tank-I and one surface aerator in aeration tank-II were not functional.
8. The spray pond overflow of the unit was being directly discharged outside premises of the unit without any treatment.

9. The unit has obtained permission from CGWA for abstraction of ground water for one borewell. However, the unit is using two borewell within the premises to meet the fresh water requirement which is violation of the NOC given by CGWA.
10. The unit has not maintained the logbook for water extraction from borewell, ETP inlet, outlet, spray pond overflow, disposal of ETP sludge, Press mud, Boiler ash, used oil etc.

WHEREAS, CPCB vide letters dated 13.05.2019 & 17.05.2019 asked the unit to submit the Environmental Compensation of Rs 33,37,200/- within three weeks including simple interest @12% for the delay period; and

WHEREAS, the unit has not deposited EC amount levied vide CPCB direction dated 04.02.2019; and

WHEREAS, the unit was found by-passing untreated effluent into the environment and system installed for treatment is also not being operated properly and continued illegal discharge despite CPCB directions.

WHEREAS, the environmental compensation to be levied to the unit for the non-compliance period 19.3.2018 to 30.4.2018 for the crushing season 2017- 18 is calculated as **Rs. 12,60,000/-** (Rupees Twelve lakhs sixty thousand only) and for the non-compliance period 25.11.2018 to 21.04.2019, for full crushing season 2018- 19 is calculated as **Rs. 88,80,000/-** (Rupees Eighty-eight lakhs eighty thousand only) as per guidelines evolved by CPCB for amount of EC; and

WHEREAS, for delay in receipt of Environmental Compensation, simple interest has been 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 The Kisan Sahkari Chini Mills, Puranpur, Pilibhit, U.P. 262122) is directed **to remain closed and deposit Rs.1,01,40,000 within 15 days** in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271) towards environmental compensation and shall comply with following direction:

1. The unit shall remain closed and shall not operate without seeking permission from CPCB.
2. The unit shall dismantle the bypass arrangements and stop discharge of untreated/ partially treated effluent discharge immediately.
3. 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 The Kisan Sahkari Chini Mills, Puranpur, Pilibhit, U.P. 262122) without giving any further notice in accordance with the provisions of the Environment (Protection) Act,1986.


(S. P. SINGH PARIHAR)
CHAIRMAN

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 Bapu Bhawan Vidhan Sabha Marg
Lucknow - 226 001
:For kind information, please.
3. **Managing Director**
Uttar Pradesh Cooperative Sugar
Factories federation Ltd.
9-A, Rana Pratap Marg, Lucknow, U.P.-226024
:For kind information, please.
4. **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
5. **The District Magistrate**
Pilibhit-26212, U.P.
: To ensure physical verification, closure,
sealing and disconnection of power supply in
compliance of closure direction
6. **The Superintending Engineer**
Madhyanchal Vidyut Vitran Nigam Ltd.
Pilibhit, U.P.
:With a direction to disconnect power supply
7. **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
8. The In-charge, IT Division, CPCB
9. Master file/Guard file, WQM II, CPCB Delhi


(B. Vinod Babu)

MEMBER SECRETARY