

Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/12/2016-17

February 14th, 2019
19th

To,

M/s Dewan Sugars Ltd.,
Agwanpur, Moradabad,
Uttar Pradesh-244001

**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 Dewan Sugars Ltd., Agwanpur, Moradabad, 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 10.01.2018 by officials from CPCB, Delhi and following observations were made;

1. During the inspection, ETP was functional with a capacity of 4200 TCD against the consented capacity of 2500 TCD.
2. The Unit has two bore well to fulfil its water requirement.
3. The analysis of treated effluent sample shows pH-7.44, against 5.5-9.0, **BOD-202 mg/l** against 30 mg/l, **COD- 445 mg/l** against 250 mg/l and **TSS-94 mg/l**, against 30 mg/l which indicates non-compliance with the effluent discharge norms prescribed under Environment (Protection) Rules, 1986.
4. The Unit has installed the OCEMS at the ETP outlet but it was not functional at the time of inspection.
5. The Unit has a lagoon having capacity of 12000 KL for the storage of treated effluent.

AND WHEREAS, CPCB issued closure direction dated 05.03.2018 under section 5 of Environment (Protection) Act, 1986 to the Unit; and

WHEREAS, the Unit submitted the revalidated adequacy assessment reports and irrigation management plan prepared by NSI, Kanpur vide letter dt. 17.03.2018; and as per the report following recommendations have been made by NSI, Kanpur:

1. Flow meters to be installed at major unit operations to ascertain and control hot and cold-water requirement.
2. Flow meters to be installed at various consumption points.
3. Flow meters to be installed at ETP inlet and outlet.
4. The unit is having adequate facility for 4800TCD except multigrade filter carbon filter which is fall short and shall be replaced by suitable size and effluent generation is estimated as 160 litre/tonne for cane crushed.
5. ETP system of the unit shall require revalidation after suggested additions/modifications.

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 were 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 19.07.2018 submitted their compliance status of the Charter, which was examined and following observations were made:

1. The unit is in the process of installing necessary flow meters at requisite points as prescribed under the Charter and has assured completion of the same by 20.08.2018.
2. The unit has submitted action plan/ compliance report on upgradation of ETP.
3. The unit is maintaining proper logbook for bore-well readings thereby recording their fresh water consumption on regular basis.
4. The unit has stated that no untreated/ partially treated effluent is being discharged on land.
5. The unit shall employ hydro-jet for cleaning of heat exchanger unit.
6. The unit has already set up environmental laboratory with dedicated technical staff.
7. The unit has planned to arrange training for its technical staff on ETP Operation and Maintenance.
8. The unit has proposed to install Online Continuous Stack Monitoring System.
9. The unit has submitted compliance report on BMT for Water Recycling and Pollution Prevention.

AND WHEREAS, CPCB issued direction dated 26.10.2018 under Section 5 of the Environment (Protection) Act, 1986 the unit to comply the following directions:

1. The unit shall start its operation only after obtaining the valid consent from the Uttar Pradesh Pollution Control Board.
2. The unit shall implement the observation & recommendation of the revalidated adequacy assessment of ETP before commencement of crushing season 2018-2019.
3. The unit shall install adequate capacity Carbon & Sand filter before start of crushing season 2018-19.
4. 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.
5. The unit shall install flow meters at major areas of cold and hot water consumption before commencement of crushing season 2018-2019.
6. The unit shall install flow meters for measuring generation of effluent from various prominent areas before commencement of crushing season 2018-2019.
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 before commencement of crushing season 2018-2019.
9. The Unit shall commission mechanical sludge handling system of adequate capacity.
10. The unit shall carry out analysis of effluent discharge parameters notified under Environment (Protection) Rules, 1986 and logbook shall be maintained on daily basis.
11. 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.
12. 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 was inspected on 08.01.2019 by the NGT monitoring committee under the Chairmanship of Hon'ble Justice Sh. Arun Tandon, along with the officials from CPCB and UPPCB and following observations are made;

1. The unit was found operational during the inspection.
2. Analysis of treated effluent sample collected from ETP outlet shows BOD- **304 mg/l** against the norms of 30mg/l. COD-**668 mg/l** against the norm of 250mg/l, TSS- **131mg/l** against the norms of 30mg/l which indicates non-compliance with the effluent discharge norms.

It is evident that the unit is discharging untreated/partially treated effluent since last crushing season and no remedial measures have been taken, 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/ 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 to be levied to the unit is calculated as Rs. **30,90,000/-** (Thirty lakhs ninety thousand Rupees only) for the non-compliance period (10.01.2018 to 22.4.2018) for the crushing season 2017- 18; and Rs. **24,60,000/-** (Twenty-four lakh sixty thousand rupees only) for the non-compliance period (11.11.2018 to 31.01.2019), 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 Dewan Sugars Ltd., Agwanpur, Moradabad, U.P) is directed to **deposit Rs. 55,50,000/- 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 upgrade and stabilize the ETP system properly so as to comply with the notified effluent discharge norms.
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 Dewan Sugars Ltd., Agwanpur, Moradabad, U.P**) without giving any further notice in accordance with the provisions of the Environment (Protection) Act,1986.


 13/11/15
(S. P. SINGH PARIHAR)
 CHAIRMAN

Copy to:

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| <p>1. The Chairman
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow – 226 010</p> | <p>:With request to ensure compliance of the directions.</p> |
| <p>2. Principal Secretary (Sugar)
Sugar Industry and Cane Development
Department, "G" Block 2/3, Mantri Wing 4th Floor
Bapu Bhawan Vidhan Sabha Marg
Lucknow - 226 001</p> | <p>:For kind information, please.</p> |
| <p>3. Joint Secretary (CP Division)
Ministry of Environment, Forest & C.C
Prithvi Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi – 110 003</p> | <p>:For kind information, please</p> |
| <p>4. The District Magistrate
Moradabad -244001, U.P.</p> | <p>:With request to ensure closure of the unit in compliance of the directions</p> |
| <p>5. The Superintending Engineer
Paschimanchal Vidyut Vitran Nigam Limited
Moradabad , U.P.</p> | <p>:With a direction to disconnect power supply</p> |
| <p>6. The Regional Director
Regional Directorate
Central Pollution Control Board, PICUP Bhawan,
Ground Floor, Vibhuthi Khand, Gomti Nagar,
Lucknow – 226 010</p> | <p>:For follow up and ensuring compliance</p> |
| <p><input checked="" type="checkbox"/> 7. The In-charge, IT Division, CPCB</p> | |
| <p>8. Master file/Guard file, WQM II, CPCB Delhi</p> | |
| <p>9. The In-charge, F&A, CPCB</p> | |


(Prashant Gargava)
 MEMBER SECRETARY