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To,

M/s Rana Sugar Ltd.,
Belwara, Manpur, Moradabad,
Uttar Pradesh-2444925.

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986

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 Rana Sugar Ltd., Belwara, Manpur, Moradabad, U.P. (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

WHEREAS, the Unit (M/s Rana Sugar Ltd., Belwara, Manpur, Moradabad, U.P.) was inspected on 10.01.2018 by officials from CPCB, Delhi and following observations were made;

1. The Unit and ETP were operational.
2. The Unit has installed the OCEMS and provided the connectivity of OCEMS.
3. The unit has mentioned in the implementation status of the adequacy assessment report that a Lagoon has been constructed but it was under construction as per the inspection report.
4. The unit has installed the flow meter at overflow of spray pond, hot and cold water & the inlet, outlet of ETP.
5. The Unit has not submitted the irrigation management plan.

WHEREAS, CPCB vide letter dated 21.03.2018 asked the unit to comply with prescribed measure ; 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 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.

WHEREAS, the unit vide letter dated 19.07.2018 submitted their compliance status of the Charter and validation report on water balance and ETP adequacy along with irrigation management plan which were examined and following observations were made;

1. The Unit has installed the flow meter at fresh water extraction from tube well, spray pond overflow, excess condensate generation, ETP inlet and outlet and record of the same will be maintain.
2. The Unit screen chamber is installed and adequate.
3. The Unit has installed the Oil & Grease removal system.
4. The Unit has construct the Primary clarifier, Secondary clarifier with adequate retention time.
5. The Unit has constructed lagoon for the storage of treated effluent.

AND WHEREAS, the unit vide letter dated 28.07.2018 submitted their compliance status of the Charter; and

WHEREAS, CPCB issued letter dated 11.03.2019 to the unit comply with the following directions;

1. The unit shall implement the observation & recommendation of the revalidated adequacy assessment of ETP.
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 water.
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 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.
10. The unit shall submit the implementation status of the Charter in the form of Affidavit within 15 days.

AND WHEREAS, the Unit was inspected on 01.04.2019 by team of CPCB officials and following observations are made;

1. The unit and ETP was operational during the inspection.
2. By pass arrangement was identified in ETP inlet line near sugar storage godown which was temporarily blocked by sand bags.
3. Water logging of treated /untreated effluent on open land near industry premises was observed.
4. Temporary pumping arrangement with flexible pipe lines were found inside the premises having outlet in a drain parallel to industrial premises and along the roadside.
5. An opening was provided in the secondary treated water collection chamber from secondary clarifier which can be directly discharged into outlet sump without treating it from sand and activated carbon filter.
6. Analysis of sample of effluent being by passed showed pH-6.68 against the norms of 5.5-8.5, **BOD-453 mg/l** against the norms of 30mg/l, **COD-1277 mg/l** against the norms of 250mg/l, **TSS-1447 mg/l** against the norms of 30mg/l, TDS -984mg/l against the norms of 2100mg/l which indicates non-compliance w.r.t BOD, COD, TSS as per on surface effluent discharge norms of Environment (Protection) Rules, 1986.
7. MLSS in the aeration tank was 1973mg/l.
8. Analysis of effluent sample collected from ETP outlet showed pH-7.75 against the norms of 5.5-8.5, BOD-09 mg/l against the norms of 30mg/l, COD-66 mg/l against the norms of 250mg/l, **TSS-36 mg/l** against the norms of 30mg/l, TDS -940mg/l against the norms of 2100mg/l which indicates non-compliance w.r.t TSS as per on surface effluent discharge norms of Environment (Protection) Rules, 1986.
9. The unit has unlined permeable lagoon outside the premises. Analysis of effluent sample collected from lagoon showed **pH-5.24** against the norms of 5.5-8.5, **BOD-379 mg/l** against the norms of 100mg/l, **COD-1106 mg/l** against the norms of 250mg/l, **TSS-214mg/l** against the norms of 100mg/l, TDS -720mg/l against the norms of 2100mg/l which indicates non-compliance as per on land effluent discharge norms of Environment (Protection) Rules, 1986.
10. Analysis of wastewater sample from drain near roadside boundary wall outside the unit premises in which the unit has arrangement for discharge showed pH-5.77 against the norms of 5.5-8.5, **BOD-2084 mg/l** against the norms of 30mg/l, **COD-3948 mg/l** against the norms of 250mg/l, **TSS-523 mg/l** against the norms of 30mg/l, TDS -25090mg/l against the norms of 2100mg/l which clearly indicate that untreated effluent was being bypassed from the unit.
11. Leakage/overflow from spray pond was observed to be accumulating in a kaacha channel near the spray pond boundary.

AND WHEREAS, Hon'ble NGT vide its orders dated 03.08.2018 and 19.02.2019 in Original Application No. 593/2017 (W.P. (Civil) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed 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, CPCB has been levying Environmental Compensation in compliance of Hon'ble NGT order and as per the methodology for imposing Environment Compensation issued vide CPCB circular dated 24.05.2019, the Environmental Compensation to be levied to the unit is calculated as Rs. **45,90,000/-** (Forty-five lakhs ninety thousand Rupees only) for the non-compliance period of (14.11.2018 to 15.04.2019), for the crushing season 2018- 19; and

WHEREAS, CPCB issued directions dated 26.04.2019 and 21.06.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall deposit **Rs. 45,90,000/-** within 15 days in CPCB account towards environmental compensation.
2. The unit shall close down its Sugar manufacturing operations with immediate effect and shall not resume its operations.
3. The unit shall dismantle the bypass arrangements and stop discharge of untreated/ partially treated effluent discharge immediately.
4. The Unit shall comply to CPCB direction dated 11.03.2019 and shall submit response within 15 days.

5. The Unit shall seek permission from CPCB, after compliance of the above directions, before resumption of operation.

AND WHEREAS, the unit replies vide letters dated 02.04.2019, 29.05.2019 and 24.09.2019 were examined and following observations are made:

1. The unit has closed its manufacturing operations on 15.04.2019.
2. The unit has submitted submit adequacy assessment of treatment facility by VSI, Pune dated 24.09.2019; including work completion report regarding implementation of the recommendations of the adequacy report.
 - a. Adequacy reports indicate that ETP system comprise of secondary biological system followed by tertiary treatment. ETP system comprises of bar screen chamber, O&G trap, equalization tank, primary clarifier, aeration tank, secondary clarifier, MGF and ACF and is adequate for treating effluent generating from 6,500 TCD production.
 - b. The unit has installed mechanical sludge handling system (i.e. filter press).
 - c. Spray pond overflow is being treated in existing ETP having activated sludge process with adequate capacity to treat effluent and spray pond overflow together.

AND WHEREAS, Hon'ble NGT vide order dated 22.05.2019 in Appeal No. 27/2019 with Appeal No. 35/2019 and order dated 29.07.2019 in Appeal no. 22/2019 directed that, *CPCB may treat the impugned order as tentative and pass further appropriate order after permitting the affected parties to furnish their viewpoint*; and

WHEREAS, Principal Secretary, Sugar Industry and Cane Development, UP Government vide DO no. 1934/46-2-19-38/2018 dated 17/09/2019 requested CPCB to waive off the environmental compensation considering the financial constraint of sugar mills to enable them to use the same money for upgradation of pollution control measures in order to ensure compliance to environmental norms and also to allow the sugar mills to function efficiently; and

WHEREAS, personal hearing was held on 24.09.2019 in CPCB, Delhi and the unit represented viewpoints regarding financial constraints of the mills, delinking of EC with compliance, deposition of EC in ESCROW account, review of EC calculation from date of inspection to the end of closing of manufacturing operations, consideration of OCEMS data for compliance, characteristics of lagoon samples considered for EC, in addition to the following specific viewpoints:

- a. During inspection amount of the storm water was accumulated in the mills premises and it was collected by CPCB officials which showed non-compliance against stipulated discharge norms. However, mill will take care in future that water logging will not take place in the mill's premises.
- b. Sugar mills are facing huge financial loss, thus, they are not able to deposit levied EC amount. Therefore, CPCB may waive off the levied EC amount.
- c. Non-compliance should be considered from date of inspection to date of closure and past non-compliance should not be considered.

AND WHEREAS, during personal hearing CPCB officials considered the viewpoints of the unit and provided clarifications for the same including the following:

- a. Photographs taken during inspection shows that untreated effluent was stored at many places and analysis report of the same shows non-compliance w.r.t. discharge norms.

AND WHEREAS, CPCB vide office order dated 04.09.2019 issued policy for levying environmental compensation (EC) for industries which prescribes that

- a. EC for the closure direction issued on the ground of non-compliance of prescribed discharge/ emission norms shall applied for the period between date of inspection and monitoring of date of closing of manufacturing operation.
- b. Direction for closure or revocation and direction for imposition of EC to be dealt separately.

WHEREAS, as per office order dated 04.09.2019, Environmental Compensation has been recalculated as Rs. 4,50,000/- for the period from date of inspection (01.04.2019) to date of end of operations in the crushing season 2018-19 (15.04.2019); and


WHEREAS, CPCB constituted a Three-member committee vide office order dated 27.09.2017 having representative from CPCB, MoEF&CC and NMCG for examination and recommendation for revocation of the closure direction issued by CPCB; and

WHEREAS, the Three Member Committee in its meeting held on 17.10.2019 examined the unit's replies and recommended that the unit may be allowed to resume operation; and

NOW, THEREFORE, in view of above observations and in exercise of the powers delegated to the Chairman, CPCB under section 5 of the Environment (Protection) Act, 1986, the unit (M/s Rana Sugar Ltd., Belwara, Manpur, Moradabad, U.P.) is directed to comply with the following directions before commencement of crushing season 2019-2020.

1. The unit may resume its operation only after obtaining the valid consent from UPPCB.
2. The unit shall deposit Environmental Compensation amount of Rs. 4,50,000/- (Rupees Four Lakhs Fifty Thousands Only) either in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271) or in ESCROW account to be operated by Department of Sugar Industries in State Government within 15 days from date of issuance of the direction. In case of delay in deposition of EC, simple interest @ 12% shall be levied for delay period. The unit shall provide detail of EC amount deposited and ESCROW account to CPCB within 15 days.
3. EC deposited in CPCB account will be spent by CPCB as per the EC utilization policy as approved by Hon'ble NGT. In case of deposition of the aforementioned EC amount in ESCROW account, the unit shall submit a time bound action plan within 15 days and get it approved from CPCB for utilization of the EC amount for environmental management including augmentation/upgradation of ETP, implementation of charter, training programs etc. Approved plan shall be made available by industry to Department of Sugar Industries, State Government for releasing funds for which appropriate methodology shall be worked out by the State Government. Utilization of the funds shall be monitored by the State Government and reported to CPCB on monthly basis.
4. The unit shall submit performance assessment of effluent treatment plant including analysis of treated effluents by the reputed government institute within 60 days of resumption of operation.
5. The unit shall inform CPCB about resumption of manufacturing operations.

In case of default in compliance with the above directions, CPCB will be constrained to initiate action against the Unit **(M/s Rana Sugar Ltd., Belwara, Manpur, Moradabad, U.P.)** without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.


06/11/19

(S. P. SINGH PARIHAR)
CHAIRMAN

Copy to:

1) 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.

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

: With directions to ensure following actions:

- a) To ensure compliance of these directions.
- b) To open ESCROW account within 10 days to ensure deposition of Environmental Compensation (EC) in ESCROW account within 15 days of issuance of these directions.

3) Member Secretary
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow - 226 010

4) District Magistrate
Moradabad, U.P.

5) The Superintending Engineer
Paschimanchal Vidyut Vitran Nigam Limited
Moradabad, U.P.

6) Regional Director
Regional Directorate
Central Pollution Control Board, PICUP
Bhawan, Ground Floor, Vibhuthi Khand, Gomti
Nagar, Lucknow - 226 010

7) In-charge, IT Division, CPCB

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

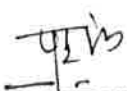
9) In-charge, F&A, CPCB

- c) The ESCROW account shall be operated by Department of Sugar Industries, State Government.
- d) Action plan for utilization of EC fund as approved by CPCB shall be made available by the industry to the Department of Sugar Industries, State Govt. for releasing funds for which appropriate methodologies shall be worked out by the State Government.
- e) Utilization of funds shall be monitored by State Government and reported to CPCB on monthly basis (before 10th of every month).
- f) To constitute surveillance teams for monitoring sugar mills to stop any non-compliance including bypass/ discharge of untreated effluent.
- g) To organize surprise inspection of the unit on monthly basis to ensure that ETP is properly operated and treated effluent complies with environmental norms.
- h) To obtain undertaking from sugar mills that they will not indulge in bypass of effluent and will maintain functional ETP.

: To reconnect the power supply of the unit.

: For follow up and ensuring compliance.

: with request to upload on CPCB server.


(PRASHANT GARGAVA)
MEMBER SECRETARY