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

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 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 analysis of treated effluent sample showed 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.
3. The Unit has installed the OCEMS at the ETP outlet but it was non- functional at the time of inspection.
4. 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

WHEREAS, CPCB through an Expert Committee comprising of experts from National Sugar Institute (NSI), Kanpur, Vasantdada Sugar Institute (VSI), IITs and representatives from sugar

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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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; 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.

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 were 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.

AND WHEREAS, CPCB issued closure direction dated 19.02.2019 under section 5 of Environment (Protection) Act, 1986 to the Unit along with imposing Environmental Compensation of Rs. 55,50,000/- for the period of 10.01.2018 to 22.4.2018 (for crushing season 2017-18) and (11.11.2018 to 31.01.2019 (for crushing season 2018-19); and

WHEREAS, the unit vide letter dated 05.03.2019 requested CPCB to revoke closure direction dated 19.02.2019, waive of Environmental Compensation imposed on the unit and submitted compliance report including actual assessment of water consumption and effluent generation of season 2018-19 validated by NSI, Kanpur; and

WHEREAS, the Unit deposited Environmental Compensation of Rs. 55,50,000/- to CPCB on 12.03.2019 through RTGS; and

WHEREAS, the Unit was inspected on 02.04.2019 by officials from CPCB, Delhi and following observations are made;

- i. The Unit and ETP were operational at the time of visit.
- ii. As per sample analysis results MLSS in aeration tank is found to be 1888mg/l.
- iii. ETP comprises of following units: Bar screen- Oil Skimmer- Equalization tank- Micro settler- Primary Clarifier-Aeration tank1- Aeration tank2- Secondary clarifier- Pressure sand filter- Activated carbon filter- Lagoon (for storing treated effluent) and Sludge drying beds
- iv. Flowmeters are not installed at points of freshwater usage.
- v. Flowmeters are not installed at few points of effluent generation.
- vi. Treated effluent from ETP is stored in lagoon and used for irrigation.
- vii. Analysis of treated effluent sample from ETP outlet showed pH 8.03 as against norms 5.5-8.5, BOD-12 mg/L against norms 100mg/L, COD-95 mg/L against norms 250 mg/L, TSS-50 mg/L against norms 100 mg/L and TDS 1964 mg/L against norms of 2100 mg/L which indicates compliance with on land discharge norms.

- viii. Analysis of sample collected from lagoon showed pH 7.54 as against norms 5.5-8.5, BOD-75 mg/L against norms 100mg/L, **COD-307 mg/L** against norms 250 mg/L, TSS-56 mg/L against norms 100 mg/L and **TDS 2136 mg/L** against norms of 2100 mg/L.
- ix. The unit has submitted the irrigation management plan validated by NSI, Kanpur.
- x. Analysis of sample collected from spillage accumulated in agriculture land showed pH 7.32 as against norms 5.5-8.5, **BOD 536 mg/L** against norms 100 mg/L, **COD 1045 mg/L** against norms 250 mg/L, **TSS 195 mg/L** against norms 100 mg/L and TDS 2048 mg/L against norms of 2100 mg/L. However, leakage point was found sealed at the time of visit.

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 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 Rs. 25,50,000/- (Rupees Twenty-five Lakh Fifty Thousand only) for the non-compliance period (01.02.2019 to 26.04.2019) during the crushing season 2018-19; and

WHEREAS, CPCB issued direction dated 28.06.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The Unit shall remain closed and not operate without seeking permission from CPCB.
2. The unit shall deposit Rs 25,50,000/- within 15 days in CPCB account towards environmental compensation.
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, before resumption of operation.

AND WHEREAS, the unit's replies vide letters dated 28.06.2019, 20.07.2019, 26.08.2019 and 15.10.2019 were examined and following observations were made;

1. The Unit submitted adequacy report validated by NSI, Kanpur for the crushing season 2018-2019. The capacity of ETP is adequate for cane crushing rate of 4000 TCD.
2. The Unit has submitted feasibility report on upgradation of Effluent Treatment Plant capacity with crushing capacity 4600 TCD extendable upto 5500 TCD.
3. The Unit requested revocation of closure direction and submitted another adequacy report dated 26.08.2019, prepared by IIT, Roorkee along with work completion report w.r.t. implementation of recommendations. As per the report by IIT, Roorkee:
 - a. Fresh water consumption in the sugar plant is 0.23 m³/hr while wastewater generation is 26 m³/hr.
 - b. Segregation of two streams i.e. process water and cooling tower overflow should be made and pre-treated separately for oil and grease removal as well as sulphur removal respectively prior to their entry into equalization tank.
 - c. The unit should store high COD containing tube cleaning waste water in hazardous water tank and treat regularly through ETP in controlled way.
 - d. The Unit should increase volume of equalization tank.

- e. Aeration unit should be provided with oxygen diffusers.
 - f. Air compressor capacity should be increased to maintain the DO value in desired concentration.
 - g. Cooling tower overflow water collection tank should be included in ETP.
4. The Unit replied on 15.10.2019 in response to the recommendations by IIT, Roorkee as follows:
- a. Volume of equalization tank has been increased, 02 nos. RCC tank, 01 of 600 m³ and 2nd one of 153.6 m³.
 - b. In aeration tank, the number of diffusers increased from 153 nos. to 373 nos.
 - c. Air blower capacity increased by providing 03 more blowers each of 2150 m³/hr capacity.
 - d. The Unit has planned for installation of ozonation unit for tertiary treatment before start of crushing season 2019-20.
 - e. Decanter of 5 m³/hr capacity installed.
 - f. Four nos. of MS tank installed, one of 600 hl and 3 of 300 hl. For collection of high COD containing chemicals, tube cleaning water. It is pre-treated before entry to ETP, for which one flocculator with carbon and sand filter installed.

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:

1. Considering financial constraint on the unit, levied EC should be waived off so that the fund could be used for environmental management.
2. Non-compliance should be considered from date of inspection to date of end of crushing season and past events 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. Notice of intension to have sample analysed under section 7 of Environment (Protection) Rules, 1986 (Form 1) was served to all the units at the time of inspection, for collection of samples and counter-signature was received on Form 1 from the unit representative. At the time of collection, samples were divided and handed over to the unit representatives. However, in most of the cases the unit's representative were reluctant to receive the second portion of the samples.
- b. OCEMS has been installed for self-regulatory purpose of the Industrial unit and for the monitoring compliance by SPCB/ CPCB. The OCEMS data is not being used for regulatory purpose. Since, the unit has to meet the norms all the time, the manual grab samples are being considered for verification of compliance status. Further, in most of the units,

- OCEMS was not found to be properly calibrated since long, also, their operation and maintenance was faulty, therefore, data generated from OCEMS could not be relied upon.
- c. CPCB has issued closure directions and levied EC for non-compliance with the notified effluent discharge norms and bypassing of untreated effluent and not for charter implementation status which includes installation of flow meter and colour coding of pipe. Secondly, although the sugar mills have submitted adequacy assessment report prepared by technical institutions like VSI/NSI etc. which indicate that ETPs are adequate, however, operation and maintenance of ETPs were found poor in most cases. Most of the sugar mills do not have adequate laboratory and trained manpower to operate their ETPs properly. Therefore, only having adequate ETP system is not enough to maintain the norms; but operation and maintenance of ETP is also necessary for compliance continuously.
 - d. During hearing copy of the Methodology for Assessing Environmental Compensation was circulated amongst the representatives of the sugar mills and the calculation methodology was also personally explained to the unit representatives.
 - e. Photographic evidences of bypass were also shared with the unit's representatives.

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.

AND WHEREAS, considering the viewpoints of the unit made during personal hearing held on 24.09.2019, Environmental Compensation has been recalculated to Rs. 7,50,000/- (Rupees Seven Lakh Fifty Thousand only) for the period from date of inspection (02.04.2019) to date of end of crushing season (26.04.2019) as per CPCB office order dated 04/09/2019; 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 04.10.2019 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 Dewan Sugars Ltd., Agwanpur, Moradabad, U. P.) is directed comply with the following directions before commencement of crushing season 2019-2020;

1. The unit may resume its operation after obtaining the valid consent from Uttar Pradesh Pollution Control Board.
2. The unit shall deposit Environmental Compensation amount of Rs. 7,50,000/- (Rupees Seven Lakh Fifty Thousand 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 implement pollution control measures as recommended in adequacy reports within 60 days.
6. 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 Dewan Sugars Ltd., Agwanpur, Moradabad, U. P.)** without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.

(S. P. SINGH PARIHAR)
CHAIRMAN

06/11/2019

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, Babu 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.
- 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-

3) Member Secretary

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

4) District Magistrate

Moradabad -244001, U.P.

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.

5) The Superintending Engineer

Paschimanchal Vidyut Vitran Nigam Limited
Moradabad , U.P.

: To reconnect the power supply of the unit.

6) Regional Director

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

: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

9) In-charge, F&A, CPCB



(PRASHANT GARGAVA)
MEMBER SECRETARY