



B-190198/WQM-II (RG)/CPCB/Sugar/50/2017-18  
9091

15.11.2019  
22

To,

M/s Mawana Sugar Works,  
Mawana, Meerut, U.P.-250402

**DIRECTION UNDER SECTION 5 OF 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 Mawana Sugar Works, Mawana, Meerut, U.P. (hereinafter referred as 'the unit') is involved in the process of sugar manufacturing from crushing of cane;

**WHEREAS**, the Unit was inspected on 04.01.2018 by officials of CPCB and following observations were made;

1. The Unit was operational at the time of inspection.
2. The Unit does not have provision for the treatment of spray pond overflow.
3. The Unit has not installed Condensate Polishing Unit (CPU).
4. The Primary Clarifier and Lagoon with a capacity of 12000 KL are under construction.
5. The Unit was bypassing the untreated effluent from the process into the drain outside the premise of the unit in the front gate of the unit.
6. Analysis of untreated effluent being bypasses shows **BOD-276 mg/l** as against norms of 30 mg/l, **TSS-256 mg/l** against norms of 30 mg/l which indicated non-compliance with prescribed effluent discharge norms under Environment (Protection) Act, 1986.

**AND WHEREAS**, CPCB issued closure direction dated 07.02.2018 under section 5 of Environment Protection Act, 1986 to the Unit; and

**WHEREAS**, the Unit's replies vide letter dated 15.02.2018, 19.02.2018 and 22.02.2018, were examined; and

**WHEREAS**, the Unit was re-inspected on 28.02.2018 by officials of CPCB, Delhi and following observations were made;

1. The Unit and ETP were operational at the time of inspection which is in violation of CPCB direction dated 07.02.2018 issued under section 5 of Environment (Protection) Act, 1986.
2. Bypass arrangements opening into outside drain (municipal drain) near front gate of the Unit was found blocked/ closed at the time of inspection. However, an open unlined drain was observed which was opening outside the boundary of industry from residential blocks of the industry situated around 150-200 meters from Ram Mandir towards the

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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rear side boundary wall in the industry premises and was found discharging into the Mawana drain passing through the fields.

3. Analysis of treated effluent sample showed pH-7.32 as against norms of 5.5-9.0, **BOD-42 mg/l** against norms of 30 mg/l, COD-202 mg/l against norms of 250 mg/l, and **TSS-108 mg/l** against norms of 30 mg/l which indicated non-compliance w.r.t. pH, BOD, COD, and TSS with effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.
4. Analysis of treated effluent sample taken from lagoon shows pH-7.14 as against norms of 5.5-9.0, **BOD-67 mg/l** against norms of 30 mg/l, COD-213 mg/l against norms of 250 mg/l, and **TSS-51 mg/l** against norms of 30 mg/l which indicated non-compliance w.r.t. pH, BOD, COD, and TSS with effluent surface discharge norms prescribed under Environment (Protection) Rules, 1986.
5. The Unit has not submitted revalidated adequacy assessment report.

**AND WHEREAS**, the unit submitted the revalidated adequacy assessment reports and irrigation management plan prepared by NSI, Kanpur vide letter dt. 12.04.2018; 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 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 25.09.2018 submitted their compliance status of the Charter; and

**WHEREAS**, CPCB issued direction dated 22.10.2018 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 start its operation only after obtaining the valid consent from the Uttar Pradesh Pollution Control Board.

2. The unit shall implement the observation and recommendation of the revalidated adequacy assessment of ETP.
3. 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.
4. The unit shall install flow meters at major areas of cold and hot water consumption.
5. The unit shall install flow meters for measuring generation of effluent from various prominent areas.
6. ~~The unit shall maintain logbook for individual process unit for recording daily water consumption and effluent generation also.~~
7. The unit shall carry out colour coding of pipelines carrying recycled process water and fresh process water.
8. The Unit shall commission mechanical sludge handling system of adequate capacity.
9. The unit shall carry out analysis of effluent discharge parameters notified under Environment (Protection) Rules, 1986 and logbook shall be maintained on daily basis.
10. 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.
11. 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 vide letter dated 04.04.2019 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. The unit has obtained valid Consent to Operate from the UPPCB.
2. The unit has implemented the observation & recommendation of the revalidated adequacy assessment of ETP.
3. The unit has installed flow meters at requisite locations.
4. The unit is maintaining logbook for individual process unit for recording daily water consumption and effluent generation.
5. The unit is carrying out colour coding of pipelines carrying recycled process water and fresh process water.
6. The unit has not commissioned mechanical sludge handling system.
7. The unit is carrying out analysis of effluent discharge parameters notified under Environment (Protection) Rules, 1986.
8. The unit has submitted implementation status of the Charter in the form of Affidavit.
9. Fresh water consumption as per adequacy was observed to be 164.89 l/t of cane.
10. Total wastewater generation was observed to be 169 l/t of cane with average crush rate 10188 TCD.

**AND WHEREAS**, the unit was inspected by CPCB officials on 26.03.2019 and following observations are made:

1. The unit and ETP were operational at the time of inspection.
2. The unit has open pipeline system for transferring effluent to the ETP and some effluent was seen accumulated in the sugarcane field near the ETP inlet drain.
3. Analysis of treated effluent sample from ETP outlet showed pH-7.61 against the norms of 5.5-8.5, BOD-42 mg/l against norms of 100 mg/l, COD-174 mg/l against norms of 250 mg/l, **TDS-2148 mg/l** against norms of 2100 mg/l and **TSS-108 mg/l** against norms of 100mg/l which indicate non-compliance w.r.t. TDS and TSS with the effluent discharge norms on land prescribed under Environment (Protection) Rules, 1986.
4. Analysis of treated effluent sample collected from lagoon outlet showed pH-7.86 against the norms of 5.5-8.5, BOD-58 mg/l against norms of 100 mg/l, COD-245 mg/l against norms of 250 mg/l, TDS-1248 mg/l against norms of 2100 mg/l and **TSS-225mg/l** against norms of 100mg/l which indicate non-compliance w.r.t. TSS with the effluent discharge norms on land prescribed under Environment (Protection) Rules, 1986.

5. The unit has not installed mechanical sludge drying bed.

**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 to Hon'ble NGT order dated 03.08.2018 and 19.02.2019 and as per the methodology for imposing Environment Compensation issued vide CPCB circular dated 24/05/2019. The Environmental Compensation to be levied on the unit, M/s Mawana Sugar Works, Mawana, Meerut, U.P was calculated as Rs. 39,90,000/- (Rupees thirty-nine lakhs ninety thousand only) for the non-compliance period (04.01.2018 to 16.05.2019); and

**WHEREAS**, CPCB issued show cause notice dt. 21.06.2019 under Section 5 of the Environment (Protection) Act, 1986 to the unit as the unit failed to meet the effluent discharge norms and directed to deposit the Environmental compensation of **Rs. 39,90,000/-** for the non-compliance period (04.01.2018 to 16.05.2019), for the crushing season 2017- 18; and

**WHEREAS**, the unit's reply vide letter dated 03.07.2019 was examined and following observations are made:

1. The unit is going to cover all drain from sugar mill to inlet of ETP drain and will intimate after completion of work.
2. The unit has submitted the analysis report for the month of November and March of the crushing season 2018-19 through EPA recognized labs indicating compliance with the effluent discharge norms.
3. The unit is revamping the media of sand filter and activated carbon filter to control any deviation in prescribed TSS limit.
4. The unit has submitted adequacy assessment of treatment facility by NSI, Kanpur including work completion report regarding implementation of the recommendations of the adequacy report vide letter dated 04.04.2019. As per the report,
  - a. The ETP system comprises of bar screen chamber, O&G trap, equalization tank, primary clarifier, aeration tank, secondary clarifier, MGF and ACF.
  - b. The unit has adopted sulphate removal system.
  - c. The Unit has discharge 169 litre /ton of treated effluent.

**AND WHEREAS**, CPCB vide letter dated 30.07.2019 asked to the unit to deposit amount Rs. 39,90,000/- with simple interest at 12% for the delay period; and

**WHEREAS**, the unit's vide letter dated 28.08.2019 requested for the personal hearing; 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 CPCB inspection dated 28/02/2018, the mill was found complying with stipulated discharge standards and bypass arrangement was also found to be closed, however CPCB levied EC for the entire crushing season of 2017-18.
- b. Considering financial constraint of the unit, the EC imposed should be waived off so that the fund could be used for environmental management.

- c. 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. During inspection dated 28/02/2018, the bypass arrangement was found closed but the sugar mill was not found complying with the stipulated discharge norms, however, CPCB

**WHEREAS**, the unit has filed writ petition [(Civil) no. 1155 of 2019] in Hon'ble Supreme Court dated 03.09.2019, requesting to set aside CPCB order dated 30.07.2019; and Hon'ble Supreme Court passed order on 16.09.2019 that "*The demand of penalty imposed by Central Pollution Control Board shall remained stayed*"; and

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

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

**AND WHEREAS**, considering the viewpoints of the unit, Environmental Compensation has been recalculated as Nil for the non-compliance period (04.01.2018 to 16.05.2019) for the crushing season 2017-18 as per CPCB office order dated 04.09.2019; 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 Mawana Sugar Works, Mawana, Meerut, U.P.) is directed comply with the following directions;

1. The unit shall provide performance assessment of effluent treatment system and analysis of treated effluent by the reputed government institute within 60 days from resumption of operation in next crushing season 2019-20.

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

  
(S. P. SINGH PARIHAR)  
CHAIRMAN

**Copy to:**

1. **Joint Secretary (CP Division)** : For kind information, please.  
Ministry of Environment, Forest & C.C  
Prithvi Block, Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi - 110 003
2. **Principal Secretary** : With directions to ensure following actions:  
Sugar Industry and Cane Development  
Department, "G" Block, 2/3, Mantri Wing,  
4<sup>th</sup> Floor, Babu Bhawan, Vidhan Sabha  
Marg, Lucknow - 226 001
  - a) To ensure compliance of directions.
  - b) To constitute surveillance team for monitoring of sugar mills to stop any

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

**4. The District Magistrate**  
Meerut, U.P.-250402

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

**6. The In-charge, IT Division, CPCB**

**7. Master file/Guard file, WQM II, CPCB**  
Delhi

**8. In-charge, F&A, CPCB**

bypass/ discharge of untreated effluent.

c) To organize surprise inspection of the unit on monthly basis to ensure that ETP is properly operated and treated effluent is complied with the norms.

d) To obtain undertaking from sugar mills that they will not indulge in bypass of effluent and will maintain functional ETP.

: For follow up and ensuring compliance.

: With request to upload on CPCB server.

  
**(PRASHANT GARGAVA)**  
MEMBER SECRETARY