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B-190198/WQM-II(RG)/CPCB/Sugar/59/2016-17  
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To,

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

26/06/2020

**DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986-  
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 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 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 indicated 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 indicated 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 indicated 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 indicated 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 was calculated as Rs. 45,90,000/- 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 were made:

1. The unit has closed its manufacturing operations on 15.04.2019.

2. The unit has submitted adequacy assessment of effluent treatment plant by VSI, Pune dated 24.09.2019; including work completion report regarding implementation of the recommendations of the adequacy report.
  - a. Adequacy report indicates 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 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 provided clarifications as under:

- 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.

**AND WHEREAS**, as per office order dated 04.09.2019, Environmental Compensation was 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 issued directions dated 07.11.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit and 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 EC amount of Rs. 4,50,000/- 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.

**AND WHEREAS**, the unit was inspected by officials of CPCB, Delhi on 17.11.2019 under supervision of Hon'ble Justice Arun Tandon in the matter of O.A. no. 361/2017 of Hon'ble NGT. The unit was found non-complying w.r.t. **BOD-125mg/l** against effluent discharge norms of 30 mg/l prescribed under Environment (Protection) Rules, 1986. Aeration tank was found unstabilised with low MLSS concentration of 333mg/l; and

**WHEREAS**, CPCB issued letter dated 27.12.2019 to UPPCB to take actions with respect to inspection dated 17.11.2019; and

**WHEREAS**, the unit replies vide letters dated 20.11.2019 and 02.01.2020 were examined and following observations were made:

1. The unit has obtained valid Air and water consents from UPPCB.
2. The Unit has submitted the Environmental Compensation amount of Rs 4,50,000/- in ESCROW account (A/c no -37277765755 at SBI, Katghat, Moradabad) dated 13.11.2019.
3. The unit started its manufacturing operation on 08.11.2019.
4. The unit submitted action plan for utilization of the Environmental Compensation amount deposited in ESCROW account.

**AND WHEREAS**, action plan was evaluated by Expert Committee and the approved action plan was forwarded to unit vide letter dated 15.01.2020. The approved activities for utilization of EC are as follows:

1. The unit may arrange training programme for lab analyst and ETP operators.
2. The unit shall upgrade environmental lab with proper equipment for the analysis of parameters- pH, BOD, COD, TSS and TDS.
3. The unit shall develop lined impermeable lagoon of 15 days capacity.

4. The unit shall install anaerobic filters before aeration tank as suggested in adequacy report.
5. The unit shall bear the additional cost, if required beyond EC amount, for above activities, by its own fund.

**AND WHEREAS**, the unit vide email dated 23.01.2020 submitted the performance assessment report prepared by VSI, Pune, which was examined and following observations are made:

1. The unit has not installed Anaerobic Filter.
2. The unit has not installed Sulphate removal system/ other common treatment systems for treatment of spray pond overflow.
3. The unit has not installed CPU for high-pressure boiler (>45 Kg/cm<sup>2</sup>).

**AND WHEREAS**, CPCB received a public complaint dated 22.08.2019 from Paper Unit Chapter of Kumaun Garhwal Chamber of Commerce and Industry regarding high colour observed in river Dhela at Bhojpur Bridge (a tributary of river Ramganga) due to discharge of untreated effluent from nearby sugar mill; and

**WHEREAS**, Water quality monitoring of entire stretch of River Dhela (12 locations), its two tributaries (02 locations) and three drains (04 locations) was carried out jointly by team of CPCB, UPPCB and UEPPCB officials from its origin at Kanda Range, Nainital in Uttarakhand to confluence with river Ramganga at Moradabad, UP in September, 2019 and identified M/s Rana Sugar Ltd., Belwara, Manpur, Moradabad, U.P. as one of GPI having potential to discharge their effluent into river Dhela and its drains; and

**WHEREAS**, the unit was inspected on 18.02.2020 by team of CPCB officials to verify the public complaint regarding pollution in Dhela river and following observations are made:

1. The unit and ETP were found operational.
2. The unit has applied on 12.01.2020 for renewal of consent to operate under Water Act, 1974 and Air Act, 1981 to UPPCB.
3. Ponding of coloured wastewater was observed at several locations, namely, back side of unit's premises, inside the unit's premises, near spray pond and at a location which is about 7 km away from the unit.
4. Analysis of wastewater collected from ponding at back side of unit's premises shows pH-7.10 against the norms of 5.5-8.5, **BOD-251 mg/l** against the norms of 30mg/l, **COD-740 mg/l** against the norms of 250mg/l, TSS-21mg/l against the norms of 30mg/l, TDS -1012 mg/l against the norms of 2100mg/l which indicates non-compliance w.r.t. BOD and COD as per surface effluent discharge norms of Environment (Protection) Rules, 1986.
5. The unit is found bypassing untreated effluent into the Rajoura drain. The samples collected inside the unit's premises shows pH-6.12 against the norms of 5.5-8.5, **BOD-2005 mg/l** against the norms of 30mg/l, **COD-2800 mg/l** against the norms of 250mg/l, **TSS-557mg/l** against the norms of 30mg/l, **TDS -4728 mg/l** against the norms of 2100mg/l which indicates non-compliance w.r.t. BOD, COD, TSS and TDS as per surface effluent discharge norms of Environment (Protection) Rules, 1986.
6. Analysis of samples collected from Rajoura drain after confluence of the bypass effluent shows pH-5.85 against the norms of 5.5-8.5, **BOD-1206 mg/l** against the norms of 30mg/l, **COD-2195 mg/l** against the norms of 250mg/l, **TSS-383 mg/l** against the norms of 30mg/l, **TDS -3172mg/l** against the norms of 2100mg/l which indicates non-compliance w.r.t. BOD, COD, TSS and TDS as per surface effluent discharge norms of Environment (Protection) Rules, 1986.

7. Analysis of wastewater collected from ponding at a location which is about 7 km away from the unit shows pH-6.94 against the norms of 5.5-8.5, **BOD-175 mg/l** against the norms of 30mg/l, **COD-577 mg/l** against the norms of 250mg/l, **TSS-241mg/l** against the norms of 30mg/l, TDS -628 mg/l against the norms of 2100mg/l which indicates non-compliance w.r.t. BOD, COD and TSS as per surface effluent discharge norms of Environment (Protection) Rules, 1986.
8. Effluent disposed on land used for Karnal technology and effluent being bypassed ultimately drains into Rajoura drain. Rajoura drain carries effluent for the irrigation.
9. An area of 3.5 hectares is being used for Karnal technology for disposal of effluent which ultimately drains into Rajoura drain. However, as per irrigation management plan dated 29.05.2019 submitted by the unit, 141.4 hectares of land is available for irrigation, which could not be verified during inspection. Therefore, the unit does not have adequate command area for use of treated effluent from the unit.
10. Analysis of sample from ETP outlet shows pH-8.39 against the norms of 5.5-8.5, BOD-05 mg/l against the norms of 100mg/l, COD-11 mg/l against the norms of 250mg/l, TSS-BDL against the norms of 100mg/l, TDS -1400mg/l against the norms of 2100mg/l which indicates compliance as per on land effluent discharge norms of Environment (Protection) Rules, 1986. Treated effluent from ETP was being diverted to Karnal technology at a land of 3.5 hectares for disposal.
11. Molasses are stored in unlined pit near lagoon.
12. The unit has one lagoon of 5000 m<sup>3</sup> for storage of treated effluent, however, the same was found empty at the time of visit.
13. As per CGWA NOC, the unit has total 03 nos. of borewells and flow meters are installed on all three Borewells, however, 03 additional unauthorized borewells were also observed within unit's premises (02 near process area and one near steel molasses tank) without installation of flow meters.
14. The unit is having high pressure boiler of 87 kg/cm<sup>2</sup>, however CPU has not been installed by the unit
15. Fly ash generated from boiler is used for filling of low lying areas and no record of disposal has been maintained.

**AND WHEREAS**, during Magh Mela, 2020, a joint team constituted of officials from CPCB, UPCCB and UEPPCB, carried out monitoring on fortnightly basis on 10.02.2020. Analysis results of the samples collected from Dhela river at Bhojpur on 10.02.2020 showed colour- 8 Hazen, DO- nil, BOD- 32mg/l, COD-99 mg/l and TDS-560mg/l; and

**WHEREAS**, as per policy for levying Environmental Compensation for industries dated 04.09.2019, Environmental Compensation to be levied on the unit has been calculated as Rs. 1,25,25,000/- for the non-compliance period (17.11.2019 i.e. date of first non-compliance observed in crushing season 2019-2020 to 01.05.2020 end of existing season); and

**WHEREAS**, as per Hon'ble NGT order vide O.A. No. 176/2015 dated 11.09.2019, Environmental Compensation to be levied on the unit for unauthorized borewells (03) and for abstraction of ground water without obtaining No Objection Certificate (NOC) from CGWA for non-compliance period 02.10.2018 to 01.05.2020 has been calculated as Rs. 2,84,37,600/-,

**AND NOW, THEREFORE**, in exercise of powers delegated to 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 show cause, why Environmental Compensation of total Rs. 4,09,62,600/- should not be levied on the unit.

You are hereby given an opportunity to file your objections (if any) to the show cause notice within 15 days from the date of receipt of this notice, failing which appropriate action will be taken against the Unit without giving any further notice in accordance with provision of the Environment (Protection) Act, 1986.

  
(Shiv Das Mecna)  
CHAIRMAN

**Copy to:**

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| <p><b>1. Member Secretary</b><br/>Uttar Pradesh Pollution Control Board,<br/>Building No. TC-12V, Vibhuthi Khand,<br/>Gomti Nagar, Lucknow – 226 010</p>                                  | <p>: With request to ensure compliance of above directions and direction issued u/s 18(1)(b) of Water Act, 1974 dated 25.05.2018 to ensure safe storage and handling of molasses by sugar mill.</p> |
| <p><b>2. Principal Secretary</b><br/>Sugar Industry and Cane Development<br/>Department, "G" Block 2/3, Mantri Wing 4th Floor<br/>Bapu Bhawan Vidhan Sabha Marg<br/>Lucknow - 226 001</p> | <p>: For kind information, please.</p>  |
| <p><b>3. Joint Secretary (CP Division)</b><br/>Ministry of Environment, Forest &amp; C.C<br/>Prithvi Block, Indira Paryavaran Bhawan,<br/>Jorbagh Road, New Delhi – 110 003</p>           | <p>: For kind information, please</p>   |
| <p><b>4. The District Magistrate</b><br/>Moradabad , U.P.</p>   | <p>: With request to ensure compliance of the directions</p>  |
| <p><b>5. The Regional Director</b><br/>Regional Directorate<br/>Central Pollution Control Board, PICUP Bhawan,<br/>Ground Floor, Vibhuthi Khand, Gomti Nagar,<br/>Lucknow – 226 010</p>   | <p>: For follow up and ensuring compliance</p>  |
| <p>✓ <b>6. The In-charge, IT Division, CPCB</b></p>   | <p>: with request to upload on CPCB server.</p>   |
| <p><b>7. Master file/Guard file, WQM II, CPCB Delhi</b></p>   |   |

  
(PRASHANT GARGAVA)  
MEMBER SECRETARY