



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Speed Post

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

04 March, 2021

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 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 30 mg/l, COD- 1277 mg/l against the norms of 250 mg/l, TSS- 1447 mg/l against the norms of 30 mg/l, TDS- 984 mg/l against the norms of 2100 mg/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 1973 mg/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 250 mg/l,

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TSS-36 mg/l against the norms of 30 mg/l, TDS- 940 mg/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 250 mg/l, TSS- 214 mg/l against the norms of 100 mg/l, TDS- 720mg/l against the norms of 2100 mg/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 30 mg/l, COD- 3948 mg/l against the norms of 250 mg/l, TSS- 523 mg/l against the norms of 30 mg/l, TDS- 25090 mg/l against the norms of 2100 mg/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/- (Rs. Forty-Five Lakh and Ninety Thousand 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 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/- (Rs. Four Lakh and Fifty Thousand Only) 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, 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, in compliance to Hon'ble NGT order dated 23.07.2019 in O.A. No. 361/2017 in the matter of Dr. Tanzeem Fatima Vs MoEF&CC, Joint Committee constituted by Hon'ble NGT, inspected the unit on 17.11.2019 and made the following observations:

1. The unit and ETP were found operational at the time of inspection.
2. The Unit did not have No Objection Certificate (NOC) from Central Ground Water Authority (CGWA) for withdrawal of groundwater.
3. The analysis result of effluent sample consisting of effluent discharged by the unit into the drain near the boundary wall of the unit, **COD- 485 mg/l, BOD- 231 mg/l and Color-24 hazen.**
4. The analysis results of sample collected from ETP outlet shows pH: 6.88 (norms: 7.0-8.5), COD- 135 mg/l, **BOD- 125 mg/l** (norms 30 mg/l) and TSS- 40 mg/l (norms 100 mg/l), which indicate that the mill was non-complying with stipulated discharge norms w.r.t., BOD.
5. The analysis results of sample collected from aeration tank shows **MLSS concentration- 333 mg/l**, which was negligible compared to desired value 2500-3000 mg/l; which indicate that biological treatment (ASP) was not operated properly, resulting in exceedance of BOD in treated effluent.

AND WHEREAS, the Joint Committee report was forwarded to UPPCB vide letter dated 27.12.2019, for necessary action since the industry was not in the inventory of Grossly Polluting Industries (GPIs); and

WHEREAS, during Magh Mela, 2020, a joint team constituted of officials from CPCB, UPPCB 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-560 mg/l; and

WHEREAS, to verify the compliance status of GPIs having potential to contribute pollution load into River Dhela, the unit was inspected by team of CPCB & UPPCB officials on 18.02.2020 and following observations were 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 100 mg/l, COD- 11 mg/l against the norms of 250 mg/l, TSS- BDL against

the norms of 100 mg/l, TDS -1400mg/l against the norms of 2100 mg/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 m³ 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 8/ kg/cm², 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, 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/- (Rs. One Crore Twenty-Five Lakh and Twenty-Five Thousand only) 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 i.e. 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/- (Rs. Two Crore Eighty-Four Lakh Thirty-Seven Thousand and Six Hundred Only); and

WHEREAS, CPCB issued Show-Cause Notice (SCN) dated 26.06.2020, under Section 5 of Environment (Protection) Act, 1986 to the Unit, as to why Environment Compensation of total Rs 4,09,62,600/- (Rs. Four Crore Nine Lakh Sixty-Two Thousand and Six Hundred Only) should not be levied on them for non-compliance period from 17.11.2019 to 01.05.2020 and unauthorized borewells (03) & for abstraction of ground water without obtaining No Objection Certificate (NOC) from CGWA for non-compliance period 02.10.2018 to 01.05.2020; and

WHEREAS, in response of SCN dated 26.06.2020 the unit vide letter dated 13.08.2020 submitted pointwise compliance status and requested that CPCB may kindly not burden the unit with any EC and further requested for a personal hearing for any clarification; and

WHEREAS, with expansion of Environmental Compensation regime to various rules & regulations and in order to further strengthen the mechanism, CPCB constituted Four-Member Committee vide office order F. No. F.No. MSCB/03/2017/930 dated 24.11.2020 to examine the representations against Environmental Compensation; and

WHEREAS, based on Unit's request vide letter dated 13.08.2020, personal hearing was held through video conferencing on 08.12.2020 before the Four-Member Committee to examine the unit's request for waving off the EC. The minutes of personal hearing were issued vide letter dated 08.01.2021; and

WHEREAS, the salient observations made by the four-member committee during the personal hearing held on 08.12.2020 are as follows:

P.

Jorbagh Road, New Delhi – 110 003

4. **The District Magistrate**
Moradabad , U.P.

: With request to ensure compliance of the directions

5. **The 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

✓ 6. The In-charge, IT Division, CPCB

: With request to upload on CPCB server.

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


(PRASHANT GARGAVA)
MEMBER SECRETARY