

Speed Post

B-190198/WQM-II (RG)/CPCB/Sugar/50/2017-18 / 2860

17.06.2019
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To,

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

**DIRECTION UNDER SECTION 5 OF 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 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 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 & 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 waste water 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.

It is evident that partially treated effluent is being discharged by the Unit, posing potential threat to surface water quality.

AND WHEREAS, The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) 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, in compliance of above quoted Hon'ble NGT order, cases to be considered for levying penalty are discharges in violation of consent conditions/ non-compliance with the directions, such as direction for closure due to non-installation of OCEMS/ non-adherence to

the action plans submitted/ intentional avoidance of data submission or data manipulation by tampering OCEMS; and

WHEREAS, as per the methodology for assessing penalty and environmental compensation, the environmental compensation to be levied to the unit is calculated as **Rs. 39,90,000/-** (thirty-nine lakhs ninety thousand Rupees only) for the non-compliance period (04.01.2018-16.05.2018), for the crushing season 2017- 18;

NOW, THEREFORE, in view of the above observations and in exercise of the powers, delegated to the Chairman, CPCB under section 5 of the Environment (Protection) Act, 1986, the unit is directed to comply with the following directions:

1. The unit shall **deposit Rs.39,90,000/- within 15 days** from the date of receipt of direction in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271) towards environmental compensation.
2. The unit is hereby served notice to **Show cause, as to why the Unit should not be directed to remain closed** and do not commence its operation in the next crushing season until all the necessary pollution control measure are planned and implemented so as to comply with the prescribed effluent discharge standards notified under Environment (Protection) Act, 1986 to satisfaction of CPCB.

You are hereby given an opportunity to file your objections (if any) to the above proposed direction 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 as, in accordance with provision of the Environment (Protection) Act, 1986.


(S. P. SINGH PARIHAR)
CHAIRMAN

Copy to:

1. **Principal Secretary**
Sugar Industry and Cane Development
Department, "G" Block, 2/3, Mantri Wing, 4th Floor,
Bapu Bhawan, Vidhan Sabha Marg
Lucknow - 226 001
2. **The Chairperson**
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow - 226 010
3. **Joint Secretary (CP Division)**
Ministry of Environment, Forest & C.C
Prithvi Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
4. **The District Magistrate**
Meerut, U.P.-250402

With request to ensure compliance of the directions.

:With request to ensure compliance of the directions.

: For kind information, please.

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

✓ 6. The In-charge, IT Division, CPCB

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

: For follow up and ensuring compliance

:with request to upload on CPCB server.


(PRASHANT GARGAVA)
MEMBER SECRETARY