

**Speed Post**

B-190198/WQM-II(RG)/CPCB/Sugar/12/2016-17 3377

21.06.2019  
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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-  
CLOSURE 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 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 shows 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 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 has requested CPCB to revoke closure direction dated 19.02.2019, waive of compensation amount being imposed on the unit along with submitting compliance report including actual assessment of water consumption and effluent generation of season 2018-19 validated by NSI, Kanpur

**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.

**It is evident that untreated/partially treated effluent is being discharged by the unit causing grave injury to the environment.**

**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/ not complying with the directions issued, 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

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

**NOW, THEREFORE**, in exercise of powers delegated to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, the Unit (M/s Dewan Sugars Ltd., Agwanpur, Moradabad, U. P.) is directed to **deposit Rs. 25,50,000/-** in CPCB A/c No. 532702050000164 (Bank name: Union Bank of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC:

UBIN0553271) towards environmental compensation **within 15 days** from the date of receipt of direction and shall comply with the following directions;

1. The unit shall remain closed and not operate without seeking permission from CPCB.
2. 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.
3. The unit shall seek permission from CPCB, after compliance of the above directions, before resumption of operation.

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

**Copy to:**

1. **Member Secretary**  
Uttar Pradesh Pollution Control Board,  
Building No. TC-12V, Vibhuthi Khand,  
Gomti Nagar, Lucknow – 226 010  
:With request to ensure compliance of the directions.
2. **Principal Secretary**  
Sugar Industry and Cane Development Department,  
"G" Block 2/3, Mantri Wing 4<sup>th</sup> Floor Bapu Bhawan  
Vidhan Sabha Marg  
Lucknow - 226 001  
:For kind information, please.
3. **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
4. **The District Magistrate**  
Moradabad -244001, U.P.  
: To ensure physical verification, closure, sealing and disconnection of power supply in compliance of closure direction.
5. **The Superintending Engineer**  
Paschimanchal Vidyut Vitran Nigam Limited  
Moradabad , U.P.  
:With a direction to disconnect power supply
6. **The Regional Director**  
Regional Directorate  
Central Pollution Control Board, PICUP Bhawan,  
Ground Floor, Vibhuthi Khand, Gomti Nagar,  
Lucknow – 226 010  
:For follow up and ensuring compliance
7. **The In-charge, IT Division, CPCB**  
: For uploading on CPCB website
8. **Master file/Guard file, WQM II, CPCB Delhi**  
: For record
9. **The In-charge, F&A, CPCB**

(Prashant Gargava)  
MEMBER SECRETARY