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B-29016/IPC-I/Dye/83

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March 03, 2020

To,

M/s. Rathi Dye Chem Pvt. Ltd.,
Plot no. 40, M.I.D.C. Dhatav, Roha,
Dist. Raigad- 402116
Maharashtra

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986 Show Cause notice-reg.

WHEREAS, Dye & Dye Intermediate units are identified as one of the 17 categories of highly polluting industries which have been discharging environmental pollutants directly or indirectly into the ambient air and water, having potential threat to cause adverse effect on the water and air quality; and

WHEREAS, Central Pollution Control Board, Regional Directorate, Vadodara inspected **M/s Rathi Dye Chem Pvt. Ltd., Plot no. 40, M.I.D.C. Dhatav, Roha, Dist. Raigad- 402116 Maharashtra** on November 23, 2017 w.r.t SMS alert of Online Continuous Effluent Monitoring System during the period of September 15 to October 15, 2017 to assess the compliance of the existing pollution control measures; and

WHEREAS, the inspection team observed that the ETP was not fully operational (due to some maintenance) and Effluent analysis results indicate that the unit is not complying with Maharashtra State Pollution Control Board standards for COD (840 > 250 mg/l), BOD (156 > 100 mg/l) & TDS (6365 > 2100 mg/l) that may cause a grave injury to the environment; and

WHEREAS, upon comparison of quality of treated effluent & the effluent from tank where Online Continuous Effluent Monitoring System is installed, dilution of effluent in Online Continuous Effluent Monitoring System tank is observed; and

WHEREAS, untreated (trade) effluent was found spread on open land and flowing in an earthen channel; and

WHEREAS, it was observed that drain pipelines/ channels were leaking out and fugitive emissions were observed around operational boiler; and

WHEREAS, it was observed that the unit has two alkali scrubbers that are not having stack monitoring facility; and

WHEREAS, the fly ash was also stored in open and the unit could not provide any copy of hazardous waste manifest pertaining to disposal to TSDF; and

WHEREAS, closure direction under Section 5 of the Environment (Protection) Act, 1986 was issued to the Unit vide letter dated January 29, 2018 based on the above stated observations of the inspecting team; and

WHEREAS, the Unit vide letter dated February 15, 2018 submitted point wise compliance statement w.r.t. closure direction issued by CPCB and requested for revoke of the closure directions dated January 29, 2018; and

WHEREAS, Notarized affidavit vide letter dated February 15, 2018 was submitted by the Unit stating that the unit has complied with all the directions issued by CPCB; and

WHEREAS, the Unit submitted self-certificate vide letter dated November 25, 2019 which states that the Unit has closed its plant operation from 08.11.2019 w.r.t CPCB closure direction dated January 29, 2018 and the Unit has submitted Adequacy report of Effluent Treatment Plant vide letter dated November 06, 2019 from Institute of Chemical Technology, Mumbai which states that the ETP of the Unit is adequate; and

WHEREAS, CPCB constituted a Three-member committee vide office order dated 03.10.2017 having representative(s) from CPCB and MoEF&CC for examination and recommendation for revocation of the closure direction issued by CPCB; and

WHEREAS, the three-member committee in its meeting held on 09.12.2019 examined the compliance report submitted by the Unit and recommended that the closure direction issued to the Unit on 29.01.2018 may be revoked with a condition that the Unit shall submit performance assessment report of the effluent treatment system from Institute of Chemical Technology, Mumbai within 60 days of start of its operation; and

WHEREAS, closure directions dated January 29, 2018 issued by CPCB were revoked on December 18, 2019 and it has been stipulated in the said revocation (of closure) directions that the Unit closed its operation on 08.11.2019 despite issuance of closure directions by CPCB on 29.01.2018 which is a non-compliance for which action shall be taken separately; and

WHEREAS, the Unit vide email dated January 31, 2020 informed that it remained operational for a period of 464 days despite issuance of closure directions by CPCB; 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) to take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs & ETPs and 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, the Unit (**M/s. Rathi Dye Chem Pvt. Ltd., Raigad, Maharashtra**) remained operational despite CPCB closure direction dated January 29, 2018 for the period of 464 days (as per information provided by the unit); and

WHEREAS, as per policy for environmental compensation (EC) of CPCB, the total environmental compensation charge was calculated to be Rs. 46,40000/- (Forty-six lacs forty thousand only) for the violation of closure directions for a period of 464 days; and

WHEREAS, the Ministry of Environment & Forests, Government of India, vide Notifications No. S. O. 157 (E) of 27.02.1996 and S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof; and

NOW, THEREFORE, in exercise of powers vested to the Chairman, Central Pollution Control Board under Section 5 of the Environment (Protection) Act, 1986, and a notice is hereby served to the Unit (**M/s Rathi Dye Chem Pvt. Ltd., Plot no. 40, M.I.D.C. Dhatav, Roha, Dist. Raigad- 402116 Maharashtra**), to show cause as to why Environmental Compensation amount of Rs. 46,40,000/- (Forty-six lacs forty thousand only) be not imposed on the Unit for being operational for 464 days despite issuance of closure direction from CPCB on January 29, 2018.

You are hereby given an opportunity of 15 days to file your objections if any to above stated directions, failing which necessary action as deemed fit under the provision of the Environment (Protection) Act, 1986 will be taken by CPCB.

(Ravi K. Prasad)
Chairman

Copy to:

1. The Chairman
Maharashtra State Pollution Control Board
Kalpataru Point, 3rd & 4th floors
Sion Matunga Scheme, Road No. 8
Opp. Cine Planet, Sion Circle, Sion (E),
Mumbai – 400 022
2. The Joint Secretary (CP Division)
Ministry of Environment, Forests and Climate Change
Prithvi Wing, 2nd Floor, Room No. 216, Indira
Paryavaran Bhawan Aliganj, Jor Bagh Road,
New Delhi – 110003
3. The Regional Director
Central Pollution Control Board
Parivesh Bhawan, Opp. VMC Ward Office No. 10
Subhanpura, Vadodra-390 023
- ✓ 4. The Incharge, IT, CPCB
5. IPC-VI, CPCB

(Prashant Gargava)
Member Secretary