

SPEED POST

CP-14/17/2024-IPC-I-HO-CPCB-HO 3690

August 21, 2024

To

M/s Nichino Chemical India Private Limited  
Plot No. 50, 82P, 83, 84P,  
Humnabad Industrial Area,  
Taluk Humnabad, District Bidar  
Karnataka

**Sub.: Directions under Section 5 of the Environment (Protection) Act, 1986 – reg.**

WHEREAS, Pesticide industries 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, 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, it is obligatory on the part of industries to install and operate Effluent Treatment plant (ETP) 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 (SPCB)/ Pollution Control Committees (PCCs); and

WHEREAS, Hon'ble Supreme Court of India in the matter of Paryavaran Suraksha Samiti Vs Union of India & Others dated 22/02/2017 directed that no industry which requires "consent to operate" from the concerned Pollution Control Board, is permitted to function, unless it has a functional effluent treatment plant, which is capable to meet the prescribed norms for removing the pollutants from the effluent, before it is discharged; and

WHEREAS, M/s Nichino Chemical India Private Limited, Plot No. 50, 82P, 83, 84P, Humnabad Industrial Area, District Bidar, Karnataka (the Unit) was inspected on February 05 and 06, 2024 by officials of Central Pollution Control Board, Regional Directorate, Bengaluru for verification of compliance to the prescribed standards and observed the following shortcomings; and

1. The Unit does not segregate low TDS and high TDS effluent. Primary treatment is given before effluent is fed to MEE and treatment is not found satisfactory, since pH of MEE feed was found to be highly acidic (3.4).
2. Negligible MLSS was observed in aeration tank of biological treatment Unit.
3. The Unit was using high COD (2644 mg/l) and TDS (13013 mg/l) untreated effluent in cooling tower, as ETP was not functioning efficiently.
4. The stripper provided for removal of volatile compounds is not working efficiently and ATFD provided to further concentrate and dry the MEE concentrate is not working properly.
5. In MEE area, many loose/flexible pipes were observed and everywhere spillages were observed.

6. Hazardous waste is stored in storage area for more than 90 days which is violation of Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016 (HOWM). It was observed that the hazardous waste storage area is open at the four sides and only the top is covered. Also, the allocated space is not above the ground level.
7. The ATFD is not working properly and whole area is flooded with slurry obtained from ATFD.
8. There is no board provided at the hazardous waste storage area indicating the different category of wastes stored and their quantity.
9. The Unit has not provided dedicated area for cleaning for empty barrels / containers and the outlet of cleaning area is not connected to ETP.
10. The Unit has not made agreement with TSDF/ authorised recyclers for disposal of hazardous waste except ATFD salt. The Unit has mentioned wrong category of HW authorization.
11. The Unit has disposed of ETP Sludge in the name of process residue and wastes.
12. The Unit has not provided monitoring facility to the stacks connected to scrubbers as per the emission regulation part -III.
13. The Unit uses untreated sewage in gardening.
14. The Unit has not obtained permission for groundwater abstraction from the groundwater authority.

WHEREAS, in view of the above, the overall inefficiency/defunct ETP observed in the operating Unit, use of untreated high COD i.e 2644 mg/l >250 mg/l and high TDS-13013 mg/l > 2100 mg/l effluent in cooling tower, usage of untreated sewage in gardening, improper storage of hazardous wastes more than 90 days and unauthorized disposal of ATFD slurry/ETP sludge in the name of process residues and not having agreement with TSDF / authorized hazardous waste recyclers for disposal of all the categories of generated wastes is likely to cause grave injury to the environment ; and

WHEREAS, on the basis of non-compliance observed, a closure direction under section 5 of Environment (Protection) Act, 1986 was issued to the Unit on 19.03.2024 and was directed to close down all operational activities with immediate effect till the following directions are compiled with and written permission to resume operations is obtained from CPCB:

1. The Unit shall augment / properly maintain its ETP including pre-treatment Unit to MEE, the MEE, volatile compounds stripper as well as ATFD, so that treated effluent shall meet the norms.
2. The Unit shall provide proper treatment facility to sewage as per conditions of Consent for Operation.
3. The Unit shall obtain permission for groundwater abstraction from the concerned groundwater authority.
4. The Unit shall dismantle/remove all loose pipelines in MEE / ETP area and shall make proper arrangements to prevent / check spillages. All the pipelines in ETP / MEE area shall be properly labelled / colour coded.
5. The Unit shall take necessary action for proper storage & disposal of its hazardous wastes along with proper record in accordance with the conditions of authorization granted under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
6. The Unit shall provide proper monitoring facilities to all the emission stacks as per conditions of Consent for Operation.

7. The Unit shall install one more web camera covering the whole MEE area and provide its online data connectivity to CPCB.
8. The Unit shall amend the hazardous waste category from pharmaceutical to Pesticide category in amended Hazardous Waste authorization

WHEREAS, the Unit through letter dated 30.03.2024 informed that it has stopped its production on 22.03.2024 and submitted a self certificate along with documentary evidence that Karnataka State Pollution Control Board (KSPCB) visited the Unit on 15.04.2024 and observed that the production activities of the Unit have been closed; and

WHEREAS, the Unit vide letter dated 09.05.2024 submitted notarized compliance of directions issued by CPCB; and

WHEREAS, the Unit vide letter dated 11.06.2024 submitted ETP adequacy report from NIT Suratkal which concluded that the individual units of the ETP and the ETP as a whole is adequate to meet the regulatory requirement; and

WHEREAS, IT Division, CPCB through report dated 25.07.2024 confirmed that the Unit has provided connectivity of additional web camera as per CPCB directions; and

WHEREAS, CPCB had constituted a three-member committee vide office order dated 01.01.2024 having representative(s) from CPCB and MoEF&CC for examination and recommendation for revocation of the closure directions issued by CPCB; and

WHEREAS, the submissions of the Unit were examined and deliberated upon by the revocation committee in its meeting conducted on 05.08.2024. The committee recommended that conditional revocation of closure directions may be given for 90 days subject to compliance of the following condition amongst others:

1. The Unit shall start its operation only if having valid Consent to Operate issued by KSPCB under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of pollution) Act, 1981 and Authorisation under Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016.
2. The Unit shall inform date of start of operation of the plant to CPCB Regional Directorate, Bengaluru, KSPCB and CPCB Delhi.
3. The Unit shall ensure treatment of generated effluent and its reuse in the process so as to maintain Zero Liquid Discharge.
4. The Unit shall dismantle its groundwater abstraction source and shall utilize fresh water supply only from KIADB / private tankers till it obtains permission of groundwater abstraction from Central / State Ground Water Authority.

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 Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, and in view of compliance with relevant direction under reference, the closure directions issued under the Section 5 of the Environment (Protection) Act, 1986 M/s Nichino Chemical India Private Limited, Plot No. 50, 82P, 83, 84P, Humnabad Industrial Area, District Bidar , Karnataka (the Unit) on 19.03.2024 is hereby conditionally revoked for 90 days from the date of issuance of these directions, with following conditions:

1. The Unit shall start its operation only if having valid Consent to Operate issued by KSPCB under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of pollution) Act, 1981 and Authorisation under Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016.
2. The Unit shall inform date of start of operation of the plant to CPCB Regional Directorate, Bengaluru, KSPCB and CPCB Delhi.
3. The Unit shall ensure treatment of generated effluent and its reuse in the process so as to maintain Zero Liquid Discharge.
4. The Unit shall dismantle its groundwater abstraction source and shall utilize fresh water supply only from KIADB / private tankers till it obtains permission of groundwater abstraction from Central / State Ground Water Authority.

In case of failure to comply with the aforesaid directions, necessary action as deemed fit under the provision of the Environment (Protection) Act, 1986 including imposition of environmental compensation will be taken by Central Pollution Control Board .

15/2/2

(Tanmay Kumar)  
Chairman



Copy to:

- 1 The Chairman  
Karnataka State Pollution Control Board  
Parisara Bhavan,  
#49, 4th & 5 th floor, Church Street,  
Bangalore-560001
- 2 The Managing Director, KPTCL & Chairperson GESCOM : With request to restore  
KPTCL Corporate Office, industrial electricity  
Kaveri Bhavan, K.G. Road, supply of Unit.  
Bengaluru-560009
- 3 The Additional Secretary (CP Division)  
Ministry of Environment, Forests and Climate Change,  
Prithvi Wing, 5 th floor  
Indira Paryavaran Bhawan  
Aliganj, Jor Bagh Road  
New Delhi – 110003
- 4 The Regional Director : With a request to  
Central Pollution Control Board inspect the Unit in 90  
1st & 2nd Floors, Nisarga Bhavan days  
A-Block, Thimmaiah Main Road  
7th D Cross, Shivanagar, Opp.  
Pushpanjali Theatre, Bengaluru –560 010
- 5 ✓ DH, IT, CPCB : for uploading on portal  
please
- 6 DH, IPC-VI



(Bharat Kumar Sharma)  
Member Secretary