

SPEED POST

B- 29016/04/06/IPC-I/ 3453

August 18, 2022

To

M/s. Nova Dyestuff Industries Pvt. Ltd.,
Plot No. 251, GIDC, Pandesara,
Surat – 394 221, Gujarat

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

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 the under and also to meet the consent conditions granted by State Pollution Control Boards (SPCB)/ Pollution Control Committees (PCCs); and

WHEREAS, Dye and 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, a direction under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 was issued on February 05, 2014 to all the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) to direct installation of online effluent monitoring system w.r.t. pH, TSS, BOD, COD, Cr, & Flow parameters in Dye & Dye Intermediate industries; and

WHEREAS, vide office order dated December 27, 2016 issued by Central Pollution Control Board, it was clarified that the Units connected with Common Effluent Treatment Plants are required to install flow meter & web camera as online effluent monitoring system; and

WHEREAS, as directed by Hon'ble NGT through order dated 15.12.2021 in the matter of Chakradhar Pandey Versus M/s Nova Dyestuff Industries Pvt. Ltd. [OA No. 350/2021; **M/s. Nova Dyestuff Industries Pvt. Ltd., Plot No. 251, GIDC, Pandesara, Surat, Gujarat** (the Unit) was jointly inspected by Central Pollution Control Board (CPCB), Regional Directorate, Vadodara and Gujarat Pollution Control Board (GPCB) on 07.02.2022 to assess the adequacy of the existing pollution control measures; and

WHEREAS, the Joint inspection team observed the following shortcomings:

1. The Unit has not provided flow meter at ETP inlet and outlet as per the consolidated consent & authorization (CCA) granted by GPCB.
2. The Unit has not maintained any records of the quantity of effluent generation, treated effluent discharged to CETP and quantity of ETP sludge generated.
3. Treated effluent is not meeting the prescribed discharge standard of CETP inlet w.r.t. Chlorides ($758 > 600$ mg/l).
4. The Unit has not provided online connectivity of web camera and flow meter with CPCB server; as required by the CETP member units.
5. The Unit has not installed alkali scrubber at Sulphonator and drawing vessel (NKS plant) in accordance with CCA granted by GPCB.
6. The Unit has not maintained records of disposal of fly ash and bottom ash of the boiler.
7. There is no separate system for discharge of storm water.
8. Designated port hole at boiler stack was not properly maintained. It was observed inhabited by birds.

WHEREAS, based on the above stated observations of the inspecting team, Directions (Notice) under Section 5 of the Environment (Protection) Act, 1986 was issued to the Unit on March 11, 2022 to show cause that why all the manufacturing / production activities of the Unit should not be closed till the observed shortcomings are complied with ; and

WHEREAS, the Unit through letter dated March 24, 2022 submitted point wise compliance statement w.r.t. Directions (Show Cause Notice) issued by CPCB; and

WHEREAS, CPCB RD Vadodara re-inspected the Unit on May 09, 2022 to verify the compliance status and observed that the Unit has complied with the shortcomings listed in the directions issued by CPCB and treated effluent is meeting the prescribed norms; and

WHEREAS, the aforementioned order passed by Hon'ble NGT on 29.03.2022 stipulates that "Remedial action needs to be ensured by the statutory regulators, following due process, including accountability for past violations on polluter pays principle"; 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 and 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, from the date of first inspection (07.02.2022) wherein violation of effluent discharge norms amongst others were observed till the date of next inspection (09.05.2022) wherein compliance was observed i.e. a period of 91 days was considered as the period of violation for the imposition of Environmental Compensation; and

WHEREAS, CPCB on 15.07.2022 had issued Directions (notice) under Section 5 of the Environment (Protection) Act, 1986, to the Unit (M/s Nova Dyestuff Industries Pvt. Ltd., Plot No. 251, GIDC, Pandesara, Surat, Gujarat) to show cause as to why Environmental Compensation amount of Rs.1365000/- (Rupees Thirteen Lacs Sixty Five Thousand only) be not imposed on the Unit for the aforementioned violation period of 91 days ; and

WHEREAS, the Unit through letter dated 22.07.2022 submitted the reply of the Directions (Show Cause Notice) issued by CPCB on 15.07.2022, wherein the Unit stated that w.r.t. directions issued by CPCB on 11.03.2022, the Unit had submitted pointwise compliance to CPCB on 24.03.2022 and hence the violation period may be considered from 07.02.2022 to 24.03.2022 ; and

WHEREAS, CPCB through letter dated 22.07.2022 requested the Unit to provide available effluent monitoring reports from NABL accredited laboratory/ MoEF&CC recognized laboratory from the month of February, 2022 till receipt of the letter and to provide the respective dates on which each shortcoming that was observed by CPCB during inspection on 07.02.2022 was rectified ; and

WHEREAS, the Unit through letter dated 06.08.2022 has provided the respective dates on which each shortcoming that was observed by CPCB during inspection on 07.02.2022 was rectified along with a report of treated effluent monitoring conducted by Gujarat Pollution Control Board on 30.06.2022; and

WHEREAS, the Unit failed to provide any evidence that its treated effluent was complying with prescribed norms on any date between the two consecutive inspections conducted by CPCB i.e. from 07.02.2022 till 09.05.2022, which infers a violation period of 91 days; and

WHEREAS, as per policy for Environmental Compensation of CPCB, the total Environmental Compensation amount has been calculated as Rs.1365000/- (Rupees Thirteen Lacs Sixty Five Thousand only) for the aforementioned violation period of 91 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, based on all facts and observations, in exercise of powers vested under Section 5 of the Environment (Protection) Act, 1986, **M/s. Nova Dyestuff Industries Pvt. Ltd., Plot No. 251, GIDC, Pandesara, Surat, Gujarat** is hereby directed to deposit Environmental Compensation of Rs. 1365000 /- (Rupees Thirteen lacs sixty five thousand

only) within 15 days to the Bank account of CPCB (A/c No. 532702050000164 ; Bank name: Union Bank of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC : UBIN0553271) for the aforementioned violation period of 91 days.

In case of failure to comply with the above stated directions, necessary action as deemed fit under the provision of the Environment (Protection) Act 1986 will be taken.

13/10/18
(Tanmay Kumar)
Chairman

Copy to:

1. The Chairman
Gujarat State Pollution Control Board
Sector 10-A, Gandhi Nagar- 382 043,
Gujarat
2. The Additional 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, Vadodara - 390 023
4. D.H., IT, CPCB
5. D.H. IPC- VI, CPCB
6. DH - Law Division, CPCB

Prashant Gargava
(Prashant Gargava)
Member Secretary