



TAMIL NADU POLLUTION CONTROL BOARD

Proc No. T2/TNPCB/F.21718/CBE/HW-MT-3/2021 dated: 04.10.2021

Sub: TNPCB – HWM – M/s. OZPEC Chemical Industrial Private limited located at SF No. 218/2A6, Varapatti village, Sulur taluk, Coimbatore district – Direction under Section 5 of the Environment (Protection) Act, 1986 issued for the violation of provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended - Regarding.

- Ref: 1 HW-Authorisation Proc. No.T1/TNPCB/F.1895/ HWA/RS/CBS/ 2019 dated: 18.3.2019.
2 Inspection of the unit on 19.9.2020 by TNPCB - HWM: Monitoring Team-3/CBE.
3 SCN Proc No. T2/TNPCB/F.21718/CBE/HW-MT-3/2020 dated: 23.11.2020
4 Unit's reply dated 11.12.2020 & 25.08.2021
5 DEE Letter No. F.CBS10001/DEE/TNPCB/CBS/2021 dated 23.4.2021

WHEREAS, you are operating a spent solvent recovery unit in the name of M/s. OZPEC Chemical Industrial Private limited located at SF No.218/2A6, Varapatti village, Sulur taluk, Coimbatore district.

WHEREAS, Authorization under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 has been issued to your unit vide reference first cited for handling of hazardous waste items 20.2, 21.2, 28.6 and 36.1 under Schedule-I of the said Rule subject to compliance of certain conditions mentioned therein.

WHEREAS, during inspection of the unit on 19.09.2020 by TNPCB- HWM: Monitoring Team-3/CBE, certain violations/non compliances with respect to hazardous waste management were observed and based on the inspection report of the TNPCB - HWM: Monitoring Team, a Show Cause Notice (SCN) under Section 5 of the Environment (Protection) Act, 1986 was issued to the unit vide reference third cited for the violation of provisions of the HOWM Rules, 2016.

WHEREAS, you have furnished reply vide reference fourth cited to the show cause notice issued for the violation of provisions of the HOWM Rules, 2016 with action taken report.

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WHEREAS, DEE, TNPCB, Coimbatore has furnished report vide reference fifth cited on the action taken by the unit on the violation points mentioned in the Show Cause Notice issued vide reference third cited with recommendations to issue directions under Section 5 of the Environment (Protection) Act, 1986 for improvements including levy of financial penalty.

WHEREAS, the occupier of the unit shall be liable to pay financial penalties as levied for any violation of the provisions under HOWM Rules, 2016 by SPCB/PCC as per the provision of the Rule 23(2) of HOWM Rules, 2016.

WHEREAS, the violations/non compliances with respect to hazardous waste management observed by TNPCB- HWM: Monitoring Team-3/CBE during inspection of the unit on 19.09.2020 are only procedural violations & not caused to environmental damage which are classified under "Category-A" violations as per the CPCB guidelines issued during July, 2019 for Enforcement Framework for effective Implementation of HOWM Rules, 2016.

WHEREAS, the Environment Tools for "Category A" violations is mentioned as (i) issuance of SCN u/s 5 of Environment (Protection) Act, 1986 about why financial penalty be not levied outlining various procedural violations observed and thereafter (ii) issuance of directions to pay financial penalty on each such violations & directions for improvements.

WHEREAS, Show Cause Notice u/s 5 of the Environment (Protection) Act, 1986 was issued to the unit vide proc dated 23.11.2020 mentioning seven procedure violations under HOWM Rules, 2016, for which financial penalty shall be levied. As per the Guidelines issued by CPCB on Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty, the financial penalty has to be levied by the concerned SPCB/PCC for any violation under HOWM Rules, 2016 may be limited to maximum of one lakh rupees per provision violated so as to ensure that levying of financial penalty remain within the brief of the Environment (Protection) Act, 1986. In case of non-compliance/violation of several provisions of the said Rules, the total financial penalty amount may be arrived by adding up number of provisions violated.



NOW THEREFORE, in exercise of powers conferred under Section 5 of the Environment (Protection) Act, 1986, TNPCB issues following directions to the unit of M/s. OZPEC Chemical Industrial Private Limited located at SF No.218/2A6, Varapatti village, Sulur taluk, Coimbatore district for strict compliance.

1. The unit shall remit the **financial penalty of 7 Lakhs** for the procedural violations under HOWM Rules, 2016 as mentioned in the SCN issued vide Proc No. T2/TNPCB/F.21718/CBE/HW-MT-3/2020 dated 23.11.2020 within ONE MONTH. The penalty shall be remitted in the form of Demand Draft in favour of TNPCB, Environmental Compensation Fund payable at Chennai
2. The unit shall comply with the Standard Operating Procedure (SoP) issued by CPCB during August, 2019 for utilization of spent solvent for recovery of solvent regarding minimum requirement facility, operating practices for utilization and standards for emissions of TOC etc.
3. The unit shall comply with all provisions of the Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016.
4. The unit shall apply for revised Authorisation under HOWM Rules, 2016 for incorporating HWs generation of Used/spent oil, Discarded containers/barrels, ETP sludge from treatment of cooling water bleed off etc within one month.
5. The unit shall store the hazardous wastes including drums/barrels etc on impervious floor under closed shed within the premises for a period not exceeding ninety days as per the Rule 8 of HOWM Rules, 2016.
6. The unit shall periodically dispose the process generated HW (36.1) under Schedule-1 to common TSDF of TNWML, Gummudipoondi without storage/accumulation beyond 90 days.
7. The unit shall maintain records in FORM-3 for hazardous waste generation, storage within the premises including disposal and furnish Annual Returns in FORM-4 for every financial year before 30th June to TNPCB.
8. The unit shall generate manifest document in Form-10 online available facility in OCMMS portal for transport of hazardous waste as per provisions of HOWM Rules, 2016 & maintain the records & submit to TNPCB.
9. The unit shall update information on HW details in the display board installed at the factory entrance gate regularly.
10. The unit shall monitor VOC emissions at appropriate places regularly and furnish report to TNPCB.
11. The unit shall comply with conditions of Authorization issued vide Proc No. T1/TNPCB/F.1895CBS/HWA/RS/CBS/2019 dated 18.03.2019
12. The unit shall operate with valid Consent under Water Act & Air Act & Authorization under HOWM Rules, 2016 at all times.

Any failure to comply with above directions will attract the penal provisions under section 15 of the Environmental Protection Act, 1986.

This is issued with the approval of the Competent Authority

The receipt of the proceedings shall be acknowledged.


6/10/2024
For Chairman


To

The Managing Director,
M/s. OZPEC Chemical Industrial Private limited,
Door No.3/290 Varapatti Village, Sulur Taluk ,
Coimbatore District. Pin code - 641402.

Copy to

DEE/CBS, JCEE(M)/CBE & HWM-Monitoring Team-3



TAMILNADU POLLUTION CONTROL BOARD



Proc No. T2/TNPCB/F.21718/CBE/HW-MT-3/2020 dated: 23.11.2020

Sub: TNPCB – HWM – M/s. OZPEC Chemical Industrial Private limited, SF No. 218/2A6, Varapatti village, Sulur taluk, Coimbatore district – Direction under Section 5 of the Environment (Protection) Act, 1986 issued for the violation of provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended - Regarding.

Ref: 1. Proc. No.T1/TNPCB/F.1895/HWA/RS/CBS/2019 dated: 18.3.2019.
2. Inspection of the unit on 19.9.2020 by HWM: Monitoring Team-3/CBE.

WHEREAS, you are operating a spent solvent recovery unit in the name of M/s. OZPEC Chemical Industrial Private limited at SF No.218/2A6, Varapatti village, Sulur taluk, Coimbatore district.

WHEREAS, Authorization under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 has been issued to your unit vide reference first cited for handling of hazardous waste items 20.2, 21.2, 28.6 and 36.1 under Schedule-I of the said Rule subject to compliance of certain conditions mentioned therein.

WHEREAS, during inspection of the unit on 19.09.2020 by TNPCB-HWM: Monitoring Team-3/CBE, the following violations/non compliances with respect to hazardous waste management were observed:-

1. The unit has not maintained Form -III (Records Maintenance) and not submitted Form IV (Annual Returns) for the period 2019-20 to TNPCB which is a non-compliance of special conditions (14) & (15) of Authorization granted under HOWM Rules, 2016 vide Proc dt: 18.03.2019 and also violation of the Rule 6 (5) of HOWM Rules, 2016.
2. The unit has not maintained pass book issued by TNPCB and manifest document in Form -10 for the receipt of spent solvents from various industries which is a non-compliance of special conditions (18) & (23) of Authorization granted under HOWM Rules, 2016 vide Proc dt: 18.03.2019 and also violation of Rule 6 (7) of HOWM Rules, 2016.
3. The unit is storing the spent solvent and distillation residue more than 90 days in open area which is a non-compliance of special conditions (13) of Authorization granted under HOWM Rules, 2016 vide Proc dt: 18.03.2019 and also violation of Rule (8) of HOWM Rules, 2016.
4. The unit has not followed safety procedures for the storage of hazardous waste and raw materials and not labeling of distillation column residues as per FORM-8 which is a non-compliance of special conditions (8), (11) & (13) of Authorization granted under HOWM Rules, 2016 vide Proc dt: 18.03.2019.

5. The unit has not installed thermic heaters for steam generation and not provided minimum requisite facilities including online analyzer for TOC at vent outlet etc and not complied with Standard Operating Procedure (SOP) issued by CPCB during August, 2019 for utilization of Spent Solvent Recovery Plant and violating special condition (12) of Authorization granted under HOWM Rules, 2016 vide Proc dt: 18.03.2019.
6. There is a mismatching (gap of 5.55 MT) in the quantity of spent solvent procured, stored quantity at premises, processed, product sold out as reported after verifying records maintained by the unit which is a non-compliance of special condition (8) of Authorization granted under HOWM Rules, 2016 vide Proc dt: 18.03.2019.
7. Information of hazardous chemicals/wastes, air emission, effluent quality etc have not been updated on the HW display board installed at factory entrance which is a violation of the special condition (4) of Authorization granted under HOWM Rules, 2016 vide Proc dt: 18.03.2019 & the Hon'ble NGT(PB), New Delhi directions dated 26.08.2019 & 07.07.2020 in the OA No.804/2017.
8. A new plant for the production of sanitizer has been established without obtaining required permission (CTO-Exp) from Tamil Nadu Pollution Control Board which is a violation under TNPCB proc dated: 01.12.2018.

NOW, THEREFORE, in view of the above facts and in exercise of the powers delegated to TNPCB, under Section 5 of the Environment (Protection) Act 1986, you are hereby directed to show cause why financial penalty shall be levied as per Rule 23(2) of HOWM Rules, 2016 for the violations committed by the unit as mentioned above and on the non-compliance of special conditions of Authorization granted under HOWM Rules, 2016 vide Proc dt: 18.03.2019. A reply to the show cause notice shall be furnished so as to reach to this office within 10 days from the date of receipt of this notice, failing which TNPCB will be constrained to initiate legal action as deemed necessary and appropriate in the circumstances under the Environment (Protection) Act 1986, as amended.

The receipt of the proceedings shall be acknowledged.

Sdxx
CHAIRMAN


For Chairman
27/11/2020
27/11/20

To
The Managing Director,
M/s. OZPEC Chemical Industrial Private limited,
Door No.3/290 Varapatti Village, Sulur Taluk ,
Coimbatore District. Pin code - 641402.