

BY REGISTERED POST

F.No.B-29016 (SC)/1/16/HWMD/

April 17, 2017

To

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M/s Magnum Ventures Ltd.,
18/41, Site-4, Industrial Area,
Sahibabad, Ghaziabad (Uttar Pradesh).

REVOCATION OF DIRECTIONS ISSUED UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, IN CASE OF VIOLATIONS OF PROVISIONS OF HAZARDOUS AND OTHER WASTES (MANAGEMENT AND TRANSBOUNDARY MOVEMENT) RULES, 2016

WHEREAS, the Central Government has notified the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (herein referred to as HOWM Rules), under the Environment (Protection) Act, 1986, in supersession of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008, for safe and environmentally sound management hazardous and other wastes;

WHEREAS, as per Rule 6 of the HOWM Rules, the occupier engaged in handling, generation, collection, storage, packaging, transportation, use, treatment, processing, recycling, recovery, pre-processing, co-processing, utilisation, offering for sale, transfer or disposal of hazardous and other wastes shall obtain authorisation from State Pollution Control Board/Pollution Control Committee (herein referred to as SPCB/PCC);

WHEREAS, as per Rule 4(2) of the HOWM Rules, the occupier shall be responsible for safe and environmentally sound management of hazardous and other wastes;

WHEREAS, as per Rule 4(3) of the HOWM Rules, the hazardous and other wastes generated in the establishment of an occupier shall be sent or sold to an authorized actual user or shall be disposed of in an authorized disposal facility;

WHEREAS, as per Rule 8 of the HOWM Rules, hazardous and other wastes shall not be stored for a period exceeding ninety days;

WHEREAS, as per Rule 9 of the HOWM Rules, utilisation of hazardous and other wastes shall be carried in accordance with the provisions laid down under the said Rules;

WHEREAS, as per Rule 17 of the HOWM Rules, the occupier handling hazardous or other wastes shall ensure that hazardous and other wastes are packaged and labeled as per Form 8 of the HOWM Rules;

WHEREAS, as per Rule 19 of the HOWM Rules, the sender of the waste are required to maintain manifest system (movement document) for sending the hazardous waste and other wastes for disposal to disposal facility or actual user or recyclers/utilisers;

WHEREAS, as per Rule 20 of the HOWM Rules, the occupier handling hazardous or other waste shall maintain records in Form 3 and also submit annual returns to SPCB/PCC in Form 4;

WHEREAS, as per Rule 23 (1) of the HOWM Rules, the occupier, importer or exporter and operator of the disposal facility shall be liable for all damages caused to the environment or third party due to improper handling and management of the hazardous and other waste;

WHEREAS, as per Rule 23 (2) of the HOWM Rules, the occupier and the operator of the disposal facility shall be liable to pay financial penalties as levied for any violation of the provisions under these rules by SPCB with the prior approval of the Central Pollution Control Board;

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WHEREAS, Central Pollution Control Board has prepared and published "Guidelines on Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty";

WHEREAS, the Hon'ble National Green Tribunal, Principal Bench, Delhi in the matter of Application No. 32 of 2012: Rajiv Narayan &Ors Vs. Union of India &Ors, has passed orders dated 07/10/2016 to carry out surprise inspection of polluting in Ghaziabad/Sahibabad by joint inspection team of Central Pollution Control Board (CPCB), Uttar Pradesh Pollution Control Board (UP PCB) along with representative from Ministry of Environment, Forest & Climate Change (MoEF&CC);

WHEREAS, M/s Magnum Ventures Ltd., 18/41, Site-4, Industrial Area, Sahibabad, Ghaziabad (Uttar Pradesh) (herein after referred as unit) is engaged in manufacturing of duplex and newsprint paper in the said premise;

WHEREAS, in compliance to the said order of the Hon'ble Tribunal, the joint inspection team of officials representing CPCB, UP PCB and MoEF&CC inspected your unit during 09th-10th November, 2016, and made the following observations :

- a) The unit generates hazardous wastes such as Process Sludge (hazardous waste category number 32.3 of Schedule I of the HOWM Rules 2016); ETP Sludge (hazardous waste category number 35.3 of the said Schedule I); Empty Barrels/containers/Liners contaminated with hazardous chemicals (hazardous waste category number 33.1 of the said Schedule I); Contaminated cotton rags (hazardous waste category number 33.2 of the said Schedule I) and Used or spent oil (hazardous waste category number 5.1 of the said Schedule I);
- b) The unit does not possess authorization for handling, generation, storage, disposal, utilization, etc. as required under provisions of the HOWM Rules;
- c) The unit has no records for daily generation and management of hazardous waste in Form 3 as required under Rule 20(1) of the HOWM Rules, 2016;
- d) The unit possesses membership of Common Treatment, Storage and Disposal Facility (herein referred to as TSDF)- M/s Bharat Oil & Waste Management Ltd., Kanpur Dehat, for disposal of hazardous waste. However, there was no manifest indicating that no wastes have not been handed over to the said common TSDF operator or to authorised actual user. Thus, hazardous wastes may have been disposed in open areas outside the industry premise or utilized in un-scientific manner posing environmental impacts besides health risks to waste handlers;
- e) The unit claims that the Process Sludge & ETP Sludge is being sent to one Mr. Guddu Singh in Modi Nagar (Ghaziabad) for making cardboards/egg trays etc. However, if so, the utilization of the same by any utilizer is required to be carried out in compliance with various provisions laid down under the HOWM Rules, 2016;
- f) The unit has not provided any covered hazardous waste storage area;
- g) The unit has no record of annual returns submitted to UP PCB with regard to generation and management of hazardous wastes in Form 4 as required under Rule 20(2) of the HOWM Rules 2016, and;
- h) The unit does not maintain manifest for transportation of hazardous waste being transported as required under Rule 19 of the HOWM Rules 2016;

WHEREAS, based on the above observations, closure directions under Section 5 of the Environment(Protection)Act, 1986 was issued to the unit vide CPCB letter no. F.No. B-29016 (SC)/1/16/HWMD/20061 dated 29/11/2016 unless compliance with the following are submitted to CPCB: The unit shall obtain authorisation from UP PCB for handling, generation, collection, storage, packaging, transportation, use, treatment, recycling, utilisation, offering for sale,

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- transfer or disposal, etc. of hazardous and other waste, for all the categories of hazardous waste being generated;
- (i) The unit shall make arrangement for handling, storage and disposal/recycling/utilization of all the categories of hazardous wastes being generated in accordance with provisions of the HOWM Rules, and;
 - (ii) The unit shall pay financial penalty to UP PCB in compliance with provisions stipulated under Rule 23(2) of the HOWM Rules in accordance with CPCB's published "Guidelines on Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty".

WHEREAS, based on the reply submitted by the unit vide their letter dated 07/12/2016, a joint team of officials of CPCB & UP PCB visited the unit on 26/12/2016 and observed the following:

1. The unit has obtained authorization from UP PCB for generation, storage and disposal of hazardous wastes (i.e Process Sludge (hazardous waste category number 32.3 of Schedule I of the HOWM Rules 2016); ETP Sludge (hazardous waste category number 35.3 of Schedule I); Empty Barrels/containers/Liners contaminated with hazardous chemicals (hazardous waste category number 33.1 of the said Schedule I); Contaminated cotton rags (hazardous waste category number 33.2 of the said Schedule I) and Used or spent oil (hazardous waste category number 5.1 of the said Schedule I).
2. The unit has provided dedicated covered area for storage of all categories of hazardous wastes (such as ETP Sludge/Process sludge/contaminated cotton rags/ used oil/ chemical contaminated empty drums/ liners) being generated.

WHEREAS, Regional Office, U P Pollution Control Board, Ghaziabad, vide letter no. 5558/Haz/M-103/2017 dated 31/3/2017 has informed that vide letter no. F98614/C1/GH-754/2017/17 dated 22/3/2017 of UP Pollution Control Board, Lucknow, an amount of Rupees eleven lakh has been deposited by the unit as financial penalty.

WHEREAS, the Central Government vide Notifications No. S.O. 157(E) of February 27, 1996 and S.O. 730 (E) dated July 10, 2002, has delegated the powers under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, CPCB, to issue directions to any industry or any local or any other authority for the violation of the standards and rules, notified under the Environment (Protection) Act, 1986 and amendments thereof;

NOW, THEREFORE, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, and in consideration of the improvement made by the operator and submission of the financial penalty, the said closure direction dated 29/11/2016 is, hereby, revoked. However, the unit shall handle, store and dispose/recycle/utilize all the categories of hazardous wastes being generated in accordance with authorisation granted by UPPollution Control Board and continue regular compliance of provisions of the HOWM Rules.


(S. P. Singh Parihar)
Chairman

P. S. Q.

Copy to:

- 1) The Joint Secretary, HSM Division, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi –110 003.
- 2) The Chairman, Uttar Pradesh Pollution Control Board, IIIrd floor, PICUP Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow – 226 020, Uttar Pradesh.--- **For kind information, please.**
- 3) The District Magistrate, Ghaziabad, Raj Nagar, Distt. Ghaziabad (UP) – 201002.
- 4) The Incharge (Zonal Office-North) , Central Pollution Control Board, Ground Floor, PICUP Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow - 226 010.
- ✓ 5) I/c IT Division, CPCB, Delhi .


(A. B. Akolkar)
Member Secretary

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