

June 29, 2018

To

M/s Kerala Minerals & Metals Ltd,
Sankaramangalam, Chavara, Kollam
Kerala - 691 583

**DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 IN
CASE OF M/S KERALA MINERALS & METALS LTD, SANKARAMANGALAM,
CHAVARA, KOLLAM KERALA**

WHEREAS, the Central Government has notified the Hazardous Waste (Management and Handling) Rules, 1989, and amendments, thereof under the Environment (Protection) Act, 1986, for proper management and handling of hazardous wastes and these Rules are amended recently as Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (herein referred to as HOWM Rules);

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, Central Pollution Control Board (herein after referred to as 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;

WHEREAS, M/s Kerala Minerals & Metals Ltd, Sankaramangalam, Chavara, Kollam, Kerala, (herein after referred as the unit), is engaged in manufacturing of Titanium dioxide pigment;

WHEREAS, modified direction were issued to the unit under Section 5 of the Environment (Protection) Act, 1986 vide CPCB letter no. F. No. B-29016(SC)/1(M-25(1))/12/HWMD/6812-15 dated September 11, 2012 with regard to environmental management of iron sludge and ETP sludge generated from the process and assessment & remediation of old ponds where iron sludge and ETP sludge are stored, as outlined in the said directions;

WHEREAS, Kerala State Pollution Control vide letter number PCB/HO/KLM/ICO/08/08 dated 16/5/2018 reveals that most of the said directions have complied except capping of old ponds;

WHEREAS, the Hon'ble National Green Tribunal has passed orders dated 31/8/2017 in the matter of Application No. 142 of 2013(SZ); Sh Joy Kaitharnath vs The Kerala Minerals and Metals Limited & Ors., wherein the unit has been ordered to take various actions as outlined in the said orders;

WHEREAS, the Hon'ble Tribunal, vide the said orders dated 31/8/2017, has also passed orders with regard to various measures to be taken by the unit and also that Kerala State Pollution Control Board shall pass appropriate orders in the manner known to law which it may even include closing of the units itself in the event of failure of the unit in adhering to such directions;

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WHEREAS, the unit has failed in (i) Covering of old ponds with HDPE sheets or other suitable materials so as to control leachate generation and their percolation till the wastes are lifted from the four non-capped old ponds, and; (ii) issuing work order to utilizers for utilization of process sludge; within the time frame as directed vide the aforesaid directions dated 11.09.2012. Therefore, the Bank Guarantee submitted by the unit for fulfilling the said directions necessitates for forfeiting.


NOW, THEREFORE, in exercise of the powers vested under the Section 5 of the Environment (Protection) Act, 1986, the bank guarantee number 67182704524 issued on 09/05/2012 by State Bank of India, Chavara Branch, of Rupees twenty lakhs, is being forfeited herewith. Further, the aforesaid directions dated 11/9/2012 is revoked herewith with the following conditions;

- (i) M/s KMMML shall implement measures as ordered by the Hon'ble NGT vide orders dated 31/8/2017 in the matter of Sh Joy Kaitharnath vs The Kerala Minerals and Metals Limited & Ors. vide petition no.142 of 2013(SZ), and;
- (ii) In case of violations, Kerala SPCB shall pass appropriate orders even closure of the unit as ordered by the Hon'ble NGT vide the aforesaid orders dated 31/8/2017.

(S P Singh Parihar)
Chairman

Copy to:

- 1) The Branch Manager, State Bank of India, Chavara Branch, Aradhana Archade, Behind Private Bus Stand, Chavara P.O, Kollam, Kerala - 691 583 - *To issue Demand Draft of Rupees Twenty Lakh in favour of "Central Pollution Control Board, Delhi" by forfeiting the bank guarantee number 67182704524 issued on 09/05/2012 by State Bank of Travancore (now State Bank of India), Chavara Branch.*
- 2) The Joint Secretary, HSM Division, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110 003 - *For kind information, please.*
- 3) The Member Secretary, Kerala State Pollution Control Board , Pattom P.O., Thiruvananthapuram 695 004 -*To ensure the compliance, as above, please.*
- 4) The Regional Director, Regional Directorate, Central Pollution Control Board, Nisarga Bhavan, A-Block, 1st & 2nd Floors, Thimmaiah Road, 7th D-cross, Shivanagar, Bangalore - 560010.
- 5) I/c IT, CPCB, Delhi


(A Sudhakar)
Member Secretary