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December 22, 2017

To

The Chairman
27 SPCBs/PCCs (As per list enclosed)

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-Show Cause Notice thereof

WHEREAS, the Central Government has notified the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (herein after 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, Rule 3(17) of the HOWM Rules stipulates that "hazardous waste" means any waste which by reason of characteristics such as physical, chemical, biological, reactive, toxic, flammable, explosive or corrosive, causes danger or is likely to cause danger to health or environment, whether alone or in contact with other wastes or substances, and shall include –

- (i) waste specified under column (3) of Schedule I;
- (ii) waste having equal to or more than the concentration limits specified for the constituents in class A and class B of Schedule II or any of the characteristics as specified in class C of Schedule II; and
- (iii) wastes specified in Part A of Schedule III in respect of import or export of such wastes or the wastes not specified in Part A but exhibit hazardous characteristics specified in Part C of Schedule III;

WHEREAS, as per Rule 6(1) 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 waste shall obtain authorisation from State Pollution Control Board/Pollution Control Committee (herein after referred to as SPCB/PCC);

WHEREAS, as per Rule 6 (5) and 16 (6) of the HOWM Rules, the occupier and operator of the disposal facility shall submit an annual inventory in Form 4 to the SPCB/PCC on or before the 30th day of June following the financial year to which that return relates;

WHEREAS, Rule 20(3) of the HOWM Rules stipulates that the State Pollution Control Board based on the annual returns received from the occupiers and the operators of the facilities for disposal of hazardous and other wastes shall prepare an annual inventory of the waste generated; waste recycled, recovered, utilised including co-processed; waste re-exported and waste disposed and submit to the Central Pollution Control Board by the 30th day of September every year. The State Pollution Control Board shall also prepare the inventory of hazardous waste generators, actual users, and common and captive disposal facilities and shall submit the information to Central Pollution Control Board every two years.

WHEREAS, Rule 20(4) of the HOWM Rules stipulates that the Central Pollution Control Board shall prepare the consolidated review report on management of hazardous and other wastes and forward it to the Ministry of Environment, Forest and Climate Change, along with its recommendations before the 30th day of December once in every year.

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WHEREAS, CPCB vide letter dated 29/07/2016 forwarded the format for submission of the said annual inventory and also develop online portal "SPCB Sanyojan" for submission of the same;

WHEREAS, it has come to the notice that despite of several reminders, most of the SPCBs/PCCs including your Board/Committee has not sent the annual inventory as per the prescribed format which was required to be sent to CPCB by 30th September 2017 and thereafter by 30th day of September every year;

WHEREAS, in absence of the said annual inventory, CPCB is unable to perform its statutory duty as mentioned in the aforesaid Rules regarding preparation and submission of the consolidated review report on management of hazardous and other wastes by 30th December of every year;

WHEREAS, the preparation and publication of the hazardous waste inventory by SPCB/PCC has been reviewed by the Hon'ble Supreme court in the matter of Writ Petition (Civil) NO. 657 of 1995;


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 view of the above facts and in exercise of the powers delegated to the Chairman, CPCB under Section 5 of the Environment (Protection) Act 1986, notice is hereby served to the Board/Committee to **Show Cause why action against the ... PCB/PCC shall not be initiated, under section 15 of the Environment (Protection) Act 1986, for not complying with the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 w.r.t submission of the said annual inventory by 30th June, 2017.**

The reply to the Show cause Notice shall be submitted to this office by 26/12/2017 failing which it will be presumed that the Board/Committee has nothing to say and action will be initiated as deemed fit under the provision of the Environment (Protection) Act 1986, and amendments thereof.


(S.P. Singh Parihar)
Chairman

Copy to:

1. The Joint Secretary (HSM Division)
Ministry of Environment, Forests and Climate Change
Indira Paryavaran Bhawan, Aliganj,
Jor Bagh Road, New Delhi – 110003
2. The Regional Director
Central Pollution Control Board
(As per list enclosed)
3.  I/c, IT, CPCB


(A.Sudhakar)
Member Secretary

List of all the State Pollution Control Boards (SPCBs) & Pollution Control Committees (PCCs)

1. The Chairman
Telangana Pollution Control Board
Paryavaran Bhawan,A-III
Institutional Estate,Sanathnagar
Hyderabad - 500018.
2. The Chairman
Andhra Pradesh Pollution Control Board
Paryavaran Bhawan,A-III
Institutional Estate,Sanathnagar
Hyderabad - 500018.
3. The Chairman
Arunachal Pradesh Pollution Control Board
Department of Environment & Forests,
Paryavaran Bhawan, Yupia Road, Papu
Nalah, Naharlagun- 791110
4. The Chairman
Assam Pollution Control Board
Bamunimaiden,
Guwahati - 781 021
5. The Chairman
Goa Pollution Control Board
Dempo Tower, 1st Floor,
EDC Patto Plaza,
Panaji, Goa - 403 001.
6. The Chairman
Gujarat Pollution Control Board
Paryavaran Bhawan, Sector 10-A,
Gandhi Nagar - 382010
7. The Chairman
Haryana Pollution Control Board
C-11, Sector-6
Panchkula
Haryana-134 109 Chandigarh
8. The Chairman
Himachal Pradesh Pollution Control Board
Paryavaran Bhawan, Phase-III, Below BCS,
New Simla - 171 009.
9. The Chairman
Parivesh Bhawan Forest Complex,
Gladni, Narwal, Transport Nagar,
Jammu & Kashmir-180004
10. The Chairman
Jharkhand State Pollution Control Board
T.A. Building, HEC, P.O. Dhurwa,
Ranchi-834 004
11. The Chairman
Karnataka State Pollution Control Board,
Parisara Bhavana, 1st to 5th Floor
49, Church Street,
Bengaluru - 560 001, Karnataka.
12. The Chairman
Kerala Pollution Control Board
Plamoodu Junction, Pattom Palace, P.O.
Thiruvananthapuram - 695 004
13. The Chairman
Maharashtra Pollution Control Board
Kalptaru Point, 2nd - 4th floor,
Opp. Cine Planet, Sion Circle, Sion (E),
Mumbai - 400 022
14. The Chairman
Madhya Pradesh Pollution Control Board
Paryavaran Parisar, Sector E-5,
Aera Colony, Bhopal - 462 016
15. The Chairman
Manipur Pollution Control Board
Near Imphal West D.C. Office Complex,
Lamphelpat, Imphal - 795 004.
16. The Chairman
Mizoram Pollution Control Board
Silver House, Tuikhuahtlang,
Aizwal - 796001.
17. The Chairman
Rajasthan Pollution Control Board
4, Institutional Area, Jhalana Doongri
Jaipur - 302 004, Rajasthan.
18. The Chairman
State Pollution Control Board - Sikkim
Department of Forests Env. & W/L
Management
Government of Sikkim,
Forests Sectretariat, Annex - I Building,
Deorali - 737102.
19. The Chairman
Tamil Nadu Pollution Control Board
No. 76, Mount Salai
Guindy, Chennai - 600 032
20. The Chairman
Tripura Pollution Control Board,
Parivesh Bhawan, Pandit Nehru Complex,
Gorkhabasti P.O. Kunjaban,
Agartala (W) - 799 006, Tripura.
21. The Chairman
Uttar Pradesh Pollution Control Board
Building No TC-12V
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010, Uttar Pradesh.

22. The Chairman
Uttarakhand Environment Protection &
Pollution Control Board
29/20, Nemi Road, Dehradun - 248001.
23. The Chairman
Chandigarh Pollution Control Committee
Paryavaran Bhawan, Ground Floor Madhya
Marg, Sector C9-B,
Chandigarh - 160 017
24. The Chairman
Delhi Pollution Control Committee
4th & 5th Floor, ISBT Building, Kashmere
Gate, Delhi - 110006.
25. The Chairman
Daman, Diu & Dadra & Nagar Haveli
Pollution Control Committee Fort Area,
Court Compound, Moti Daman- 396220
26. The Chairman
Lakshadweep Pollution Control Committee,
Lakshadweep Administration, Dept. Of
Sc., Technology & Environment
Kavaratti Island- 682 555
27. The Chairman
Andaman & Nicobar Pollution Control
Committee
Van Sadan, Haddo P.O.
Port Blair - 744 102