

Speed Post

F. No B-29016 (SC)/1/2017-18/WM-II/

12674

November 14, 2018

To

The Chairman
Karnataka Pollution Control Board "Parisara
Bhavana", 1st to 5th Floor 49. Church
Street, Bengaluru — 560001

Modified Directions under Section 5 of the Environment (Protection) Act, 1986 in case of M/s Mother Earth Environ Tech Private Limited, Harohalli, Kanakapura Taluk, Ramanagara District, Bangalore

WHEREAS, the Central Government has notified the Hazardous and Other Wastes Management and Transboundary Movement) Rules, 2016 (herein referred to as HOWM Rules, 2016) in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 and in supersession of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008 (herein referred to as HWM Rules, 2008), for safe and environmentally sound management of hazardous and other wastes;

WHEREAS, M/s Mother Earth Environ Tech private Limited (herein referred to as MEETPL), is operating a common TSDF, having common secured landfill disposal facility, at Plot No. 217, KIADB Industrial area, Harohalli, Kanakapura Taluk, Ramanagara District, Bangalore. Environmental Clearance (herein referred to as EC) has been issued to M/s Mother Earth Environ Tech Private Limited, Bangalore by the State Environment Impact Assessment Authority (herein referred to as SEIAA), Karnataka, vide its order no. SEIAA 1 IND 2015 dated 28/8/2015 and Consent to Establish has been granted by the SPCB vide its order no. KSPCB/SEO(WMC)/CFE/2015-16/1471 on 04/11/2015.

WHEREAS, as per Rule 16(1) of the HOWM Rules, the State Government, the occupier, the operator of common Disposal Facility or any association of occupiers shall individually or jointly or severally be responsible for identification of sites for establishing a common facility for treatment, storage and disposal of the hazardous waste in, the State. Similar provisions prevailed under Rule 18(1) of HWM Rules, 2008;

WHEREAS, as per Schedule VII read with Rule 21 of the HOWM Rules, 2016, identification and notification of site(s) for common hazardous and other waste treatment, storage and disposal of are Hong duties of the State Government/Union, Territory Government/ Administration as laid down at S No 3 (i) and (iii) of the said Schedule VII; Similar provisions prevailed under Rule 23 (schedule VII) of HWM Rules, 2008;

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, utilization, offering for sale, transfer or disposal of the hazardous and other wastes shall obtain authorization from the State Pollution Control Board/Pollution Control Committee (SPCB/PCC). Similar provisions prevailed under Rule 5(1) of HWM Rules, 2008;

WHEREAS, as per Rule 6 (2) of the HOWM Rules, on receipt of an application complete in all respect for the authorization, the SPCB/PCC may, after such inquiry as it considers necessary, and on , being satisfied that the applicant possesses appropriate

facilities for collection, storage, packaging, transportation, treatment, processing, use, destruction, recycling, recovery, pre-processing, co-processing, utilization, offering for sale, transfer or disposal of the hazardous and other waste, as the case may be, and after ensuring technical capabilities and equipment complying with the standard operating procedure or other guidelines specified by the Central Pollution Control Board from time to time and through site inspection, grant authorization to the applicant. Similar provisions prevailed under Rule 5(4) of HWM Rules, 2008;

WHEREAS, as per Rule 16(2) of the HOWM Rules, the operator of common facility, shall design and set up the treatment, storage and disposal facility as per technical guidelines issued by the Central Pollution Control Board in this regard from time to time and shall obtain approval from SPCB/PCC for design and layout in this regard; Similar provisions prevailed under Rule 18(2) of HWM Rules, 2008;

WHEREAS, as per Rule 16(3) of the HOWM Rules, SPCB/PCC shall monitor the setting up and operation of the Common or captive TSDF, regularly; Similar provisions prevailed under Rule 18(3) of HWM Rules, 2008;

WHEREAS, CPCB has published 'Criteria for Hazardous Waste Landfills', which outlines locational criteria (w.r.t. lakes, ponds, rivers wetlands, flood plains, highways, habitation, critical habitat area, water supply wells, Airports, coastal zone, etc.) for hazardous waste landfills and it has also been stipulated that if it is absolutely essential to site a landfill within the restricted zone, then appropriate design measures are to be taken and prior permission from the SPCB/PCC should be obtained;

WHEREAS, the aforesaid CPCB guidelines also outlines that additional area as high as 30% of the total area in case of small to medium landfills (< 5 hectare area to 20 hectares) has been prescribed to accommodate all infrastructures and support facilities as well as to allow formation of a green belt around the landfill;

WHEREAS, the aforesaid CPCB guidelines also outlines requirement of various facilities such as surface drainage system which collects and removes all surface runoff from the landfill site, settling pond, on-site laboratory for finger printing analysis, monitoring of unsaturated zone and groundwater zone beneath and around landfill, etc.;

WHEREAS, condition number 14 and 34 stipulated under the Environmental Clearance granted by SEIAA are that green belt of 15 meters shall be provided all along the periphery of the site and green belt shall be developed in at least 33 % of the total project area;

WHEREAS, Schedule VII of read with Rule 21 of the HOWM Rules, 2016, monitoring of compliance of various provisions and taking action against violations of the said HOWM Rules are among duties of the State Pollution Control Boards or Pollution Control Committees as laid down at S.No. 4(iii) and (vi) of the said Schedule VII; similar provisions prevailed under Rule 23 (schedule VII) of HWM Rules, 2008;

WHEREAS, a petition dated 09th March, 2017 against the aforesaid common hazardous waste disposal facility operated by M/s Mother Earth Environ Tech Private Limited at Plot No. 217, KIADB Industrial area, Harohalli, Kanakapura Taluk, Ramanagara District, Bangalore, was received from M/s Society for Sustainable Development, Madihaguda, Miyapur, Hyderabad, with regard to violations of site selection criteria, no notification of the site by the State Government, inadequate size for operation of HW common TSDF, no green belt development as per the conditions of EC, etc.:

WHEREAS, CPCB vide letter no. B-29016(SC)/1/07/VVM-11/2714 dated 12th May 2017 forwarded the aforesaid petition to Karnataka SPCB for examination and providing their comments

WHEREAS, a similar petition dated 27th October 2017 against the said common hazardous waste disposal facility was also received from M/s Karnataka Waste Management Project, Dabaspeta, Bengaluru, with regard to violations of site selection criteria, no notification of the site by the State Government, inadequate size for operation of HW common TSDf, no green belt development as per the conditions of EC, etc.

WHEREAS, Karnataka SPCB examined the aforesaid petition dated 09th March, 2017 and provided their comments vide letter no. PCB\WMC\469\HWM\2017-18\493 dated 04th January, 2018, based on the inspection conducted on 04th October, 2017. Upon examination the following observations were made;

- (i) It has been informed that as per records of Karnataka SPCB, there is no notification of the site for common TSDf by the State Government which is required as per Rule 21 of the said HOWM Rules, 2016 (similar provisions prevailed under Rule 23 of the HWM Rules, 2008). However, monitoring the setting up and operation of the Common or captive TSDf, regularly, monitoring of compliance of various provisions and taking action against violations of the said HOWM Rules are among duties of the State Pollution Control Boards as laid down under Rule 16(3) of the HOWM Rules, 2016, and S. No. 4(iii) and (vi) of Schedule VII of the HOWM Rules, 2016 (similar provisions prevailed under Rule 18(3) and 23 of Schedule VII of the HWM Rules, 2008)
- (ii) The SLF site doesn't meet the location criteria specified in the said guidelines "Criteria for Hazardous Waste Landfills" in terms of drinking water wells existing within 500 meters distance, water body at about 200meters, and habitation (Ganaldoddi village) within 500 meters from a notified habitat area. In accordance with provisions of the said guidelines, absolute essentiality of siting the SLF within the restricted zone and appropriate design measures taken thereof by Karnataka SPCB have not been reported in the said letter of Karnataka SPCB.
- (iii) The SLF being small sized landfill requires to have additional area as high as 30% of the total area in case of small to medium landfills (< 5 hectare area to 20 hectares) to accommodate all infrastructures and support facilities as well as to allow formation of a green belt around the landfill, as stipulated in the said CPCB guidelines. Further, various facilities such as surface drainage system which collects and removes all surface runoff from the landfill site, settling pond, on-site laboratory for finger printing analysis, monitoring of unsaturated zone and groundwater zone beneath and around landfill, etc. have also been prescribed in the said guidelines.

The status of availability of the above and, granting approval for design and layout of the common TSDf by Karnataka SPCB, in accordance with the CPCB guidelines and Rule 16(2) of the HOWM Rules, 2016 (similar provisions prevailed under Rule 18(2) of the HWM Rules, 2008), have not been reported in the said letter of Karnataka SPCB;

- (iv) Green belt of 15 meters on the west and north side of the secured landfill (SLF) of the said common TSDf has not been developed which is violation of condition of the Environmental Clearance granted by SEIAA. Further, compliance of the other condition of the said Environmental Clearance about development of at least 33% of the total project area as green belt has not been reported in the said letter of Karnataka SPCB.

WHEREAS, Karnataka SPCB was directed under section 5 of Environmental (Protection) Act, 1986, vide direction no. B-29016 (SC)/1/2017-18/WM-II/18396 dated 20/03/2018 to (i) to examine compliance of the aforesaid observations vis-a-vis provisions of the Rules and CPCB guidelines; (ii) in case of non-compliances of provisions of the Rules/CPCB guidelines Karnataka SPCB shall stop collection and disposal of hazardous wastes at the common TSDf operated by the said M/s MEETPL and initiate necessary actions;

WHEREAS, in response to above directions, Karnataka SPCB vide letter no. PCB/WMC/469/HWM(2017)/2018-19/756 dated 08/05/2018 forwarded the proceedings of the personal hearing given to M/s MEETPL which revealed that the non-compliance of the provisions of HOWM Rules and CPCB guidelines have not been resolved. M/s MEETPL was, therefore, inspected by officials of Karnataka SPCB and RD, Bengaluru on 15/06/2018;

WHEREAS, CPCB convened a meeting with officials of Ministry of Environment, Forest & Climate Change, Karnataka SPCB, Karnataka Industrial Areas Development Board (KIADB) and representatives from M/s Karnataka Waste Management Private Limited and M/s MEETPL on 20th September, 2018, at CPCB, Delhi, under the chairmanship of Member Secretary, Central Pollution Control Board. Decisions taken in the said meeting were communicated to Karnataka SPCB vide CPCB letter no. B-29016/TSDF-63/18/WM-II Div./11996 dated 12/10/2018 for taking actions;

WHEREAS, the Central Government vide Notification No. S.O 730(E) dated 16th July, 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 relating to hazardous waste, bio-medical waste, hazardous chemicals, industrial solid waste, municipal solid waste including plastic waste notified under the Environment (Protection) Act, 1986 and amendments thereof; and

NOW, THEREFORE, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, Karnataka SPCB is directed herewith to ensure compliance of the following decisions taken in the aforesaid meeting held on 20th September, 2018;

1. Collection and disposal of hazardous waste by M/s MEETPL into their common SLF shall not be allowed unless Karnataka SPCB arrives that such siting is absolutely essential in the State and that upon compliance with the following:
 - (a) Appropriate design measures have been adopted for siting the common TSDF within the restricted distances and approval of design of the common TSDF has been granted by Karnataka SPCB in compliance with Rule 16 (2) of the HOWM Rules, 2016;
 - (b) Layout of the common TSDF is approved by Karnataka SPCB in compliance with Rule 16 (2) of the HOWM Rules, 2016. Such layout shall incorporate green belt requirement and all requisite infrastructures prescribed in the said CPCB guidelines i.e management of surface run-off water, separate area for equipment shelter, temporary waste storage, stockpiling of cover material and liner material, emergency exit, leachate management, etc.
 - (c) Verification by Karnataka SPCB that M/s MEETPL has set up the common TSDF in accordance with approved design and layout, as above;
2. M/s MEETPL shall maintain the manifest system for movement of leachate from the TSDF to authorised CETP in accordance with Rule 19 of the HOWM Rules, 2016.
3. Karnataka SPCB shall levy and collect financial penalty from M/s MEETPL in accordance with Rule 23 (2) of the HOWM Rules, 2016, and CPCB guidelines "Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty" for each violation stipulated under the HOWM Rules, 2016, (such as, non-compliance w.r.t manifest system (i.e. Rule 19), not obtaining design & layout approval from SPCB (i.e. Rule 16 (2)), violation of condition of authorisation ((i.e. Rule 6(2)), not operating the facility in environmentally sound manner (i.e. Rule 16 (4), etc.).

4. Further, Karnataka SPCB shall also coordinate with Karnataka State Forest, Ecology and Environment/SEIAA, Karnataka for the following:

- a) Notification of all the Common TSDFs in Karnataka including M/s MEETPL as required under the Rule 16 (1) of the Rules.
- b) Expansion granted to M/s MEETPL by SEIAA despite non-compliances with regard to non-development of requisite green belt, location criteria and non-availability of requisite infrastructure.

Receipt of these directions be acknowledged and action taken report in compliance with the above directions be submitted to this office within 15 days from issuance of this direction.

(S.P. Singh Parihar)
Chairman

Copy to:

1. The Joint Secretary
HSM Division, Ministry of Environment,
Forests & Climate Change, Indira Paryavaran
Bhawan, Jor Bagh Road,
New Delhi —110003- : For kind information please.
2. The Regional Director
(Regional Directorate South). CPCB
1st & 2nd Floors, Nisarga Bhavan
A-Block, Thimmaiah Main Road
7th D Cross, Shivanagar, Opp.
Pushpanjali Theatre, Bengaluru –560010 : To monitor compliance of the above by
following up with Karnataka SPCB,
please.
3. The Member Secretary
SEIAA Karnataka (Ecology and environment),
Room no ,709. Floor, 4th gate, M.S building,
Dept of Forest Ecology and Environment,
Government of Karnataka, Bangalore-560001.
4. The Secretary
to Government (Environment and Ecology),
Room No. 709, 7th Floor. Gate No 4Forest,
Environment and Ecology Department,
Karnataka Government Secretariat, M.S
Building, Bangalore -560001.
5. I/c IT Division, CPCB, Delhi

(Prashant Gargava)
Member Secretary