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F.No-B-29016(SC)/1/18/WM-II Div/ 13558

December 05, 2018

To

The Chairman
Madhya Pradesh Pollution Control Board
Paryavaran Parisar, Sector E-5
Aera Colony, Bhopal-462016

DIRECTIONS UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, IN CASE OF M/S KRISHNA CALCINATION AND REFRACTORIES PVT. LTD., PLOT NO. 21&26, LAMTARA INDUSTRIAL AREA, KATNI, MP

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, as per Rule 4 (1) of the HOWM Rules, for management of hazardous and other wastes, an occupier shall follow the following steps namely (i) prevention; (ii) minimization; (iii) reuse, recycling, recovery, utilization including co-processing, safe disposal.;

WHEREAS, as per Rule 4 (2) of the HOWM Rules, the occupier shall be responsible for safe and environmentally management of hazardous and other wastes. Similar provisions prevailed under Rule 4(1) 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 9 of the HOWM Rules, utilization of hazardous and other wastes as a resource or after pre-processing either for co-processing or for any other use, including within the premises of the generator (if it is not part of process) shall be carried out only after obtaining authorization from the State Pollution Control Board (SPCB) in respect of waste on the basis of standard operating procedures or guidelines provided by the Central Pollution Control Board (CPCB);

WHEREAS, CPCB has prepared Standard Operating Procedures f(SOPs) for utilization of spent pot lining, aluminium dross and used anode butt and circulated the same to all SPCBs/PCCs vide letter no. B-29016 (SC)/1(55-IV)/17/HWMD/462-496 dated 10/04/2017 and B-29016 (SC)/1 (55-IV)/16/HWMD/2879-2913 dated 30/06/2016 respectively to ensure that authorization for utilization of hazardous shall be granted only upon verification and compliance of provisions and minimal requisite facilities outlined in the aforesaid SOPs and in accordance with the provisions under HOWM Rules;

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WHEREAS, a public complaint has been received from various signatories on allegedly lifting of spent pot lining, anode butt and aluminum dross by M/s Krishna Calcination and Refractories Pvt. Ltd., Plot No. 21&26, Lamtara Industrial Area, Katni, MP (hereinafter referred as unit);

WHEREAS, officials of Regional Directorate, Bhopal, CPCB, inspected the unit on 28/10/2018 to verify the compliance of aforesaid Standard Operating Procedures for utilization of above hazardous wastes (viz. SPL, Aluminum dross and Used Anode Butt) that were circulated to SPCBs/PCCs vide letter dated 30/06/2016 and 10/04/2017 respectively. Following observations has been made:

1. Madhya Pradesh PCB has issued Consent to Operate under Water (Prevention & Control of Pollution) Act 1974 and Air (Prevention & Control of Pollution) Act 198 for production of Cyanide Free Carbon (15000 TPA), Aluminum (4000TPA), Calcined Minerals & Castable (5000TPA) & High Alumina Refractory Binder (4000TPA). The same is valid up to 08.02.2020.
2. The unit is involved in calcining & sizing of pyrophyllite and bauxite material besides utilisation of SPL, Aluminum dross and Used Anode Butts for which the unit possess authorization under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, for recycling of Cathode residues including pot lining (i.e. Spent Pot lining) (11.2) – 15000MTA; drosses and waste from treatment of salt sludge (11.5) – 6000MTA & Used anode butts (11.6)- 2000MTA having validity till 31/10/2022.
3. The unit was not in operation during the time of visit.
4. The facility provided for utilization of SPL is inappropriate and does not comply with the SOP circulated by CPCB w.r.t to the following:
 - a) Insufficient capacity of storage shed to store incoming SPL. Further, the storage shed was broken from sides. There is no designated space for unloading of SPL within said covered storage shed.
 - b) No breaking facility is available for braking of large chunks (200-500 mm) of SPL.
 - c) The material transfer ducts pertaining to crushing and screening were found broken at many points.
 - d) No separate Air Pollution Control devices provided each for Crushing and Rotary kiln
 - e) The working condition of the kiln in terms of required temperature could not be assessed since the unit was not in operation. However, kiln inlet duct was broken and the flue gas was treated in the same APCD system provided for crushing/screening
 - f) The system for feeding lime & controlled water mist was found defunct. Further, the compressor unit & lime dosing system was also found damaged. Also, water flow meter & emergency recirculation system are not provided with hydro mist reactor.
 - g) No proper personal protective equipment such as goggles; face mask, gloves, gum booth have been provided to personnel involved in the plant operation. Further, fire safety arrangements are also not provided.
5. No plant and machinery were found for storage and treatment/utilization of other authorized hazardous waste viz. Used Anode Butt and Aluminum dross.
6. Representatives of unit informed that he has not seen this plant operational since 3-4 years & similarly one official said that he too hasn't seen the plant operation in the last 04 months of his joining.
7. Growth of the herbs/plant near the working area of the plant was observed.
8. Date, address of seller of SPL and signature & seal of the seller are being maintained in the passbook issued by MP PCB but date of arrival in the unit premises and balance quantity are not maintained in the same which are required as per Rule 6 (7) of the HOWM Rules, 2016.

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9. Records are not maintained w.r.t quantity received, utilized and product manufactured. However, a log book for stock balance of SPL is being maintained which reveals that about 493.43 MT of SPL was received by the unit from M/s Mahan Aluminum (HINDALCO) Industries Ltd, Singraulli (Madhya Pradesh) of which about 292 MT of SPL have been sold to M/s Nitin enterprises, Hathras road, Agra, M/s Shri Ganpati Industries, Hathras road, Agra and other traders.
As on date of inspection about 201.57 MT of SPL was expected to be stored in storage shed. However, only 30-40 Mt of SPL was found lying on the kaccha floor in the plant premises.
10. With regard to activities pertaining to calcining & sizing of pyrophyllite material, it was observed that the unit has provided 4 furnaces of 10T capacity for calcining the pyro phyllite waste. Further, the conveyor system was not enclosed and also not operation; manual crushing & loading in furnace was practiced without proper protective gears; the upper platform was found severely corroded; ID fan was not operation & under maintenance; wet scrubber unit provided has no connection with water pipeline; the sludge that generated was dumped in corner of the plant premises; gaps was visible in joints of the furnace hood to suction pipe attached with ID fan, ash generated after calcination is screened near the furnace area & sent to sizing unit established in plant premise

WHEREAS, the above observations reveal that adequate facilities as per CPCB's Standard Operating Procedures for utilization of SPL are not available at the unit and that SPL procured have been traded/sold as such (without imparting treatment) besides other violations of the HOWM Rules, 2016;

WHEREAS, the Hon'ble National Green Tribunal, Principal Bench in the matter of OA No. 593/2017 (WP Civil) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors., directed CPCB to assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment;

WHEREAS, the Central Government vide Notification 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 (hereinafter referred as CPCB), to issue directions to any industry or any local or any other authority in case of violation of standards and rules, notified under the Environment (Protection) Act, 1986 and amendments thereof;


NOW, THEREFORE, in exercise of the powers vested under the Section 5 of the Environment (Protection) Act, 1986, MPPCB is directed to:

1. Immediately close all the industrial operations of M/s Krishna Calcination and Refractories Pvt. Ltd, Plot no 21 & 26, Lamtara Industrial Area, Katni (M.P) pertaining to procurement, transportation and utilization of SPL, Aluminum dross and Used Anode Butt;
2. Cancel the authorization issued under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, to the aforesaid unit for utilisation of Cathode residues including pot lining (i.e Spent Pot lining) (11.2); Drosses and waste from treatment of salt sludge (11.5) and Used anode butts (11.6);
3. Direct M/s Mahan Aluminum Industries Ltd, Singraulli (Madhya Pradesh) for not selling/handing over SPL, Aluminum dross and Used Anode Butt to M/s Krishna Calcination and Refractories Pvt Ltd, Plot no 21 & 26, Lamtara Industrial Area, Katni (M.P)
4. Impose financial penalty 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 violations of provisions stipulated under the HOWM Rules, 2016;

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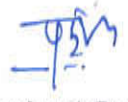
5. Inform the following to CPCB so as to impose environmental compensation for damages cause to the environment due to the aforesaid violations;
 - i. Dates since when the unit has started procurement of SPL, Aluminum dross and Used Anode Butt from aluminum smelters.
 - ii. Date-wise quantity of SPL, Aluminum dross and Used Anode Butt procured till the aforesaid operation of the unit is closed, in compliance with direction (a) above;
 - iii. SPL, Aluminum dross and Used Anode Butt lying at the premises of the unit.
 - iv. Capacity of plant and machinery installed for utilization of SPL in terms of tons/day.
6. take appropriate action so as to ensure environmentally safe operation of the activities pertaining to calcining & sizing of pyrophyllite and bauxite material;
7. ensure grant of authorization for utilization of hazardous waste to any unit only upon verification and compliance of provisions and minimal requisite facilities outlined in the SOPs issued by CPCB and effective monitoring thereafter;

Receipt of these directions be acknowledged and point-wise action taken report on compliance of the above directions (as listed at point (1) to (7) above) be submitted to this office within 15 days from issuance of this direction.


(S. P. S. Parihar)
Chairman

Copy to:

1. The Joint Secretary, HSM Division : *For kind information, please*
Ministry of Environment, Forests &
Climate Change, Indira Paryavaran
Bhawan, Jor Bagh Road, New Delhi
2. The Regional Director : *To monitor compliance of the above by following*
Central Pollution Control Board *up with Madhya Pradesh Pollution Control Board,*
3rd Floor, Sahkar Bhawan, North TT Nagar, *please.*
Bhopal-462003
3. ✓ I/c IT Division, CPCB, Delhi


(Prashant Gargava)
Member Secretary

