

SPEED POST

F. No B-29016 (SC)/1/2018-19/WM-III/

15934-15975

January 30, 2019

To

The Chairman
All SPCBs/PCCs/RDs (As Per List Enclosed)

DIRECTIONS UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986, IN CASE OF SOLVENT RECOVERY UNITS IN THE STATE/UT

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, 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, Rule 3(21) of the HOWM Rules defines "occupier" in relation to any factory or premises, means a person who has, control over the affairs of the factory or the premises and includes in relation to any hazardous and other wastes, the person in possession of the hazardous or other waste;

WHEREAS, as per Rule 3(2) of the HOWM Rules, "actual user" means an occupier who procures and processes hazardous and other waste for reuse, recycling, recovery, pre-processing, utilisation including co-processing;

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 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);

WHEREAS, as per Rule 6 (5) and 20 (1) of the HOWM Rules, the occupier handling hazardous and other wastes shall maintain records of hazardous and other wastes managed by him in Form 3 and submit an annual inventory in Form 4 to SPCB/PCC on or before the 30th day of June following the financial year to which that return relates;

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WHEREAS, as per Rule 6 (7) of the HOWM Rules, the authorized actual user of hazardous and other wastes shall maintain records of hazardous and other wastes purchased in a passbook issued by the SPCBs/PCCs along with the authorization;

WHEREAS, as per Rule 6 (8) of the HOWM Rules, handing over of the hazardous and other wastes to the authorized actual user shall be only after making the entry into passbook (issued by SPCB/PCC) of the actual user;

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 generators (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 a standard operating procedures and minimal requisite facility for the utilization of spent solvent (generated from Industrial uses of solvents; production/industrial use of synthetic dyes, dye intermediates and pigments; production/formulation of drugs/pharmaceutical and health care product; and production and formulation of pesticides including stock-piles) to recover solvents/mixed solvents for Industrial use and circulated the same to all SPCBs/PCCs vide letter no. B-29016 (SC)/1 (55-IV)/16/HWMD/2879-2913 dated 30/06/2016 and vide letter no. B-29016/(SC)/1(55-IV)/17-18/WM-II/18152-86 dated 08/3/2018 for granting authorization only upon verification and compliance of provisions & minimal requisite facilities outlined in the said SOPs and in accordance with provisions of the HOWM Rules, 2016;

WHEREAS, as per Rule 17 of the HOWM Rules, the occupier handling hazardous or other waste 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 is required to maintain manifest system about the hazardous waste being sent for disposal to common Treatment, Storage and Disposal Facility (herein referred to as TSDF) or recyclers/utilisers;

WHEREAS, the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the matter of OA No. 804/2017: Rajiv Narayana & Anr. Vs Union of India & Ors. has passed the orders on 30/07/2018 that CPCB shall constitute a Monitoring Committee to monitor the compliance of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and need for action in all the States/UTs;

WHEREAS, in compliance with aforesaid orders of the Hon'ble National Green Tribunal, a Monitoring Committee has been constituted by CPCB;

WHEREAS, the Hon'ble National Green Tribunal, Principal Bench, New Delhi, in another matter of M.A. No. 1302/2018 (in Interlocutory Application No. 63 in W.P. (C) No. 657/1995), has passed orders dated 05/12/2018 that the said Committee will also be at liberty to give interim report through CPCB to deal with the urgent issues. The CPCB will be at liberty to take appropriate steps with regard to the remediation of contaminated sites or other urgent issues from time to time;

WHEREAS, members of the said Monitoring Committee visited two solvent recovery units namely; M/s Ramkamal Chemicals Pvt Ltd, A-77 and M/s Shiv Shakti Oxalate Pvt. Ltd. A-94/1, Kurkumbh MIDC area in Maharashtra along with official of Maharashtra PCB during December, 2018 and observed the following:

- (a) Both these units could not produce 'actual user authorization' which is mandatory from SPCB, though they have renewed their consent to operate with specific condition of obtaining actual user authorization.
- (b) These units could not show the passbook as prescribed under the rules.
- (c) The industry plant managers were not aware of the SOP for Solvent recovery units prepared by CPCB.
- (d) The storage and handling of spent solvent received from different parties was not scientific, more so at M/s. Ramkamal Chemicals.
- (e) There was no labeling on drums; some of the drums were not in good conditions, no concrete flooring for storage of drums, no details of drum disposal etc.
- (f) There were heavy VOC emissions within the industry premises, more so at M/s Ramkamal Chemicals.
- (g) Some of the raw material i.e. spent solvents was received from outside the state, and there was no manifest system followed.

WHEREAS, aforesaid Monitoring Committee has also recommended to issue directions to all SPCBs/PCCS to:

1. Ensure that all the solvent recovery industries in the state have mandatory Authorization for the same in compliance with the SOP and Checklist issued by CPCB for solvent recovery units, within one month. The said SOP and checklist have been circulated to all SPCBs/PCCs vide letter no. B-29016/(SC)/1(55-IV)/17-18/WM-II/18152-86 dated 08/3/2018 and is also available at CPCB website http://cpcb.nic.in/uploads/hwmd/utilizaion_spent_solvent.pdf
2. Ensure that these solvent recovery industries follow the SOP, for safe and scientific spent solvent handling, processing and storage.
3. Ensure that such solvent recovery units comply with the provisions of HOWM Rules, 2016, in terms of interstate transport of Hazardous waste and manifest document prescribed under Rule 18 and 19 of the HOWM Rules, 2016, with immediate effect. Stringent action be taken against the erring industries who are giving the spent solvent to such recycling industries without following the manifest system.
4. Conduct industry interaction programs within a month to create awareness and sensitization on HOWM Rules, 2016 with all the stakeholder industries of Spent Solvent generation/utilization.
5. Prepare an inventory of such solvent recovery units and publish the same on their website for information of all stakeholders within one month with copy to CPCB within one month.

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 in case of violation of 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, it is hereby directed to ensure compliance as outlined in (1) to (5) above, within the stipulated timeframe therein.

Receipt of these directions be acknowledged within 15 days from issuance of this direction and compliance report be submitted within one month from date of issuance of these directions.


(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 : *For kind information, please*
2. ✓ I/c IT Division, CPCB, Delhi
3. The Regional Director of respective Central Pollution Control Board : *To ensure compliance of the above by following up with SPCB/PCC under jurisdiction of respective RDs. please.*


(Prashant Gargava)
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.	10.	The Chairman Himachal Pradesh Pollution Control Board Paryavaran Bhawan, Phase-III, Below BCS, New Shimla – 171 009.
2.	The Chairman Andhra Pradesh Pollution Control Board D.No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet, Vijayawada – 520 010	11.	The Chairman J&K State Pollution Control Board, Parivesh Bhawan, Forest Complex, Gladni, Narwal, transport Nagar, Jammu (J&K)
3.	The Chairman Arunachal Pradesh Pollution Control Board Department of Environment & Forests, Paryavaran Bhawan, Yupia Road, Papu Nalah, Naharlagun- 791110	12.	The Chairman Jharkhand State Pollution Control Board T.A. Building, HEC, P.O. Dhurwa, Ranchi-834 004
4.	The Member Secretary Assam Pollution Control Board Bamunimaiden, Guwahati – 781021	13.	The Chairman Karnataka State Pollution Control Board, Parisara Bhavana, 1 st to 5 th Floor 49, Church Street, Bengaluru – 560 001
5.	The Chairman Bihar Pollution Control Board Parivesh Bhawan, Plot No. NS-B/2 Patliputra Industrial Area, Patliputra, Patna (Bihar)-800023	14.	The Chairman Kerala Pollution Control Board Pattom Palace, P.O. Thiruvananthapuram – 695 004
6.	The Chairman Chhattisgarh Environment Conservation Board Paryavas Bhawan, North Block Sector-19, Naya Raipur (C.G.)- 490099	15.	The Chairman Maharashtra Pollution Control Board Kalptaru Point, 2 nd - 4 th floor, Opp. Cine Planet, Sion Circle, Sion (E), Mumbai – 400 022
7.	The Chairman Goa Pollution Control Board Dempo Tower, 1st Floor, EDC Patto Plaza, Panaji, Goa - 403 001.	16.	The Chairman Madhya Pradesh Pollution Control Board Paryavaran Parisar, Sector E-5, Arera Colony, Bhopal – 462 016
8.	The Chairman Gujarat Pollution Control Board Paryavaran Bhawan, Sector 10-A, Gandhi Nagar - 382010	17.	The Chairman Manipur Pollution Control Board Near Imphal West D.C. Office Complex, Lamphelpat, Imphal – 795 004.
9.	The Chairman Haryana Pollution Control Board C-11, Sector-6 Panchkula Haryana-134 109 Chandigarh	18.	The Chairman Meghalaya Pollution Control Board Arden, Lumpyngngad, Shillong – 793 014
		19.	The Chairman Mizoram Pollution Control Board New Secretariat Complex, Khatla, Thlanmual Peng, Aizawl, Mizoram - 796001

20.	The Chairman Nagaland Pollution Control Board Signal Point, Dimapur, Nagaland - 797112
21.	The Chairman State Pollution Control Board, Odisha Paribesh Bhawan, A-118, Nilakantha Nagar, Unit-VIII, Bhubaneswar – 751 012.
22.	The Chairman Punjab Pollution Control Board Vatavaran Bhawan, Nabha Road Patiala – 147 001
23.	The Chairman Rajasthan Pollution Control Board 4, Institutional Area, Jhalana Doongri Jaipur – 302 004, Rajasthan.
24.	The Chairman Sikkim Pollution Control Board Forest, Environment Wildlife Management Department, Government of Sikkim, Forest Secretariat Annex I, Ground Floor, Deorali, Gangtok -737102 East Sikkim
25.	The Chairman Tamil Nadu Pollution Control Board No. 76, Mount Salai Guindy, Chennai – 600 032
26.	The Chairman Tripura Pollution Control Board, Parivesh Bhawan, Pandit Nehru Complex, Gorkhabasti P.O. Kunjaban, Agartala Tripura – 799 006,
27.	The Chairman Uttar Pradesh Pollution Control Board Building No TC-12V Vibhuti Khand, Gomti Nagar Lucknow – 226 010
28.	The Chairman Uttarakhand Environment Protection & Pollution Control Board 29/20, Nemi Road, Dehradun - 248001.
29.	The Chairman West Bengal Pollution Control Board Paribesh Bhawan, 10A, Block- LA, Sector III, Salt Lake City, Calcutta- 700106
30.	The Chairman Chandigarh Pollution Control Committee Paryavaran Bhawan, Ground Floor Madhya Marg, Sector C19-B, Chandigarh – 160 019
31.	The Chairman Delhi Pollution Control Committee 4th Floor, ISBT Building, Kashmere Gate, Delhi - 110006.
32.	The Chairman Daman, Diu & Dadra & Nagar Haveli Pollution Control Committee Fort Area, Court Compound, Moti Daman- 396220

33.	The Chairman Lakshadweep Pollution Control Committee Lakshadweep Administration, Dept. Of Sc. and Technology & Environment Kavaratti Island-682 555
34.	The Chairman Andaman & Nicobar Pollution Control Committee Dept. Of Sc. and Technology Dollygunj Van Sadan, Haddo P.O. Port Blair – 744 102
35.	The Chairman Puducherry Pollution Control Committee Department of Science, Technology and Environment III rd floor, PHB Building, 5, Anna Nagar, Puducherry – 605005

The Regional Directors

1. The Regional Director
Central Pollution Control Board
1st& 2nd Floors, Nisarga Bhavan
A-Block, Thimmaiah Main Road
7thD Cross, Shivanagar, Opp.
Pushpanjali Theatre, Bengaluru -560 010
2. The Regional Director
Central Pollution Control Board
4thFloor, Sahkar Bhawan
North TT Nagar
Bhopal - 462 003
3. The Regional Director
Central Pollution Control Board
Southernd Conclave, Block 502,
5th& 6th Floors
1582 Rajdanga Main Road
Kolkata - 700 107 (W. B.)
4. The Regional Director
Central Pollution Control Board
Ground Floor, PICUP Bhawan,
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010
5. The Regional Director
Central Pollution Control Board
"TUM-SIR". Lower Motinagar
Near Fire Brigade H.Q.,
Shillong - 793 014
6. The Regional Director
Central Pollution Control Board
Parivesh Bhawan,
Opp. VMC Ward Office No. 10,
Subhanpura, Vadodara-390 023