

REPORT OF JOINT COMMITTEE ON M/s. KARNATAKA WASTE MANAGEMENT PROJECT (A Division of Ramky Enviro Engineers Ltd.), DABASPET, BENGALURU, KARNATAKA SUBMITTED BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI, AS PER NGT ORDERS DATED 22.04.2019

1.0 PREAMBLE

In the Writ Petition Nos. 51509/2016 and 52176 - 52179/2016, filed by Shri. T.M. Umashankar & The Union of India & Ors., the Hon'ble National Green Tribunal (NGT) issued an Order on 22.04.2019 with a direction that "*the issue will require a factual analysis report by a Joint Committee comprising the representatives of Ministry of Environment, Forest & Climate Change (MoEF & CC), Central Pollution Control Board (CPCB) and Karnataka State Pollution Control Board (KSPCB). The nodal agency for the purpose will be the KSPCB. The report may be furnished within two months*". The case is listed for consideration on August 08, 2019.

In compliance of above mentioned order, the KSPCB has requested the MoEF & CC and CPCB to nominate an Officer / Scientist for constituting Joint Committee to complete the task as per the Hon'ble NGT order. Based on the nomination received, the KSPCB has constituted a Committee and issued Office Memorandum for the same vide order No. PCB/WMC/2782/HWM/2018/984 dated May 09, 2019 (Annexure 1). As per the O.M, the committee comprises the following members:

1. Dr. Murali Krishna. C, Scientist D, MoEF & CC, Southern Zone, Bangalore
2. Mr. G. Thirumurthy, Additional Director, Regional Directorate, CPCB, Bangalore
3. Dr. P. Niranjana, Environmental Officer, KSPCB, Regional Office - Peenya, Bangalore

2.0 PRELIMINARY MEETING & INSPECTION OF JOINT COMMITTEE

Upon the formation of Expert Committee, preliminary meeting of committee members was convened on **May 14, 2019** at KSPCB, Regional Office - Peenya, Bangalore to know the status of operation of the Transport Storage Disposal Facility (TSDF), Regular Environmental Monitoring carried out by KSPCB, Status of Consent for Operation validity, Hazardous Waste (H.W) Authorisation Validity, Non-compliances noticed by KSPCB and Directions issued, if any etc. The committee took a decision that the environmental compliances (Ambient Air Quality Management, Fugitive Dust Emission, Green cover, Storm Water Management, Leachate Management, Stabilization Process, Direct land filling of waste etc.) will be verified based on the monitoring data of KSPCB and CPCB. Accordingly, the concern Regional Officer of Nelamangala is requested to provide all monitoring data to the Joint Committee.

The following officer from KSPCB accompanied the Joint Committee during the field visit to TSDF & Incinerator. The names of the officials are:

1. Mr. K.M. Ramesh, EO, KSPCB, RO - Nelamangala
2. Mr. G.M. Gurudeva Prakash, DEO, KSPCB, RO - Nelamangala
3. Mr. R. Bhaskar.R, AEO, KSPCB, RO - Nelamangala

Also, the unit representatives present during inspection are:

1. Mr. Sanjeev Kumar, National Head (HW division)
2. Mr. Amit Chaudhary, Sr. General Manager
3. Dr. Salman Khan, Head (Lab & EHS)
4. Mr. Ranganath, Marketing Executive

The Joint Committee reviewed the status of operation of TSDF, Designing of TSDF, Sampling of H. W, Procedure adopted for direct landfilling / landfilling after stabilisation, Operation of Escrow Account, Stabilisation process, Leachate management, Ambient Air Quality Management, Fugitive Dust Emission, Surface run off management, Green cover etc.

3.0 M/s KARNATAKA WASTE MANAGEMENT PROJECT, BANGALORE

M/s Karnataka Waste Management Project (KWMP), (A Division of Ramky Enviro Engineers Ltd.), is a Common TSDF project located at KIADB Industrial Area, Dabaspeta, Nelmangala Taluk, Bangalore Rural Dist. - 562111, Karnataka. The area of the facility is 93.18 acres in which about 26 acres is earmarked for Secured Landfill (SLF) of 5 phases consists of 21 cells, planned for 20 Years. Average span to each phase is 5 years. It commenced operation during June 2008 and completed about eleven years of operation, but till the first phase is not completed which is nearing completion. The facility starts preparing (earth work) for second phase. Presently, the TSDF is serving to 679 member industries for disposal of their Hazardous Waste for landfilling.

The **Consent for Establishment (CFE)** was issued to the unit under Water (Prevention & Control of Pollution) Act, 1974 (**WATER ACT**) and Air (Prevention & Control of Pollution) Act 1981 (**AIR ACT**) for setting up of TSDF vide Order No. KSPCB/HWMC/2007-08/425A dated July 06, 2007 with a condition that the facility shall have to make an application to KSPCB in the prescribed form at least 45 days before the expected date of commissioning of the facility.

First Consent for Operation (CFO) was issued under Water Act and Air Act by the KSPCB vide combined consent order No. H - 362 dated June 19, 2008 with validity up to June 30, 2009 and keep renewed up to June 30, 2016 (**Annexure 2**).

Subsequently, the Consent sought by the facility for the further period from July 01, 2016 was refused by the KSPCB vide letter No. PCB/WMC/1933/HWM/2017-18/H-1435 dated 06.02.2018 (**Annexure 3**). On refusal of consent by KSPCB, the M/s KWMP have filed an appeal before the Karnataka State Appellate Authority against the Consent refusal order and the Hon'ble Appellate Authority stayed the refusal order and ordered to maintain the status quo. Copy of the order is enclosed as **Annexure 4**.

Authorisation for Handling of Hazardous Wastes: Authorisation for managing of Hazardous Wastes was issued under the Hazardous Waste (Management and Handling) Amendment Rules 2003 vide order No. KSPCB/HWM/H-361 dated June 19, 2008 with validity up to June 2009 and subsequently keeps renewed up to June 30, 2018. The unit is authorized for the land disposal of hazardous waste after treatment for a quantity of 40,000 MT/ Annum.

4.0 LOCATION OF TSDF AND ITS SURROUNDINGS

M/s KWMP is established in 93.18 acres within the KIADB Industrial Area, Dabaspeta, Bangalore Rural Dist. This land is acquired by the KIADB and handed over to the operator of the TSDF i.e. M/s Ramky Enviro Engineers Ltd. consortium.

The TSDF site located about 1 Km away from the National Highway (NH-4) i.e. Bangalore-Pune Highway and NH 207 (Doddaballapura road) is passing adjacent to the boundary of the TSDF premises. The TSDF is surrounded by industrial plots and industries on three sides and private open lands and Thimmanayakanahalli village on Northern side. As per 2011 census, the total population of villages falls under Sompura Village Panchayat limits and up to 10 km of radius are around 15000 and the total population of Nelamangala Town municipal council was 37232.

There are different kinds of industries established and operating around the TSDF site viz., Bulk drug and Pharmaceutical, Iron & Steel Foundries, Electroplating, e - waste dismantling & recycling, Biomedical Waste treatment & disposal facility (incinerator), Tyre pyrolysis, Aluminium, Wind power blades production unit etc. The industrial area is provided with normal open storm water drains, which by natural course may reach downstream lakes in case of heavy rain. The nearby water bodies are as follow:

- a) Pemmanahalli Tank - 800 meters on upstream (Eastern direction)
- b) Dabaspeta lake- 750 meters on upstream (Western direction)
- c) Nidavanda Lake - 1 km (North Eastern direction)
- d) Lakkur Lake - 780 meters (North Western direction)

5.0 STATUS OF OPERATION OF TSDF

A Common Hazardous Waste Treatment, Storage and Disposal Facility (TSDF) is operating in a 93.18 acres at Dabaspeta about 45 km from Bengaluru, operated by Ramky Enviro Engineers Ltd. This TSDF is meant for land fillable hazardous waste only. This facility started receiving wastes from July 2008 onwards from member industries, which is directly landfilled / after stabilization in a Secured Land Fill (Cell 1) of 25.86 acres.

The total numbers of member industries is 679 as on June 2019. The design capacity of TSDF is 40,000 MT per Annum for 20 years, but the facility is not receiving expected quantity. The total quantities of hazardous wastes received since inception to till June 2019 with breakup i.e. direct landfilling & landfilling after stabilisation are:

❖ Direct landfilling	:	55,281.034 MT
❖ Landfill after treatment	:	2,10,846.898 MT
Total	:	2,66,127.932 MT

The above data reveals that the facility has received land fillable hazardous wastes only 60% of its design capacity in these 11 years.

6.0 COMPLIANCE TO ENVIRONMENTAL NORMS AND GUIDELINES

The compliances to the *Criteria for Hazardous Waste Landfills* and *Environmental norms* are discussed below:

6.1 COMPLIANCE OF LOCATION CRITERIA FOR H.W. LANDFILL

The TSDF facility is falling under the classification of "Large Size Landfill" which is having area more than 20 hectare area. The Joint committee made observations w.r.t. the compliance of Location Criteria as specified in the "Criteria for Hazardous Waste Landfills" published by CPCB vide Series HAZWAMS/17/2000-01. The compliance status as follow:

COMPLIANCE OF LOCATION CRITERIA

S. No.	Location Criteria	Observations
1.	Lake & Pond: No landfill shall normally be constructed within 200 m of any lake or pond.	There is no Lake/ Pond existing within 200 m distance.
2.	River: No landfill shall be constructed within 100 m of a navigable river or stream.	There is no river existing within 100 m.
3.	Flood Plain: No landfill shall be constructed within 100 years flood plain.	There is no record of flood plain of this landfill site in 100 years.

4.	Highway: No landfill shall be constructed within 500 M of the right of the way of any state or national highway.	TSDF site located about 1 Km away from the National Highway (NH-48) i.e. Bangalore - Pune Highway, But, the NH648 is passing adjacent to the boundary of the TSDF premises, about 400 M from the active landfill.
5.	Habitation: Landfill shall be at least 500 M from a notified habituated area and a Zone of 500 m around a landfill boundary should be declared a no-development buffer zone after landfill location is finalized.	<i>500M around the landfill boundary is not declared as non-development buffer zone after landfill location finalization till date. This landfill is developed within the KIADB Industrial Area, Dabaspet.</i>
6.	Public parks: No landfill shall be constructed within 500 M of a public park.	No public parks present within 500 M distance.
7.	Critical Habitat Area: No landfill shall be constructed within critical habitat areas including reserved forest areas. A critical habitat area is defined as the area in which one or more endangered species live.	Not constructed within critical habitat area including reserve forest area.
8.	Wed lands: No landfill shall be constructed within wetlands.	Not constructed within /on wetlands.
9.	Air Port Zone: No Landfill shall be constructed within a zone around Airports as notified by the regulatory authority or the aviation authority.	Not coming under Air Port Zone, Nearest airport is at the distance about 50 kms.
10.	Water supply well: No landfill shall be constructed within 500 M of any water supply well.	There is not water supply well is available within 500 m.
11.	Coastal Regulation Zone: No landfill shall be sited in a coastal regulation zone.	Location is not coming under coastal Regulation zone.

12.	Ground Water table level: No landfill shall be located in areas where the ground water table will be less than 2 m below the base of the landfill.	Ground water table at landfill site is beyond 2 M.
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The TSDF site is complying with the location criteria except non-development buffer zone. The landfill facility is provided with access roads, equipment shelters, weighing scale, office space, waste inspection / sampling facility, temporary waste storage area, surface water drainage facility, leachate collection tank, monitoring wells, fencing and green belt along the peripheral boundary etc.

6.2 COMPLIANCE OF AMBIENT AIR QUALITY

The unit has established three Manual Ambient Air Quality Monitoring stations to monitor the ambient air quality for PM₁₀, PM_{2.5}, SO₂, and NO₂ by using Respirable Dust Sampler (RDS) and PM_{2.5} sampler at all manual locations. The ambient air quality monitoring is carried out by NABL approved laboratory of their own at all locations twice a week as per the CPCB protocol.

The joint committee reviewed the monitoring results of ambient air quality data of three manual stations established at Near Weigh Bridge, Near Canteen and Near Garage Building. The observations are:

- The major sources of air pollution are from the handling operation of hazardous waste during stabilisation and landfilling operations, truck movements etc.

- The unit has established three Ambient Air Quality Monitoring Stations within TSDF and monitoring the ambient air quality manually. The analysis results (average) of 1st Quarter (April to June) of 2019 - 2020 as follow:

Ambient Air Quality Monitoring Results (Average)

S. No.	Locations	SO ₂ µg/m ³	NO ₂ µg/m ³	PM ₁₀ µg/m ³	PM _{2.5} µg/m ³
1.	Near Weigh Bridge	9.54	11.8	23.15	11.75
2.	Near Canteen	10.35	12.57	23.10	12.16
3.	Near Garage Building	7.86	11.98	22.44	12.19
Standard limit (24 Hours)		80	80	100	60

- The ambient air quality monitoring carried out by KSPCB and the monitoring results are as follow:

Ambient Air Quality Monitoring Results

Date / Location	SO ₂ µg/m ³	NO ₂ µg/m ³	PM ₁₀ µg/m ³	PM _{2.5} µg/m ³	NH ₃ µg/m ³
06-01-2018 / Security Gate	-	-	-	51	-
06-01-2018 / Near Vehicle washing Area	BDL	31	86	-	39
31-01-2019 to 01-02-2019 / Near Security Gate	0.9	13.3	106	62	15.1
16 to 17-05-2019 / Near Security Gate	-	11.6	76	48	18.3
Standard limit (24 hours)	80	80	100	60	400

The above ambient air quality monitoring results reveals that SO₂, NO₂, and NH₃ is complying all the time with the Ambient Air Quality Standards (24 Hrs average), whereas PM₁₀ and PM_{2.5} exceeded on few occasion marginally.

6.3 COMPLIANCE OF STABILISATION OF HAZARDOUS WASTE & MANAGEMENT OF LEACHATE GENERATED

Central Pollution Control Board (CPCB), Delhi, vide order No. B-29016 (SC) 1 (52-II)/18 / HWMD/2786 - 92 dated June 13, 2018 issued direction to the Common TSDFs under Section 5 of the Environmental (Protection) Act, 1986 with respect to installation/ upgradation of facility for management of leachate generated from secured landfill and stabilization of hazardous waste with air pollution control (APC) measures.

a) STABILISATION OF HAZARDOUS WASTE

Options:

- i. *Mechanized cover system having arrangement of waste conveyor system, mixing unit with mechanized mixing arrangement, suction duct / hood, scrubber system and stack (or)*
- ii. *Stabilization in pit by mixing with excavator / backhoe loader having hood over the pit with adequate suction arrangement to arrest dust / fumes followed by scrubber and stack.*

The facility is following the *Option (ii)* for stabilization of Hazardous Waste for secured landfilling. The Observations are:

- The TSDF has provided/ constructed shed in an area of 25.5 M x 30.23 M for hazardous waste stabilization. The stabilization area is provided with concrete flooring and 5 number of stabilization pits of same size. The size of the each stabilization pit is 4.8 mx 4.3m x 1.5m i.e. 30.96 M³. The total capacity of 5 stabilization pit is 154.8 M³. Out of 5 pits, only two bins are used of hazardous waste stabilization and the same is provided with three side HDPE cover and suction arrangement to collect the dust generated during stabilization process.

- The stabilization shed is used for storing of stabilization materials such as lime, cement, fly ash etc. and stabilization both. Out of total area, 14.5m x 25.5 is used for waste stabilization and the remaining area is used for stabilization materials (chemicals) etc.
- A partition wall with suction ducts are provided to collect dust generated and with ID fan the collected dust is passed through scrubber followed with stack; the stack height is extended the roof level. Also, observed that the water scrubbing is provided to control the dust.

b) MANAGEMENT OF LEACHATE GENERATED

Options:

- i. *Solar Evaporation Pond: May be used / provided suitable sized pond be installed considering evaporation loss Vs. Leachate generation. Further such pond shall have double liner system with leachate pumping system; (or)*
- ii. *Multiple Effect Evaporator (MEE) and the residue of MEE to be disposed into secured landfill after proper encapsulation and the condensate water to be managed as per the conditions stipulated in the consent to operate issued by the concerned SPCB under the Water Act; (or)*
- iii. *Adequate treatment Facility for treating leachate so as to achieve concentration of COD < 250 mg/L prior to its use in Spray Dryer of common hazardous waste incinerator for quenching of flue gases from secondary chamber of the incinerator; (or)*
- iv. *Effluent Treatment Plant having advance oxidation technology or adopting other suitable technology and manage as per the conditions stipulated in the consent issued by the concerned SPCB under Water Act.*

The facility is following *Option (i)* presently and proposed to adopt *Option (iii)* after commissioning of common hazardous waste incinerator for quenching of flue gases from secondary chamber of the incinerator. The Observations are:

- A drainage liner of 300 mm thickness of gravel layer and HDPE pipes are provided in the secured landfill to collect Leachate. The leachates are collected through perforated pipes, drains in to common header pipes and transfer leachate generated by gravity to leachate collection pond cum solar evaporation ponds. The existing leachate collection tank is having dimension of 36m x 42m x 2 m with a capacity of 3024 M³. Inspection chambers also provided for inspection of interior of the pipe as well as back flushing in case of any clogging.
- During inspection, the entire leachate collection tank is found covered with HDPE sheet to avoid entry of rain water & odour nuisance. Due to covering there was accumulation of gas, bulging of HDPE sheet noticed.
- The existing leachate collection tank is provided with single liner system with leachate pumping system. The TSDF started constructing new double lined leachate collection tank with dimension of 35.39m x 52.65m x 3.1 m having capacity of 5776 m³.
- In case of utilization of leachate in Spray Dryer of common hazardous waste incinerator for quenching of flue gases from secondary chamber of the incinerator the TSDF facility need to provide leachate treatment plant so as to achieve concentration of COD < 250 mg/L prior to its use.
- Presently, leachate is managed re-circulating the same to landfill which is one of the recommended alternatives as per the Criteria for Hazardous Waste Landfills published by CPCB. (HWM Series: HAZWAMS/17/2000-01).

6.4 COMPLIANCE OF MANAGEMENT OF SURFACE RUN OFF

The TSDF area is divided into dark zone (contaminated area like roads where the trucks with waste moves, near treatment and storage building, near drying yard, etc.,) and white zone where there is no contamination of waste like the green belt area, garden, other open spaces away from the movement of waste.

The first flush of rain water for water 15- 20 minutes is collected from the dark zones through open drainage system and stored in separate tanks called as Quarantine Tanks, this collected water is being used for waste stabilization, and for spraying to control dust pollution.

6.5 COMPLIANCE OF GROUND WATER QUALITY

The KSPCB is monitoring the ground water in and around the TSDF facility premises on quarterly basis at 4 locations inside the premises and 11 locations outside the TSDF to ascertain the water quality for any possible contamination due to TSDF activities. The locations of ground water quality monitoring are as follow:

A. Inside the TSDF Premises

- i. Bore well located near the leachate pond
- ii. Bore well located near the landfill site
- iii. Bore well located near the Admin Building
- iv. Bore well near the Security Gate

B. Outside the TSDF Premises

- i. Bore well located at M/s Vintex Controller System Pvt Ltd
- ii. Bore well located at M/s HHV Solar Technologies Pvt. Ltd
- iii. Bore well located at M/s Peenya Industrial Gases Pvt. Ltd.
- iv. Bore well located at M/s Leonid Chemicals Pvt Ltd
- v. Bore well located at M/s Surya Hard Chrome
- vi. Bore well located at M/s LM wind power blades India Pvt Ltd
- vii. Bore well located at Thimmanayakanahalli Village
- viii. Bore well located at Nanjundappa Land, Thimmanayakanahalli village
- ix. Bore well located at Bettaiah Land, Pemmanahalli Village
- x. Public Bore well at Pemmanahalli Village
- xi. Bore well located at M/s EMVEE Solar Systems Pvt Ltd

The committee reviewed the monitoring results of all above mentioned ground water locations, analysis results of ground water quality are found within the permissible limit of IS 10500: 2012 Drinking Water Standards, except marginal exceedance of Iron concentration on a few samplings locations. Also, found that the heavy metal concentrations in the ground water samples were found Below Detection Limit (BDL). It is concluded that there is no significant impact on ground water.

6.6 COMPLIANCE OF ESCROW ACCOUNT

After post closure of TSDF, which are required to be monitored at least for a period of 30 years from the closure of the facility so as to ensure that no adverse impact on the environment as well as health of the public living in the vicinity of the facility. For undertaking such activities, adequate funds would be required which need to be deposited in a common account called "Escrow Account".

In view of this, MoEF& CC issued Office Memorandum vide No. 23-1/2008-HSMD dated April 16, 2009, requesting all the SPCB/PCC to create Escrow Account recommending to deposit 5% of the annual turnover of land fillable waste towards the Escrow Account. This account would be a tripartite agreement between Operator of the facility, Respective SPCB/PCC and the Public Sector Bank acting as Escrow Agent. Afore said provisions of Escrow Account shall be implemented w.e.f. commencement of the operation of common secured landfill site or April 16, 2009, the day of the O.M. was issued by MoEF& CC, whichever is later.

The date of Commencement of TSDF operation was June 2008, accordingly the details of Escrow Amount statement as follow:

ESCROW AMOUNT STATEMENT

Period	User Charges (₹)			Escrow Amount (₹)
	DL	LAT	Total	
2008-2009	68,71,702	1,05,91,673	1,74,63,375	8,73,169
2009-2010	1,39,56,000	2,82,02,000	4,21,58,000	21,07,900
2010-2011	1,10,07,172	5,36,96,015	6,47,03,187	32,35,159
2011-2012	89,51,000	6,82,73,000	7,72,24,000	38,61,200
2012-2013	60,14,876	7,96,09,097	8,56,23,973	42,81,199
2013-2014	78,56,478	9,39,80,411	10,18,36,889	50,91,844
2014-2015	57,19,203	7,44,42,996	8,01,62,199	40,08,110
2015-2016	60,97,325	7,64,93,866	8,25,91,191	41,29,560
2016-2017	67,22,986	4,16,76,728	4,83,99,715	24,19,986
2017-2018	38,12,348	3,57,86,740	3,95,99,088	19,79,954
2018- 2019	52,86,418	3,24,28,372	3,77,14,790	18,85,739
Total	8,22,95,509	59,51,80,897	67,74,76,406	3,38,73,820

Note: DL: Direct Landfill, LAT: Landfilling After Treatment

Based on the above statement, the facility has to deposit ₹ 3,38,73,820/- (Rupees three crores thirty eight lakh seventy three thousand eight hundred and twenty only), as an Escrow Amount.

In view of above, the High Court of Karnataka in the matter of W.P. No. 51509/2016 directed vide order dated 13.12.2017 to deposit ₹3,20,00,000/- (Rupees three crores twenty lakhs only). Accordingly, the said amount was deposited by the facility on 21.12.2017 to the Registrar General, High Court of Karnataka. In continuation, facility has deposited ₹11,61,011/- (Rupees Eleven lakh sixty one thousand and eleven only) in the account "Super Fund Dobaspet, KIADB" operated by KIADB. The total amount deposited is ₹3,31,61,011 (Rupees three crores thirty one lakhs sixty one thousand and eleven only) against ₹3,38,73,820. *The remaining balance to be deposited is ₹ 7,12, 809 (Rupees Seven lakhs Twelve Thousand Eight hundred and Nine only) as on March 31, 2019.*

As per the Detailed Project Report (DPR) of 2004, Contract Agreement executed between KIADB as Contracting Agency (CA) and Ramky Consortium on 01.12.2006, the Clause No. 16.2 of DPR explains the need of Super Fund. The need of **Super Fund** is:

- i. For remediation of contaminated site due to failure of Landfill and
- ii. During post Closure period of 30 years: However, the post closure period of 30 years, requires finance for maintenance and monitoring activities. A separate fund (Super Fund) set aside from the gate fee could be used during the post closure as there is no other source of revenue at that time.

The committee is of the opinion that the "Super Fund Dabaspur KIADB" is operated by KIADB, not as per tripartite agreement between Operator of the facility, respective SPCB / PCC and the Public Sector Bank acting as Escrow Agent. In view of above, it is recommended to operate the account as per MoEF&CC, O.M. dated April 16, 2009 w.r.t. Escrow Account to have uniformity across the country.

6.7 COMPLIANCE OF ENVIRONMENTAL CLEARANCES

The compliance status to various notifications by the facility over the period is discussed below:

Compliance to EIA Notifications & Circulars / H.W. Rules

S. No.	EIA Notifications & Circulars / Hazardous Waste Rules	Status of Compliance
1.	<p><i>EIA Notification 1994 dt. 27.01.1994, as amended on 04.05.1994, 10.04.1997, 27.1.2000 and 13.12.2000</i></p> <p>Schedule 1: List of Projects Requiring Environmental Clearance from the Central Government</p>	<p>Under Schedule I, there are 30 Projects listed requiring EC from MoEF&CC. But, the list does not include the TSDF.</p>
2.	<p><i>The Hazardous Wastes (Management and Handling) Rules, 1989.</i></p>	<p>The Rules does not spell about TSDF.</p>
3.	<p>The Hazardous Waste (Management and Handling) (Amendment) Rules, 2003.</p> <p>The Hazardous Waste (Management & Handling) Rules, 1989, amended 2000, further amended 2003 require every State in India to build and operate environmentally sound hazardous waste management facilities.</p>	

<p>Substituted Rule 8 by Rule 7 of the Hazardous Waste (Management and Handling) (Amendment) Rules, 2003 notified by Notification S.O.593 (E), dated 20.5.2003. <i>The Rule 8 is about Disposal Sites, the details are:</i></p>	
<p>i. The occupier or operator of a facility or any association of occupiers shall be jointly and severally <i>responsible for identifying sites for establishing the facility</i> for treatment, storage and disposal of hazardous wastes.</p>	<p>The Govt. of Karnataka and Karnataka State Pollution Control Board (KSPCB) have taken initiative to identifying TSDF site. The Govt. of Karnataka made an agreement with German Technical Cooperation (GTZ) for evolving an effective Hazardous Waste Management (HAWA) strategy in the State of Karnataka.</p>
<p>ii. The State Government, operator of a facility or any association of occupiers shall jointly and severally be responsible for, and <i>identify sites for common facility</i> for treatment, storage and disposal of hazardous wastes in the State.</p>	<p>Site Selection: Initially two sites i.e. one in Siddalaghatta taluk in Kolar district and the other in Dabaspeta, Bangalore Rural District were short listed by the KSPCB for setting up TSDF. Finally, Dabaspeta site was found more suitable and identified for setting up TSDF to cater the need of the entire state. The KIADB acquired land for TSDF site.</p>

<p>iii. The operator of a facility, occupier or any association of occupiers shall <i>undertake an environmental impact assessment (EIA) of the selected site(s) and shall submit the EIA report to the State Pollution Control Board</i> or Committee.</p>	<p>Notification:</p> <p>The Dabaspeta site was notified for the TSDF purpose by the Government of Karnataka on 21.02.2003.</p> <p>Preliminary investigations and Environmental Impact Assessment (EIA) was completed in January 2004 under the GTZ-HAWA Project.</p> <p>The Technical Advisory Committee of KSPCB in their 272nd meeting held on 15.11.2003 recommended for establishment of TSDF at Dabaspeta and authorized KSPCB to put up the project for public hearing as per the prevalent EIA notification 1994.</p>
<p>iv. The State Pollution Control Board or Committee shall on being satisfied with the EIA report, cause a public notice for conducting a public hearing as per the procedure contained in the Environment Impact Assessment</p>	<p>Public Hearing:</p> <p>Informed that intensive public awareness campaign about the project was conducted in the surroundings (5 km radius) of Dabaspeta site from June 2003 to January 2004, to appraise the entire</p>

	<p>Notification, 1994 published vide S.O. 60(E) dated the 27th January, 1994 as amended from time to time.</p>	<p>stakeholders.</p> <p>The Deputy Commissioner, Bangalore Rural district has conducted public hearing on 20.02.2004, as per the provisions contained in the EIA Notification of 1994.</p>
	<p>v. The State Pollution Control Board or Committee shall <i>forward to the State Government</i> or Union territory Administration, as the case may be, the project report including <i>EIA report and details of public hearing along with its recommendations</i> within a period of 30 days from the last date of public hearing.</p>	<p>The report of the public hearing panel was received by KSPCB vide letter No. CAL CR 369 / 2003 - 04 dated 18.03.2004.</p> <p>Accordingly, the KSPCB vide letter No. KSPCB / HWMC / AEO-1/ EO / 2003 - 04 / 686 dated 31.03.2004 forwarded the project report including EIA report and details of the public hearing along with its recommendation to the State Government.</p>
	<p>vi. The State Government shall <i>complete the assessment within</i> a period of thirty days from the date of receipt of the documents mentioned in sub-rule (5) and</p>	<p>The State Government accorded approval vide a Government Order No. FEE 293 ECO 2002 Bangalore dated 21.04.2004, within the stipulated time.</p>

	<p>convey the decision of its approval of site(s) or otherwise within 30 days thereafter to the concerned operator of the facility, occupier or any association of occupiers.</p>	
	<p>vii. After approval of the site or sites, the State Government shall acquire the site(s) or inform the occupier or any operator of facility, or any association of occupiers to <i>acquire the site(s) for setting up the facility</i> for treatment, storage and disposal of hazardous wastes. The State Government shall simultaneously notify such sites(s). The State Government shall also compile and publish periodically an inventory of such hazardous wastes disposal sites and facilities;</p>	<p>Government of Karnataka have issued final notification for acquisition of 93.18 Acres of land. Accordingly, KIADB have acquired land by paying compensation to the land losers as per procedure.</p>

The above, it is concluded that the facility has followed all required procedures as per Rule 8 of the Hazardous Waste (Management and Handling) (Amendment) Rules, 2003 i.e. Identification & Selection of suitable site, Notification of site for TSDF purpose, Environmental Impact Assessment Study, Technical Advisory Committee of KSPCB review for satisfaction of EIA report, Public Awareness Campaign, Public Hearing conducted by DC, KSPCB recommends to Govt. of

Karnataka within 30 days of Public Hearing, Approval of State Govt., and Order for acquire the sites for setting up facility.

7.0 CONSTITUTION OF SEIAA AND EC FOR INTEGRATED FACILITY

The MoEF & CC has notified Environment Impact Assessment (EIA) - 2006 on 14.09.2006 in supersession of the EIA 1994 Notification. As per the EIA Notification, the activities requiring Environmental Clearance have been broadly categorised as Category A and Category B. As a measure of decentralisation, State Level Environment Impact Assessment Authority (SEIAA) and State Expert Appraisal Committee (SEAC) have been promulgated to consider the proposals pertaining to issue of Environmental Clearance for Category B activities listed in the schedule of the Notification.

The MoEF & CC vide circular No. J -11013/41/2006-IA II (I) dated 13.10.2006 w.r.t. EIA Notification 14.09.2006 - Interim Operational Guidelines till 13.09.2007 in respect of applications made under 1994, was issued stating that "The EIA Appraisal Applications will be processed / evaluated by MoEF & CC as per the procedures, till such time as concerned SEIAA /SEAC is notified. Upon such notification, the papers will be promptly transferred to the SEIAA for further consideration".

The SEIAA and SEAC for the State of Karnataka were constituted for the first time by MoEF & CC vide Notification No. S.O. 945 (E) dated 11.06.2007 for a period of three years. **But, the SEIAA / SEAC commenced functioning from 10.08.2007.** Subsequently, the Authority and Committee were reconstituted by MoEF & CC vide Notification S.O.2402 (E) dated 01.10.2010.

As per Paragraph 2 of Environment Impact Assessment Notification, 2006, projects or activities shall require environmental clearance are:

- i. All new projects or activities listed in the schedule to this notification;
- ii. Expansion and Modernisation of existing projects or activities listed in the schedule to this notification with additional of capacity beyond the limits specified for the sector, that is, projects or activities which cross the threshold limits given in the schedule, after expansion or modernisation;
- iii. Any change in product- mix in an existing manufacturing unit included in Schedule beyond the specified range.

SCHEDULE

The list of Projects or Activities Requiring Prior Environmental Clearance

Project or Activity	Category with threshold limit		Conditions if any
	A	B	
	Physical Infrastructure including Environmental Services		
7d Common Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having landfill only.	General Conditions

According to above Schedule, the facility was seeking Environmental Clearance from MoEF & CC under the Environment Impact Assessment Notification - 2006 for setting up incinerator within the existing site of TSDF. The facility has

provided mandatory documents in response to the observations of Expert Appraisal Committee (EAC) during the period of March 2013 to May 2014. *In all the deliberation of EAC, the requirement of Environmental Clearance to the existing facility i.e. TSDF was not discussed / called for.* The proposal was considered by the EAC in its meeting held on October 18-19, 2012 and May 13-14, 2013, also exempted the public hearing for the project, since it is located in notified industrial area.

The EAC recommended for EC for setting up Incinerator facility of capacity 5.5 Million Kcal per hour (1000 -1500 kg per hour). EC for setting up incinerator at TSDF, Dabaspeta, Bangalore, Karnataka by M/s Ramky Enviro Engineers Ltd, Bangalore was issued by MoEF & CC vide order F. No. 10-65/2012-IA.III/ dated 19.09.2014. **Now the facility becomes an Integrated Common Hazardous Waste Management Facilities having incineration & landfill, falling under Category A. (Annexure 5)**

Also, the Government of Karnataka vide order No. FEE 277 ENV 2014 dated 04.09.2015 issued NOC for the implementation of the Hazardous Waste Management Project to set up incinerator plant of capacity 1.5 MT/Hr at the TSDF site by M/s Ramky Enviro Engineers Limited, Hyderabad (**Annexure 6**). The important conditions of the Order are:

- In respect of superfund and Residual Liability fund, an undertaking shall be made by the Ramky Group to open an account and the fund shall be managed by the KSPCB.
- The existing agreement be suitably modified before issue of CFO.
- KSPCB to obtain legal opinion before issue of CFO for amending the existing agreement

Accordingly, the Karnataka State Pollution Control Board (KSPCB) has accorded Consent For Establishment (CFE) under Water Act and Air Act for establishing Incinerator Plant of capacity 1.5 MT/Hr. for incineration of Hazardous Waste generated from other industries in the existing premises vide order No. KSPCB/SEO (WMC)/CFExp/2015-16/H110 dated 23.11.2015. (Annexure 7)

The facility has almost completed the establishment of the Hazardous Waste Incinerator Rotary kiln type with a capacity of 1.5 MT/Hr by providing required control measures such as spray dryer, multi cyclone, Reagent feeding system - lime & activated carbon, bag filters, packed scrubber, mist eliminator and stack height of 40 M. In addition, all common facility has to install Online Continuous Emission Monitoring System before commissioning of Incinerator.

The relevant photographs are given as Annexure 8.

8.0 OVERALL OBSERVATIONS AND THE VIEW OF THE JOINT COMMITTEE

Based on the inspection and review of environmental monitoring data, procedures followed in obtaining EC etc., the observations of Joint Committee are:

- ❖ In the light of the Hon'ble Supreme Court Order No.W.P.(C) No.657 of 1995 dated 14.10.2003, it was mandatory for all States to have a safe disposal site for various categories of hazardous wastes. Accordingly, the Department of Forest Ecology and Environment and the Karnataka State Pollution Control Board in collaboration with the German Technical co-operation (GTZ) have inventoried the hazardous waste generated in the State of Karnataka and identified suitable sites for establishing Transport Storage Disposal Facility for hazardous wastes final disposal.

- ❖ Initially, two sites i.e. one in Siddalaghatta taluk in Kolar district and the other in Dabaspeta, Bangalore Rural District were short listed and Dabaspeta site was found more suitable and identified for setting up TSDF to cater the need of the entire State. Accordingly, Dabaspeta site was notified for establishing TSDF by the Government of Karnataka on 21.02.2003.
- ❖ Preliminary investigations and Environment Impact Assessment was completed in January 2004 under the Hazardous Waste Management (GTZ-HAWA) Project. The Technical Advisory Committee of KSPCB in their 272nd meeting held on 15.11.2003 recommended for establishment of TSDF at Dabaspeta and authorized KSPCB to put up the project for public hearing as per the prevalent EIA notification 1994.
- ❖ Public awareness campaign was conducted during June 2003 to January 2004, to appraise the entire stakeholders located in 5 km radius. The Deputy Commissioner, Bangalore Rural district has conducted public hearing on 20.02.2004, as per the provisions contained in the EIA Notification of 1994.
- ❖ The project report received by the KSPCB on 18.03.2004 was forwarded to the State Government along with EIA report, Details of the public hearing with its recommendation on 31.03.2004. Accordingly, the State Govt. accorded approval vide order dated 21.04.2004.
- ❖ The design drawings relating to TSDF including final DPR was prepared by GTZ in June 2004 and the project obtained clearance / approval from the State Cabinet in June 2005.

- ❖ The TSDF site was identified based on soil investigation, geo technical analysis, hydro geological investigations and other site specific studies. The EIA study covers the information about social, economic and cultural details of the habitats in the study area. The study concludes that the proposed TSDF does not have any negative impact on above factors.
- ❖ Government of Karnataka have issued final notification for acquisition of 93.18 Acres of land. Accordingly, Karnataka Industrial Area Development Board (KIADB), contracting authority for the establishment of the TSDF has acquired land by paying compensation to the land losers as per procedure.
- ❖ The contract Agreement for Design, Build, Own, Operate and Transfer (DBOOT) of Dabaspeta Hazardous Waste TSDF was made between KIADB and Consortium of M/s Ramky Infrastructure Ltd., & M/s Ramky Enviro Engineers Ltd., on 01.12.2006. Also Lease deed between Govt. of Karnataka (i.e. Secretary to Govt. Ecology & Environment) on same day for 51 Years. The duration of the lease comprises:
 - i. One year for the construction phase of the TSDF;
 - ii. A Period of 20 Years after the completion of the construction phase of the TSDF, which is the operation of TSDF;
 - iii. A period of 30 Years after the completion of the operation phase, which is the post closure of TSDF. This duration under no circumstances shall be altered.
- ❖ The TSDF facility is falling under the classification of "Large Size Landfill" which is having area more than 20 hectare area and complying with the location criteria as specified in the "Criteria for Hazardous Waste

Landfills" except declaring 500 M around the landfill boundary as non-development buffer Zone. This landfill is developed within the KIADB Industrial area. The landfill facility is provided with access roads, equipment shelters, weighing scale, office space, waste inspection / sampling facility, temporary waste storage area, surface water drainage facility, leachate collection tank, monitoring wells, fencing and green belt along the peripheral boundary etc.

- ❖ State Level Environment Impact Assessment Authority (SEIAA) and State Expert Appraisal Committee (SEAC) have been promulgated to consider the proposals pertaining to issue of Environmental Clearance for Category B activities listed in the Schedule of the EIA Notification 2006. Accordingly, the SEIAA and SEAC for the State of Karnataka were constituted by MoEF & CC on 11.06.2007 and SEIAA / SEAC commenced functioning from 10.08.2007. *During the period of absence of SEIAA / SEAC, there was no EIA Appraisal Applications submitted by the facility to MoEF& CC and also latter to SEIAA/SEAC for TSDF.*

- ❖ The TSDF facility has obtained Consent For Establishment from KSPCB on 06.07.2007, which is after the constitution of SEIAA/ SEAC for Karnataka by MoEF& CC. In continuation obtained combined consent under Water Act and Air Act from KSPCB on 19.06.2008 and commenced their operation. The consent for operation was renewed up to 30.06.2016. Subsequently, the Consent sought by the facility for the further period from July 01, 2016 was refused by the KSPCB. On refusal of consent by KSPCB, the M/s KWMP have filed an appeal before the Karnataka State Appellate Authority against the Consent refusal order and the Hon'ble Appellate Authority stayed the refusal order and ordered to maintain the status quo.

- ❖ There are 679 member industries disposing their land fillable hazardous wastes to TSDF as on June 2019. The design capacity of TSDF is 40,000 MT per Annum for 20 years; so far the facility has received land fillable hazardous wastes only 60% of its design capacity in these 11 years, not receiving expected design quantity.
- ❖ The facility has to deposit 5% of the annual turnover of land fillable waste towards the Escrow Account. Accordingly total amount deposited in Escrow (Super Fund Dabaspur, KIADB) was ₹ 3,31,61,011 against ₹ 3,38,73,820 and the remaining balance to be deposited is ₹ 7,12,809. This account is operated only by KIADB, not as per tripartite agreement between Operator of the facility, Respective SPCB / PCC and the Public Sector Bank acting as Escrow Agent.
- ❖ The manual ambient air quality monitoring results of three stations located within the TSDF premises reveals that SO₂, NO₂, PM₁₀, PM_{2.5} and NH₃ are found complying with Ambient Air Quality Standards. Only on a few occasions PM₁₀, and PM_{2.5} marginally exceeded the National Ambient Air Quality Standards.
- ❖ The ground water quality monitoring results of TSDF reveals that there is no noticeable impact on ground water. The facility has provided quarantine tanks for collection of surface run off water during rain and the same is being used for waste stabilization and for controlling dust emission.
- ❖ The facility was seeking Environmental Clearance (EC) from MoEF & CC as per EIA Notification 2006 for setting up incinerator within the existing site of TSDF during 2013-14. Based on the recommendation of Expert Appraisal Committee (EAC), the MoEF & CC issued EC for setting up incinerator at

TSDF, Dabaspeta, Bangalore on 19.09.2014. Hence, the facility becomes an Integrated Common Hazardous Waste Management Facilities having incineration & landfill, falling under Category A. This project was exempted from public hearing, since it is located in notified industrial area.

- ❖ Government of Karnataka issued NOC to set up incinerator plant of capacity 1.5 MT/Hr at the TSDF site on 04.09.2015. Also, the Karnataka State Pollution Control Board (KSPCB) has accorded Consent For Establishment (CFE) under Water Act and Air Act for establishing Incinerator Plant of capacity 1.5 MT/Hour for incineration of Hazardous Waste generated from other industries in the existing premises on 23.11.2015. Accordingly, the facility has almost completed the establishment of H.W. Incinerator with required APCD.

A. Environmental Compliances:

Based on the above facts & observations, the Joint Committee concludes that there can't be any significant impacts on environment based on the present environmental compliances of the facility. Also, the Joint Committee could not notice any significant non-compliance on the Environmental monitoring data of ambient air quality, ground water quality, etc. But there is always scope to further improve the system.

The committee suggests the following to implement:

- To continue with regular ground water monitoring of the TSDF premises and its surroundings to ascertain any ground water contamination.
- The Karnataka State Pollution Control Board shall be directed to identify fugitive dust emission sources and prescribe the standard for the same.

Also the unit shall be directed to carryout fugitive dust emission monitoring as per the source identified. Also to conduct performance evaluation of TSDF yearly.

- To implement the directions of CPCB with respect to stabilization of Hazardous Waste and Management of Leachate.
- To operate Escrow Account i.e. "*Super Fund Dabaspeta KIADB*" as tripartite agreement between Operator of the facility, Respective SPCB / PCC and the Public Sector Bank acting as Escrow Agent, by following MoEF & CC O.M. dated April 16, 2009 on Escrow Account, to have a uniformity across the country.
- To modify the existing agreement(s) suitably before issue of CFO for H.W. incinerator plant, as per the NOC condition issued by Govt. of Karnataka for setting up incinerator plant of capacity 1.5 MT/hr at the TSDF site.

B. Environmental Clearance:

- With respect to Environmental Clearance for the Existing TSDF, the facility has followed all required procedures as per Rule 8 of the Hazardous Waste (Management and Handling) (Amendment) Rules, 2003 i.e. Identification & Selection of suitable site, Notification of site for TSDF purpose, Environmental Impact Assessment Study, Technical Advisory Committee of KSPCB review for satisfaction of EIA report, Public Awareness Campaign, Public Hearing conducted by DC, KSPCB recommends to Govt. of Karnataka within 30 days of Public Hearing, Approval of State Govt., and Order for acquire the sites for setting up facility.

- At the time of EIA Notification 2006 on 14.09.2006 by MoEF & CC, the facility has completed all the process as stated above and submitted the application for obtaining NOC from the Karnataka State Pollution Control Board on 12.09.2006 (*2 days before Notification*). After obtaining additional required information, the KSPCB has granted Consent For Establishment on 06.07.2007.

As per the Circular of MoEF & CC dated 21-11-2006, the "application received for NOC by the SPCB before 14th September 2006 may be considered as per the provisions of Water Act, 1974 and Air Act, 1981. However, they will have to obtain Environmental Clearance from the relevant authority by June 30th 2007 if the category requires EIA clearance as per EIA Notification. In such cases unit can meanwhile carry on with the commencement of their project activities. The projects not seeking clearance under EIA Notification 2006 by 30th June 2007 will be treated as violation cases under Section 15 of Environment (Protection) Act, 1986".

In spite of above Circular, the facility was allowed and found in operation with valid Consent For Operation (CFO) from inception i.e. May 2008 to till refusal of CFO by KSPCB i.e.06.02.2018. But, the requirement of EC was never raised by any authorities till 30.06.2016.

- Subsequently, the facility has obtained EC for setting up incinerator at TSDF, Dabaspeta, Bangalore on 19.09.2014 from MoEF& CC, GOI. Hence, the facility becomes an Integrated Common Hazardous Waste Management Facilities having incineration & landfill, falling under Category A. This

project was exempted from public hearing, since it is located in notified industrial area by MoEF & CC.

Considering above facts and observations, the Joint Committee is of the opinion that the Rule 2 of the Environmental Impact Assessment Notification - 2006, clearly mandates the Projects / Activities require Prior Environmental Clearance, before establishing / even before starting any construction work of the Projects / Activities and *secondly*, the facility has followed / obtained (i) compliances of Location Criteria as specified in the "Criteria for Hazardous Waste Landfills" (ii) the provisions of Rule 8 of Hazardous Waste (Management & Handling) amendment Rules, 2003 to build and operate environmentally sound hazardous waste management facility (TSDF) (iii) no significant non-compliances / environmental impact noticed based on the Environmental monitoring data (iv) even the facility was established by obtaining Consent for Establishment (CFE) and successfully operated for many years with Consent For Operation (CFO) from KSPCB and also there was no any major non-compliances reported (iv) obtained NOC from Govt. of Karnataka for setting up TSDF and H.W. Incinerator from time to time (v) also MoEF & CC has issued EC for setting up Incinerator for disposal of incinerable waste within the existing TSDF, as an integrated facility considering existing TSDF, and (vi) the facility completed the establishment of Hazardous Waste Incinerator and it is ready for commissioning, *So in view of above, the Joint Committee is of the view that it would not be appropriate to direct the facility to conduct EIA & obtain separate EC only for TSDF at this stage. The Environmental Clearance (EC) issued by MoEF& CC as integrated facility (incinerator & landfill) may be considered.*

Dr. Murali Krishna
31.7.19
(Dr. MURALI KRISHNA. C)

MoEF&CC

G. Thirumurthy
31.7.19
(G. THIRUMURTHY)

CPCB

P. Niranjana
31/7/19
(Dr. P. NIRANJANA)

KSPCB



ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
Karnataka State Pollution Control Board

"ಪರಿಸರಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ.49, ಚರ್ಚ್‌ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ
"Parisara Bhavana", 1st to 5th Floor, # 49, Church Street, Bengaluru - 560 001, Karnataka, INDIA

No. PCB\WMC\2782\HWM\2018\ 984

Date: 09 MAY 2019

MEMORANDUM

Sub: Constitution of Joint Committee for inspection of CHW-TSDF of
M/s Ramky Enviro Engineers and M/s Ramky Infrastructure Ltd., Sy
No 75 to 85 of Pemmenahalli and Sy No. 7 & 9 of Thimmanhalli,
KIADB Industrial Area , Dobespet, Nelamangala Taluk, Bengaluru
Rural District -reg.

Ref: Orders of the Hon'ble NGT, Principal Bench, New Delhi dated
22.04.2019 in WP No. 51509/2016 & 52176 -52179/2016
(Sri T M Umashankar & Ors v/s Union of India & Ors)

*9/5/2019
Pl. Keep all records
& coordinate
DFO*

<><><>

The Hon'ble National Green Tribunal (NGT,) Principal Bench, New Delhi while hearing the WP No. 51509/2016 & 52176 -52179/2016 has passed an order on 22.04.2019 (Sri T M Umashankar & Ors v/s Union of India & Ors) wherein, in respect of Common Hazardous Waste - Treatment, Storage & Disposal Facility (CHW-TSDF) of M/s Ramky Enviro Engineers and M/s Ramky Infrastructure Ltd., constituted a joint committee comprising the representatives from Ministry of Environment, Forest and Climate Change (MoEF & CC), Central Pollution Control Board (CPCB) and Karnataka State Pollution Control Board (KSPCB) for submission of factual analysis report. KSPCB is nominated as the Nodal agency. Copy of the said order is enclosed herewith.

In consultation with Ministry of Environment, Forest and Climate Change (MoEF & CC), Central Pollution Control Board (CPCB), a joint committee comprising of the following officers has been constituted.

Sl No.	Name & Address	Designation
1	Sri Murali Krishna , Scientist D, Ministry of Environment, Forest and Climate Change, Southern Zone, Kendriya Sadhan, Koramangala , Bengaluru.	Member

2	Sri Thirumurthy, Additional Director, Central Pollution Control Board, Regional Directorate-South Zone, Nisarga Bhavana, Thimmaiah Road, 7 th D Cross, Shivanagar- Bengaluru - 560010	Member
3	Dr. P. Niranjana, Environmental Officer , Karnataka State Pollution Control Board Regional Office - Peenya , Bengaluru	Member

The Joint committee shall analyse the facts and submit a report to the Board within 30 days.

Sd/-

Member Secretary

Encl : As above

To,

1. Sri Murali Krishna , Scientist D, Ministry of Environment, Forest and Climate Change, Southern Zone, Kendriya Sadhan, Koramangala , Bengaluru.
2. Sri Thirumurthy, Additional Director, Central Pollution Control Board, Regional Directorate-South Zone, Nisarga Bhavana, Thimmaiah Road, 7th D Cross, Shivanagar- Bengaluru - 560010
3. Dr. P Niranjana, Environmental Officer , Karnataka State Pollution Control Board, Peenya

Copy to

1. The Principal Secretary, Department of Ecology & Environment, M S Building, Government of Karnataka for information
2. The Joint Director, Hazardous Substances Management Division, Ministry of Environment, Forest & Climate Change, Jorbag Road, New Delhi for information.
3. The Member Secretary, Central Pollution Control Board, Parivesh Bhavan, East Arjun Nagar, New Delhi -110 032
4. The Chief Executive Officer, Karnataka Industrial Area Development Board, Khanija Bhavan, Race Course Road, Bangalore for information
5. Additional Director, Ministry of Environment, Forest & Climate Change, Regional Office (South Zone), CPWD Complex, Kendriya Sadan, Koramangala, Bengaluru for information.
6. The Regional Directorate, South Zone, Central Pollution Control Board, Nisarga Bhavana, Thimmaiah Road, 7th D Cross, Shivanagar- Bengaluru - 560010 for information.

7. RSEO, KSPCB, Bangalore North for information.

✓ 8. RO, KSPCB, Nelamangala for information and to provide all logistical support

9. Law Officer, KSPCB, for information

10. Administrative Officer, KSPCB, for information and necessary action

11. Chief Finance Officer, KSPCB for information and necessary action

12. TO to Chairman, KSPCB , for information

13. PA to Member Secretary, KSPCB, for information

14. M/s Ramky Enviro Enginrees Ltd., Sy No 75 to 85 of Pemmenahalli and Sy No. 7 & 9 of Thimmanhalli, KIADB Industrial Area , Dobespet, Nelamangala Taluk, Bengaluru Rural District for information.


Member Secretary

ANNEXURE-2

Phone : 080-25586321
E-mail : ho@kspcb.gov.in
Website : http://kspcb.gov.in



25581383, 25589112
25588151, 25588270
25588142, 25586520

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ Karnataka State Pollution Control Board

"ಪರಿಸರಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ.49, ಚರ್ಚ್‌ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ
"Parisara Bhavana", 1st to 5th Floor, # 49, Church Street, Bengaluru - 560 001, Karnataka, INDIA

//BY REGD.POST WITH ACK.DUE//
(This document contains 6 pages including annexure)

5-6 OCT 2015
Dated:

Combined Consent order No.PCB/HD.Reg No.93223/2015-16/ 41867
Consent for discharge of effluents under the Water (Prevention and Control of Pollution) Act 1974 and Emissions under the Air (Prevention and Control of Pollution) Act 1981.

- Ref: 1. Application filed by industry on 17/06/2015 vide HD Reg.No.93223
2. Inspection of the industry by Regional officer, KSPCB, Regional office- Nelamangala on 19/06/2015 and report dated: 6/07/2015.
3. Proceedings of the CCM held on 21/08/2015.

---o---

Consent is hereby granted under section 25/26 of Water (Prevention and Control of Pollution) Act 1974 and under Section 21 of Air (Prevention and Control of Pollution) Act 1981 (herein after referred as the Water Act and the Air Act respectively) and the Rules and Orders made there under and subject to the terms and conditions as detailed in the schedule annexed to this order.

Consent is granted to The Project Head, M/s. Karnataka Waste Management Project, Sy No 75-85 of Pemmanahalli, Sy No 7, 8 and 9 of Thimmanayakanahalli, KIADB Industrial Area, Dabaspet, Nelamangala Taluk, Bangalore Rural District authorizing to operate their industrial plant and to make discharge of effluents and emissions from the premises as indicated above.

This consent is granted to the company on receipt of Rs. 1,00,000/- under Water and Air Act based on Capital Investment of Rs. 4130 Lakhs/- as per fixed asset schedule submitted by the industry.

Discharge of effluents under the Water Act:

Sl. no.	Description	Permitted Quantity discharge	Limits specified of refer schedule	Place of discharge
1	Domestic effluent	1.6 KLD	NA	Treated in septic tank and soak pit
2	Industrial a)washing	1.1 KLD	NA	Shall be collected in leachate pond along with the leachate of landfill site and evaporated in solar evaporation pond.

"ಪ್ಲಾಸ್ಟಿಕ್ ಬಳಕೆ ನಿಲ್ಲಿಸಿ, ಪರಿಸರ ಹಾನಿ ತಪ್ಪಿಸಿ"

SENIOR ENVIRONMENTAL OFFICER
AVOID USE OF PLASTICS- BE 'ECO' FRIENDLY

Sell

Discharge of air emissions under the Air Act from the following stacks/process etc.

Sl. No.	Description of chimney/outlet	Limits specified refer schedule
1	62.5 KVA DG Set	ANNEXURE -I

The consent is valid for treatment, storage and disposal of landfillable Hazardous waste of 40,000 MT/A.

This Consent is valid for the period from 01/07/2015 to 30/06/2016 under the Water & the Air Acts.

For and on behalf of the KSPCB

SENIOR ENVIRONMENTAL OFFICER

To,
The Project Head,
M/s. Karnataka Waste Management Project,
Sy No 75-85 of Pemmanahalli,
Sy No 7,8 and 9 of Thimmanayakanahalli,
KIADB Industrial Area,
Dabaspeta, Nelamangala Taluk,
Bangalore Rural District

SCHEDULE
TERMS AND CONDITIONS

(To accompany consent No. PCB/HD.Reg No. 93223/2015-16/ dated:)

A. TREATMENT AND DISPOSAL OF EFFLUENTS UNDER THE WATER ACT:

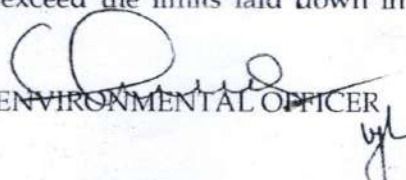
1. The discharge from the premises of the applicant shall pass through the terminal manhole/manholes where from the Board shall be free to collect samples in accordance with the provisions of the Act or Rules made there under.
2. The daily quantity of domestic effluent discharge shall not exceed the quantity as indicated below,

Sl. no.	Description of the effluents	Daily quantity of discharge	Tolerance Limits	Frequency of monitoring
1.	Domestic purpose	1600 LPD	-	--
2.	Trade effluent	1100 LPD	-	---

3. The applicant shall treat the domestic effluent in septic tank & soak pit. No overflow from the soak pit is allowed. The septic tank & soak pit shall be designed as per IS 2470 Part-I & Part-II.
4. The quantity of generation of trade effluent (from washing Lab) and process (stabilization) shall not exceed 1100 Lts/day and shall be collected in leachate pond, along with the leachate of landfill site and evaporated in Solar evaporation Pond
5. The applicant shall discharge the effluent only to the place mentioned in the Consent order.
6. There shall not be any discharge of treated/untreated effluent inside/outside the industry premises.
7. The applicant shall install integrated flow measuring/recording devices on the effluent line. A record of daily effluent discharge shall be maintained.
8. There shall not be any discharge of untreated effluent inside/outside the industry premises

B. DISCHARGE OF EMISSIONS UNDER THE AIR ACT:

1. The discharge of emissions from the premises of the applicant shall pass through the stack/chimney/outlet mentioned in this consent order where from the Board shall be free to collect the samples at any time in accordance with the Act or Rules made there under.
2. The applicant shall provide adequate chimney and control equipments for the control of emissions. The rate of emissions discharged and the tolerance limits of the constituents forming the emissions in each of the stacks shall not exceed the limits laid down in **Annexure-I**.


SENIOR ENVIRONMENTAL OFFICER

3. Factory authorities to take immediate action to comply with the standards stipulated for stack emission and also monitor regularly for ambient air quality with respect to parameters stipulated in NAAQ standards.
4. If there is going to be any new air pollution sources in future, the project authority shall apply and obtain consent for establishment for the same from the Board.

C. GENERAL CONDITIONS:

1. The applicant shall provide water meters for every source of water and shall submit the cess returns regularly as required under Water Cess Act before 5th of every month in the prescribed form.
2. The applicant shall not allow the discharge from other premises to mix with the discharge from his premises. Storm water shall not be allowed to mix with the effluents on the upstream of the terminal manhole where the flow measuring devices are installed.
3. The septic tank & soak pit site and the entire premises shall always be kept clean. The septic tank & soak pit site, inspection chambers, outlets, flow measuring points should made easily approachable.
4. The entire premises shall be always kept clean.
5. The applicant shall not change or alter quality or quantity or the rate of discharge or temperature or the route of discharge without the previous consent of the Board.
6. The applicant shall comply with all orders and instructions issued from time to time by the Board or any other officers of the Board duly authorized in this behalf.
7. The applicant shall display the consent granted in a prominent place for perusal of the inspecting officers of the Board.
8. The applicant shall provide alternate power supply sufficient to operate all Pollution control equipments utilized by the applicant to maintain compliance with the terms and conditions of this consent.
9. The applicant shall provide port holes for sampling the emissions, access platforms for carrying out stack sampling, electrical points and all other necessary arrangements including ladder.
10. The applicant, his heirs, legal representatives or assigns shall have no claims what so ever to the continuation or renewal of this consent after expiry of the period of consent.
11. The applicant shall forth with keep the Board informed of any accident of unforeseen act or event of any poisonous, noxious or polluting matter or emissions are being discharged into stream or well or air as a result of such discharge, water or air is being polluted.
12. The Board reserves the right to review, impose additional conditions, revoke, change or alter terms and conditions of this consent.


SENIOR ENVIRONMENTAL OFFICER

13. The applicant shall make an application for consent at least 120 days before expiry of this consent.
14. The applicant shall ensure that proper Environmental Management system is in place,
15. The applicant shall develop and maintain adequate green belt all around the periphery and create facility for rain water harvesting within the factory premises.
16. There shall not be public complaint against the industry regarding any kind of pollution.

D. SOLID WASTE MANAGEMENT:

1. The applicant shall segregate solid waste from Hazardous Waste/ Municipal Solid Waste and store it properly till treatment/disposal without causing pollution to Environment.

E. HAZARDOUS WASTES (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES 2008:

1. The industry shall apply and obtain authorization under Hazardous Wastes (Management, Handling & Transboundry Movement) Rules 2008, and comply with the conditions of the authorization. The applicant shall comply within terms and conditions stipulated in the authorization.

F. NOISE POLLUTION CONTROL:

1. The applicant shall take steps to control noise levels so as to maintain ambient air quality standard in respect of noise as laid down under the Air Act 1981.
2. The applicant shall provide necessary acoustic enclosures or measures to control noise levels generated from the DG Sets as per Environment Protection Rules, 1986.

G. MONITORING AND REPORTING:

1. The analysis of trade effluent and air emissions shall be carried out in laboratories approved under EP Act.
2. The applicant shall maintain log books to reflect the working condition of pollution control systems and also self monitoring results and keep it open for inspection.
3. The applicant shall set-up Environmental Cell comprising of qualified and competent personnel for complying with the conditions specified.


SENIOR ENVIRONMENTAL OFFICER

ANNEXURE-I

Sl No	Chimney Attached to	Minimum Chimney Height to be Provided	Ratio to emission NM3/Hr.	Constituents to be controlled in the emission.	Tolerance limits Mg/N M3	Air Pollution Control equipment to be installed, in addition to Chimney	Operation of air pollution Control equipments to achieve the stipulated tolerance limits	Remarks
1)	62.5 KVA DG Set	3m AGL	--	SPM	150	Acoustic Enclosures	At all times.	1) the emission rate of all chimneys shall be reported with in 30 days 2) Details of DG Set if any like KVA rating, fuel consumption in Kg/hr Chimney height above roof level and dia to be furnished with in 30 days DG sets and other noise generating machinery to be provided with silencers/mufflers to reduce the noise pollution 3) there shall be no other sources of air pollution


 SENIOR ENVIRONMENTAL OFFICER

ANNEXURE-3

ಫ್ಯಾಕ್ಸ್ / Fax : 080-25586321
ಇಮೇಲ್ / E-mail : ho@kspcb.gov.in
ವೆಬ್‌ಸೈಟ್ / Website : http://kspcb.gov.in



25581383, 25589112
25586151, 25586270
25586142, 25586520

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ Karnataka State Pollution Control Board

"ಪರಿಸರಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ಸಂ. 49, ಚರ್ಚ್‌ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ
"Parisara Bhavana", 1st to 5th Floor, # 49, Church Street, Bengaluru - 560 001, Karnataka, INDIA
No: PCB/WMC/1933/HWM/2017-18/14-1434 DATE: 06 FEB 2018

Refusal of Consent under the Air (Prevention and Control of Pollution) Act, 1981

Sub: Refusal of Consent under Section 21 (4) of the Air (Prevention and Control of Pollution) Act, 1981 in respect of M/s. Karnataka Waste Management Project (Ramky Enviro Engineers Limited), Sy. No.75 to 85 of Pemmenahalli and 7 & 9 of Thummanayakanahalli, KIADB Industrial Area, TSDF Site Dabbaspet, Nelamangala Taluk, Bengaluru Rural District, 562 123- reg.

Ref:

1. Combined CFO application (Registration No: 111626) dated 10.06.2016
2. Inspection of the TSDF by the Officers of the Regional Office, Nelamangala on 30.08.2016
3. Board Office letter no PCB/WMC/1933/HWM/2016/3536 dated 27.09.2016
4. TSDF letter no KWMP/KSPCB/1609-45 dated 03.10.2016
5. Proceedings of the Consent Committee Meeting of the Board held on 04.02.2017
6. Show Cause Notice by the Board vide letter no PCB/WMC/1933/HWM/2016/6669 dated 25.02.2017
7. TSDF letter No. KWMP/KSPCB/0317-15 dated 11.03.2017
8. Proceedings of the Consent Committee Meeting of the Board held on 25.04.2017
9. Board Office letter no PCB/WMC/1933/HWM/2017-18/2544 dated 03.08.2017
10. Inspection of the TSDF by the RSEO, Bangalore North on 16.10.2017
11. Inspection of the industry by the Regional Officer, Nelamangala on 05.01.2018 and 06.01.2018
12. Proceedings of the Consent Committee Meeting held on 29.01.2018

Preamble:

M/s Karnataka Waste Management Project (Ramky Enviro Engineers Limited), is an existing TSDF at No.75 to 85 of Pemmenahalli and 7 & 9 of Thummanayakanahalli, KIADB Industrial Area, TSDF Site Dabbaspet, Nelamangala Taluk, Bengaluru rural district 562 123.

The land for establishment of Common Hazardous Waste - Treatment, Storage & Disposal Facility (CHW-TSDF) has been acquired by the Karnataka Industrial Area Development Board (KIADB) on behalf of the Forest, Ecology and Environment Department, Government of Karnataka. The lease deed has been executed on 01.12.2006

ವ್ಯಕ್ತಿಗಾಗಿ ಬಳಸಬೇಡಿ. ಪರಿಸರ ಸ್ನೇಹಿ ಮತ್ತು ಸ್ನೇಹಿ

AVOID USE OF PLASTICS- BE 'ECO' FRIENDLY

between the Forest, Ecology and Environment Department, Government of Karnataka and consortium of M/s. Ramky Infra Structure Limited and M/s. Ramky Enviro Engineers. A contract agreement has been entered into between KIADB (Contracting Authority-CA) and consortium of M/s. Ramky Infrastructure Limited and M/s. Ramky Enviro Engineers on 01.12.2006. As per the terms of contract agreement, Super Fund shall be maintained by CA in an Escrow account.

The TSDF has been established by consortium of M/s Ramky Infrastructure Limited and M/s. Ramky Enviro Engineers on Design, Build Own, Operate and Transfer (DBOOT) basis.

The above CIW-TSDF activity is covered under the Environmental Impact Assessment (EIA) Notification, 2006 issued by the Ministry of Environment & Forest (MoEF) under item 7 (d) of Schedule of the said notification [Common hazardous waste treatment, storage and disposal facilities (TSDFs)- All integrated facilities having incineration & landfill or incineration alone are categorized as "A" and All facilities having land fill only are categorized as "B"] as per which the prior environmental clearance from the Central Government is mandatory before construction of the project.

As per EIA notification, 2006, the said TSDF activity is required to obtain prior Environmental Clearance from the competent authority. Further as per para (iii) of the said circular, applications received for NOC by the State Pollution Control Boards before 14th September 2006 may be considered as per provisions of the said Acts. However, they will have to obtain the environmental clearance from the relevant Authority by 30th June 2007, if the category requires EIA Clearance as per the new Notification. In such cases, the unit can meanwhile carry on with the commencement of their project activities. Projects not seeking clearance under EIA Notification, 2006 by 30th June 2007 will be treated as violation cases under Section 15 of Environment (Protection) Act, 1986. The CFE to the project was issued on 06.07.2007 i.e., after the EIA notification, 2006 came into force.

However, the Board has issued the CFE to the project considering the MoEF circular dated 21.11.2006 where in it is mentioned as Consent to Establish (NOC) and prior Environmental Clearance are separate legal requirements, any project proponent has to fulfill. NOCs required under Water and Air Acts are mandatory requirement under those Acts and will have to be taken as required and do not require to be linked to environmental clearance.

SFIAA, Karnataka vide letter dated: 01.12.2015 has issued directions under Section (5) of the Environment (Protection) Act, 1986 to issue Consent for all such projects attracting EIA Notification 2006 and subsequent amendment only after submission of copy of prior Environmental Clearance issue in accordance with law.

As per MoEF Notification dated 14.03.2017, "In cases of violation, action will be taken against the project proponent by the respective State of SPCB under the provisions of Sec. 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the EC."

The TSDF authorities vide ref.(1) has submitted the application for consent under the Water (Prevention and Control of Pollution) Act, 1974 & the Air (Prevention and Control of Pollution) Act, 1981 for the period 01.07.2016 to 30.06.2021. The Regional

Officer Neelamangala inspected the facility vide ref(2). The Board vide ref(3) has called details and the facility vide ref(4) has submitted the details.

In the meanwhile, as per the directions of the Hon'ble High Court of Karnataka in WP No. 51509/2016, Additional Chief Secretary to Government, Department of Forest, Ecology & Environment, heard both the TSDF operator and Complainants. As per the instructions during the hearing, Chairman of the Board has formed a committee headed by Chief Environmental Officer on 30.12.2016. Committee inspected the facility on 06.01.2017 and submitted report on 10.01.2017.

Further, the Board on 01.10.2016 and 20.07.2017 has requested the Department of Ecology & Environment, Government of Karnataka, to clarify on the Environmental clearance for landfill facility.

The issue of granting consent for the period 01.07.2016 to 30.06.2021 under the Water (Prevention and Control of Pollution) Act, 1974 & the Air (Prevention and Control of Pollution) Act, 1981 was deliberated in the consent committee meeting held on 04.02.2017 and the Committee after detailed deliberations recommended to issue Show-Cause Notice & obtain time bound action plan for compliance to consent conditions. Accordingly, Show-Cause Notice was issued vide letter No. PCB/WMC/1933/HWM/2016/6669 dated 25.02.2017 for the non-compliances. The TSDF authorities have submitted reply along with time bound commitment vide letter No. KWMP/KSPCB/0317-15 dated 11.03.2017.

The issue of granting consent for the period 01.07.2016 to 30.06.2021 under the Water (Prevention and Control of Pollution) Act, 1974 & the Air (Prevention and Control of Pollution) Act, 1981 was again deliberated in the consent committee meeting held on 25.04.2017 and the Committee observed that a letter has been addressed to Department of Ecology & Environment, Government of Karnataka seeking clarification regarding requirement of Environmental Clearance for the project as per EIA Notification dated: 14.09.2006 and deferred the subject.

The Board has communicated the decision of the Consent Committee to the TSDF authorities vide letter dated 03.08.2017 regarding the requirement of Environmental Clearance to the TSDF.

The TSDF submitted copy of MoEF letter dated 23.10.2017 addressed to TSDF to the Board (Clarification with regard to EC) as mentioned below.

"It is reiterated that the ministry has issued EC to M/s Ramky for setting up of incinerator at the existing TSDF Dabaspet. Under item 7(d) of the EIA notification 2006 i.e.(all integrated facilities having incineration and landfill) so that the existing TSDF will become an integrated common hazardous waste management facility."

As per 7 (d) of the EIA Notification 2006, Common hazardous waste treatment, storage and disposal facilities (TSDFs)- All integrated facilities having incineration & landfill or incineration alone. However, Board has not received any clarification on the requirement of Environmental Clearance for land fill facility either from MoEF & CC or from Government of Karnataka.

Further, KIADB who is the Contracting Authority vide letter dated 23.05.2017, has requested the Board "to stop all approvals & permissions (CFO) required to operate TSDF until all the above mentioned deposits are made by M/s Ramky Group. Once fund

amount is deposited, they will convey the same upon which KSPCB to give required approval /permissions (CFO) for operation of the plant. Further, KSPCB was requested to take immediate actions otherwise if any disaster happens, the KIADB and KSPCB will become accountable".

Board on 01.12.2017 has requested the KIADB to communicate the status of deposits made by the TSDF authorities as the KSPCB is required to take decision on issue of CFO to the TSDF. So far, there is no reply received from KIADB.

Regional Senior Environmental Officer, Bengaluru North of the Board inspected the TSDF facility on 16.10.2017 and reported as below.

- The project authorities have not installed MEE, to which they have informed that, once the installation of incinerator is completed the same leachate will be taken to spray drier of incinerator.
- They have started the erection of machineries for the establishment of incineration plant of capacity 1500 Kg/Hr. They have been informed to expedite the works immediately to which they agreed to operate within 3 months.
- The hazardous waste received from Kalaburgi is stored separately in a closed shed provided with concrete platform and covered with HDPE sheets to minimize the smell nuisance.
- Under compliance to authorization, it is mentioned that for most of the conditions are being complied

The Regional Officer, Nelamangala of the Board has inspected the facility on 05.01.2018 and 06.01.2018 and reported following Non compliances to the time bound commitment made by the industry vide their letter dated 11.03.2017 in response to show-cause notice issued by the Board on 25.02.2017 and also to the observations made by the committee headed by Chief Environmental Officer of the Board on 06.01.2017.

1. The facility has not taken any initiative to provide MEE for treatment and disposal of leachate effluent.
2. The facility has failed to complete the incineration establishment works before to 30.06.2017 as committed in their letter.
3. Smell was not felt during the course of monitoring of ambient air quality on 05.01.2018 and 06.01.2018.
4. The facility has obtained NABL accreditation for their laboratory but the approval from MOEF & CC, GOI is not obtained.
5. Internal road from main gate to Admin building is concreted. During the time of inspection they have informed that the entire internal approach roads will be concreted before commissioning of Incinerator unit.

Despite of sufficient opportunities given to you to produce Environmental Clearance certificate as well as to comply with the non-compliances as noticed by the Board, you have failed to comply.

The subject was deliberated in the consent committee meeting held on 29.01.2018 and after detailed deliberation committee recommended to refuse the CFO as the unit has failed to submit the Environmental Clearance from the competent authority and non-compliances observed as above.

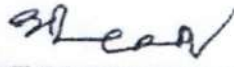


Hence the following order.

ORDER

In exercise of the powers vested with Karnataka State Pollution Control Board, under Section 21 (4) of Air (Prevention and Control of Pollution) Act, 1981, the Board hereby "Refuse" the Consent sought vide ref (1) for the reasons mentioned above.

This is issued under the approval of competent authority viz Chairman, KSPCB.

FOR AND ON BEHALF OF
Karnataka State Pollution Control Board


MEMBER SECRETARY
 

To,
Occupier
M/s. Karnataka Waste Management Project
(Ramky Enviro Engineers Limited),
Sy. No.75 to 85 of Pemmenahalli and
7 & 9 of Thimmanayakanahalli,
KJADB Industrial Area,
TSDF Site Dabbaspeth, Nelamangala Taluk,
Bengaluru Rural District, 562 123



ANNEXURE-3

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ Karnataka State Pollution Control Board

"ಪರಮಧವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ.49, ಚರ್ಚ್‌ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ
"Parisara Dhavana", 1st to 5th Floor, # 49, Church Street, Bengaluru - 560 001, Karnataka, INDIA
No: PCB/WMC/1933/HWM/2017-18 / H-14.35 DATE: 06 FEB 2018

Refusal of Consent under the Water (Prevention and Control of Pollution) Act, 1974

Sub: Refusal of Consent under Section 25(4) (b) of the Water (Prevention and Control of Pollution) Act, 1974 in respect of M/s. Karnataka Waste Management Project (Ramky Enviro Engineers Limited), Sy. No.75 to 85 of Pemmenahalli and 7 & 9 of Thimmanayakanahalli, KIADB Industrial Area, TSDF Site Dabbaspet, Nelamangala Taluk, Bengaluru Rural District, 562 123- reg.

Ref:

1. Combined CFO application (Registration No: 111626) dated 10.06.2016
2. Inspection of the TSDF by the Officers of the Regional Office, Nelamangala on 30.08.2016
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11. Inspection of the industry by the Regional Officer, Nelamangala on 05.01.2018 and 06.01.2018
12. Proceedings of the Consent Committee Meeting held on 29.01.2018

Preamble:

M/s Karnataka Waste Management Project (Ramky Enviro Engineers Limited), is an existing TSDF at No.75 to 85 of Pemmenahalli and 7 & 9 of Thimmanayakanahalli, KIADB Industrial Area, TSDF Site Dabbaspet, Nelamangala Taluk, Bengaluru rural district 562 123.

The land for establishment of Common Hazardous Waste - Treatment, Storage & Disposal Facility (CHW-TSDF) has been acquired by the Karnataka Industrial Area Development Board (KIADB) on behalf of the Forest, Ecology and Environment Department, Government of Karnataka. The lease deed has been executed on 01.12.2006 between the Forest, Ecology and Environment Department, Government of Karnataka and

"ಪ್ಲಾಸ್ಟಿಕ್ ಬಳಕೆ ನಿಷೇಧಿಸಿ, ಪರಿಸರ ಹಾನಿ ತಡೆಗಟ್ಟಿ"

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consortium of M/s. Ramky Infra Structure Limited and M/s. Ramky Enviro Engineers. A contract agreement has been entered into between KIADB (Contracting Authority-CA) and consortium of M/s. Ramky Infrastructure Limited and M/s. Ramky Enviro Engineers on 01.12.2006. As per the terms of contract agreement, Super Fund shall be maintained by CA in an Escrow account.

The TSDF has been established by consortium of M/s Ramky Infrastructure Limited and M/s. Ramky Enviro Engineers on Design, Build Own, Operate and Transfer (DBOOT) basis.

The above CHW-TSDF activity is covered under the Environmental Impact Assessment (EIA) Notification, 2006 issued by the Ministry of Environment & Forest (MoEF) under item 7 (d) of Schedule of the said notification [Common hazardous waste treatment, storage and disposal facilities (TSDFs)- All integrated facilities having incineration & landfill or incineration alone are categorized as "A" and All facilities having land fill only are categorized as "B"] as per which the prior environmental clearance from the Central Government is mandatory before construction of the project.

As per EIA notification, 2006, the said TSDF activity is required to obtain prior Environmental Clearance from the competent authority. Further as per para (iii) of the said circular, applications received for NOC by the State Pollution Control Boards before 14th September 2006 may be considered as per provisions of the said Acts. However, they will have to obtain the environmental clearance from the relevant Authority by 30th June 2007, if the category requires EIA Clearance as per the new Notification. In such cases, the unit can meanwhile carry on with the commencement of their project activities. Projects not seeking clearance under EIA Notification, 2006 by 30th June 2007 will be treated as violation cases under Section 15 of Environment (Protection) Act, 1986. The CFE to the project was issued on 06.07.2007 i.e., after the EIA notification, 2006 came into force.

However, the Board has issued the CFE to the project considering the MoEF circular dated 21.11.2006 where in it is mentioned as Consent to Establish (NOC) and prior Environmental Clearance are separate legal requirements, any project proponent has to fulfill. NOCs required under Water and Air Acts are mandatory requirement under those Acts and will have to be taken as required and do not require to be linked to environmental clearance.

SELAA, Karnataka vide letter dated: 01.12.2015 has issued directions under Section (5) of the Environment (Protection) Act, 1986 to issue Consent for all such projects attracting EIA Notification 2006 and subsequent amendment only after submission of copy of prior Environmental Clearance issue in accordance with law.

As per MoEF Notification dated 14.03.2017, " In cases of violation, action will be taken against the project proponent by the respective State of SPCB under the provisions of Sec. 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the EC."

The TSDF authorities vide ref.(1) has submitted the application for consent under the Water (Prevention and Control of Pollution) Act, 1974 & the Air (Prevention and Control of Pollution) Act, 1981 for the period 01.07.2016 to 30.06.2021. The Regional Officer, Nelamangala inspected the facility vide ref(2). The Board vide ref.(3) has called details and the facility vide ref.(4) has submitted the details.

take immediate actions otherwise if any disaster happens, the KIADB and KSPCB will become accountable".

Board on 01.12.2017 has requested the KIADB to communicate the status of deposits made by the TSDI authorities as the KSPCB is required to take decision on issue of CFO to the TSDI. So far, there is no reply received from KIADB.

Regional Senior Environmental Officer, Bengaluru North of the Board inspected the TSDI facility on 16.10.2017 and reported as below.

- The project authorities have not installed MEE, to which they have informed that, once the installation of incinerator is completed the same leachate will be taken to spray drier of incinerator.
- They have started the erection of machineries for the establishment of incineration plant of capacity 1500 Kg/Hr. They have been informed to expedite the works immediately to which they agreed to operate within 3 months.
- The hazardous waste received from Kalaburgi is stored separately in a closed shed provided with concrete platform and covered with HDPE sheets to minimize the smell nuisance.
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5. Internal road from main gate to Admin building is concreted. During the time of inspection they have informed that the entire internal approach roads will be concreted before commissioning of Incinerator unit.

Despite of sufficient opportunities given to you to produce Environmental Clearance certificate as well as to comply with the non-compliances as noticed by the Board, you have failed to comply.

The subject was deliberated in the consent committee meeting held on 29.01.2018 and after detailed deliberation committee recommended to refuse the CFO as the unit has failed to submit the Environmental Clearance from the competent authority and non-compliances observed as above.

Hence the following order.

In the meanwhile, as per the directions of the Hon'ble High Court of Karnataka in WP No. 51509/2016, Additional Chief Secretary to Government, Department of Forest, Ecology & Environment, heard both the TSDF operator and Complainants. As per the instructions during the hearing, Chairman of the Board has formed a committee headed by Chief Environmental Officer on 30.12.2016. Committee inspected the facility on 06.01.2017 and submitted report on 10.01.2017.

Further, the Board on 01.10.2016 and 20.07.2017 has requested the Department of Ecology & Environment, Government of Karnataka, to clarify on the Environmental clearance for landfill facility.

The issue of granting consent for the period 01.07.2016 to 30.06.2021 under the Water (Prevention and Control of Pollution) Act, 1974 & the Air (Prevention and Control of Pollution) Act, 1981 was deliberated in the consent committee meeting held on 04.02.2017 and the Committee after detailed deliberations recommended to issue Show-Cause Notice & obtain time bound action plan for compliance to consent conditions. Accordingly, Show-Cause Notice was issued vide letter No. PCB\WMC\1933\IWM\2016\6669 dated 25.02.2017 for the non-compliances. The TSDF authorities have submitted reply along with time bound commitment vide letter No. KWMP\KSPCB\0317-15 dated 11.03.2017.

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The Board has communicated the decision of the Consent Committee to the TSDF authorities vide letter dated 03.08.2017 regarding the requirement of Environmental Clearance to the TSDF.

The TSDF submitted copy of MoEF letter dated 23.10.2017 addressed to TSDF to the Board (Clarification with regard to EC) as mentioned below.

"It is reiterated that the ministry has issued EC to M/s Ramky for setting up of incinerator at the existing TSDF Dabaspet. Under item 7(d) of the EIA notification 2006 i.e.(all integrated facilities having incineration and landfill) so that the existing TSDF will become an integrated common hazardous waste management facility."

As per 7 (d) of the EIA Notification 2006, Common hazardous waste treatment, storage and disposal facilities (TSDFs)- All integrated facilities having incineration & landfill or incineration alone. However, Board has not received any clarification on the requirement of Environmental Clearance for land fill facility either from MoEF & CC or from Government of Karnataka.

Further, KLADB who is the Contracting Authority vide letter dated 23.05.2017, has requested the Board "to stop all approvals & permissions (CFO) required to operate TSDF until all the above mentioned deposits are made by M/s Ramky Group. Once fund amount is deposited, they will convey the same upon which KSPCB to give required approval /permissions (CFO) for operation of the plant. Further, KSPCB was requested to

ORDER

In exercise of the powers vested with Karnataka State Pollution Control Board, under Section 25(4) (b) of the Water (Prevention and Control of Pollution) Act, 1974 the Board hereby "Refuse" the Consent sought vide ref (1) for the reasons mentioned above.

This is issued under the approval of competent authority viz Chairman, KSPCB.

FOR AND ON BEHALF OF
Karnataka State Pollution Control Board

Sheela
MEMBER SECRETARY

To,
Occupier
M/s. Karnataka Waste Management Project
(Ramky Enviro Engineers Limited),
Sy. No.75 to 85 of Pemmenahalli and
7 & 9 of Thimmanayakanahalli,
KIADB Industrial Area,
TSDF Site Dabbaspeta, Nelamangala Taluk,
Bengaluru Rural District, 562 123

ANNEXURE-4

IN THE KARNATAKA STATE APPELLATE AUTHORITY AT
BANGALORE
UNDER WATER & AIR (Prevention Control of Pollution) Acts, 1974
& 1981

6th Floor P.U. Building, M.G. Road, Bangalore.

DATED THIS THE 09TH DAY OF MARCH 2018

PRESENT

HON'BLE Mr. JUSTICE AJIT J. GUNJALCHAIRMAN

HON'BLE Mr. DINESH KUMAR ALVA MEMBER

HON'BLE Mr. T. RAVINDRA PATIL MEMBER

Appeal No.04 C/W 05/2018

BETWEEN:

M/s Karnataka Waste Management Project,
(A Division of Ramky Enviro Engineers Ltd)
Sy.No.75 to 85, of Pemmanahalli &
Sy.No.7 & 9 of Thimmenayakanahalli,
KIADB Industrial Area, TSDF Site
Dobbaspete, Nelamangala Taluk,
Bengaluru Rural District-562 123
Represented by Senior General Manager,
Sri.Amit Chaudhary.

By Haranahalli Law Partners LLP
Sri.Subramanya R. and B.R.Srivatsa
Advocate for Appellant) ==

...APPELLANT

AND:

The Member Secretary,
Karnataka State Pollution Control Board,
"Parisara Bhavana",
1st to 5th Floor, 49, Church Street,
Bengaluru-560 001.

Sri.Jagadish D.Hiremath Adv.for
Respondent)

...RESPONDENT.



The Appeal coming up for Admission today, Hon'ble Mr. Justice Ajit J. Gunjal, Chairman, passed the following;

ORDER

We have heard Mr. Subramanya.R. Learned Counsel for the appellant ~~and~~ Mr. Jagadish.D. Hiremath Learned Counsel for the Board who has filed power today and also Mr. Prashanth Murthy appearing for Just Law who was entered Caveat.

The appeal is admitted. Mr. Subramnaya R. Learned Counsel for the appellant presses for an Interim Order. He submits that the unit was established in the year 2007 and Consent For Operation was granted on 19.06.2008. He further submits that 3 months before the expiry of consent the appellant made an application for Renewal/Consent. The said application was kept pending for over a period of 2 years and no order was passed either rejecting or renewal of consent. Eventually on February 2018 at Annexure-'W', the application for consent was rejected on certain grounds.

Mr. Subramanya.R. Learned Counsel invokes Section 25(7) of the Water Act to contend that any application which is not disposed within a period of 120 days consent is deemed to have been granted.

Jagidish Hiremath opposes the grant of Interim Order. He submits the certain lacuna was found which has



Dr.

been pointed out in the ^{impugned} Interim Order. Hence the rejection is just and proper. He further reserves his right to file the Statement of Objection as well as vacating or modifying the Interim Order, if at all it is granted.

Mr. Prashantha Murthy Learned Counsel appearing for the Caveator submits that the applicant/Caveator is filing an application to get himself impleaded in the proceeding under Order 1 Rule 10 of Code of Civil Procedure. He submits that the applicant is a proper and necessary party and assist this authority to come to a just and proper conclusion.

In so far as the question of deemed consent, we have perused the provision under the Water Act which would read as under;

"The consent referred to in sub-Section (1) shall, unless given or refused earlier, be deemed to have been given unconditionally on the expiry of a period of four months of the making of an application in this behalf complete in all respects to the State Board."

Prima facie for the present, we are of the view status quo is to be maintained. This order of status quo will be subject to rectification of the deficiency pointed out in the impugned order.

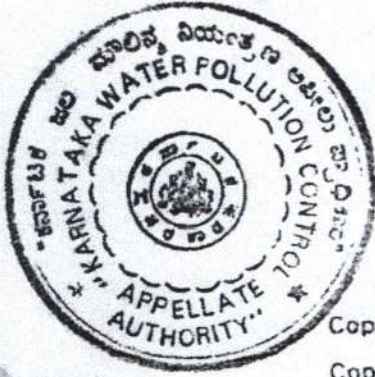
It is open for the Board to seek vacation or modification of the order.



[Handwritten signature]

- ii) Appellant's request to file objection to the impleading application is granted. He shall do so within 4 weeks from today.
- iii) Learned Counsel for the appellant to supply one set of the papers to the proposed respondent.
- iv) Mr. Subramanya R. Learned Counsel for the appellant submits that the Two Writ Petitions which are filed in the High Court of Karnataka will be withdrawn on or before 13th of March 2018.

Re-list the matter on 06.04.2018.



Sd/;
Chairman

Sd/;
Member

Sd/;
Member

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J.P.A. CHAIRMAN
 KARNATAKA STATE APPELLATE AUTHORITY
 (Under Air & Water Act), Bangalore 1.

F.No.10-65/2012-IA.III
Government of India
Ministry of Environment, Forests & Climate Change
(IA-III Division)

Vayu Wing, 3rd Floor,
Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj,
New Delhi - 110 003.

Dated: 19th September, 2014

To
M/s Ramky Enviro Engineers Ltd.,
 Ramky House, Site No. 25-30,
 2nd Cross, Raghavendranagar,
 Hennur Ring Road, Kalyan Nagar (Post),
 Bengaluru - 560 043, Karnataka

Subject: Environmental Clearance for setting up of incinerator at TSDF, Dobaspet, Bangalore, Karnataka by M/s Ramky Enviro Engineers Ltd. -Reg.

This has reference to your letter No. Nil dated Nil and subsequent letters dated 21.03.2013 and 29.11.2013 seeking Environmental Clearance under the Environment Impact Assessment Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the Environment Impact Assessment Notification, 2006 on the basis of the mandatory documents enclosed with the application viz., the Form-I, EIA, EMP, and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee constituted by the competent authority in its meetings held on 13th - 14th May, 2013, 20th - 23rd November, 2013 and 19th - 21st May, 2014.

2. It is interalia, noted that the proposal involves setting up of incinerator facility of capacity 5.5 Million Kcal/Hr(1000 - 1500 kg/hr) within the existing Hazardous Waste Treatment and Disposal Facility of Karnataka Waste Management Project (KWMP) at Sy.No.7, 8, 9, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 and 85 at Dobaspet, Bangalore Rural District, Karnataka State to dispose the Incinerable waste of the industries in a scientific manner, so that the existing TSDF will become an Integrated Common Hazardous Waste Management Facility (ICHWMF). Total Area of CHWTSDF is 93.5 Acres (37.83 Ha) and in which the proposed incinerator area is 0.33 Acres (0.13 Ha). Total water required for incinerator facility is 108 KLD. The wastewater generated from the proposed unit will be recycled and zero discharge will be maintained. The incineration will be provided with a stack meeting MOEF guidelines (minimum 30m), spray dryer, multi-cylone, bag house, wet scrubber for control of air pollutants. Mitigation measures are proposed to minimize the adverse impacts if any due to the proposed activity in the form of EMP. The budget proposed for implementation of EMP measures is Rs. 5.0 Crores is capital cost and Rs. 75 Lakhs /per annum is recurring cost. The capital cost the proposed project is Rs. 28 Crores.

3. As estimated by Karnataka State Pollution Control Board (KSPCB) vide letter No. PCB/SEO/WM/12-13/936 dated 21.09.2012, presently out of

30362.76 MT of Incinerable waste generated from the industries those who have MoU with TSDF, about 14000 to 15000 MT is being disposed by captive and other incinerators. Remaining quantity of 15000 to 16000 MT of incinerable waste needs to be disposed by means of hazardous waste incinerator in a scientific way.

4. The above proposal was considered by the EAC in its meetings held on 18th - 19th October, 2012 and 13th - 14th May, 2013. The EAC exempted the Public Hearing for the project, since it is located in notified industrial area. The Committee noted that a representation was received by the Ministry and also by the members of the Committee from Shri Jagadish regarding the proposal of M/s Ramky Enviro Engineers Ltd, (REEL) Bangalore. It has been mentioned by the complainant that MoEF has already accorded Environmental Clearance (EC) to M/s Bangalore Eco Park Pvt. Ltd. (BEPPL) for common incineration facility at Dobaspet, which is at a distance of ½ km from the proposed facility of M/s Ramky Enviro Engineers Ltd. It has also been mentioned in the complaint that Karnataka State Pollution Control Board, Bangalore has already provided consent to establish to BEPPL. It has been mentioned that the KSPCB has accorded the consent to establish and consent to operate to REEL only for land dumping facility.

5. The Committee advised Ministry to communicate with the KSPCB for their comments with respect to the direction/ guidelines of Hon'ble High Court, requirement of the facilities, whether both the facilities are required or only one facility is required and which one has to be provided the clearance in case only one facility is to be located. The Ministry sent a communication to KSPCB and it has been informed by KSPCB vide letter No PCB/WMC/SEO/63693/2013-14/854 dated 28.02.2014 that there is no such guidelines/ direction on number of facilities to be accommodated in a specific area.

6. The Expert Appraisal Committee, after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations, have recommended for the grant of Environmental Clearance for the project. Accordingly, the Ministry hereby accords necessary Environment Clearance for the above project as per the provisions of Environment Impact Assessment Notification, 2006 and its subsequent amendments, subject to strict compliance of the terms and conditions as follows:

A. SPECIFIC CONDITIONS:

- (i) "Consent for Establishment" shall be obtained from State Pollution Control Committee under Air and Water Act and a copy shall be submitted to the Ministry before start of any construction work at the site.
- (ii) The Karnataka State Pollution Control Board (KSPCB) will ensure that the two facilities i.e. Ramky Enviro Limited and Eco Park Limited, should not release pollutants simultaneously in the ambient environment more than the load beyond permissible limit for that area.

- (iii) Guidelines of CPCB for Common Hazardous Wastes Incinerators shall be followed.
- (iv) Necessary provision shall be made for fire fighting facilities within the complex.
- (v) On line monitoring shall be provided to monitor the air pollutants. The details of monitoring shall be recorded and be submitted along with the six monthly monitoring report.
- (vi) Transportation and handling of Hazardous Wastes shall be as per the Hazardous Wastes (Management, Handling and Trans-boundary Movement)) Rules, 2008
- (vii) An on Site Emergency Management Plan shall be prepared and implemented.
- (viii) Periodical air quality monitoring in and around the site shall be carried out.
- (ix) Use only low sulphur diesel. No other oil shall be used.
- (x) The project proponent shall set up separate environmental management cell for effective implementation of the stipulated environmental safeguards under the supervision of a Senior Executive.
- (xi) The funds earmarked for environment management plan shall be included in the budget and this shall not be diverted for any other purposes.
- (xii) Project proponent should develop green belt all along the periphery of the site with plant species that are significant and used for the pollution abatement.

B. GENERAL CONDITIONS:

- (i) The project proponent will set up separate environmental management cell for effective implementation of the stipulated environmental safeguards under the supervision of a Senior Executive.
- (ii) Full support shall be extended to the officers of this Ministry/ Regional Office at Bangaluru by the project proponent during inspection of the project for monitoring purposes by furnishing full details and action plan including action taken reports in respect of mitigation measures and other environmental protection activities.
- (iii) A six-Monthly monitoring report shall need to be submitted by the project proponents to the Regional Office of this Ministry at Bangaluru regarding the implementation of the stipulated conditions.
- (iv) Ministry of Environment, Forests & Climate Change or any other competent authority may stipulate any additional conditions or



modify the existing ones, if necessary in the interest of environment and the same shall be complied with.

- (v) The Ministry reserves the right to revoke this clearance if any of the conditions stipulated are not complied with the satisfaction of the Ministry.
- (vi) In the event of a change in project profile or change in the implementation agency, a fresh reference shall be made to the Ministry of Environment, Forests & Climate Change.
- (vii) The project proponents shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of land development work.
- (viii) A copy of the clearance letter shall be marked to concerned Panchayat/local NGO, if any, from whom any suggestion/representation has been made received while processing the proposal.
- (ix) Safety provision such as bus bays, service roads intersection improvement etc., will be carried out by the project proponent. The project proponent shall provide adequate facilities as per IRC norms/guidelines.
- (x) State Pollution Control Board shall display a copy of the clearance letter at the Regional Office, District Industries Center and Collector's Office/Tehsildar's office for 30 days.

7. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification 2006, including the amendments and rules made thereafter.

8. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.

9. The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment, Forests & Climate Change at <http://www.envfor.nic.in>. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the Regional office of this Ministry at Bengaluru.

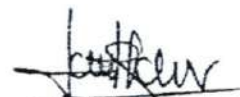
10. This clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No.460 of 2004 as may be applicable to this project.

11. Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

12. Status of compliance to the various stipulated environmental conditions and environmental safeguards will be uploaded by the project proponent in its website.

13. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated Clearance conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF&CC, the respective Zonal Office of CPCB and the SPCB.

14. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of Clearance conditions and shall also be sent to the respective Regional Offices of MoEF&CC by e-mail.



(Lalit Kapur)
Director (IA-III)

Copy to:

- (1) The Secretary, Department of Environment, Government of Karnataka, Bangalore.
- (2) The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 110 032.
- (3) The Member Secretary, Karnataka Coastal Zone Management Authority & Director, Environment Technical Cell, Department of Forests, Ecology and Environment, Govt. of Karnataka.
- (4) The Member Secretary, Karnataka State Pollution Control Board, "Parisara Bhavan, 4th & 5th Floor, # 49, Church Street, Bangalore-560 001.
- (5) The CCF, Regional Office, Ministry of Environment, Forests and Climate Change (SZ), Kendriya Sadan, IVth floor, E&F wings, 17th Main Road, Koramangala II Block, Bangalore - 560 034.
- (6) IA - Division, Monitoring Cell, MOEF&CC, New Delhi - 110003.
- (7) Guard file.

(Lalit Kapur)
Director (IA-III)

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub: NoC for setting up a Rotary Kiln Incinerator, AFRF and permission of BMW in Haz Waste Incinerator at TSDF site located at Dabaspet by Ramky Enviro Engineers Ltd., -reg.

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- Read:
1. Govt. Order No. FEE 1 ENG 2002, dated: 14.02.2002.
 2. Corrigendum No. FEE 124 ECO 2003, dated: 13.11.2003.
 3. Corrigendum No. FEE 146 ENV 2008, dated: 31.12.2013.
 4. Member Secretary, Karnataka State Pollution Control Board letter No. PCB/SEO-WMC/Ramky TSDF/2015-16/32, dated: 24.04.2015.
 5. Govt. Order No. FEE 293 ECO 2002, dated: 21.04.2004.

PREAMBLE:

In exercise of the powers conferred in section 6, 8 and 25 of the Environment (Protection) Act, 1986, the Member Secretary, Karnataka State Pollution Control Board in their letter dated: 25.04.2015 read at (4) above has stated that in the 27th Steering Committee Meeting held on 02.03.2015 on establishing Incinerator facility of capacity 1.5 MT/hr at TSDF site was discussed and deliberated and it was resolved to place the subject before the Board TAC meeting and then place the proposal to Government for taking further decisions. Then the subject was discussed in the Board 380th TAC Meeting held on 05.03.2015 on the said proposal of incineration facility at TSDF site and Karnataka State Pollution Control Board opined that with certain observations the said proposal could be cleared based on the report furnished by Dr. H. N. Chanakya, Scientist, Centre for Sustainable Technology, Indian Institute of Science (IISc), Bengaluru on M/s Ramky Enviro Engineers Ltd.,

In the Government Order read at (5) above, the Government accorded approval to the recommendation of the Karnataka State Pollution Control Board for the establishment of Treatment Storage and Disposal Facility (TSDF) at the identified land in Dabaspet of Nelamangala Taluk, Bangalore Rural District as per rule 8(6) of Hazardous Waste (Management and Handling) Rules, 1989 as substituted by the Hazardous Waste (Management and Handling) Amendment Rules, 2003. The land belonging to the Government is acquired by the Karnataka Industrial Area Development Board and it is a Government project and Deed of Lease entered into on the First day of December, Two thousand and six (01.12.2006), Bengaluru Between Government of Karnataka, Secretary to Government (Ecology and Environment), Department of Forest, Ecology and Environment, Bengaluru and Lessor which expression wherever the control permitted to held meeting and involved its assign successors in interest administrator or nominees and representatives of M/s Ramky Infrastructure Limited as Ramky Enviro Engineers Limited, Consortium, Hyderabad.

(True copy)

(True copy)

(True copy)

According to the Proceedings of the 28th meeting of Steering Committee meeting held on 29.05.2015, as per report of KSPCB, at present the total number of industries covered under the HWM Rules, 2008 are 3708 and out of which land fillable is 65362 MT, incinerable is 65725 MT and recyclable is 119,802 MT. Board has authorized 19 Units as captive incinerators with capacity around 10000 MTPA and 5 common incinerators with capacity of 7000 MT/A. Hence, considering the remaining gap left for incineration, Steering Committee agreed to the establishment of new incinerator sought by the M/s Ramky of capacity 1.5 MT/hr. subject to the conditions as specified by KSPCB and within the framework of existing Law/Rules. The new agreement can be co-terminus with the existing agreement of TSDF.

The said meeting was concluded with the following recommendations;

1. In respect to Superfund and residual liability fund, an undertaking shall be made by the Ramky group to open an account and the fund shall be managed by the KSPCB.
2. In respect of insurance (PLI), Ramky group shall submit the copy of the insurance to the Department of Ecology and Environment for information and further action of the matter.
3. As there is availability of incinerable waste, an incinerator facility at TSDF site can be thought with due approvals and as per the technical opinion already given by the Board. Private operator need to think on the same and on gate fee accordingly for incinerator.
4. It is also decided that Additional Chief Secretary, Forest, Ecology and Environment Department & Chairman, Steering Committee will inspect the site on 6th June 2015 to take stock of existing facility and ground verification.

The Additional Chief Secretary, Forest, Ecology and Environment Department, Government of Karnataka and Chairman of Steering Committee visited and inspected the site of M/s Ramky Enviro Engineers Limited, Nelamangala Taluk to take Stock of existing facility and ground verification around the plant and made certain observations such as activity at the site, consent for establishment (expansions), action initiated by KSPCB to verify the compliance made by TSDF (Industries and the salient features of incineration system and process design.

Based on this visit and interactions with technical personnel, the said proposal for setting up incineration systems that is based on most advanced technologies as compared with other incinerator systems located elsewhere in Karnataka and opined to support for establishment of such a system need to be subjected to condition as laid down in the meeting of Steering Committee held on 29.05.2015.

Hence the Order.

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GOVERNMENT ORDER NO. FEE 277 ENV 2014,

BENGALURU, DATED: 04.09.2015.

After examining the proposal and details of the preamble the Government is pleased to issue NOC for M/s Ramky Enviro Engineers Limited, Hyderabad for the implementation of the Hazardous Waste Management Project to set up Incinerator plant of capacity 1.5 MT/hr at the TSDF site and for which the Ministry of Environment, Forest and Climate Change has already given Environmental Clearance as per Rule 8 (7) of Hazardous Waste (Management & Handling) Rules, 1989.

Hence, NOC may be issued for the above work of the Incineration facility at TSDF site by the following terms & reference.

1. In respect to Superfund and residual liability fund, an undertaking shall be made by the Ramky group to open an account and the fund shall be managed by the KSPCB.
2. In respect of insurance (PLI), Ramky group shall submit the copy of the insurance to the Department of Ecology and Environment for information and further action of the matter.
3. As there is availability of incinerable waste, an incinerator facility at TSDF site can be thought with due approvals and as per the technical opinion already given by the Board. Private operator need to think on the same and on gate fee accordingly for incinerator.
4. The overall plant should be covered adequately and protected from rainfall.
5. Online monitoring of the plant control systems shall be boosted up with a backup sensors or a shut down trigger whenever there is failure in the system. There should be twice hourly verification of the sensors.
6. Facility for VOC monitoring should be provided for safety against leak.
7. Considering the sensitivity of the operation there shall be proper buffer between the habitations and the unit.
8. The operator should deploy personnel with high level technical expertise and the Board should frequently assess the performance.

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9. The project proponent explained that due to the chemical nature of the incinerable waste, the heat cannot be used for power generation as it will affect the system and not techno economically viable. However, the committee suggest that, the proponent should study the systems in other parts of the world where the incinerator is supported with power co-generation.
10. The existing Agreement be suitably modified before issue of CFO.
11. KSPCB to obtain legal opinion before issue of CFO for amending the existing agreement.
12. Project proponent will be entirely responsible for any additional financial implications and will also bear entire risk as per law.

By Order & in the Name of the
Governor of Karnataka,

Mathad
4/9/15
(Andanayya Mathad)

Under Secretary to Government,
(Ecology and Environment)
Forest, Ecology and Environment Department.

To:
117-

The compiler, Karnataka Gazettee, Bangalore with a request to publish in the next issue and to supply 200 copies to this department.

Copy to:

1. Accountant General in Karnataka (A&E), Bengaluru.
2. The Secretary, Ministry of Environment and Forests, Government of India, Paryavarana Bhavana, CGO Complex, Lodhi Road, New Delhi-110003.
3. Additional Chief Secretary to Government, Forest, Ecology & Environment Department, M.S. Building, Bengaluru.
4. The Secretary to Government, Environment & Ecology Department, Bengaluru.
5. The Member Secretary, Karnataka State Pollution Control Board, No. 49, Parisara Bhavana, Church Street, M.G. Road, Bengaluru 560001.
6. Karnataka Industrial Areas Development Board, No. 49, 4th Floor, Khanija Bhavan, East Wing, Race Course Road, Bengaluru-560001.
7. M/s Ramky Enviro Engineers Limited, Door No. 6-3-1090, 4th Floor, TSR Towers, Above Standard Chartered Bank, Rajbhavan Road, Somajiguda, Hyderabad-500082.
8. PS to Minister for Forest, Ecology & Environment, Vidhana Soudha, Bengaluru.
9. Spare/SG File.



Issued under RTI Act, 2005

(TRUE COPY)

(TRUE COPY)

ANNEXURE-7

ಫ್ಯಾಕ್ಸ್ / Fax : 080-25586321
ಈಮೇಲ್ / E-mail : ho@kspcb.gov.in
ವೆಬ್‌ಸೈಟ್ / Website : http://kspcb.gov.in



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25588151, 25588270
25588142, 25586520

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ Karnataka State Pollution Control Board

"ಪರಿಸರಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ.49, ಚರ್ಚ್‌ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ
"Parisara Bhavana", 1st to 5th Floor, # 49, Church Street, Bengaluru - 560 001, Karnataka, INDIA

No.KSPCB/SEO(WMC)/CFExp/2015-16/11101

DATED: 23 NOV 2015

TO:
The Joint Managing Director,
M/s. Ramky Enviro Engineers Ltd,
(Karnataka Waste Management Project)
KIADB Industrial Area, Dobbaspeta,
Nelamangala Tq, Bengaluru Rural District- 562111

Sir,

Sub: Expansion of existing industry for establishing Incinerator plant of capacity 1.5 MT/hr at the TSDF site for which NOC has been issued by the Government of Karnataka and also obtained Environmental clearance from Ministry of Environment, Forest & Climate Change, New Delhi in the existing premises at Sy. No. 75-85 of Pemmanahalli, Sy. No. 7,8 & 9 of Thimmanayakanahalli, Dobbaspeta, Nelamangala Taluk, Bengaluru by M/s. Ramky Enviro Engineers Ltd,- regarding

- Ref:
1. Your CFE application submitted on 07/07/2012 at Regional SEO, KSPCB, Bengaluru North.
 2. Inspection of the industry by Regional SEO, KSPCB, Bengaluru North on 23/07/2012 and report dated 22/08/2012
 3. Environmental Clearance for setting up of incinerator at TSDF, Dobbaspeta, Bangalore, Karnataka by M/s Ramky Enviro Engineers Ltd issued by Ministry of Environment, Forests & Climate Change No: F.No.10-65/2012-IA.III dt: 19/09/2014.
 4. Proceedings of the Technical Advisory Committee meeting held on 05/03/2015
 5. NOC issued by Government of Karnataka vide Government Order NO:FEE 277 ENV 2014, Dt: 04/09/2015.
 6. Proceedings of the Consent Committee Meeting held on 01/10/2015.

With reference to the above, it is to be informed that, the Board hereby accords consent for establishment under the Water (Prevention & Control of Pollution) Act 1974, and the Air (Prevention & Control of Pollution) Act 1981, for establishing Incinerator plant of capacity 1.5 MT/hr for Incineration of hazardous waste generated from other industries in the existing premises at Sy. No. 75-85 of pemmanahalli, Sy. No. 7,8 & 9 of Thimmanayakanahalli, Dobbaspeta, Nelamangala Taluk, Bengaluru by M/s. Ramky Enviro Engineers Ltd, subject to the following conditions:

A. Samuel
SENIOR ENVIRONMENTAL OFFICER

"ಪ್ಲಾಸ್ಟಿಕ್ ಬಳಕೆ ನಿಲ್ಲಿಸಿ, ಪರಿಸರ ಹಾನಿ ತಡೆಗಟ್ಟಿ"

AVOID USE OF PLASTICS- BE 'ECO' FRIENDLY

1. This consent for establishment is valid for a period of five years.
2. The applicant shall not undertake expansion/diversification without the prior consent of the Board.
3. The applicant shall obtain necessary license/clearance from other relevant statutory agencies before taking up expansion activity.
4. There shall not be any complaints against the industry from the surrounding public in respect of water, air or Noise/solid waste generation.
5. The applicant shall comply with all the conditions of earlier CFE/CFO issued by the Board.

I. WATER CONSUMPTION:

1. Total water required for incinerator facility shall not exceed 108 KLD.

II. WATER POLLUTION CONTROL:

1. Domestic effluent shall be treated in septic tank and soak pit.
2. The wastewater generated from the proposed unit shall be recycled so as to maintain zero discharge.
3. The applicant shall install flow meter and web camera at the disposal points like where rejects/ concentrate are fed in tankers or transported through pipelines or at the designated outlets.

III. AIR POLLUTION CONTROL:

1. The discharge of emissions from the premises of the applicant shall pass through the air pollution control equipment and discharged through stacks/chimneys mentioned in Annexure-I where from the Board shall be free to collect the samples at any time in accordance with the provisions of the Act and Rules made there under.
2. Rotary kiln which acts as primary combustion chamber, in which the waste to be burnt at 500°C to 600°C during the cycle starts and 800°C towards the end of the cycle depending upon the nature and composition of the waste and (2) Secondary Combustion Chamber in which waste to be burnt at 1200°C for waste with the chlorine contents in the waste will be less than 1%. The gas residence time at post combustion chamber will be 2 seconds.
3. The stacks shall have port holes and platforms as per the guidelines specified to facilitate monitoring of emissions.
4. The industry shall ensure that the ambient air quality in its premises shall conform to the National Ambient Air Quality Standards specified in Environment (Protection) Rules.
5. The industry shall upgrade/modify/replace the control equipments if they are found inadequate to meet the standards stipulated. Prior permission of the Board shall be obtained for the same.
6. The applicant shall install on-line continuous emission monitoring systems (CEMS) and on-line data to be made available to the Board and CPCB.
7. If there is going to be any new air pollution sources in future, the project authorities shall apply and obtain consent for establishment for the same from the Board.


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IV. NOISE POLLUTION CONTROL:

1. The industry shall ensure that the ambient noise levels within its premises shall not exceed the limits specified in the Environment (Protection) Rules.

V. SOLID WASTE (OTHER THAN HAZARDOUS WASTE) DISPOSAL:

1. The industry shall collect, treat and dispose off all solid waste generated from the process other than wastes covered under the Hazardous Wastes (Management, Handling & Transboundary Movement) Rules 2008, in such manner so as not to cause environmental pollution.

VI. HAZARDOUS WASTES (MANAGEMENT, HANDLING & TRANSBOUNDARY MOVEMENT) RULES 2008:

1. The industry shall apply and obtain authorization under Hazardous Wastes (Management, Handling & Transboundary Movement) Rules 2008, and comply with the conditions of the authorization.
2. The Ash generated from the rotary kiln, cyclone, spray dryer, bag house shall be collected in MS drum and disposed off in secured landfill.
3. The applicant shall comply with the guidelines published by CPCB "Guidelines for Common Hazardous Waste Incinerator" vide No: HAZWAMS/30/2005-06.

VII. GENERAL:

1. The Board reserves the right to review, impose additional condition or conditions, revoke, change or alter the terms and conditions.
2. The industry shall transport and store the raw materials in a manner so as not to cause any damage to environment, life and property. The applicant shall be solely responsible for any damages to environment.
3. The industry shall not commission the proposed plant for trial or regular production unless necessary water & air pollution control equipments are installed to the satisfaction of the Board. The industry shall ensure that the control equipments are completed and commissioned simultaneously along with construction of the factory and erection of machineries.
4. The industry shall not change or alter (a) raw materials or manufacturing process, (b) change the products or product mix (c) the quality, quantity or rate of discharge/emissions and (d) install/replace/alter the water or air pollution control equipments without the prior approval of the Board.
5. The overall plant should be covered adequately and protected from rainfall.
6. **Online monitoring of the plant control systems shall be boosted up with a backup sensors or a shut down trigger whenever there is a failure in the system. There should be twice hourly verification of the sensors.**
7. Facility for VOC monitoring should be provided for safety against leak.
8. Considering the sensitivity of the operation there shall be proper buffer between the habitations and the unit.
9. The operator should deploy personnel with high level technical expertise.

A. Samel

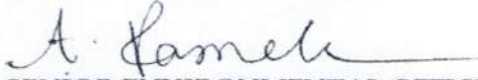
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10. The industry shall immediately report to the Board of any accident or unforeseen act or event resulting in release or discharge of effluents or emissions or solid wastes etc. in excess of the standards stipulated. And the industry shall immediately take appropriate corrective and preventive actions under intimation.
11. The industry is liable to reinstate or restore, damaged or destroyed elements of environment at his cost, failing which, the applicant/occupier as the case may be shall be liable to pay the entire cost of remediation or restoration in advance an amount equal to the cost estimated by Competent Agency or Committee.
12. The applicant shall comply with all the Rules and guidelines issued from time to time.
13. This CFE does not give any right to the Party/Project Authority/Industry to forego any legal requirement, that is necessary for setting/operation of the plant.
14. This CFE is issued without any prejudice to the court case pending in any Hon'ble Court.
15. The applicant shall comply with the proceedings of the TAC committee meeting held on 05/03/2015.
16. The industry shall furnish point wise compliance to the conditions given under this consent for establishment within 30 days.

Please note that this is only consent for expansion issued to you to proceed with the formalities for setting of the industry and does not give any right to proceed with trial/regular production. For this purpose, separate consents of the Board for discharge of liquid effluent and the emissions to the air shall have to be obtained by remitting prescribed consent fee. The application for consent has to be made 45 days in advance of commissioning for trial production (expansion activity) of the plant.

The receipt of this letter may please be acknowledged.

FOR AND ON BEHALF OF
KARNATAKA STATE POLLUTION CONTROL BOARD
BANGALORE


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Encl.: Annexure-I.

Note:

1. It is advised to provide all necessary healthcare facilities to employees & local people and shall carry out routine health survey among employees & local people and tests like Spirometry, Pulseoxymetry, Lung function test, etc.
2. It is advised to regularly check the health of workers exposed to very high noise levels and suitable measures to avoid any ill effects shall be taken.
3. It is advised to take all safety measures to avoid any injury to its employees and local people as per the approved Onsite and Offsite Emergency Plan.

ANNEXURE - I

Sl No	Chimney Attached to	Minimum Chimney Height to be Provided	Ratio to emission Nm ³ /Hr	Constituents to be controlled in the emission.	Tolerance limits mg/Nm ³	Air Pollution Control equipment to be installed, in addition to Chimney	Operation of air pollution Control equipments to achieve the stipulated tolerance limits	Remarks
1)	Incinerator boiler of capacity 1.5 MT/hr Steam (Furnace oil)	30 m AGL	--	Particulate matter HCL SO ₂ CO Total Organic carbon HF NO _x (NO and NO ₂ expressed as NO ₂)	50 50 200 100 20 4 400	Multi cyclone reagent injection system bag filters, Gas scrubber.	At all times.	1) The noise generating machinery to be provided with silencers/Mufflers to reduce the noise pollution. 2) There shall be no smell or odour nuisance from the industry. 3) There shall be no other sources of air pollution.

A. Samell

SENIOR ENVIRONMENTAL OFFICER

PHOTOGRAPHS OF M/S KARNATAKA WASTE MANAGEMENT PROJECT



Photo 1: Meeting of the Joint Committee with TSDF Operator



Photo 2: View of landfill of phase 1, covered with HDPE sheet



Photo 3: View of internal concreted road and plantation on both side of the road



Photo 4 : View of leachate holding tank



Photo 5: View of Quarantine tank

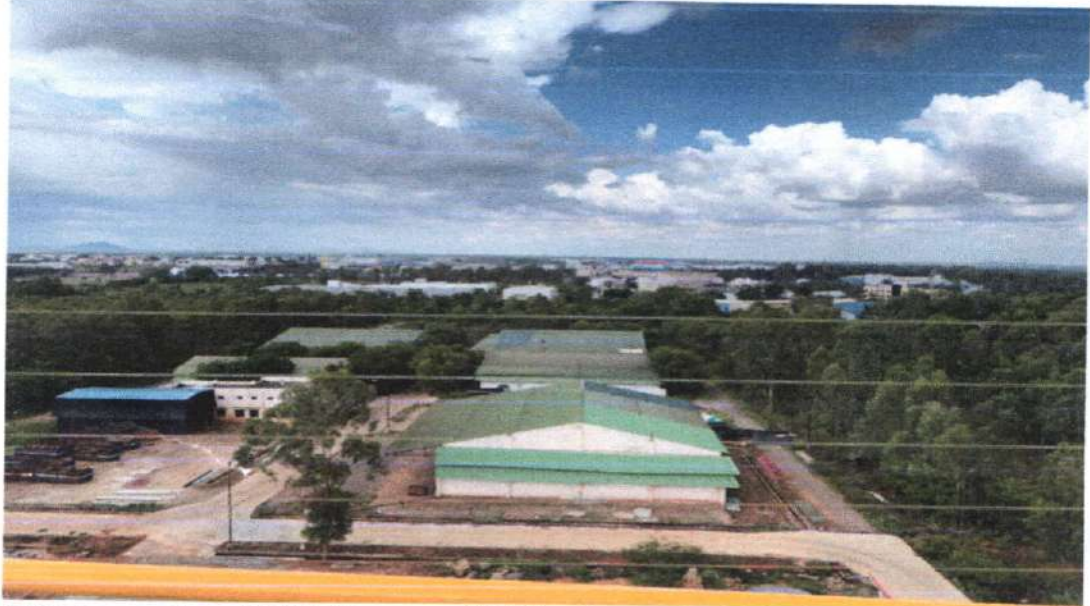


Photo 6: Birds eye view of H.W. Storage , Stabilization and vehicle sheds etc.& green cover



Photo 7: H.W. Incinerator overview showing Bag house, chimney, caustic storage tank etc.



Photo 8: Green cover in the TSDF premises