

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BECH, NEW DELHI
ORIGINAL APPLICATION NO. 400/2019

IN THE MATTER OF:

SOCIAL ACTION FOR FOREST & ENVIRONMENT (SAFE) APPLICANT

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

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Anand Kumar
18/12/19
(ANAND KUMAR)
SCIENTIST 'E'

CENTRAL POLLUTION CONTROL BOARD
PARIVESH BHAWAN, EAST ARJUN NAGAR,
DELHI- 110032

DATE: 18.12.2019
PLACE: DELHI

Status and Compliance Report
(Compilation of reports received from SPCBs/PCCs)

In Compliance of
Hon'ble NGT, Principal Bench, New Delhi's order dated 19.09.2019
in the matter of Original Application No. 400/2019
(Social Action for Forest and Environment (SAFE) vs. Union of India and Others.)

CENTRAL POLLUTION CONTROL BOARD
DELHI
December 2019

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Summary of the Compliance Status

Compliance status of tyre pyrolysis units in the country under Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016:

As per report submitted by 19 SPCBs/PCCs having tyre pyrolysis unit there are 672 tyre pyrolysis units in 19 states of the country, an increase of 35 units over the last reported figure of 637. Out of 672 tyre pyrolysis units, 260 units are complying, 233 units are not complying and 175 units are closed and 4 units are not operating. In most of the cases it is observed that the reason of non-compliance is not meeting the criteria of SOP of MoEF & CC and the consent conditions issued by the SPCBs/PCCs. In case of non-compliances actions have been initiated in the form of closer of unit or closure directions or time specific directions for improvement or notices for compliance. Uttar Pradesh SPCB has imposed environmental compensation on six units for an amount of Rs. 60,34,435/- for non-compliance. Rajasthan, Telengana and Maharashtra State Pollution Control Board (MPCB) are in the process of imposing environmental compensation (EC) on non-compliance of tyre pyrolysis unit. Other SPCBs/PCCs have not provided any information regarding imposing of EC.

CPCB has decided to carry out study of the advance batch automated plants as well as existing batch plants vis-à-vis continuous plant to ascertain whether existing batch plants would be able to meet environmental concerns or advance batch automated plants are required to address the environmental concerns. As per outcome of the study, further decision would be taken that whether existing batch/or advance batch automated plant is required or only continuous plants be allowed. CPCB has planned to complete the study within a period of four months starting from January 2020.

CPCB on 04.12.2019 issued following directions under section 5 of Environment Protection Act, 1986 to 19 SPCBs/PCCs

- Closure of all tyre pyrolysis units in their State/UT which are not complying as on date with consent conditions and SOP of the MoEF & CC.
- SPCBs/PCCs to carrying out strict vigilance and monitoring in complying industries to ensure continued compliance of consent conditions and SOP of MoEF & CC.
- Import of polluting hazardous waste material shall be strictly regulated as per Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and amendment thereof.

CPCB has directed all the 19 SPCBs/PCCs to submit action taken report (ATR) by 25-12-2019.

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1. Introduction

In the matter of original application (O.A.) No.400/2019 (Social Action for Forest and Environment (SAFE) vs. Union of India and Others.), the Hon'ble NGT passed order on 19-09-2019. The order is enclosed at Annexure – I. The operative part of the order is stated below:

- "CPCB may issue appropriate directions on the subject after due consideration of the issue. The directions should also deal with the restrictions on import so as to ensure that India does not become a dump yard for highly polluting hazardous waste material from other countries and also to ensure that health of the workers involved in the process is duly safeguarded."
- "The States wherein such 270 non-complying units are located need to take remedial action including levy of Environmental Compensation to ensure that such units comply with air, water and hazardous waste pollution norms within a reasonable time span. Let CPCB monitor the compliance and file the status and compliance report on or before 30.11.2019 by e-mail at judicial-ngt@gov.in."

In order to comply with the aforesaid order of Hon'ble NGT, following actions were taken by CPCB:

- 1) On receiving several representations from All India Rubber & Tyre Recyclers Association, Mumbai (AIRTRA) and Pyrolysis Industries Welfare Association, Punjab, CPCB convened a meeting with representatives of these associations on 18.11.2019 at CPCB.
- 2) The main points raised by the All India Rubber & Tyre Recyclers Association, Mumbai (AIRTRA) and Pyrolysis Industries Welfare Association, Punjab are given below:
 - (i) All the environmental concerns as raised by CPCB in its status report submitted to Hon'ble NGT in July 2019 can be addressed without switching over to continuous process through upgradation to an 'Advance Batch Automated Plants' from the present batch plant.
 - (ii) Switching over to Continuous Tyre Pyrolysis Plant means scrapping of the existing Batch Type Tyre Pyrolysis Plant and installation of a new plant. Capital expenditure to set up a continuous plant is very high in comparison to the batch

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type plants. The cost is almost ten times higher and land requirement is also more.

- (iii) Most of the batch plants are non-compliant due to clause no. 2.1.1 of SOP for batch process where it has been mentioned that feed to the reactor should be in a mechanized way in the form of crumbs or chips devoid of steel.
- (iv) Switching over from continuous process means shutting down the industry as more than 99% of the industry runs on Batch Type Pyrolysis Technology and less than 1% on continuous technology.
- (v) The batch type tyre pyrolysis industries have an investment of 1282 crores of rupees which include investment of 260 crores in upgrading the existing batch type plants for making them SOP compliant.
- (vi) Most of the plant owners have taken bank loan and closure of batch type pyrolysis plants will lead to creation of NPAs and loss of jobs (20000 direct and 200000 indirect)
- (vii) 18 – 20 Lakhs tonne of tyre scraps are generated in the country. Around 60% to 65% is being used by the tyre pyrolysis plants and around 30% to 35% used in crumb rubber and reclaim manufacturing plant. If the batch process is closed, then these tyres will go for unscientific open burning.
- (viii) In 1042 numbers of reactors, nearly 1296000 tonnes of tyres are used which produces 479520 tonnes of Tyre Pyrolysis Oil(TPO) and 440640 tonnes of carbon black
- (ix) Requested for forming a committee for drafting the new guidelines/SOPs and inclusion of their representatives in the committee
- (x) A period of five (5) years may please be given for switching over to Advance Batch Automated Plants from existing batch type tyre pyrolysis plants.

The main points raised by Pyrolysis Industries Welfare Association, Punjab are given below:

- i. 90% waste tyre pyrolysis plants operate on batch process basis.
- ii. The techno-economic viability of conversion of batch type plants to continuous type plants is suspect and the cost of continuous type plants are almost ten times higher than the cost of batch type plant.
- iii. A detailed monitoring of batch type waste tyre pyrolysis plants was conducted during first week of October 2019 by PPCB/EPA recognized laboratory. The monitoring results confirmed that stack emission, ambient air monitoring, process emissions, treated effluents and noise pollution are all within the permissible limits. The monitoring results dispel the

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apprehension that batch type plants are not able to control pollution within limit or there is any cause of concern for exposure of workers to process/fugitive emissions.

- iv. Instead of switching over to "Continuous process" there is need to strengthen the process of monitoring and vigilance for ensuring compliance in the tyre pyrolysis units as 251 units are complying through existing technology. Hence, the non-complying industries can also meet the SoP and guidelines with existing batch type technology provided there is strengthening in vigilance and monitoring.
- v. A comprehensive study of 25 to 50 batch process Industries across the country and any decision for switching over be made only after the evaluation of the study report.

In view of the representations from the All India Rubber & Tyre Recyclers Association, Mumbai (AIRTRA), where they have claimed that Advance Automated Plants addresses all the environmental concerns as raised by the CPCB and in view of the claim of Pyrolysis Industries Association, Punjab where they have claimed that existing batch plants are meeting the norms and SOPs, it has been decided that CPCB will carry out study of the advance batch automated plants as well as existing batch plants vis-à-vis continuous plant to ascertain whether existing would be able to meet environmental concerns or advance batch automated plants are required to address the environmental concerns. As per outcome of the study, further decision would be taken that whether existing batch/or advance batch automated plant is required or only continuous plants be allowed. CPCB has planned to complete the said study within a period of four months starting from January 2020.

- 3) CPCB vide its letter dated 19.11.2019 and email dated 22.11.2019 wrote to SPCBs/PCCs for submitting current status of compliance of Tyre Pyrolysis Units in their State/ UT along with actions taken against non-complying units. Further vide its e-mail dated 22.11.2019 CPCB also conveyed that the Environmental Compensation has to be levied by the concerned SPCBs/PCCs and Industry wise information has to be included in the compliance report.
- 4) CPCB on 04.12.2019 issued following directions under section 5 of Environment Protection Act. 1986 to 19 SPCBs/PCCs
 - Closure of all tyre pyrolysis units in their State/UT which are not complying as on date with consent conditions and SOP of the MoEF & CC.

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- SPCBs/PCCs to carrying out strict vigilance and monitoring in complying industries to ensure continued compliance of consent conditions and SOP of MoEF & CC.
- Import of polluting hazardous waste material shall be strictly regulated as per Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and amendment thereof.

CPCB directed SPCBs/PCCs to submit Action Taken Report (ATR) as per the above direction by 25.12.2019.

2. State wise compliance status

There are nineteen (19) States/UTs having tyre pyrolysis units in the country. All the nineteen (19) SPCBs/PCCs have submitted the information. The state wise number of tyre pyrolysis industries are given in the tables given below:

State where tyre pyrolysis industries are existing

S.No	Name of State Pollution Control Board / Pollution Control Committee	Number of Tyre Pyrolysis Industries in the State/UT
1.	Andhra Pradesh Pollution Control Board	38
2.	Assam Pollution Control Board	08
3.	Bihar Pollution Control Board	18
4.	Chhattisgarh Environment Conservation Board	27
5.	Haryana Pollution Control Board	113
6.	H. P. Pollution Control Board	01
7.	Jammu & Kashmir Pollution Control Board	06
8.	Jharkhand State Pollution Control Board	10
9.	Karnataka State Pollution Control Board	21
10.	Kerala Pollution Control Board	01
11.	M. P. Pollution Control Board	64
12.	Maharashtra Pollution Control Board	79
13.	Odisha State Pollution Control Board	12
14.	Punjab Pollution Control Board	07
15.	Rajasthan Pollution Control Board	38
16.	Tamil Nadu Pollution Control Board	12
17.	Telangana State Pollution Control Board	88
18.	U.P. Pollution Control Board	118

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19.	Uttarakhand Environment Protection & Pollution Control Board	11
	Total number of Tyre Pyrolysis Units as reported by above 19 SPCBs/PCCs	672

SPCBs and PCCs in their reports have given compliance status with respect to consent conditions and also with respect to the SOP of MoEF &CC. State wise details are given below:

Andhra Pradesh:

As per report submitted by Andhra Pradesh State Pollution Control Board, there are 38 tyre pyrolysis units in the state. Out of 38 units, 06 are complying and 16 are non-complying. 15 units have been closed and 01 unit is not operating.

Assam:

As per report submitted by Assam State Pollution Control Board, there are 08 tyre pyrolysis units in the state. Out of 08 units, 05 are complying and 03 are not in operation and closed.

Bihar:

As per report submitted by Bihar State Pollution Control Board, there are 18 tyre pyrolysis units in the state. Directions u/s 33A of Water (Prevention and control of Pollution) Act, 1981 was issued to all the 18 units to close with immediate effect or remain closed till completion of CTO conditions, SOPs, Authorization under the Hazardous & Other waste (M & TM), 2016 and obtain prior permission from Board.

Chhattisgarh:

As per report submitted by Chhattisgarh Environment Conservation Board, there are 27 tyre pyrolysis units in the state. Out of 27 units, 22 units are complying and 02 units are non-complying. Notice for stopping of production has been issued to these non-complying units. 3 units are closed.

Haryana:

As per report submitted by the Haryana State Pollution Control Board there are 113 tyre pyrolysis units in the state, an increase of 31 units over the last reported figure. Out of 113 units, 67 units are complying, 12 units are not complying and 34 units are closed. Out of 34 closed units, 5 units were sealed and 22 units were closed by Haryana Board. 1 non complying unit closed itself of its own. 5 units dismantled themselves of their own. 1 unit whose status is not known closed itself of its own. Out of 12 non complying units, 5 units have been recommended for closure and 7 units have been issued show cause notices.

Himachal Pradesh:

As per report submitted by Himachal Pradesh State Pollution Control Board, there is 01 tyre pyrolysis units in the state and it is complying. The HP PCB has also informed that

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the unit has submitted undertaking dated 26.08.2019 to close its operation within a period of 4 months.

Jammu & Kashmir:

As per report submitted by J & K Pollution Control Board, there are 06 tyre pyrolysis units in the state. Out of 06 units, 02 units are non-complying and closer order has been issued to both the units. 02 units are complying and 02 units are closed.

Jharkhand:

As per report submitted by Jharkhand Pollution Control Board, there are 10 tyre pyrolysis units in the state. Out of 10 units, 09 units are complying and 01 unit is closed.

Karnataka:

As per report submitted by Karnataka State Pollution Control Board, there are 21 tyre pyrolysis units in the state of Karnataka. Out of 21 units, 03 units are complying, 11 units are non-complying and 07 units are closed. All the 11 non-complying units have been issued show cause notices. Out of 7 closed units 03 units have been closed by issuing closer order and 4 units are not operating.

Kerala:

As per report submitted by Kerala State Pollution Control Board, there is only 01 tyre pyrolysis unit in the state and this unit has not done any production since July 2018 and it has not imported any waste tyre.

Madhya Pradesh:

As per report submitted by Madhya Pradesh Pollution Control Board, there are 64 tyre pyrolysis units in the state an increase of 02 units over the last reported figure. Out of 64 units, 31 units are complying and 10 units are non-complying. 23 units are closed/non-operating. Out of 23 closed/non-operating units 22 units have been closed by issuing closure direction. 1 unit is closed by its own. Out of 31 complying units 26 are operating, 2 units are closed by issuing closure direction, 2 units are not operating as consent is under renewal, 1 unit is closed due to maintenance.

Maharashtra:

As per report submitted by Maharashtra State Pollution Control Board (MPCB), there are 79 tyre pyrolysis units in the state, an increase of 11 units over the last reported figure. Out of 79 units, 01 unit is complying, 69 units are non-complying, 9 units are closed. All 69 non-complying units have been issued closure directions by Maharashtra State Pollution Control Board. MPCB has issued directions to all Regional Officers to issue a direction to non-complying industries for remedial action including levy of environmental compensation. MPCB has also issued direction to units having batch process for switching over to continuous process within one year and further directed that their operation shall be stopped till the time of conversion.

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Odisha:

As per report submitted by Odisha State Pollution Control Board, there are 12 tyre pyrolysis units in the state. Out of 12 units, 05 units are complying, 07 units are not complying. Out of 07 non-complying units, directions for compliance have been issued to 06 units. 01 unit has suspended its operation temporarily.

Punjab:

As per report submitted by Punjab State Pollution Control Board, there are 07 tyre pyrolysis units in the state, a decrease of 10 units over the last reported figure. Out of 07 units, 03 units are complying and 03 are non-complying. 01 unit is sealed by Board and 01 unit is presently not in operation. Against 02 non-complying units, which were operating without obtaining consent, complained filed before the court of law.

Rajasthan:

As per report submitted by Rajasthan State Pollution Control Board, there are 38 tyre pyrolysis units in the state. Out of 38 units 08 units are complying and 27 units are non-complying. 03 units are found non-operational. Show-cause notices have been issued by Rajasthan SPCB and action for imposing environment compensation is under process for 27 non-complying units.

Tamil Nadu:

As per report submitted by Tamil Nadu State Pollution Control Board, there are 12 tyre pyrolysis units in the state. All the 12 units are complying.

Telengana:

As per report submitted by Telengana State Pollution Control Board, there are 88 tyre pyrolysis units in the state. Out of 88 units, 30 units are closed. Out of 30 closed units 3 units have been closed by Board and 27 units are self-closed or /sick and 58 units are non-complying.

Uttar Pradesh:

As per report submitted by Uttar Pradesh State Pollution Control Board, there are 118 tyre pyrolysis units in the state an increase of 01 units over the last reported figure. Out of 118 units 75 are complying, 18 are non-complying. 8 units have been issued closure order

EC has been imposed on 5 units for an amount of Rs. 51,12,501/-.01 unit has been issued closure direction and also has been imposed with EC for an amount of Rs. 9,21,934/-. 04 units have been issued notices out of which 01 unit is closed

Uttarakhand:

As per report submitted by Uttarakhand State Pollution Control Board, there are 11 tyre pyrolysis units in the state. Out of 11 units, 09 units are complying and 02 Units are closed.

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Summary of the Compliance Status:

As per report submitted by 19 SPCBs/PCCs having tyre pyrolysis unit there are 672 tyre pyrolysis units in 19 states of the country, an increase of 35 units over the last reported figure of 637. Out of 672 tyre pyrolysis units, 260 units are complying, 233 units are not complying and 175 units are closed and 4 units are not operating. In most of the cases it is observed that the reason of non-compliance is not meeting the criteria of SOP of MoEF & CC and the consent conditions issued by the SPCBs/PCCs. In case of non-compliances actions have been initiated in the form of closer of unit or closure directions or time specific directions for improvement or notices for compliance. Uttar Pradesh SPCB has imposed environmental compensation on six units for an amount of Rs. 60,34,435/- for non-compliance. Rajasthan, Telengana and Maharashtra State Pollution Control Board (MPCB) are in the of imposing environmental compensation (EC) on non-compliance of tyre pyrolysis unit. Other SPCBs/PCCs have not provided any information regarding imposing of EC.

The state wise compliance status is given in the table below:

Compliance Status in Tyre Pyrolysis Units – November - 2019
(As reported by SPCBs/PCC)

S.N.	States	Total Number of Tyre Pyrolysis units	Number of Complying units	Number of Non-Complying units	Number of closed units	Remarks
1.	Andhra Pradesh	38	06	16	15	01 unit is not operating
2.	Assam	08	05	0	03	-
3.	Bihar	18	0	0	18	18 units have been issued closure order by BSPCB.
4.	Chhattisgarh	27	22	02	03	Notice for stopping of production has been issued to non-complying units.
5.	Haryana	113	67	12	34	i. 5 unit sealed by HSPCB ii. 22 units closed by HSPCB iii. 5 units recommended for closure & under consideration iv. 7 units issued show cause notices v. 1 non-complying unit closed itself of its own vi. 5 units dismantled themselves of their own

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S.N.	States	Total Number of Tyre Pyrolysis units	Number of Complying units	Number of Non-Complying units	Number of closed units	Remarks
						vii. 1 unit whose status is unknown closed itself of its own
6.	Himachal Pradesh	01	01	0	0	-
7.	Jammu & Kashmir	06	02	0	04	-
8.	Jharkhand	10	09	0	01	-
9.	Karnataka	21	03	11	07	03 units have been issued closure direction. 11 units have been issued show cause notices. 4 units are not operating.
10.	Kerala	01	01	-	-	-
11.	Madhya Pradesh	64	31	10	23	i. 22 Units are closed through directions and notices ii. 1 unit is closed by its own iii. 10 Units are operating but notices were issued and 1 direction issued
12.	Maharashtra	79	01	69	9	69 units have been issued closure direction by Maharashtra State Pollution Control Board
13.	Odisha	12	05	07	0	06 units have been issued direction for complying with SOPs 1 unit has suspended its operation temporarily.
14.	Punjab	07	03	03	01	Against 2 non complying units complaint filed before the court of law. 1 unit is not under operation. 1 unit has been sealed by the Punjab Board
15.	Rajasthan	38	08	27	0	27 units have been issued Show-cause notices by Rajasthan SPCB and action for imposing environment compensation is under process for these non-complying units.

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S.N.	States	Total Number of Tyre Pyrolysis units	Number of Complying units	Number of Non-Complying units	Number of closed units	Remarks
						03 units are not in operation and status will be ascertained after units become operational
16.	Tamil Nadu	12	12	0	0	-
17.	Telangana	88	0	58	30 (03 units have been issued closure direction and 27 units are sick/self-closed)	3 units have been issued closure direction by Telangana SPCB.
18.	Uttar Pradesh	118	75	18	25	<ul style="list-style-type: none"> i. 8 units have been issued closure order ii. 5 units have been issued EC for an amount of Rs. 51,12,501/- iii. 1 unit has been issued closure direction and imposed EC of Rs. 9,21,934/- iv. 4 units have been issued notices out of which 1 unit is closed
19.	Uttarakhand	11	09	0	02	1 unit has been closed 1 unit consent expired and is closed
	Total	672	260	233	175	04 units are not in operation

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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 400/2019
(I.A. No. 403/2019, I.A. No. 611/2019 & I.A. No. 615/2019)

(With report dated 31.07.2019)

Social Action for Forest & Environment (SAFE)

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 19.09.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Sanjay Upadhyay with Mr. V. Misra,
Advocates

For Respondent(s): Mr. Divya Prakash Pande, Advocate for CPCB
Mr. Akshay Bhan, Senior Advocate with Mr.
Saurabh Kulkarni, Advocate in I.A. No.
403/2019

ORDER

1. The issue for consideration is the absence of proper management of End-of-Life Tyres/Waste Tyres (ELTs) in accordance with the Environment (Protection) Act, 1986, Environment (Protection) Rules, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, CPCB Guidelines for Environmentally Sound Management of End of Life Vehicles, 2016 and Standard Operating Procedure (SOP) issued by the MoEF&CC.

2. According to the applicant, use of waste tyres by the Pyrolysis industry operating in the country which are engaged in producing inferior quality 'pyrolysis oil', pyrolysis gas (pyro gas), solid residue (char), carbon black and steel through the pyrolysis process needs to be banned to prevent environmental damage. The activity emits highly carcinogenic/cancer-causing pollutants such as polycyclic Aromatic Hydrocarbons (PAH), Dioxin, Furans and Oxides of Nitrogen which are extremely harmful to the respiratory system.

3. Vide order dated 25.04.2019, the Tribunal sought a report from the Central Pollution Control Board (CPCB) about the status of compliance of Rules on the subject and remedial measures required. The Tribunal noted the following prayers in the matter:
 - a. There should be a complete ban of ELTs in Pyrolysis Industries due to non-implementation of the existing laws by the Pyrolysis Plants resulting in adverse environmental impact;
 - b. A comprehensive performance assessment of pyrolysis industries should be ordered to be done through the SPCBs or an independent agency in order to gauge the magnitude of the problem at hand;
 - c. The principle of Extended Producer Responsibility (EPR) must be made mandatory for tyre manufacturers as well as tyre importers;
 - d. A set of Guidelines for alternative environment friendly uses of ELTs must be immediately framed based on global best practices;

e. A comprehensive time bound implementation plan be put in place for ELTs in conformity with various laws, Rules and Guidelines on Waste Tyres, to be executed by a Task Force.”

4. Accordingly, a report has been filed by the CPCB on 31.07.2019 to the effect that there are 637 tyre pyrolysis units in 19 states of the country. Out of 637 tyre pyrolysis units, 251 units are complying, 270 units are not complying and 116 units are closed. In most of the cases, it was observed that the reason of non-compliance is not meeting the criteria of SOP of MoEF & CC and the consent conditions issued by the SPCBs/PCCs. In case of non-compliances actions have been initiated in the form of closure directions or time specific directions for improvement or notices for compliance. The remedial measures suggested are as follows:

“Remedial Measures:

The following remedial measures are suggested for addressing the environmental concerns in the tyre pyrolysis units:

- 1) *Only continuous tyre pyrolysis units be allowed and all the units having batch process be asked to switch over to continuous process within a given time frame of one year and till the time of conversion their operation be stopped;*
- 2) *The feed to the continuous reactors should be in the form of tyre chips and mechanical feeding system with air lock arrangements so that no air enters in the reactors.*
- 3) *The unit should install packed bed scrubber for control of gaseous emission and reduction of odour;*
- 4) *The tyre pyrolysis units should strictly follow the Standard Operating Procedures (SOPs) issued by MoEF& CC for continuous process and the consent conditions issued by SPCBs/PCCs.”*

5. The report has also annexed Standard Operating Procedure (SOP) issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) dated 24.11.2015 to the effect that ‘batch process’ leads to carbon spillage and exposure of workers. Some explosions have

also been reported. Such process has major shortcomings. The recommendation is that the batch process should be switched over to 'continuous process' within one year. We are informed that that CPCB is going to issue a direction under Section 5 of the Environment (Protection) Act, 1986 directing switchover to 'continuous process' within one year.

6. Our attention has also been drawn to SOP on 'import and recycling of waste pneumatic tyres' to the effect that said tyres fall in Hazardous Waste Rules. Import thereof needs to be restricted to the actual users having requisite consent. It is also pointed out during the hearing that the State of Punjab issued order dated 15.11.2014 for the Location and Siting for Waste-tyre based Pyrolysis Plants and Pollution Prevention/Safety measures to be adopted by such units.
7. In view of above, it is clear that Pyrolysis process involves high level of pollution and also adversely affects the health of the workers involved in the process. The matter being covered by the Hazardous Waste Management Rules, there is need for restrictions on import and to regulate location of such units in the light of the carrying capacity of the area.
8. Accordingly, CPCB may issue appropriate directions on the subject after due consideration of the issue. The directions should also deal with the restrictions on import so as to ensure that India does not become a dump yard for highly polluting hazardous waste material from other countries and also to ensure that health of the workers involved in the process is duly safeguarded.

9. The States wherein such 270 non-complying units are located need to take remedial action including levy of Environmental Compensation to ensure that such units comply with air, water and hazardous waste pollution norms within a reasonable time span. Let CPCB monitor the compliance and file the status and compliance report on or before 30.11.2019 by e-mail at judicial-ngt@gov.in.

List for further consideration on 06.01.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

September 19, 2019
Original Application No. 400/2019
DV