

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPLE BENCH, NEW DELHI

O.A. No. 536/2019

IN THE MATTER OF:-

ASHOK KUMAR PATJOSHI

APPLICANT

VS.

MoEF & CC & ORS.

RESPONDENTS

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ABHAY SINGH SONI  
SCIENTIST -E  
CENTRAL POLLUTION CONTROL BOARD  
PARIVESH BHAWAN, EAST ARJUN NAGAR,  
DELHI-110032

DATE: 15.11.2019  
PLACE: DELHI

# **Status Report on inspection and verification of Spent Pot Lining by State Boards and setting up TSDF by States of Odisha and Chhattisgarh.**

**(in the matter of O. A. No. 536/2019 titled  
Ashok Kumar Patjoshi V/s MOEF&CC and Ors.)**



**November, 2019**

**CENTRAL POLLUTION CONTROL BOARD  
Ministry of Environment, Forest and Climate Change  
Govt. of India.**

**Background:**

Hon'ble National Green Tribunal (NGT) vide order dated 04.09.2019 in the matter of O. A. No. 536/2019 titled Ashok Kumar Pat Joshi V/s MoEF&CC and Ors. directed as:

"...to furnish status report about the result of inspection and verification by the State Boards as per letter dated 23.08.2019, issued by Central Pollution Control Board (CPCB) and setting up of Treatment, Storage and Disposal Facilities (TSDFs) by States of Chhattisgarh and Odisha, which may be overseen by the CPCB...."

**Actions taken by CPCB as per Hon'ble NGT vide order dated 04.09.2019 were as follows:**

- A. In continuation of CPCB's letter dated 23.08.2019, CPCB issued a letter dated 11.09.2019 to State Pollution Control Boards (SPCBs) of West Bengal, Madhya Pradesh, Jharkhand, Chhattisgarh and Odisha to submit a status report regarding inspection and verification of units handling Spent Pot Lining (SPL) for compliance of Standard Operating Procedure (SoP) for utilisation of SPL and Hazardous and Other Wastes (Management and Transboundary Movement) (HOWM) Rules, 2016.
- B. States of Chhattisgarh and Odisha were also requested to submit the progress and action plan w.r.t. setting up of TSDF along with physical progress in their State.

**Observations:****A. Compliance status submitted by the 05 SPCBs regarding compliance of SoP for utilization of SPL and HOWM Rules, 2016, after physical verification made by them:-**

S. No.	State Board	Compliance status and details of generator and re-processor of SPL
1.	Jharkhand State Pollution Control Board (JSPCB)	a) SPL Generator - There is no SPL generating industry in the State. b) SPL Re-processor - There is no authorized SPL re-processor or utilizing unit in the State.
2.	West Bengal Pollution Control Board (WBPCB)	a) SPL Generator - There is no SPL generating industry in the State. b) SPL Re-processor - There is no authorized SPL re-processor or utilizing unit in the State.
3.	Odisha State Pollution Control Board (OSPCB)	a) SPL Generator - There are 04 SPL generating industries (Aluminium Smelter Plants) in State namely: i. M/s Hindalco Industries Limited, Hirakud, Sambalpur ii. M/s Aditya Aluminium (Hindalco Industries Ltd.), Lapanga, Sambalpur iii. M/s Vedanta Limited, Bhurkamunda, Kalimandir, Jharsuguda iv. M/s National Aluminium Company Limited (NALCO), Smelter Plant, NALCO Nagar, Angul. b) SPL Re-processor - OSPCB informed that only one re-processing unit namely M/s Green Energy Resources (unit) is reprocessing SPL to manufacture carbon mineral fuel (Detoxified SPL). c) In pursuant to CPCB letter dated 23.08.2019, Regional Officer, OSPCB, Sambhalpur has carried out inspection of the unit. After verification of the records, the unit was found to be complying as per the provisions of SoP for utilization of SPL and HOWM Rules, 2016, except the unit has supplied carbon mineral fuel to cement plants of Chhattisgarh and Madhya Pradesh through some traders. d) Establishment of one unit for utilization of refractory portion of SPL is under consideration of the Board.

4.	Madhya Pradesh Pollution Control Board (MPPCB)	<p>a) SPL Generator - There is only one SPL generating industry namely M/s Hindalco Industries Limited, NH-75 E, Singrauli-Sidhi Road, P.O. Bargawan, Singrauli.</p> <p>b) SPL Re-processor - MPPCB vide letter dated 01.10.2019 informed that only one industry i.e. M/s Krishna Calcination &amp; Refractories Pvt. Ltd., Lamtara Industrial Area, Katni was granted authorization under Rule 9 of HOWM Rules, 2016 for utilization of SPL generated from Primary Aluminium Smelter Industries.</p> <p>c) Based inspection carried by Regional Directorate, CPCB Bhopal; CPCB issued directions on 05/12/2018 Under Section 5 of Environment (Protection) Act [E(P)A] 1986, to MPPCB in case of M/s Krishna Calcination and Refractories Pvt. Ltd., Katni, MP, to immediately close all the industrial operations of the unit pertaining to procurement, transportation and utilization of SPL, Aluminum dross and Used Anode Butt besides initiating other actions.</p> <p>d) In response to above said directions, MPPCB issued closure directions to the aforesaid unit on 06/03/2019.</p> <p>e) Subsequently, the unit vide letter dated 12/04/2019, has submitted the point-wise status of compliance to the above said directions including upgradations made by them.</p> <p>f) In this regard, RD, Bhopal carried out joint inspection with the officials of MPPCB on 16/05/2019 to verify the claims made by the unit. Based on joint inspection report, Modified directions u/s 5 of E(P)A, 1986, was issued on 18.06.2019 to MPPCB in case of M/s Krishna Calcination and Refractories Pvt. Ltd., Katni, MP, to issue show-cause notice to unit for imposition of Environmental Compensation (EC) for the damages caused to the environment and Financial Penalty for violating provisions of the HOWM Rules, 2016.</p> <p>g) Presently the industry is closed and shall be operational only after compliance of SoP and HOWM Rules, 2016.</p>
5.	Chhattisgarh Environment Conservation Board (CECB)	<p>a) SPL Generator - There is only one SPL generating industry namely M/s Bharat Aluminium Company Limited, Korba.</p> <p>b) SPL Re-processor - CECB vide letter dated 17.10.2019 informed that Regional Officer, Raipur has inspected M/s Greenmac Technologies, Raipur on 24.09.2019 and observed non-compliances w.r.t. SoP for utilization of SPL and violations of HOWM Rules, 2016.</p> <p>c) Based inspection carried by RD, Bhopal; CPCB issued show cause directions Under Section 5 of E(P)A, 1986 on 02.08.2019 to M/s Greenmac Technologies for imposition of environmental compensation regarding non-compliances of SoP for utilization of SPL and HOWM Rules, 2016.</p> <p>d) CECB is in process for cancellation of Authorization granted to M/s Greenmac Technologies, Raipur.</p>

**B. Status submitted by the 02 SPCBs for setting of Integrated TSDF**

S. No.	State	Response
1.	Odisha State Pollution Control Board	The Board informed that a Common TSDF having Secured Landfill (SLF) facility at Kanchichuan, Tehsil – Sukinda, District – Jajpur is being operated by M/s Odisha Waste Management Project (a Division of Ramky Enviro Engineers Ltd.) in the state of Odisha. The TSDF does not have any incineration facility. However, it has applied to MoEF&CC for grant of Environmental Clearance (EC) for its expansion including establishment of incineration facility. Public hearing has already been conducted on 06.11.2018 and the application for grant of EC is with MoEF&CC. This TSDF may become integrated facility thereafter.
2.	Chhattisgarh Environment Conservation Board	The Board informed that Chhattisgarh State Industrial Development Corporation (CSIDC) has floated Request For Proposal (RFP) for Setting up and Operating the Common Hazardous Waste Treatment, Storage and Disposal Facility (HWTSDF) in Chhattisgarh. About 50 acres of land has also been identified near village Kesda, Simga, Raipur, Chhattisgarh for the same.

**Recommendations:**

- The State Boards have provided information of the facilities which are authorized for utilizing/re-processing the Spent Pot Lining waste. No information was provided at the generator end. SPCBs may therefore verify records of generation, transfer, sale or disposal of SPL at the place of generator that is Aluminium Smelter plants. Quantity of SPL sent or transferred from the premises of Smelters units needs to be verified as per manifest document.
- SPCB may verify records of SPL generation, storage, handling, transfer and disposal at the place of generation as well as at utilizer/re-processor end so as to assess leakages or unaccounted waste if any.
- SPL re-processing units located at MP and Chhattisgarh were found not complying with the SoPs for utilisation. SPCBs may therefore shall not allow operation of those facilities till they are augmented to comply with SoPs.
- SPCBs in the States of Odisha, Chhattisgarh and UP are required to assess over-all management of SPL waste generated by Aluminium smelter plants
- SPCBs shall ensure proper accounting of inter-state movement of SPL as per the manifest and conditions of authorization so as to eliminate the possibilities of illegal re-processing or sale as fuel.
- Hon'ble NGT vide its order dated 26.08.2019 in the matter of O.A. No. 804/2017 (Rajiv Narayan & Anr. Vs. Union of India & Ors.), directed all the States which have not set up TSDF may do so and the States which fail to set up the same up to 31.03.2020, will be liable to pay environmental compensation of Rs. 10 lakh per month. Therefore, it is humbly prayed that Hon'ble NGT may further direct the concerned States and SPCB for expediting the process of setting up of TSDF in Chhattisgarh State.

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Item No. 10

Court No. 1

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

Original Application No. 536/2019

(With report dated 23.08.2019)

Ashok Kumar Patjoshi

Applicant(s)

Versus

Ministry of Environment, Forest &  
Climate Change & Ors.

Respondent(s)

Date of hearing: 04.09.2019

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

For Applicant(s): Mr. Purushottam Sharma, Mr. Mukesh Kr. Singh  
Tripathi, Advocates

For Respondent(s): Ms. Vipra Bhardwaj, Advocate for CPCB

**ORDER**

1. The issue for consideration is the scientific disposal of Spent Pot Lining (SPL) which is produced by the smelting plants operated by the aluminum industries which contains high level of Cyanide and Fluoride which are carcinogenic and need to be scientifically utilized/detoxified. The SPL is classified as hazardous waste under the Schedule to the Hazardous Waste Management Rules, 2016.
2. The Tribunal sought a response from the CPCB by way of a report which has been furnished on 23.08.2019 to the effect that SOP for scientific disposal and utilization of SPL has been issued in July,

2019. With regard to the discrepancies in the permissions granted by the State Boards to various facilities in West Bengal, Jharkhand, Chhattisgarh, Odisha and Madhya Pradesh, it is stated that the CPCB has issued letter dated 23.08.2019 requiring inspection and verification of such facilities, verification of SPL procured and verification of standards stipulated in the SOP.

3. The report does not mention about the result of such inspection and verification by the State Boards which may be done within one month and a status report furnished before the next date. The States of Chhattisgarh and Odisha may expedite setting up of integrated TSDFs which may be overseen by the CPCB.

List for further consideration on 21.11.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

September 04, 2019  
Original Application No. 536/2019  
AK