

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

INDEX

SI. NO.	PARTICULARS	PAGE NO.
01.	ADDITIONAL SUPPLEMENTARY STATUS AND COMPLIANCE REPORT OF CENTRAL POLLUTION CONTROL BOARD IN THE MATTER OF O.A. NO. 400/2019 TITLED AS SOCIAL ACTION FOR FOREST & ENVIRONMENT (SAFE) VERSUS UNION OF INDIA & ORS. IN COMPLIANCE OF HON'BLE NGT, ORDER DATED:19.09.2019.	
02.	ANNEXURE-1 HON'BLE NGT ORDER DATED 19.09.2019	

Anand Kumar
03/01/2020

(ANAND KUMAR)
SCIENTIST 'E'
CENTRAL POLLUTION CONTROL BOARD
PARIVESH BHAWAN, EAST ARJUN NAGAR,
DELHI- 110032

DATE: 03.01.2020
PLACE: DELHI

Additional Supplementary Status and Compliance Report

(In addition and in supplement of the report filed on 18-12-2019)

**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
January 2020**

Naval Kumar

Contents

S.No.	Description	Page Number
1.	Additional Supplementary Status and Compliance Report in compliance with Hon'ble NGT PB Order dated 19-09-2019	04
2.	Compliance Status Table as on date	04-06
3.	Copy of Directions under Section 5 of the E (P) Act	8-15

Anand Kumar

Additional Supplementary Status and Compliance Report in compliance with Hon'ble NGT PB Order dated 19-09-2019

Background:

In the matter of original application (O.A.) No.400/2019 (Social Action for Forest and Environment (SAFE) vs. Union of India and Others.), and in compliance with the Hon'ble NGT order dated 19-09-2019, CPCB submitted 'Status and Compliance Report' on 18-12-2019 which was based on the report of SPCBs/PCCs received during November 2019. CPCB issued direction on 04-12-2019 for closure of tyre pyrolysis industries which were non-compliant as on date. The SPCBs were asked to submit their action taken report by 25-12-2019.

Now, CPCB has received action taken report in compliance with the direction dated 04-12-2019. The action taken reports were analyzed and it was observed that the compliance status has changed.

In view of the above additional supplementary status and compliance report is submitted as below:

As per the action taken report as received from the SPCBs in compliance with the direction dated 04-12-2019, there are now 678 tyre pyrolysis units in 19 states of the country, an increase of 06 units over the last reported figure of 672. Out of 678 tyre pyrolysis units, 270 units are complying, 250 units are not complying and 155 units are closed/not in operation. CTO of 02 units are under renewal. Out of these two units one unit is operational and another unit is closed. 01 unit has applied for on line consent and the case is under process.

The increase in number of compliance units is mainly due to monitoring by CPCB and SPCBs. SPCBs based on direction of CPCB has started process of closing the non-compliance units. Maharashtra Pollution Control Board (MPCB) has recovered environmental compensation of Rs. 77,500/- from 3 units.

The State wise status of compliance is tabulated below:

S. N.	States	Total Number of units	Number of complying units	Non-complying units	Number of closed units	Remarks
1.	Andhra Pradesh	39	06	15	18	• The Board has issued closer order on 21.12.2019 to 15 number of non-complying Tyre pyrolysis units.
2.	Assam	08	05	0	03	-
3.	Bihar	18	0	0	18	All the 18 tyre pyrolysis units in the state are closed.
4.	Chhattisgarh	27	24	03	00	03 units electricity / power supply disconnected

Anand Kumar

S. N.	States	Total Number of units	Number of complying units	Non-complying units	Number of closed units	Remarks
5.	Haryana:	113	67	06	40	<ul style="list-style-type: none"> • Closer action for 06 Non-complying units is under process. • Board has proposed EC of 4,53,125 on a unit for non-complying.
6.	Himachal Pradesh	01	0	0	1	Unit closed its operation w.e.f 21-12-2019
7.	Jammu & Kashmir	07	03	0	03	01 unit applied for on line consent and is under process
8.	Jharkhand	11	01	07	01	<ul style="list-style-type: none"> • 07 non complying units have been issued time specific directions for compliance by 31-12-2019 • 02-unit CTO under renewal, out of these two units one unit is operational and another unit is closed
9.	Karnataka	34	08	23	03	Closer direction is issued to 23 non-complying units.
10.	Kerala	01	0	0	1	01 unit is Closed
11.	Madhya Pradesh (ATR awaited, Old information repeated)	64	10	26	28	MPPCB has informed that all regional offices have been directed to review the latest status of compliance and issue closure direction immediately in case of non-compliance.
12.	Maharashtra	80	01	71	08	<ul style="list-style-type: none"> • Process of closure of non-complying units have been started by the Regional Offices of MPCB as per the direction from head office of MPCB. • MPCB has issued direction to non-complying units for stopping production till the time they switch over to continuous process. • MPCB has issued directions to its regional offices to levy environmental compensation to the defaulting tyre pyrolysis units. • MPCB has recovered environmental compensation of Rs. 77,500/- from 3 units. • MPCB has issued directions to its Regional Officers for correcting the non-compliance.
13.	Odisha	12	05	06	01 temporarily suspends operation	<ul style="list-style-type: none"> • 06 unit issued directions for complying with SOPs and keep the industry under shutdown till such compliance are made. • The Regional Officers have been instructed to ensure closure of the defaulting units immediately.
14.	Punjab	18	08	10	0	<ul style="list-style-type: none"> • 02 units sealed and compliant filed in the court. • 04 units, direction under section 31- A of Air Act and under section

S. N.	States	Total Number of units	Number of complying units	Non-complying units	Number of closed units	Remarks
						<p>33 A of Water issued for closure and also for disconnection of electricity</p> <ul style="list-style-type: none"> • 01 unit show cause notice for refusal of consent to operate and for hearing issued. • 01 unit show cause for closure and for disconnection of electricity supply issued • 01 unit consent revoked and notice for hearing issued • 01 show cause notice for refusal of consent issued
15.	Rajasthan	38	30	05	03	<ul style="list-style-type: none"> • 03 Non-operational unit have been issued direction for not resuming operation till SOP of MoEF &CC fully complied. • 05 units have been issued show cause notices for imposing EC. • Rajasthan Board has inspected 22 units and found them complying and for 2 units they will submit reports after verification.
16.	Tamil Nadu	17	14	03	0	Tamil Nadu PCB has issued closer direction and disconnection of power supply to 03 non-complying units.
17.	Telangana	61	04	57	0	<ul style="list-style-type: none"> • Telangana SPCB has informed that a petition was filed before Hon'ble High Court in WP NO. 25130 of 2019 by Telangana Renewable Green Energy Welfare Association & other (Pyrolysis) covering all the pyrolysis units. • The Board will initiate action against 57 non-complying tyre pyrolysis units in the state after hearing and orders of Hon'ble High Court.
18.	Uttar Pradesh	118	75	18	25	<ul style="list-style-type: none"> • 8 units have been issued closure order • 5 units have been issued EC for an amount of Rs. 51,12,501/- • 1 unit has been issued closure direction and imposed EC of Rs. 9,21,934/- • 4 units have been issued notices out of which 1 unit is closed
19.	Uttarakhand	11	09	0	02	<ul style="list-style-type: none"> • 01 unit has been closed • 01 unit consent expired and is closed
	Total	678	270	250	155	<ul style="list-style-type: none"> • 02-unit CTO under renewal, out of these two units one unit is operational and another unit is closed • 01 unit has applied for on line consent and case is under process

Actions by CPCB after filing the status and compliance report on 18-12-2019:

CPCB issued direction under section 5 of the E (P) Act 1986 dated 30-12-2019 to 19 SPCBs regarding regulating the location of tyre pyrolysis units in light of the carrying capacity of the area and for safe guarding the health of workers. The SPCBs were asked to submit their action taken report by 15-01-2020. (Copy of the direction enclosed)

-----X-----X-----

Arund Kumar

B-29016/1(NGT)/19/WM-III Division

December 30, 2019

To
The Chairman
(19 SPCBs/PCCs having Tyre Pyrolysis Units)

Directions under Section 5 of the Environment (Protection) Act, 1986 in the matter of OA no. 400 of 2019 in the Hon'ble NGT Principal Bench, New Delhi on regulating location of Tyre Pyrolysis Units in the light of the carrying capacity of the area and for ensuring health of workers involved in the process duly safeguarded.

WHEREAS, the Ministry of Environment, Forests & Climate Change, Government of India (herein after referred as MoEF&CC) has notified the Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016 under the Environment (Protection) Act, 1986, for proper management and handling of Hazardous wastes; and

WHEREAS, MoEF&CC, vide Notifications No. S.O. 157(E) of February 27, 1996 and S.O. 730 (E) dated July 10, 2002, has delegated the powers under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board (herein after referred to as CPCB), to issue directions to any industry or any local or any other authority for the violation of the standards and rules, notified under the Environment (Protection) Act, 1986 and amendments thereof; and

WHEREAS, CPCB in compliance with the Hon'ble NGT, Principal Bench, New Delhi, orders dated 25.04.2019, in the matter of original application O.A. No.400/2019 submitted status report on compliance of Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 and remedial measures in tyre pyrolysis industries. The status report so submitted was a compilation of compliance reports as received from SPCBs/PCCs and also included remedial measures for addressing environmental concerns in tyre pyrolysis industries.

WHEREAS, the Hon'ble NGT Principal Bench, New Delhi in its order dated 19-09-2019 in the above matter observed that pyrolysis process involves high level of pollution and also adversely affects health of workers involved in the process and directed that location of Tyre Pyrolysis Units be regulated in the light of the carrying capacity of the area and for ensuring health of workers involved in the process be duly safeguarded.

Contd.....

1 of 2

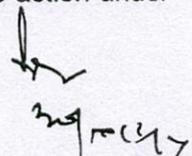
8

Anand Kumar

From pre page.....

Now, THEREFORE, in exercise of the powers vested under the Section 5 of the Environment (Protection) Act, 1986, directions are hereby issued for regulating location of tyre pyrolysis industries in light of the carrying capacity of the area. Henceforth, any new/expansion of existing tyre pyrolysis industry be granted consent to establish or amendment in consent to establish only after assessing the carrying capacity of the area. You are also directed to ensure that health of workers involved in the tyre pyrolysis industries is safeguarded.

Action Taken Report (ATR) shall be submitted to the Central Pollution Control Board by 15.01.2020. Failing to comply with these directions, shall attract appropriate action under Law


(S. P. Singh Parihar)
Chairman

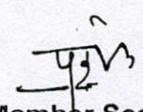
Copy to:

1. The Joint Secretary
HSM Division, 2nd Floor Agni Wing
Indira Paryavaran Bhawan
Ministry of Environment, Forest and Climate
Change, Jor Bagh Road, Aliganj, New Delhi -04
2. Regional Directorates of CPCB
3. Incharge, I.T. Division, CPCB, Delhi

For Information please

For follow up

For uploading on the web site of
CPCB


(Member Secretary)

2 of 2

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्माता
दिनांक 21/12/19

%

Anand Kumar

9

List of 19 States of Tyre Pyrolysis Units

1.	The Chairman Andhra Pradesh State Pollution Control Board D. No. 33-26-14 D/2, Near Sunrise Hospital Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet, Vijayawada- 520 010
2.	The Chairman Assam State Pollution Control Board, Bamunimaidam, Guwahati – 781 021
3.	The Chairman Bihar State Pollution Control Board Parivesh Bhawan, Plot No. N-B/2, Patliputra Industrial Area, Patna-800023
4.	The Chairman Chhattisgarh Environment Conservation Board Paryavas Bhawan, North Block Sector-19 Naya Raipur – 492 099
5.	The Chairman Haryana State Pollution Control Board C-11, Sector 6, Panchkula, Haryana 134109
6.	The Chairman Himachal Pradesh State Pollution Control Board Paryavaran Bhavan, Phase III, New Shimla – 171009, Himachal Pradesh
7.	The Chairman J&K State Pollution Control Board, Parivesh Bhawan, Shiekh-ul-Campus, behind Govt. Silk Factory, Raj Bagh, Srinagar(J&K)
8.	The Chairman Jharkhand State Pollution Control Board T.A Building, HEC Campus, P.O. Dhurwa Ranchi – 834004, Jharkhand
9.	The Chairman Karnataka State Pollution Control Board Parisara Bhavan, 4th& 5th floors, Church Street, Bangalore – 560 001, Karnataka
10.	The Chairman Kerala State Pollution Control Board Plamoodu Junction, Pattam Palace P.O. Thiruvananthapuram – 695004, Kerala
11.	The Chairman Maharashtra State Pollution Control Board Kalpataru Point, 3rd& 4th floors Sion Matunga Scheme Road No. 6 Opp. Cine Planet, Sion Circle, Sion (E), Mumbai 400 022, Maharashtra
12.	The Chairman Madhya Pradesh State Pollution Control Board Paryavaran Parisar, E-5 Area Colony Bhopal – 462016, Madhya Pradesh

13.	The Chairman Odisha State Pollution Control Board Paribesh Bhawan A-118, Nilakanta Nagar, Unit -VIII, Bhubaneshwar - 751012.
14.	The Chairman Punjab State Pollution Control Board Nabha Road, ITI Rd, Adarsh Nagar, Prem Nagar, Patiala - 147001.
15.	The Chairman Rajasthan State Pollution Control Board A-4 Institutional Area, Jhalane Dungri Jaipur - 302004
16.	The Chairman Tamil Nadu State Pollution Control Board No. 76, Mount Salai, Guindy, Chennai - 600032
17.	The Chairman Telangana State Pollution Control Board Paryavaran Bhavan A-3, Industrial Estate, Sanath Nagar, Hyderabad - 500 018
18.	The Chairman Uttar Pradesh State Pollution Control Board Building. No. TC-12V Vibhuti Khand, Gomti Nagar, Lucknow- 226010
19.	The Chairman Uttarakhand Environment Protection & Pollution Control Board 29/20, Nemi Road, Dehradun - 248001

1.	The Regional Directorate (East) Central Pollution Control Board 502, Southend Conclave 1582, Rajdanga Main Road Kolkata-700107	2.	The Regional Directorate (West) Central Pollution Control Board Synergy House- II, Gorwa Subhanpura Road Subhanpura, Vadodara- 390023
3.	The Regional Directorate (North-East) Central Pollution Control Board TUM-SIR, Lower Motinagar, Near Fire Brigade H.Q Shillong-793014	4.	The Regional Directorate (Central) Central Pollution Control Board 3 rd Floor, Sahkar Bhawan North T.T Nagar Bhopal- 462003
5.	The Regional Directorate (North) Central Pollution Control Board Ground Floor, PICUP Bhawan Vibhuti Khand, Gomti Nagar Lucknow- 226020	6.	The Regional Directorate (South) Central Pollution Control Board 1 st & 2 nd Floors, Nisarga Bhawan A-Block, Thimmaiah Main Road 7 th D Cross, Shivanagar, Opposite Pushpanjali Theatre, Bangalore 560010

B-29016/1(NGT)/19/MM-III Division

December 04, 2019

9634-9459

To
The Chairman
(19 SPCBs/PCCs having Tyre Pyrolysis Units)

Directions under Section 5 of the Environment (Protection) Act, 1986 to Tyre Pyrolysis Units which are not complying with consent conditions and SOP of MoEF & CC

WHEREAS, the Ministry of Environment, Forests & Climate Change, Government of India (herein after referred as MoEF&CC) has notified the Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016 under the Environment (Protection) Act, 1986, for proper management and handling of Hazardous wastes; and

WHEREAS, MoEF&CC, vide Notifications No. S.O. 157(E) of February 27, 1996 and S.O. 730 (E) dated July 10, 2002, has delegated the powers under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board (herein after referred to as CPCB), to issue directions to any industry or any local or any other authority for the violation of the standards and rules, notified under the Environment (Protection) Act, 1986 and amendments thereof; and

WHEREAS, CPCB in compliance to the Hon'ble NGT, Principal Bench, New Delhi, orders dated 25.04.2019, in the matter of original application O.A. No.400/2019 submitted status report on compliance of Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 and remedial measures in tyre pyrolysis industries. The status report so submitted was a compilation of compliance reports as received from SPCBs/PCCs and also included remedial measures for addressing environmental concerns in tyre pyrolysis industries.

WHEREAS, as per the reports from SPCBs/PCCs it was observed that around 270 units are not complying for which SPCBs/PCCs have been taken actions. The Hon'ble NGT Principal Bench, New Delhi in its order in the above matter observed that pyrolysis process involves high level of pollution and also adversely affects health of workers involved in the process.

Contd.....

12

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

05/12/19

Anand Kumar

From pre page.....

WHEREAS, the Hon'ble NGT further directed that CPCB may issue appropriate directions on the subject after due consideration of the issue. Accordingly, a meeting was held in CPCB with representatives of tyre pyrolysis industries namely the All India Rubber & Tyre Recyclers Association, Mumbai (AIRTRA) and Pyrolysis Industries Welfare Association, Punjab, where their views were taken in the matter of switching over to continuous process from batch process.

Now, THEREFORE, in exercise of the powers vested under the Section 5 of the Environment (Protection) Act, 1986, directions are hereby issued to you to close down all such pyrolysis units in your State/UT which are not complying as on date with consent conditions and SOP of the MoEF&CC. You are also directed to carry out strict vigilance and monitoring in complying industries to ensure continued compliance of consent conditions and SOP of MoEF&CC. You are further directed that 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.

Action Taken Report (ATR) shall be submitted to the Central Pollution Control Board by 25.12.2019. Failing to comply with these directions, shall attract appropriate action under Law

(S. P. Singh Parihar)
Chairman

4/12/19

Copy to:

1. The Joint Secretary
HSM Division, 2nd Floor Agni Wing
Indira Paryavaran Bhawan
Ministry of Environment, Forest and Climate
Change, Jor Bagh Road, Aliganj, New Delhi -04
2. Regional Directorates of CPCB
3. Incharge, I.T. Division, CPCB, Delhi

For Information please

For Follow up
For uploading on the web site of
CPCB

(Member Secretary) 04/12/19

for

List of 19 States of Tyre Pyrolysis Units

1.	The Chairman Andhra Pradesh State Pollution Control Board D. No. 33-26-14 D/2, Near Sunrise Hospital Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet, Vijayawada- 520 010
2.	The Chairman Assam State Pollution Control Board, Bamunimaidam, Guwahati – 781 021
3.	The Chairman Bihar State Pollution Control Board Parivesh Bhawan, Plot No. N-B/2, Patliputra Industrial Area, Patna-800023
4.	The Chairman Chhattisgarh Environment Conservation Board Paryavas Bhawan, North Block Sector-19 Naya Raipur – 492 099
5.	The Chairman Haryana State Pollution Control Board C-11, Sector 6, Panchkula, Haryana 134109
6.	The Chairman Himachal Pradesh State Pollution Control Board Paryavaran Bhavan, Phase III, New Shimla – 171009, Himachal Pradesh
7.	The Chairman J&K State Pollution Control Board, Parivesh Bhawan, Shiekh-ul-Campus, behind Govt. Silk Factory, Raj Bagh, Srinagar(J&K)
8.	The Chairman Jharkhand State Pollution Control Board T.A Building, HEC Campus, P.O. Dhurwa Ranchi – 834004, Jharkhand
9.	The Chairman Karnataka State Pollution Control Board Parisara Bhavan, 4th& 5th floors, Church Street, Bangalore – 560 001, Karnataka
10.	The Chairman Kerala State Pollution Control Board Plamoodu Junction, Pattam Palace P.O. Thiruvananthapuram – 695004, Kerala
11.	The Chairman Maharashtra State Pollution Control Board Kalpataru Point, 3rd& 4th floors Sion Matunga Scheme Road No. 6 Opp. Cine Planet, Sion Circle, Sion (E), Mumbai 400 022, Maharashtra
12.	The Chairman Madhya Pradesh State Pollution Control Board Paryavaran Parisar, E-5 Area Colony Bhopal – 462016, Madhya Pradesh

Anand Kumar

13.	The Chairman Odisha State Pollution Control Board Paribesh Bhawan A-118, Nilakanta Nagar, Unit -VIII, Bhubaneshwar - 751012.
14.	The Chairman Punjab State Pollution Control Board Nabha Road, ITI Rd, Adarsh Nagar, Prem Nagar, Patiala - 147001.
15.	The Chairman Rajasthan State Pollution Control Board A-4 Institutional Area, Jhalane Dungri Jaipur - 302004
16.	The Chairman Tamil Nadu State Pollution Control Board No. 76, Mount Salai, Guindy, Chennai - 600032
17.	The Chairman Telangana State Pollution Control Board Paryavaran Bhavan A-3, Industrial Estate, Sanath Nagar, Hyderabad - 500 018
18.	The Chairman Uttar Pradesh State Pollution Control Board Building. No. TC-12V Vibhuti Khand, Gomti Nagar, Lucknow- 226010
19.	The Chairman Uttarakhand Environment Protection & Pollution Control Board 29/20, Nemi Road, Dehradun - 248001

1.	The Regional Directorate (East) Central Pollution Control Board 502, Southend Conclave 1582, Rajdanga Main Road Kolkata-700107	2.	The Regional Directorate (West) Central Pollution Control Board Synergy House- II, Gorwa Subhanpura Road Subhanpura, Vadodara- 390023
3.	The Regional Directorate (North-East) Central Pollution Control Board TUM-SIR, Lower Motinagar, Near Fire Brigade H.Q Shillong-793014	4.	The Regional Directorate (Central) Central Pollution Control Board 3 rd Floor, Sahkar Bhawan North T.T Nagar Bhopal- 462003
5.	The Regional Directorate (North) Central Pollution Control Board Ground Floor, PICUP Bhawan Vibhuti Khand, Gomti Nagar Lucknow- 226020	6.	The Regional Directorate (South) Central Pollution Control Board 1 st & 2 nd Floors, Nisarga Bhawan A-Block, Thimmaiah Main Road 7 th D Cross, Shivanagar Opposite Pushpanjali Theatre, Bangalore 560010

Item No. 05

Court No. 1

**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@cgto.cpcb.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