

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION NO.104 OF 2020

Mr.Rajesh Ghantayath

Applicant

Versus

The Union of India and others

Respondent(s)

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Place: Bengaluru

Date: 02.08.2021



S. Suresh  
21/8/2021  
DEPONENT

S. SURESH  
REGIONAL DIRECTOR  
CENTRAL POLLUTION CONTROL BOARD  
REGIONAL DIRECTORATE (SOUTH)  
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA  
BENGALURU - 560 079. MOB : 9480672128

**BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE) CHENNAI**  
**ORIGINAL APPLICATION NO. 104 OF 2020**

**IN THE MATTER OF:**

Rajesh Ghantayath

.....APPLICANT

Vs

Union of India and Ors.

.....RESPONDENTS

**REPORT ON ACTIONS TAKEN FILED BY CENTRAL POLLUTION CONTROL BOARD (CPCB) WITH REGARD TO HON'BLE TRIBUNAL ORDER DATED JULY 01, 2021**

I, S. Suresh, Son of Sh S.R. Sathyanarayana, Hindu, aged about 58 years, having office at the Regional Directorate, Central Pollution Control Board, 1<sup>st</sup> & 2<sup>nd</sup> Floors, Nisarga Bhavan, A-Block, Thimmaiah Main Road, 7<sup>th</sup> D Cross, Shivanagar, Bengaluru – 560 079 do hereby solemnly affirm and sincerely state as follows:-

2. That I am presently working as Scientist 'E' & Regional Director, Regional Directorate (South), Central Pollution Control Board (hereafter called as CPCB), Bengaluru and have been authorized to file the present report. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present report as under:
3. That the Hon'ble National Green Tribunal (Southern Zone), Chennai in O.A No. 104 of 2020 ordered on 01/07/2021 to file independent statement regarding the actions taken by the regulators. Accordingly, the report of actions taken by CPCB is enclosed as **Appendix.**



S. Suresh  
 DEPONENT 21/8/2021

**VERIFICATION**

It is verified that the content of this Reply Affidavit which is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified on this 2<sup>nd</sup> Day of August, 2021 at Bengaluru

**COUNSEL FOR  
CPCB**



*S. Suresh*  
21/8/2021

**DEPONENT**

**S. SURESH**  
REGIONAL DIRECTOR  
CENTRAL POLLUTION CONTROL BOARD  
REGIONAL DIRECTORATE (SOUTH)  
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA  
BENGALURU - 560 079. MOB : 9480672128



**Report on action taken by CPCB in the matter of O. A No 104/2020 (SZ) :**  
**Rajesh Ghantayath Vs The Union Of India & Ors.**

Central Pollution Control Board issued direction under Section 5 of Environment (Protection) Act, 1986 on 20/03/2018 to Karnataka State Pollution Control Board (KSPCB) in case of M/s Mother Earth Environ Private Limited (MEEPL) on basis of complaint from M/s Society of Sustainable Development and inspection report of KSPCB.

Thereafter, in the same matter a modified direction under section 5 of the Environment (Protection) Act, 1986 was issued to KSPCB on 14/11/2018 to ensure of the following:

- i. Not to allow collection and disposal of hazardous waste by M/s MEETPL into their common SLF unless State arrives siting is absolutely essential in the State and upon compliance with the following:
  - Appropriate design measures adopted for siting the common TSDF within the restricted distances (w.r.t not meeting the location criteria in terms of drinking water wells existing within 500 m distance, water body at about 200 m and habitation within 500 m from notified habitat area which are against the distance criteria prescribed in CPCB guidelines)
  - Design approval by Karnataka SPCB;
  - Layout of the common TSDF approved by Karnataka SPCB w.r.t. green belt requirement and all requisite infrastructures prescribed in the CPCB guidelines; Verification by Karnataka SPCB that M/s MEETPL has set up the common TSDF in accordance with approved design and layout.
- ii. Maintenance of manifest system for movement of leachate from the TSDF to authorised CETP by M/s MEETPL;
- iii. To levy and collect financial penalty from M/s MEETPL for each violation (i.e Rule 6(2), Rule 16(2), 16(4), Rule 19, etc.) in accordance with Rule 23 (2) of the HOWM Rules, 2016;
- iv. Coordinate with Karnataka State Forest, Ecology and Environment and SEIAA, Karnataka for notification of all the Common TSDFs in Karnataka and expansion granted to M/s MEETPL by SEIAA despite of non-compliances.

Copy of direction dated 14/11/2018 is appended as **Annexure-A**.

Partial status of compliance was received from KSPCB vide its various letters. Further, KSPCB vide its letter dated 16/01/2019 informed that operation of M/s MEEPL is essential for management of waste and submitted proposal for imposition of financial penalty of Rs. 2 lakh vide its letter dated 12/06/2019.

CPCB also convened meeting with KSPCB to discuss the compliance of aforesaid modified direction issued to KSPCB on 22/05/2019. The minutes of said meeting were communicated vide letter dated 07/06/2019 for taking additional measures alongwith compliance of aforesaid directions. Copy of CPCB letter dated 07/06/2019 is appended at **Annexure-B**.

KSPCB vide its letter dated 18/09/2019 informed about award of work to IISC Bangalore for re-examination of Design and Layout of M/s MEEL.

CPCB examined the proposal submitted by KSPCB for imposition of financial penalty and vide letter dated 04/10/2019 requested KSPCB to provide additional details on conditions of authorizations violated to enable CPCB to grant approval on the same. Thereafter, CPCB has been continuously following up with KSPCB for submission of compliance status vide various letters dated 01/06/2020 and 04/01/2021.

It is pertinent to mention that Joint Monitoring Committee (constituted by Hon'ble NGT vide orders dated 10/07/2020) has also reported the above status on the action taken by CPCB and status submitted by KSPCB till 2020 in its report informing Hon'ble NGT that the direction issued by CPCB is yet to be complied by KSPCB.

The status of compliance on the aforesaid direction from CPCB is yet to be received and reminder letter has been issued to KSPCB on 26/07/2021. Copy of CPCB letter dated 26/07/2017 is appended at **Annexure-C**.

CPCB has also received a representation of applicant (in the matter of O.A No. 104/2020 (SZ)) regarding request to revoke the Environmental Clearance dated 09/11/2020 granted to M/s. MEEPL and not to accord Consent to Establish and Consent to Operate to the said facility. The same was communicated to Ministry of Environment, Forest and Climate Change (MoEF&CC) and KSPCB on 29/05/2021 as MoEF&CC is the prescribed authority for grant/revoke of environment clearance as per notification no. S.O. 1533 dated 14.09.2006 notified under the

Environment (Protection) Act, 1986 and KSPCB for grant/refusal/withdrawal of Consent to Establish/ Operate as per the Water (Prevention & Control of Pollution) Act, 1974 & Section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

Speed Post

F. No B-29016 (SC)/1/2017-18/WM-II/  
To

12674

November 14, 2018

The Chairman  
Karnataka Pollution Control Board "Parisara  
Bhavana", 1<sup>st</sup> to 5<sup>th</sup> Floor 49, Church  
Street, Bengaluru — 560001

**Modified Directions under Section 5 of the Environment (Protection) Act, 1986 in case of M/s Mother Earth Environ Tech Private Limited, Harohalli, Kanakapura Taluk, Ramanagara District, Bangalore**

WHEREAS, the Central Government has notified the Hazardous and Other Wastes Management and Transboundary Movement) Rules, 2016 (herein referred to as HOWM Rules, 2016) in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 and in supersession of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008 (herein referred to as HWM Rules, 2008), for safe and environmentally sound management of hazardous and other wastes;

WHEREAS, M/s Mother Earth Environ Tech private Limited (herein referred to as MEETPL), is operating a common TSDF, having common secured landfill disposal facility, at Plot No. 217, KIADB Industrial area, Harohalli, Kanakapura Taluk, Ramanagara District, Bangalore. Environmental Clearance (herein referred to as EC) has been issued to M/s Mother Earth Environ Tech Private Limited, Bangalore by the State Environment Impact Assessment Authority (herein referred to as SEIAA), Karnataka, vide its order no. SEIAA 1 IND 2015 dated 28/8/2015 and Consent to Establish has been granted by the SPCB vide its order no. KSPCB/SEO(WMC)/CFE/2015-16/1471 on 04/11/2015.

WHEREAS, as per Rule 16(1) of the HOWM Rules, the State Government, the occupier, the operator of common Disposal Facility or any association of occupiers shall individually or jointly or severally be responsible for identification of sites for establishing a common facility for treatment, storage and disposal of the hazardous waste in, the State. Similar provisions prevailed under Rule 18(1) of HWM Rules, 2008;

WHEREAS, as per Schedule VII read with Rule 21 of the HOWM Rules, 2016, identification and notification of site(s) for common hazardous and other waste treatment, storage and disposal are the duties of the State Government/Union, Territory Government/ Administration as laid down at S No 3 (i) and (iii) of the said Schedule VII; Similar provisions prevailed under Rule 23 (schedule VII) of HWM Rules, 2008;

WHEREAS, as per Rule 6(1) of the HOWM Rules, the occupier engaged in handling, generation, collection, storage, packaging, transportation, use, treatment, processing, recycling, recovery, pre-processing, co-processing, utilization, offering for sale, transfer or disposal of the hazardous and other wastes shall obtain authorization from the State Pollution Control Board/Pollution Control Committee (SPCB/PCC). Similar provisions prevailed under Rule 5(1) of HWM Rules, 2008;

WHEREAS, as per Rule 6 (2) of the HOWM Rules, on receipt of an application complete in all respect for the authorization, the SPCB/PCC may, after such inquiry as it considers necessary, and on being satisfied that the applicant possesses appropriate

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facilities for collection, storage, packaging, transportation, treatment, processing, use, destruction, recycling, recovery, pre-processing, utilization, offering for sale, transfer or disposal of the hazardous and other waste, as the case may be, and after ensuring technical capabilities and equipment complying with the standard operating procedure or other guidelines specified by the Central Pollution Control Board from time to time and through site inspection, grant authorization to the applicant. Similar provisions prevailed under Rule 5(4) of HWM Rules, 2008;

WHEREAS, as per Rule 16(2) of the HOWM Rules, the operator of common facility shall design and set up the treatment, storage and disposal facility as per technical guidelines issued by the Central Pollution Control Board in this regard from time to time and shall obtain approval from SPCB/PCC for design and layout in this regard; Similar provisions prevailed under Rule 18(2) of HWM Rules, 2008;

WHEREAS, as per Rule 16(3) of the HOWM Rules, SPCB/PCC shall monitor the setting up and operation of the Common or captive TSDF, regularly; Similar provisions prevailed under Rule 18(3) of HWM Rules, 2008;

WHEREAS, CPCB has published 'Criteria for Hazardous Waste Landfills', which outlines locational criteria (w.r.t. lakes, ponds, rivers wetlands, flood plains, highways, habitation, critical habitat area, water supply wells, Airports, coastal zone, etc.) for hazardous waste landfills and it has also been stipulated that if it is absolutely essential to site a landfill within the restricted zone, then appropriate design measures are to be taken and prior permission from the SPCB/PCC should be obtained;

WHEREAS, the aforesaid CPCB guidelines also outlines that additional area as high as 30% of the total area in case of small to medium landfills (< 5 hectare area to 20 hectares) has been prescribed to accommodate all infrastructures and support facilities as well as to allow formation of a green belt around the landfill;

WHEREAS, the aforesaid CPCB guidelines also outlines requirement of various facilities such as surface drainage system which collects and removes all surface runoff from the landfill site, settling pond, on-site laboratory for finger printing analysis, monitoring of unsaturated zone and groundwater zone beneath and around landfill, etc.;

WHEREAS, condition number 14 and 34 stipulated under the Environmental Clearance granted by SEIAA are that green belt of 15 meters shall be provided all along the periphery of the site and green belt shall be developed in at least 33 % of the total project area;

WHEREAS, Schedule VII of read with Rule 21 of the HOWM Rules, 2016, monitoring of compliance of various provisions and taking action against violations of the said HOWM Rules are among duties of the State Pollution Control Boards or Pollution Control Committees as laid down at S.No. 4(iii) and (vi) of the said Schedule VII; similar provisions prevailed under Rule 23 (schedule VII) of HWM Rules, 2008;

WHEREAS, a petition dated 09<sup>th</sup> March, 2017 against the aforesaid common hazardous waste disposal facility operated by M/s Mother Earth Environ Tech Private Limited at Plot No. 217, KIADB Industrial area, Harohalli, Kanakapura Taluk, Ramanagara District, Bangalore, was received from M/s Society for Sustainable Development, Madihaguda, Miyapur, Hyderabad, with regard to violations of site selection criteria, no notification of the site by the State Government, inadequate size for operation of HW common TSDF, no green belt development as per the conditions of EC, etc.;

WHEREAS, CPCB vide letter no. B-29016(SC)/1/07/VVM-I1/2714 dated 12<sup>th</sup> May 2017 forwarded the aforesaid petition to Karnataka SPCB for examination and providing their comments

WHEREAS, a similar petition dated 27<sup>th</sup> October 2017 against the said common hazardous waste disposal facility was also received from M/s Karnataka Waste Management Project, Dabaspeta, Bengaluru, with regard to violations of site selection criteria, no notification of the site by the State Government, inadequate size for operation of HW common TSDF, no green belt development as per the conditions of EC, etc.

WHEREAS, Karnataka SPCB examined the aforesaid petition dated 09<sup>th</sup> March, 2017 and provided their comments vide letter no. PCB\WMC\469\HWM\2017-18\493 dated 04<sup>th</sup> January, 2018, based on the inspection conducted on 04<sup>th</sup> October, 2017. Upon examination the following observations were made;

- (i) It has been informed that as per records of Karnataka SPCB, there is no notification of the site for common TSDF by the State Government which is required as per Rule 21 of the said HOWM Rules, 2016 (similar provisions prevailed under Rule 23 of the HWM Rules, 2008). However, monitoring the setting up and operation of the Common or captive TSDF, regularly, monitoring of compliance of various provisions and taking action against violations of the said HOWM Rules are among duties of the State Pollution Control Boards as laid down under Rule 16(3) of the HOWM Rules, 2016, and S. No. 4(iii) and (vi) of Schedule VII of the HOWM Rules, 2016 (similar provisions prevailed under Rule 18(3) and 23 of Schedule VII of the HWM Rules, 2008)
- (ii) The SLF site doesn't meet the location criteria specified in the said guidelines "Criteria for Hazardous Waste Landfills" in terms of drinking water wells existing within 500 meters distance, water body at about 200meters, and habitation (Ganaldoddi village) within 500 meters from a notified habitat area. In accordance with provisions of the said guidelines, absolute essentiality of siting the SLF within the restricted zone and appropriate design measures taken thereof by Karnataka SPCB have not been reported in the said letter of Karnataka SPCB.
- (iii) The SLF being small sized landfill requires to have additional area as high as 30% of the total area in case of small to medium landfills (< 5 hectare area to 20 hectares) to accommodate all infrastructures and support facilities as well as to allow formation of a green belt around the landfill, as stipulated in the said CPCB guidelines. Further, various facilities such as surface drainage system which collects and removes all surface runoff from the landfill site, settling pond, on-site laboratory for finger printing analysis, monitoring of unsaturated zone and groundwater zone beneath and around landfill, etc. have also been prescribed in the said guidelines.

The status of availability of the above and, granting approval for design and layout of the common TSDF by Karnataka SPCB, in accordance with the CPCB guidelines and Rule 16(2) of the HOWM Rules, 2016 (similar provisions prevailed under Rule 18(2) of the HWM Rules, 2008), have not been reported in the said letter of Karnataka SPCB;

- (iv) Green belt of 15 meters on the west and north side of the secured landfill (SLF) of the said common TSDF has not been developed which is violation of condition of the Environmental Clearance granted by SEIAA. Further, compliance of the other condition of the said Environmental Clearance about development of at least 33% of the total project area as green belt has not been reported in the said letter of Karnataka SPCB.

WHEREAS, Karnataka SPCB was directed under section 5 of Environmental (Protection) Act, 1986, vide direction no. B-29016 (SC)/1/2017-18/WM-II/18396 dated 20/03/2018 to (i) to examine compliance of the aforesaid observations vis-a-vis provisions of the Rules and CPCB guidelines; (ii) in case of non-compliances of provisions of the Rules/CPCB guidelines Karnataka SPCB shall stop collection and disposal of hazardous wastes at the common TSDF operated by the said M/s MEETPL and initiate necessary actions;

WHEREAS, in response to above directions, Karnataka SPCB vide letter no. PCB/WMC/469/HWM(2017)/2018-19/756 dated 08/05/2018 forwarded the proceedings of the personal hearing given to M/s MEETPL which revealed that the non-compliance of the provisions of HOWM Rules and CPCB guidelines have not been resolved. M/s MEETPL was, therefore, inspected by officials of Karnataka SPCB and RD, Bengaluru on 15/06/2018;

WHEREAS, CPCB convened a meeting with officials of Ministry of Environment, Forest & Climate Change, Karnataka SPCB, Karnataka Industrial Areas Development Board (KIADB) and representatives from M/s Karnataka Waste Management Private Limited and M/s MEETPL on 20<sup>th</sup> September, 2018, at CPCB, Delhi, under the chairmanship of Member Secretary, Central Pollution Control Board. Decisions taken in the said meeting were communicated to Karnataka SPCB vide CPCB letter no. B-29016/TSDf-63/18/WM-II Div./11996 dated 12/10/2018 for taking actions;

WHEREAS, the Central Government vide Notification No. S.O 730(E) dated 16th July, 2002, has delegated the powers under Section 5 of the Environment (protection) Act, 1986 (29 of 1986) to the Chairman, CPCB, to issue directions to any industry or any local or any other authority for the violation of the standards and rules relating to hazardous waste, bio-medical waste, hazardous chemicals, industrial solid waste, municipal solid waste including plastic waste notified under the Environment (Protection) Act, 1986 and amendments thereof; and

NOW, THEREFORE, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, Karnataka SPCB is directed herewith to ensure compliance of the following decisions taken in the aforesaid meeting held on 20<sup>th</sup> September, 2018;

1. Collection and disposal of hazardous waste by M/s MEETPL into their common SLF shall not be allowed unless Karnataka SPCB arrives that such siting is absolutely essential in the State and that upon compliance with the following:
  - (a) Appropriate design measures have been adopted for siting the common TSDf within the restricted distances and approval of design of the common TSDf has been granted by Karnataka SPCB in compliance with Rule 16 (2) of the HOWM Rules, 2016;
  - (b) Layout of the common TSDf is approved by Karnataka SPCB in compliance with Rule 16 (2) of the HOWM Rules, 2016. Such layout shall incorporate green belt requirement and all requisite infrastructures prescribed in the said CPCB guidelines i.e management of surface run-off water, separate area for equipment shelter, temporary waste storage, stockpiling of cover material and liner material, emergency exit, leachate management, etc.
  - (c) Verification by Karnataka SPCB that M/s MEETPL has set up the common TSDf in accordance with approved design and layout, as above;
2. M/s MEETPL shall maintain the manifest system for movement of leachate from the TSDf to authorised CETP in accordance with Rule 19 of the HOWM Rules, 2016.
3. Karnataka SPCB shall levy and collect financial penalty from M/s MEETPL in accordance with Rule 23 (2) of the HOWM Rules, 2016, and CPCB guidelines "Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty" for each violation stipulated under the HOWM Rules, 2016, (such as, non-compliance w.r.t manifest system (i.e. Rule 19), not obtaining design & layout approval from SPCB (i.e. Rule 16 (2)), violation of condition of authorisation ((i.e. Rule 6(2)), not operating the facility in environmentally sound manner (i.e. Rule 16 (4), etc.).

4. Further, Karnataka SPCB shall also coordinate with Karnataka State Forest, Ecology and Environment/SEIAA, Karnataka for the following:
- Notification of all the Common TSDFs in Karnataka including M/s MEETPL as required under the Rule 16 (1) of the Rules.
  - Expansion granted to M/s MEETPL by SEIAA despite non-compliances with regard to non-development of requisite green belt, location criteria and non-availability of requisite infrastructure.

Receipt of these directions be acknowledged and action taken report in compliance with the above directions be submitted to this office within 15 days from issuance of this direction.

(S.P. Singh Parihar)  
Chairman

**Copy to:**

- The Joint Secretary  
HSM Division, Ministry of Environment,  
Forests & Climate Change, Indira Paryavaran  
Bhawan, Jor Bagh Road,  
New Delhi —110003-  
*: For kind information please.*
- The Regional Director  
(Regional Directorate South). CPCB  
1st & 2nd Floors, Nisarga Bhavan  
A-Block, Thimmaiah Main Road  
7th D Cross, Shivanagar, Opp.  
Pushpanjali Theatre, Bengaluru -560010  
*: To monitor compliance of the above by  
following up with Karnataka SPCB,  
please.*
- The Member Secretary  
SEIAA Karnataka (Ecology and environment),  
Room no ,709. Floor, 4th gate, M.S building,  
Dept of Forest Ecology and Environment.  
Government of Karnataka, Bangalore-560001.
- The Secretary  
to Government (Environment and Ecology),  
Room No. 709, 7th Floor. Gate No 4Forest,  
Environment and Ecology Department,  
Karnataka Government Secretariat, M.S  
Building, Bangalore -560001.
- ✓ w/c IT Division, CPCB, Delhi

(Prashant Gargava)  
Member Secretary

F. No B-29016/TSDf/(63)/2019/WM-II Div./

**SPEED POST**

To

June 07, 2019

The Member Secretary  
Karnataka Pollution Control Board  
"ParisaraBhavana", 1<sup>st</sup> to 5<sup>th</sup> Floor 49.  
Church Street, Bengaluru — 560001

**Sub: Modified Directions issued under Section 5 of the Environment (Protection) Act, 1986 in case of M/s Mother Earth Environ Tech Private Limited, Harohalli, Kanakapura Taluk, Ramanagara District, Bangalore-regarding.**

- Ref:** (i) CPCB direction vide letter no. B-29016 (SC)/1/2017-18/WM-II/12674 dated 14/11/2018  
(ii) KSPCB letter no. PCB/WMC/2165/2017/4155 dated 14/11/2018  
(iii) KSPCB letter no. PCB/WMC/2800/HWM/2018-19/3802 & 3803 dated 27/10/2018  
(iv) CPCB letter no. B-29016 (SC)/1/2017-18/WM-II/13589 dated 07/12/2018  
(v) KSPCB letter no. PCB/WMC/2018/294 dated 05/12/2018  
(vi) KSPCB letter no. PCB/WMC/2018/5259 dated 10/01/2019  
(vii) KSPCB letter no. PCB/WMC/2018/383 dated 16/01/2019  
(viii) KSPCB letter no. PCB/WMC/2018/6004 dated 13/02/2019  
(ix) CPCB letter no. B-29016 (SC)/1/2018-19/WM-II/16625 dated 22/02/2019  
(x) KSPCB letter no. PCB/WMC/2800/HWM/2018/942 dated 06/05/2019  
(xi) CPCB letter no. B-29016 (SC)/1/2018-19/WM-II/1232 dated 13/05/2019  
(xii) KSPCB letter no. PCB/WMC/2800/HWM/2018/1094 dated 15/05/2019

Sir,

With reference to above and discussions held on 22/5/2019 (minutes enclosed), It is requested that the compliance of directions dated 14/11/2018 including the following may be ensured:

- To immediately engage the identified institute i.e. IISc, Bangalore, for re-examination of design and layout approved by KSPCB including garland drain, along the Cells of the TSDf, maintenance of 33% green belt and required infrastructure as per CPCB guidelines. The scope of work shall also include:
  - additional design measures requirement, if any, for the common TSDf siting in the restricted area.
  - adequacy of the size/capacity of various required infrastructures.
- To levy and collect financial penalty from M/s MEETPL for each violation of the provisions as stipulated under Rule 23(2) of the HOWM Rules, 2016 (such as, non-compliance w.r.t manifest system (i.e. Rule 19), not obtaining design and layout approval from SPCB (i.e. Rule 16(2), violation of condition of authorization (i.e. Rule 6(2), not operating the facility in environmentally sound manner (i.e. Rule 16(4), etc.).

Action taken in this regard be informed to CPCB on or before 15/6/2019.

Yours faithfully,



(Bharat K Sharma)  
Additional Director & Head  
Waste Management-II Division

Encl.: as above

Copy to:

- The Regional Director RD Bengaluru : To follow up with Karnataka SPCB to ensure compliance, as above, please.  
Central Pollution Control Board  
1st & 2nd Floors, NisargaBhavan  
A-Block, Thimmaiah Main Road  
7th D Cross, Shivanagar, Opp.  
Pushpanjali Theatre, Bengaluru -560010



(Bharat K Sharma)

केंद्रीय प्रदूषण नियंत्रण बोर्ड  
दिनांक: .....  
दिनांक: .....

10/06/19

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**Minutes of the meeting on the matter pertaining to the Directions issued to Karnataka State Pollution Control Board (KSPCB) under section 5 of Environment (Protection) Act, 1986, with regard to common TSDF, operated by M/s Mother Earth Environ Tech Pvt. Ltd. (MEETPL), Harohalli, Kanakapura Taluk, Ramanagara District, Bangalore, Karnataka.**

1. A meeting was held on 22<sup>nd</sup> May, 2019, at CPCB, Delhi to discuss regarding the compliance of the directions issued to Karnataka SPCB under section 5 of Environment (Protection) Act, 1986, with regard to common TSDF, operated by M/s Mother Earth Environ Tech Pvt. Ltd. (MEETPL), Bangalore, Karnataka. List of the participants is given at **Annexure- I**.
2. Shri. Bharat K Sharma, AD & Head, WM-II Division, CPCB, welcomed all the participants. He informed based on the decisions taken in the meeting held on 20/09/2018 under chairmanship of Member Secretary, CPCB with the officials of KSPCB, MoEF&CC, RD Bengaluru, Karnataka Industrial Area Development Board, TSDF operators (i.e M/s MEETPL & M/s Karnataka Waste Management Project (KWMP), modified directions dated 14/11/2018 under section 5 of the Environment (Protection) Act, 1986, was issued by CPCB to KSPCB in case of Common TSDF operated by M/s Mother Earth Environ Tech Pvt. Ltd. (MEETPL), Bangalore, Karnataka wherein it was directed to:
  1. Not to allow collection and disposal of hazardous waste by M/s MEETPL into their common SLF unless siting is absolutely essential in the State and upon compliance with the following:
    - (a) Appropriate design measures adopted for siting the common TSDF within the restricted distances (w.r.t not meeting the location criteria in terms of drinking water wells existing within 500 m distance, water body at about 200 m and habitation within 500 m from notified habitat area which are against the distance criteria prescribed in CPCB guidelines)
    - (b) Design approval by Karnataka SPCB;
    - (c) Layout of the common TSDF approved by Karnataka SPCB w.r.t. green belt requirement and all requisite infrastructures prescribed in the CPCB guidelines;
    - (d) Verification by Karnataka SPCB that M/s MEETPL has set up the common TSDF in accordance with approved design and layout, as above;
  2. Maintenance of manifest system for movement of leachate from the TSDF to authorised CETP by M/s MEETPL;
  3. To levy and collect financial penalty from M/s MEETPL for each violation (i.e Rule 6(2), Rule 16(2), 16(4), Rule 19, etc.) in accordance with Rule 23 (2) of the HOWM Rules, 2016;
  4. Coordinate with Karnataka State Forest, Ecology and Environment and SEIAA, Karnataka for notification of all the Common TSDFs in Karnataka and expansion granted to M/s MEETPL by SEIAA despite non-compliances.

Copy of the directions issued vide dated 14/11/2018 is given at **Annexure-II**.

In response to above directions, KSPCB has submitted the reply vide letters dated 14/11/2018, 05/12/2018 wherein action taken w.r.t. point no 1(b), 1(c), 1(d), 2 and 4 have been provided. However, the compliance status w.r.t. 1, 1(a) and 3 have not been informed. Upon examination of the above replies, CPCB vide letter dated 07/12/2018 asked KSPCB to submit the compliance status on 1, 1(a), 3 including the following:

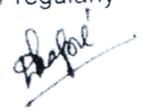
*APL*

- a) Re-examine the design and layout approved by KSPCB, through reputed institute like IIT, IISc, etc., since layout approved by Karnataka SPCB does not meet the following requirements:
- The prescribed 15 meters Green Belt along the periphery of the site (specific condition no. 14 of the Environmental Clearance (EC) dated 28/8/2015) has not been provided.
  - Air quality monitoring station, open lorry/tanker parking area and workshop, which are prescribed in CPCB guidelines, have not been provided.
  - There is no area earmarked for stockpiling cover and liner material within the facility but the same is reported to be stockpiled in other's premises.
  - There is no access road to the emergency exit.
  - Garland drain has not been constructed along Cell of the SLFs. There is hardly any space in Northern side of the Cell No. 1 to construct the garland drain.
  - Detailed calculation of available green belt area needs to be worked out so as to assess compliance of green belt requirement of at least 33% of the total project area (specific condition no. 14 of the Environmental Clearance dated 28/8/2015) since the same appears to be less than the required 33% in the approved layout.
- b) Not to allow collection & disposal of hazardous waste by M/s MEETPL.

He also informed that the responses received from Karnataka SPCB have also been examined by CPCB and clarifications/actions required to be initiated by Karnataka SPCB have been communicated to them from time to time. The actions required as communicated by CPCB vide letter dated 22/02/2019 to Karnataka SPCB on the following points are yet to be complied with:

- Stoppage of collection and disposal of hazardous waste by M/s MEETPL into their common SLF and not to allow in accordance with the said modified directions.
  - Absolute essentially of siting the TSDF in the State.
  - Appropriate design measures adopted for siting the common TSDF in restricted distance.
  - Levying of financial penalty on M/S MEETPL for each violation of the provisions as stipulated under Rule 23(2) of the HOWM Rules.
  - re-examine the design and layout approved by KSPCB, through reputed institute like IIT, IISc, etc., since layout approved by Karnataka SPCB does not meet the green belt (as prescribed in the Environmental Clearance) and also not having infrastructures as per CPCB guidelines as communicated vide letter dated 07/12/2018.
3. During the meeting, Dr. A. Ramesh, Sr. Environmental Officer, Karnataka SPCB submitted the point-wise information w.r.t. current status of compliance of CPCB's directions dated 14/11/2018. The same is given at **Annexure-III**. He informed that:

- W.r.t. (a) above about stoppage of collection and disposal of hazardous waste by M/s MEETPL, he stated that there are 02 common facilities in the state (i.e. M/s Karnataka Waste Management Project (KWMP), Bengaluru, and M/s Mother Earth Environ Tech Pvt. Ltd. (MEETPL), Bengaluru). Of which, the matter of M/s KWMP is sub-judice, therefore, KSPCB is of opinion that operation of M/s MEETPL is essential for management of hazardous waste generated in the state. KSPCB is regularly



monitoring ground water and analysis report reveals that there is no impact on the ground water.

- ii. W.r.t (b) above, Karnataka SPCB informed that KIADB has allotted land to M/s MEETPL for setting up of TSDF and SEIAA, Karnataka has given EC for establishment of said facility. The board has given consent under Water and Air Act, therefore Karnataka SPCB has no role in identification of site.
- iii. W.r.t (d) above, Karnataka SPCB has not levied any financial penalty on M/s MEETPL for each violation of the provisions as stipulated under Rule 23(2) of the HOWM Rules

Dr. Ramesh informed that Karnataka SPCB intimated to M/s MEETPL for assessment of damages through third party. Based on the report submitted by third party KSPCB will levied penalty under 23(1) and (2). In this regard, Shri. Bharat K Sharma, AD & Head, WM-II Division, CPCB, clarified that Rule 23(1) and 23 (2) are two separate provisions and therefore Rule 23(2) may be enforced independently without correlating with Rule 23(1) as per CPCB guidelines on "Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Wastes and Penalty" and informed that the same was communicated to Karnataka SPCB vide CPCB letter dated 22/02/2019. Thereafter, Dr. Ramesh, informed that KSPCB will initiate action for levying penalty under Rule 23(2).

- iv. For re-examination of design and layout and appropriate design measures to be adopted for siting the common TSDF in the restricted area (as referred at (c) and (e), above), it was informed by Karnataka SPCB that Board has contacted Dr. Sudhakar Babu, Prof, Indian Institute of Science, Bangalore. Dr. Sudhakar Babu has given consent for the said work. However, details about award of work alongwith time target will be informed by Karnataka SPCB to CPCB.

With regard to observations of CPCB on development of green belt of 15 m along the periphery as per Environment Clearance (EC) condition. Dr. Ramesh informed that SEIAA has modified the aforesaid EC condition while granting EC for expansion vide letter dated 11/06/2018. In the revised EC, no such condition of 15 m green belt area has been prescribed. However, under Part A Specific Condition no 5 and 6 written as "*The project proponent should develop green belt all along the periphery of the TSDF with plant species that are significant and used for the pollution abatement and the green belt shall be developed in at least 33% of the total project area. Planting aromatic and flowing climbers to cover the compound shall be undertaken*".

He also informed that Guard pond has been provided.

- v. W.r.t notification of all the Common TSDFs in Karnataka, KSPCB vide letter dated 10/10/2018, 23/01/2019 and 23/04/2019 has requested Department of Forest, Ecology and Environment, Government of Karnataka to take action to notify the TSDFs including landfill site of M/s MEETPL.

Further, during meeting it was informed by Dr. Ramesh that it is under active consideration by the Government of Karnataka.

- vi. During the meeting it was informed by Dr. Ramesh that presently both Common TSDFs are in operation.

*[Handwritten signature]*

4. Thereafter, referring to the submissions made by Karnataka SPCB at (iv), above, on green belt and re-examination of layout, Shri. Bharat K Sharma, AD & Head, WM-II Division, CPCB, also advised that in the study to be conducted by IISC Bengaluru, provisions of the garland drain along Cell of the SLFs; green belt development (as per the EC condition) besides required infrastructures prescribed in CPCB guidelines (such as (a) Air quality monitoring station, open lorry/tanker parking area and workshop, (b) area earmarked for stockpiling cover and liner material within the facility and (c) access road to the emergency exit) may also be incorporated. He further highlighted that while incorporating the garland drain along the Cell of the SLFs, the observations made in the inspection report of Regional Directorate of CPCB, Bengaluru w.r.t hardly any space left at the Northern side of the Cell No. 1 may also be looked into.
5. Meeting ended with vote of thanks.

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Annexure-IList of Participants

1. Dr. A. Ramesh, Senior Environmental Officer, Karnataka SPCB.
2. Shri. Bharat K Sharma, Additional Director & Head Waste Management -II Div, CPCB, Delhi.
3. Ms. Deepti Kapil, Scientist 'D', WM-II Div., CPCB, Delhi.
4. Ms. Anjana Kumari V, Scientist, 'D', CPCB, RD Bengaluru.
5. Ms. Poonima B.M, Scientist, 'C', CPCB, RD Bengaluru.
6. Ms. Vineeta, SSA, WM-II Div, CPCB, Delhi.



Annexure 3.

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केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

SPEED POST

F. No. B-29016/TSDf-63/20/WM-II Div./DK

July 26, 2021

To,

**The Member Secretary,**  
Karnataka Pollution Control Board,  
Parisara Bhawan, 49 Church Street  
Bengaluru-560001.

**Sub:** Compliance of Modified Directions dated 14/11/2018 issued under Section 5 of E(P)A, 1986 and violations observed by the Joint Committee in the matter of O.A No. 104/2020 (South Zone)

**Ref:** (i) Hon'ble NGT orders dated 01/07/2021 in the matter of O.A No. 104/2020(SZ)  
(ii) CPCB direction vide letter no. D-29016 (SC)/1/2017-18/WM-II/12674 dated 14/11/2018  
(iii) CPCB letter no. B-29016/TSDf/63/2019/WM-II Div/2310 dated 07/06/2019  
(iv) CPCB letter no. B-29016/TSDf/63/2019/WM-II Div/7294 dated 04/10/2019  
(v) CPCB letter no. B-29016/TSDf/63/2019/WM-II Div/527 dated 01/06/2020  
(vi) CPCB letter no. B-29016/TSDf/63/20/WM-II Div/DK/1816 dated 04/01/2021

Sir,

This has reference to above referred letter dated 04/01/2021 regarding submission of compliance report on CPCB directions dated 14/11/2018 issued under Section 5 of Environment (Protection) Act, 1986, in case of M/s Mother Earth Environ Tech Private Limited (MEEPL). However, the requested information is not yet received.

It is pertinent to mention that the issues on violation of regulations by M/s MEEPL has been raised before Hon'ble NGT in the matter of O.A No. 104/2020 (SZ) wherein the Joint Committee (constituted by Hon'ble Tribunal) has submitted a report on various violations of regulations including non-compliance of directions from CPCB.

In view of above, it is again requested to please submit point-wise status on compliance of the CPCB modified directions dated 14/11/2018 alongwith other violations observed in the said report of Joint Committee (copy emailed for ready reference). The status report may be submitted at an early date for incorporating in CPCB reply for filling before Hon'ble NGT by 03/08/2021.

Yours faithfully,

(A. Sudhakar)  
Division Head

Waste Management-II