

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH AT CHENNAI
ORIGINAL APPLICATION NO. 196 OF 2021

IN THE MATTER OF:

T.M UMASHANKAR

...APPLICANT

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENT(S)

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	Counter Affidavit on behalf of Respondent No. 5	1-28
Annexure-R5/1	Copy of order GO-No.FEE293 ECO 2002 dated 21.04.2004	29-31
Annexure-R5/2	Copy of letter dated 08.08.2006	32
Annexure-R5/3	Copy of Contract dated 01.12.2006	33-36
Annexure-R5/4	Copy of land lease agreement dated 01.12.2006	37-56
Annexure-R5/5	Copy of CFE dated 06.07.2007 and CFO dated 19.06.2008	57-61
Annexure-R5/6	Copy of Authorization dated 19.06.2008	62-63
Annexure-R5/7	Copy of order dated 12.08.2009	64-70
Annexure-R5/8	Copy of EC dated 19.09.2014	71-75
Annexure-R5/9	Copy of the NOC dated 14.09.2015	76-79
Annexure-R5/10	Copy of CFE dated 23.11.2015	80-84
Annexure-R5/11	Copy of CFO valid till 30.06.2026	85-97
Annexure-R5/12	Copy of communications dated 20.01.2017 and 23.10.2017	98-99
Annexure-R5/13	Copy of order dated 10.01.2019	100-110
Annexure-R5/14	Copy of order dated 15.01.2019 in O.A No. 117 of 2018	111-112
Annexure-R5/15	Copy of order dated 22.04.2019 in O.A. No. 654 of 2019	113-116



Annexure-R5/16	Copy of Joint Committee Report in O.A No. 654 of 2019	117-148
Annexure-R5/17	Copy of order dated 26.09.2019	149-152
Annexure-R5/18	Copy of order of the Hon'ble Supreme Court dated 17.12.2020	153-154
Annexure-R5/19	Copy of the relevant portion of 48 th EAC	155-158
Annexure-R5/20	Copy of relevant portion of the reply affidavit filed by MoEF & CC in W.P 7798 of 2020	159-165
Annexure-R5/21	Copy of relevant portion of the CPCB guidelines	166-170

THROUGH

SV

SANJEET PUROHIT/ SOUMYA VAISHY

ADVOCATES

COUNSELS FOR RESPONDENT NO. 5

Place:

Date:



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH AT CHENNAI
ORIGINAL APPLICATION NO. 196 OF 2021

IN THE MATTER OF:

T.M UMSHANAKAR

...APPLICANT

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENT(S)

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5

Most respectfully showeth:

1. I, Amit Chaudhary, Sr. General Manager of Ramky Enviro Engineers Ltd. having its office at No. 25/30, 2nd cross, Raghavendra Nagar, Hennur ring road, Kalyan Nagar, Bengaluru- 560043, Karnataka, India, am the Authorized Signatory of the Answering Respondent no. 5 and thus I am hereby authorized to file the present counter-affidavit on behalf of the Answering Respondent No 5.
2. That the above-mentioned application has been filed by the Applicant alleging violations by Answering Respondent in setting up and running of Integrated Common Hazardous Waste Treatment Storage and Disposal facility (hereinafter referred to as ICHWTSDP) at Karnataka Waste Management Project. The Applicant has also alleged violations of the EIA Notification, 2006, Office Memorandum dated 29.08.2016 issued by Central Pollution Control Board (hereinafter referred to as CPCB), Tippagondanahalli Reservoir Notification dated 18.11.2003 (hereinafter referred to as TGR Notification) and violation of order dated 26.09.2019 passed by the Hon'ble NGT in O.A 654 of 2019.
3. That at the outset, it is humbly submitted that the application is wholly baseless, frivolous, unwarranted and an abuse of process of law. It is submitted that the allegations averred by the Applicant in the Application are false and are denied to the extent specifically admitted hereafter. It is submitted that all the contents are denied unless specifically admitted by the Answering Respondent.



Brief Background and Preliminary Submissions

4. That the Government of Karnataka and Karnataka State Pollution Control Board (hereinafter referred to as KSPCB) with the assistance of German Technical Co-operation (hereinafter referred to as GTZ) and consultant ERM GmbH, identified site in Pemmanahalli and Thimmanayakanahalli at Dobaspet, Taluka Nelamangal, District Bangalore Rural, after examining and inspecting 21 locations, for establishment of a sustainable Treatment, Storage and Disposal Facility (hereinafter referred to as TSDf) for scientific handling and disposing of all the landfillable hazardous waste generated in Karnataka.
5. That the Government of Karnataka (hereinafter referred to as GoK) on 21.02.2003 notified the Dobaspet site, Taluka Nelamangal, District Bangalore Rural, for establishment and operation of the TSDf.
6. That the Technical Advisory Committee of KSPCB in its 272nd meeting held on 15.11.2003 recommended establishment of TSDf and authorized KSPCB to list the project for public hearing.
7. That the process of Environmental Impact Assessment and public hearing in accordance with Hazardous Waste (Management & Handling) Rules 1994 (hereinafter referred to as rules of 1994) read with Hazardous Waste (Management & Handling) Amending Rules 2003 (hereafter referred to as 2003 amending rules), read with Environment Impact Assessment Notification 1994 (hereinafter referred to as EIA notification of 1994) and guidelines of CPCB were carried out and completed in January-February 2004. The site was identified after conducting the requisite analyses and investigations such as soil analysis, geotechnical analysis, hydro-geological analysis, and the site/ proposed facility was concluded to not have any negative impact on these.
8. That KSPCB recommended and proposed site bearing no. Survey No. 75-85 of Pemmanahalli village and Survey no. 7-9 of Thimmanayakanahalli village, Dobaspet, Bangalore for establishment of TSDf. The GoK *vide* order GO-No. FEE 293 ECO 2002, Bangalore dated 21.04.2004 approved the establishment of TSDf at the identified site.



Copy of order GO-No.FEE293 ECO 2002 dated 21.04.2004 is annexed herein as Annexure-R5/1.

9. That KIADB floated a tender on 17.07.2006 for the same following which M/s Ramky Infrastructure Ltd. and Ramky Enviro Engineers Ltd. (hereinafter referred to as **Ramky Consortium**) were selected and awarded the project to be the private operator for HAWA-TSDF (Hazardous Waste Management-TSDF), Dobaspet, Karnataka *vide* letter dated 08.08.2006. Copy of letter dated 08.08.2006 is annexed herewith as Annexure-R/5-2.
10. That, thus, the entire process of identification of site for the establishment of TSDF and awarding of the contract to the answering respondent for establishing the TSDF was undertaken by the governmental agencies, i.e., Respondent No. 2, Respondent No. 3, and Respondent No. 4.
11. That, subsequently, a contract agreement for Design, Build, Own, Operate and Transfer (DBOOT) for establishing and operating the TSDF, between Karnataka Industrial Areas Development Board (hereinafter referred to as KIADB) and Ramky Consortium as well as lease deed between GoK and Ramky consortium; both dated 01.12.2006, were executed. Copy of contract and land lease agreement is annexed herein as Annexure-R5/3 and Annexure-R5/4 respectively.
12. That Consent for Establishment (hereinafter referred to as CFE) dated 06.07.2007 and Consent for Operation (hereinafter referred to as CFO) dated 19.06.2008 for TSDF were accorded. Copy of CFE dated 06.07.2007 and CFO dated 19.06.2008 are annexed herein as Annexure-R5/5 (colly.). That following this the facility was established and is being operated by Ramky Enviro Engineers Limited (hereinafter referred to as REEL) as "Karnataka Waste Management Project".
13. That the answering respondent was granted authorization as per the 1994 rules read with 2003 amending rules for the handling of hazardous waste, i.e., storage and disposal of landfillable hazardous waste into landfill. A copy of Authorization dated 19.06.2008 is annexed herewith as Annexure-R/5-6.



14. That the Applicant along with a few other residents filed a W.P No. 19927 of 2007, for restraining the Answering Respondents from establishing the TSDF. However, since the TSDF had already been constructed and established, the Hon'ble High Court of Karnataka at Bangalore disposed of the writ petition *vide* order dated 12.08.2009, directing the Petitioners to approach the appropriate and competent forum for redressal of grievances if any. Copy of order dated 12.08.2009 is annexed herewith as Annexure-R5/7.
15. That the answering respondent wanted to convert the TSDF into ICHWTSDF, i.e., from earlier handling of hazardous waste only by landfill to handling hazardous waste by both incinerator and landfill, applied for Environmental Clearance (hereinafter referred to as EC) for both incinerator and landfill in accordance with EIA Notification 2006.
16. That the answering respondent's facility falls squarely under Category A of item 7(d) of the Schedule of EIA Notification 2006, and thus the answering Respondent in accordance with and compliance of EIA Notification 2006 applied for EC with Ministry of Environment, Forests & Climate Change (hereinafter referred to as MoEF & CC) for the establishment of ICHWTSDF and the same was granted *vide* communication dated 19.09.2014 to the answering Respondent. A copy of EC dated 19.09.2014 is annexed herewith as Annexure-R5/8.
17. That the answering Respondent was also granted NOC for operating the incinerator dated 14.09.2015 by GoK, Forest, Ecology and Environment Department. A copy of the NOC dated 14.09.2015 is annexed herewith as Annexure-R5/9.
18. That the answering Respondent on the basis of the EC granted by MoEF as well as the NOC received by GoK was accorded CFE for an incinerator on 23.11.2015. A copy of CFE dated 23.11.2015 is annexed herewith as Annexure-R5/10.
19. That it is pertinent to mention here that the facility has sought renewal/ extension of CFO as and when required. That the facility in 2019 was then granted an extension valid till 30.06.2021 and has recently received another extension from 01.07.2021 till 30.06.2026.



A copy of CFO valid till 30.06.2026 is annexed herewith as Annexure-R5/11.

20. That the Applicant once again approached the Hon'ble High Court of Karnataka at Bangalore vide W.P No. 51509 of 2016 alleging that the ICHWTSDF was being operated without EC and had challenged the location of the ICHWTSDF as well.
21. That it is pertinent to mention here that during the pendency of the W.P No. 51509 of 2016, MoEF & CC vide communications dated 20.01.2017 and 23.10.2017 had clarified that the EC issued to the answering Respondent is for both the incinerator as well as landfill, so that the existing TSDF could function as an integrated hazardous waste management disposal facility, falling under item 7(d) of EIA notification, 2006. A copy of communications dated 20.01.2017 and 23.10.2017 are annexed herewith as Annexure-R5/12.
22. That, however, the Hon'ble High Court of Karnataka at Bangalore vide order dated 10.01.2019 transferred W.P No. 51509 of 2016 before the Hon'ble National Green Tribunal, New Delhi (hereinafter referred to as Hon'ble NGT); which came to be registered as O.A No. 654 of 2019. Copy of order dated 10.01.2019 is annexed herewith as Annexure-R5/13.
23. That is pertinent to mention here that in the interim another case was filed before the Hon'ble NGT, Principal Bench, New Delhi as O.A. No. 117 of 2018 against the operation of the facility. That that Hon'ble NGT Delhi vide order dated 15.01.2019 had dismissed this application on the ground of being barred by limitation. That the Hon'ble NGT had observed in the said order that since there was an inordinate delay of 12 years in filing the application the same suffered from serious delay and laches and vehemently refused to entertain such delayed applications. A copy of the order dated 15.01.2019 in O.A No. 117 of 2018 is annexed herewith as Annexure-R5/14.
24. That the transferred W.P No. 51509 of 2016 came to be registered as O.A No. 654 of 2019 before the Hon'ble NGT. That the Hon'ble NGT vide order dated 22.04.2019 in O.A No. 654 of 2019 directed the formation of a Joint Committee to assess the factual matrix. The Hon'ble NGT appointed KSPCB as the nodal agency. Copy of order dated



22.04.2019 in O.A. No. 654 of 2019 is annexed herewith as Annexure-R5/15.

25. That the Joint Committee *vide* its report found the facility to be in compliance with, *inter alia*, the location criteria, having good air quality index, groundwater being in the permissible limit; compliance with Rule 8 of Hazardous Waste (Management and Handling) (Amendment) Rules, 2003; i.e. Identification & Selection of suitable site, Notification of site for TSDF purpose, Environmental Impact Assessment Study having been conducted, Technical Advisory Committee of KSPCB review for the satisfaction of EIA report, Public Awareness Campaign, Public Hearing conducted by DC, approval by GoK and order for the acquisition of the site for setting up the TSDF among others. A copy of the Joint Committee Report in O.A No. 654 of 2019 is annexed herewith as Annexure-R5/16.
26. That the Joint Committee in O.A 654 of 2019 had categorically concluded that the ICHWTSDF had been accorded EC by MoEF & CC for incinerator and a separate EC for landfill may not be necessary. However, the Hon'ble NGT *vide* order 26.09.2019 still directed the Answering Respondent to apply for EC within 2 months, while refusing to interfere in the functioning of the ICHWTSDF. A copy of the order dated 26.09.2019 is annexed herewith as Annexure-R5/17.
27. That the Applicant herein preferred an appeal against the abovesaid order of the Hon'ble NGT before the Hon'ble Supreme Court as Civil Appeal (Diary) No. 522 of 2020. The Hon'ble Supreme Court *vide* order dated 17.12.2020 dismissed the civil appeal; refusing to interfere in the functioning of the TSDF and giving liberty to the Appellant to seek appropriate compensation, if need be. A copy of the order of the Hon'ble Supreme Court dated 17.12.2020 is annexed herewith as Annexure-R5/18.
28. That the answering Respondent, in compliance with the Hon'ble NGT order dated 26.09.2019, applied for EC to MoEF & CC.
29. That the MoEF & CC in its 48th EAC meeting held on 28.01.2020 observed and noted that the MoEF & CC "had endorsed the existence of the landfill site along with the proposal of incinerator". This establishes and cements the fact that the answering Respondent had



the requisite EC for both the landfill as well as the incinerator. A copy of the relevant portion of the 48th EAC is annexed herewith as Annexure-R5/19.

30. That the MoEF & CC vide communication dated 20.01.2017 and 23.10.2017 had clarified that EC granted to Answering Respondent for the TSDf in question is for both landfill as well as the incinerator. The same has been reiterated in the reply affidavit filed by the MoEF & CC in W.P 7798 of 2020 before the Hon'ble High Court of Karnataka at Bengaluru as well as the Joint Committee Report filed in the present Application. A copy of a relevant portion of the reply affidavit filed by MoEF & CC in W.P 7798 of 2020 is annexed herewith as Annexure-R5/20.

PRELIMINARY OBJECTIONS

31. *Res judicata*

- a. That the present Application under reply is not maintainable and tenable in law and deserves to be dismissed as it is barred by the principle of *res judicata*, by virtue of Section 11 of the Code of Civil Procedure 1908, that a matter already adjudicated upon, between the same parties and the same cause of action shall not be adjudicated upon afresh. Section 11 is reproduced herein for ready reference:

"No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court."

- b. That the Applicant has knocked on the doors of the Hon'ble High Court of Karnataka at Bangalore on two previous occasions under the same title and for the same cause of action.
- c. That the Applicant in W.P No. 19927 of 2007 was accorded liberty to approach competent authority for redressal of their grievance but the Applicant did not exercise his right by approaching any

authority following the order of the Hon'ble High Court of Karnataka at Bangalore.

- d. That the Applicant chose to remain silent and it was only in 2016 that the Applicant once again approached the Hon'ble High Court of Karnataka at Bangalore via W.P No. 51509 of 2016.
- e. That the Hon'ble High Court of Karnataka at Bangalore ordered that the matter be transferred to the Hon'ble NGT, wherein a Joint Committee was constituted to analyze the allegations leveled, which included site selection criteria. That as submitted in the preceding paras, the Joint Committee found the answering Respondent to be in compliance with the location criteria and had recorded that the facility has a valid EC and is in compliance with environmental laws and rules. Being satisfied with the Joint Committee report, the Hon'ble NGT in O.A No. 654 of 2019 refused to interfere with the functioning of the facility.
- f. That the Applicant herein preferred an appeal against the abovesaid order of the Hon'ble NGT before the Hon'ble Supreme Court as Civil Appeal (Diary) No. 522 of 2020. The Hon'ble Supreme Court *vide* order dated 17.12.2020 dismissed the civil appeal; refusing to intervene in the functioning of the ICHWTSDF in lieu of public interest involved, however, the Hon'ble Supreme Court had granted liberty to the Applicant to seek compensation, "if payable in law".
- g. That the issues and alleged violations raised in the Application under reply have already been adjudicated upon by this Hon'ble Tribunal in O.A 654 of 2019 as well as the Hon'ble Supreme Court; thus, the present application deserves to be dismissed as it is barred by the principle of *res judicata*.
- h. In the case of Karam Chand vs Union of India & Ors. (Appeal No. 68 of 2013), the Hon'ble NGT, Principal Bench, New Delhi *vide* order dated 24.04.2014 had observed,

"27. The rule of res judicata is limited to a matter actually in issue, alleged by one party and either denied or admitted by the other party expressly or impliedly. But the rule of constructive res judicata



in Section 11 of the Code of Civil Procedure is an artificial form of res judicata. Repeatedly raising the same issues which were actually decided or deemed to have been taken and decided by the Court should not be permitted again and again against the same party and with reference to the same subject matter. This is clearly an abuse of the public policy on which the doctrine of res judicata is based and implies harassment and hardship to the opposing party. If such a course is allowed to be adopted, the doctrine of finality of judgments pronounced by Courts would also be materially affected. Thus, it helps in raising the bar of res judicata by suitably construing the general principles of subduing a cantankerous litigant...The underlying object is to cut short litigation between the parties so that a person may not be vexed again with regard to the same matter. It would be an abuse of the process of the Court to allow a new proceeding to be started in respect of the same issue."

- i. Thus, it can be verily submitted that the Application under reply is barred by the principle of res judicata as stipulated in the Code of Civil Procedure read with what has been held in a catena of judgments by various Hon'ble courts of this country. Since the Applicant approached various courts, i.e., the Hon'ble High Court of Karnataka, the Hon'ble NGT as well as the Hon'ble Supreme Court; for the same cause of action, same issues and under the same title and the same having been decided finally, the present application is barred by the principle of res judicata. Thus the present application is nothing but an abuse of the process of law and the Application under reply deserves to be dismissed on this ground alone.

32. Barred by Limitation

- a. That the Application under reply deserves to be dismissed as it is barred by limitation. Section 14(3) of the National Green Tribunal Act, 2010 stipulates that a dispute has to be filed within a period of 6 months from the date of cause of action.
- b. That the answering Respondent was granted authorization for TSDF in 2008 and was granted EC by the MoEF & CC on 19.09.2014 for operating the ICHWTSDF. Since then, the facility has been operating on the strength of EC.



- c. That in the 48th EAC it was observed in the 48th EAC meeting held on 28-29th January 2020 that the MoEF & CC “had endorsed the existence of the landfill site along with the proposal of incinerator”. This establishes that the EC has been in existence since 2014, hence the question of grant/non-grant of EC relates back to 2014 only. Further, as in the 48th EAC, only clarification was issued, it cannot be treated issuance of fresh EC and thus a period of limitation will be counted from 2014.
- d. That the Applicant has nowhere mentioned when the cause of action actually arose and how the present one is a case of the continuous cause of action is made out. The Applicant has failed to explain as to how there exists a continuous cause of action and rather has only made a bald statement and has left for this Hon’ble tribunal to piece the puzzle together. It is submitted that the answering Respondent was granted EC on 19.09.2014 and the present Application has only been filed in the year 2021.
- e. That it is pertinent to mention here that the period of limitation has to be calculated from when the EC was granted to the answering respondent, i.e., 2014. It is submitted that the status of EC has not changed since the first time it was issued, i.e., in 2014 and hence there can be no case of the continuous cause of action. Since the grievance of the Applicant is the alleged operation of the ICHWTSDF without the issuance of a proper EC, the period of limitation has to be calculated from 19.09.2014.
- f. That the Hon’ble NGT, Central Zone in the case of Aradhana Bhargav vs. Ministry of Environment and Forest, O.A No. 46 of 2013 had emphatically observed,

“24. From the very reading, it would be quite clear that the Tribunal has jurisdiction over all civil cases only where a substantial question relating to the environment including enforcement of any legal right related to environment is involved and also the said substantial question should also arise out of the implementation and is included in one of the seven enactments specified under the Schedule-I. Even, if the applicant is able to satisfy the above requisites, the Tribunal can adjudicate the disputes only if it is made within a period of six months from the date on which the cause of action in such dispute first arose and the



Tribunal for sufficient cause can condone the delay for a period not exceeding 60 days in making the application.

25. Under Section 15 of the Act, an application for relief and compensation to the victims of pollution and other environmental damage under the enactments specified in Schedule-I or for restitution of the property damage or for restitution of environment for such area or areas, the applicant could be filed within a period of five years from the date of which the cause of action for such compensation or reliefs first arose. Also, if sufficient cause was shown, the Tribunal is empowered to condone the delay for a period not exceeding 60 days. Significant it is to note that the expression "cause of action for such dispute first arose" is employed. By employing the above expression, the legislative intent indicating that the period of limitation would commence only from the date on which the first event constituting the dispute arose, is explicit. This is not only an indication but also the caution that the later dates on which subsequent events arose should not be taken into account for computing the period of limitation.

29. *Trait law it is that the special law of limitation, in any given enactment, will always exclude the general law of limitation. The NGT Act, 2010, a special enactment specifically provides period of limitation under Section 14(2) and 15(3), as stated supra. The Principal Bench, NGT has already held in Jesurethinam v. Ministry of Environment, Union of India, reported in 2012 (2) FLT 811 NGT that, when a specific provision for limitation is provided under the special statute, the general provisions of the Limitation Act, 1963 are inapplicable. Hence, the Tribunal is afraid whether the theory of continuing cause of action can be made applicable to the present factual position of the case for which the specific period of limitation is available under the NGT Act, 2010.*

- g. That it is a well-established principle of law that the period of limitation is to be strictly adhered to. In this case, as the EC was issued in 2014 and the present application has only been filed in 2021; it would be barred by the principle of limitation.
- h. That as has already been mentioned plentifully in the preceding paras, the EC was granted to the answering Respondent in the year 2014 itself, while the application has been filed only in the year 2021. Further, the period of limitation cannot be unilaterally altered or increased by the Applicant to make it fall under a continuous cause of action as there has been no change in the EC. Furthermore, the applicant has not established a case of the continuous cause of action. It is reiterated that the period of limitation has to be counted from the date of issuance of EC, i.e.,



19.09.2014 as the grievance of the Applicant is the alleged operation of the ICHWTSDF without a valid EC. The limitation cannot be extended in the manner the Applicant has tried to do. The Applicant is only trying to loop this Hon'ble Tribunal and play a game of cat and mouse.

- i. Thus, from the above statement of facts and circumstances, it can be verily stated that the Application under reply is barred by limitation and is thus not maintainable under the law and deserves to be dismissed on this ground.

33. Contravention of Hon'ble Supreme Court's order

- a. That the present Application also stands to get dismissed as it is beyond the directions and liberty granted by the Hon'ble Supreme Court.
- b. That vide order dated 17.12.2020 in Civil Appeal (Diary) No. 522 of 2020, the Hon'ble Supreme Court had dismissed the said appeal on having been satisfied with the findings of the order of the Hon'ble NGT in view of the findings of the Joint Committee report. The Hon'ble Supreme Court had refused to intervene in the functioning of the TSDF in view of the public interest involved and had only granted limited liberty to seek compensation, "if payable in law". That the Applicant in the present case has failed to make any case for environmental compensation.
- c. That the Applicant cannot obviate the order of the Hon'ble Supreme Court by filing a fresh application, when only limited liberty of seeking compensation, if payable in law was granted. Thus, the Application under reply deserves to be dismissed on this ground as well, as it amounts to abuse of process of law.

34. Vexatious Litigations

- a. That the project/ facility in question in the present matter was rolled out by state government agencies and had awarded the tender to the answering Respondent to establish and operate the facility. Thus, it is abundantly clear that the project has been established in the interest of the public to treat, manage and dispose of hazardous waste in a scientific manner; which is also



cemented by the Hon'ble Supreme Court's refusal to interfere in the functioning of the facility.

- b. That the Applicant has filed various cases against the Answering Respondent and a table of such cases is produced hereunder for ready reference:

S.No.	CASE NO	COURT	PARTIES	REMARKS
1.	W.P 19927/2007	Hon'ble High Court of Karnataka	T.M.UMASHANKAR vs UNION OF INDIA	Disposed directing Petitioners to approach appropriate forum.
2.	W.P 51509/2016	Hon'ble High Court of Karnataka	T.M.UMASHANKAR vs UNION OF INDIA	Matter was transferred to NGT.
3.	O.A No. 117 of 2018	Hon'ble NGT, Principal Bench, New Delhi	Avinash M vs UOI	Dismissed on the ground of inordinate delay of 12 years.
4.	W.P 7798/2020	Hon'ble High Court of Karnataka	Shivagangaiah vs UOI	Notice has been issued to all the parties. Petitioner is planning to move the matter to NGT.
5.	O.A No. 654/2019	Hon'ble NGT, Principal Bench, New Delhi	T.M.UMASHANKAR vs UNION OF INDIA	Disposed being satisfied by the report of the Joint committee, however directed Respondent. 5 to obtain EC in 2 months.
6.	Civil Appeal (Diary number) 522 of 2020	Hon'ble Supreme Court of India	T.M.UMASHANKAR vs UNION OF INDIA	Appeal against OA 654 of 2019. Dismissed by the SC refusing to intervene in the functioning of the TSDF looking at public interest involved, however, granted limited liberty to seek compensation, if payable in law.
7.	O.A No. 196/ 2021	Hon'ble NGT, Chennai	T.M.UMASHANKAR vs UNION OF INDIA	Pending, a present application under reply.



- c. That there have been no complaints/ litigations against the answering Respondent than the ones filed by the Applicant or by people falsely influenced by the Applicant. That these projected litigations are vexatious, frivolous and spurious on extraneous considerations have been filed to unnecessarily harass the Answering Respondent and to waste the precious time of Indian judiciary. That this continuous filing of facetious litigation has caused immense time and opportunity loss to the answering Respondent. That such harrying and vexing litigations should be denigrated and exemplary cost should be imposed to discourage such habitual litigants.

Parawise Reply

35. That the averments contained in Para I and Para II of the Application under reply merit no response from Answering Respondent.
36. That the averments contained in Para III of the Application are admitted to the extent that the ICHWTSDF is spread in an area of 93.18 acres at Plot No. 7, 8, 9, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 and 85 of Dobaspeta Industrial Area, Pemmanahalli and Thimmanayakanahalli Village, Taluka Nelamangala, District Bangalore Rural which is running with Secured Landfill Facility of capacity 40,000 TPA and with Hazardous Waste Incineration Facility of capacity 5.5 million kcal/hr. However, the averments made to the extent that the Answering Respondent is causing blatant and gross violation by running the Red Category Hazardous Facility i.e., Integrated Common Hazardous Waste Treatment Storage and Disposal Facility (ICHWTSDF) of Karnataka Waste Management Project illegally are wholly baseless hence specifically denied. It is denied that the ICHWTSDF is running without obtaining Environment Clearance as required under EIA Notification, 2006. It is denied that the ICHWTSDF is in violation of the locational criteria issued by the Central Pollution Control Board, and Office Memorandum, dated 29.08.2016 issued by MoEF & CC which speaks about the distance criteria for setting up of Treatment Storage and Disposal Facility (TSDF). It is denied that there is a blatant violation of Notification No. FEE 215 ENV 2000 dated 18.11.2003 known as the Tippagondanahalli Reservoir Notification ("TGR Notification") issued by the State of Karnataka as well as the siting criteria guidelines for TSDF issued by the Karnataka State Pollution Control Board. It is denied that the unit is also operating in violation of Hon'ble NGT order dated



26.09.2019 wherein it was held that the ICHWTSDF requires prior Environment Clearance. It is submitted that the Applicant has grossly misinterpreted and misconstrued the order passed by the Hon'ble NGT with the intention of misleading this Hon'ble tribunal.

37. That the averments contained in Para 1 of the Application merit no specific response from the Answering Respondent as it is a description of the Applicant.
38. That the averments contained in Para 2 of the Application are admitted to the extent that the Answering Respondent is the project proponent operating the Treatment, Storage, and Disposal Facility for handling hazardous wastes. The other averments are a matter of record and hence merit no response from the Answering Respondent. The averments contained in Para 3 of the Application are admitted to the extent that the ICHWTSDF is spread in an area of 93.18 acres at Plot No. 7, 8, 9, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84. and 85 of Dobaspet Industrial Area, Pemmanahalli and Thimmanayakanahalli Village, Taluka Nelamangala, District Bangalore Rural which is running with Secured Landfill Facility of capacity 40,000 TPA and with Hazardous Waste Incineration Facility of capacity 5.5 Million kcal/hr. It is denied that the instant Application is being filed by the Applicant under Section 14, 15, and 20 of the National Green Tribunal Act, 2010 wherein a substantial question relating to environment as defined under Section 2(m) is raised. It is denied that there is a blatant violation caused by Answering Respondent by running the Red Category Hazardous Facility i.e., Integrated Common Hazardous Waste Treatment Storage and Disposal Facility (ICHWTSDF) of Karnataka Waste Management Project. It is denied that the ICHWTSDF is running without obtaining Environment Clearance as required under EIA Notification, 2006. It is denied that the ICHWTSDF is in violation of the locational criteria issued by the Central Pollution Control Board, and Office Memorandum, dated 29.08.2016 issued by MoEF&CC which speaks about the distance criteria for setting up of Treatment Storage and Disposal Facility (TSDF). It is denied that the application also raises the issue of blatant violation of Notification No. FEE 215 ENV 2000 dated 18.11.2003 known as the Tippagondanahalli Reservoir Notification ("TGR Notification") issued by the State of Karnataka as well as the siting criteria guidelines for TSDF issued by the Karnataka State Pollution Control Board. It is denied that the unit is also



operating in violation of Hon'ble NGT order dated 26.09.2019 wherein it was held that the ICHWTSDF require prior Environment Clearance.

It is submitted and reiterated that the ICHWTSDF has the requisite clearances/ approval/ authorization from the various departments to operate the TSDF. It is submitted and reiterated that the Answering Respondent got the EC on 19.09.2014 for the ICHWTSDF, which has been endorsed by the MoEF & CC. Further, MoEF vide communications dated 20.01.2017 and 23.10.2017 had clarified that the answering Respondent has the requisite integrated EC for the facility. Furthermore, the Joint Committee Report in O.A No. 654 of 2019 confirmed that the TSDF is in compliance with the location criteria. It is also submitted that the Joint Committee in the present Application under reply has also stated in its report that:

- Facility has EC for operating the ICHWTSDF;
- Facility is in compliance with Office Memorandum dated 29.08.2016 issued by CPCB;
- Facility is in compliance with TGR Notification and;
- Facility is in compliance with NGT order dated 26.09.2019.

Thus, it can be verily concluded that the facility is in compliance with all the environmental laws, the EIA Notification 2006, COC guideline, TGR Notification as well as the order passed by the hon'ble NGT.

39. That the averments contained in Para 4 of the Application are a matter of record and merit no response.
40. That the averments contained in Para 5 of the Application are a matter of record and merit no response.
41. That the averments contained in Para 6 of the Application are admitted to the extent that is in consonance with the order of the Hon'ble NGT in O.A No. 654 of 2019.
42. It is submitted that the Joint Committee report has categorically found the facility to be in full compliance with all the laws and EIA 2006. It is submitted and reiterated that the TSDF facility had all the requisite clearances/ approval/ authorization and had received EC on 19.09.2014 for operating the ICHWTSDF. The same has been confirmed



and endorsed by MoEF & CC in the 48th EAC, confirmed by the Joint Committee in its report created in the present Application. It is also denied that the direction to obtain a fresh EC by the Tribunal is in itself evidentiary enough to show the necessity and the importance to obtain the Environmental Clearance by a facility before establishing. It is submitted that as per the EIA notification 2006 since the existing TSDF was converting into an integrated facility and fell squarely under item 7(d) of the Schedule of EIA Notification 2006, it complied with the law and applied for EC, which was granted on 19.09.2014 for both the incinerator as well as the landfill by MoEF & CC.

43. It is submitted that it is an admitted matter of practice and law that if a prayer averred in a petition/ application is not pressed for at the time of arguments, it is deemed to have been waived by the petitioner/ applicant. Merely making an averment in the form of prayer is not sufficient unless the same is pressed for at the time of arguments. In a similar fashion, the Applicant in the previous application, i.e. O.A No. 654 of 2019 never pressed for compensation and thus at this stage cannot raise this claim. Further, the direction Hon'ble NGT to obtain EC is of no consequence as the facility has an already existing valid EC that was issued/ granted on 19.09.2014.
44. That the averments contained in Para 7 of the Application are a matter of record and merit no response.
45. That the averments contained in Para 8 of the Application are denied to the extent that there are illegalities in the operation of ICHWTSDF facility by the answering Respondent which the Applicant is raising in the present Application.
46. That the averments contained in Para 8(a) of the Application are denied to the extent that the present facility of TSDF is Integrated Common Hazardous Waste Treatment Storage and Disposal Facility (ICHWTSDF) is already operating without obtaining prior Environment Clearance in Dobaspet Industrial Area, Pemmanahalli and Thimmanayakanahalli Village, Taluka Nelamangala, District Bangalore Rural. The other averments are a matter of record and thus merit no response. It is, however, reiterated that the facility has had a valid EC since 2014, which has been endorsed twice by MoEF & CC.



47. That the averments contained in Para 8(b) of the Application merit no response as they are a matter of record. It is however submitted the answering Respondent has already complied with the order dated 26.09.2019 and the EAC in its 48th meeting also observed that the MoEF & CC has endorsed the issuance of a valid EC to the facility.
48. That the averments contained in Para 8(c) of the Application are accepted to the extent that the TSDF facility submitted an application for obtaining Environment Clearance on 30.10.2019 and the application was considered by the Expert Appraisal Committee of the MoEF in 48th meeting on 28-29.01.2020. It is submitted that the other averments are, however, denied wholly and in toto. It is denied that the project was delisted on 30.05.2020 from the site of the MoEF and was again relisted on 21.07.2020. It is denied that the timeline available on the website of Ministry shows that the project was finally delisted on 11.11.2020 and has never been considered again.

It is submitted that the EAC in its 48th meeting held on 28-29th January 2020 had categorically noted that MoEF & CC had endorsed the existence of EC for the ICHWTSDF. This fact is cemented by the reply affidavit of MoEF & CC filed in W.P No. 7798 of 2020 filed before the Hon'ble High Court of Karnataka at Bangalore and by the Joint Committee Report submitted in the present Application. Further, it is stated that the Applicant has only made a bald averment and no document in support of the same has been appended.

49. That the averments contained in Para 8(d) of the Application are completely baseless and hence denied wholly. The averments made are completely false and unfounded. It is denied that there is no Environment Clearance in existence for operating the ICHWTSDF facility by Answering Respondent and is in violation of the EIA Notification, 2006. It is submitted and reiterated the plant/facility is operating in accordance with law and has the requisite clearances/ approval/ authorization to operate. It is submitted that it was granted a valid EC on 19.09.2014 for the same, which has been endorsed twice by the MoEF & CC.




50. That the averments contained in Para 8(e) of the Application are denied completely and in toto. The averments made are completely false and baseless. It is denied that the ICHWTSDF also does not satisfy the locational criteria issued by CPCB in its guidance document i.e., Criteria for Hazardous Waste Landfill of 2001, and is operating in blatant violation of the Office Memorandum, F.No.23- 122/2016-1-ISMD, issued by Ministry of Environment, Forest & Climate Change dated 29.08.2016 which speaks about the distance criteria for setting up of TSDF. It is submitted the Joint Committee report filed in the present Application confirms the fact that the facility/plant is in compliance with the location criteria.
51. That the averments contained in Para 8(f) of the Application are a matter of record and hence merit no response.
52. That the averments contained in Para 8(g) of the Application are completely false, baseless, and denied in toto. That the facility is wholly conforming with CPCB guidelines, in fact, Point No. 3 in the same guideline has categorically stipulated that site selection procedure mentioned in the guidelines shall not be applicable for location of facility within industrial areas of State industrial Agencies. The facility of the answering Respondent is located within the compounds of KIADB and would thus squarely fall under the said exemption. However, the facility despite being exempted from adhering to the said location criteria has complied with the location criteria as per the CPCB guidelines. A copy of a relevant portion of the CPCB guidelines is annexed herewith as Annexure-R5/21.

It is submitted that the Joint Committee report has found the facility to be ecologically sound and in accordance with all the environmental laws. It is submitted that the site/ location was elected and finalized by the state agencies and it was allocated by these state agencies to the answering respondent for establishment and operation of the facility and the site selection meets all the requisite criteria and is thus in consonance with all laws.

Further, it is submitted that the Google Earth images annexed by the Applicant are ambiguous and vague and do not indicate the location of the villages, schools, and railway station as alleged by the Applicant. It is reiterated that the Joint Committee Report formed in the present application has confirmed that the facility is in compliance with the



location criteria. The Applicant is only making bald and baseless averments and is trying to mislead the Hon'ble Tribunal.

53. That the averments contained in Para 8(h) of the Application merit no response. However, it is submitted facility is well within the bounds of the CPCB guidelines, despite being exempted as mentioned in the preceding para.
54. That the averments contained in Para 8(i) of the Application are only admitted to the extent that there are various zones in the TGR Notification and the unit of Answering Respondent falls in Zone 1 of the TGR Catchment Area. It is denied that the ICHWTSDF is operating in blatant violation of Notification No. FEE 215 ENV 2000 dated 18.11.2003 known as the Tippagondanahalli Reservoir Notification ("TGR Notification") issued by the State of Karnataka as well as the siting criteria guidelines issued by the Karnataka State Pollution Control Board. It is denied that the unit has not obtained prior EC, it is operating in an unscientific manner and causing a gross violation of the 2003 Notification.

It is submitted that the Answering Respondent has the requisite EC for operating the facility and has been scientifically managing and disposing of waste in the facility as per the environmental laws and norms. The joint Committee report has also found the facility to be functioning well within the bounds of environmental laws, rules, and norms.

55. That the averments contained in Para 8(j) of the Application merit no response as the Applicant has only made bald averments without furnishing even an iota of evidence/ supporting documents.
56. That the averments contained in Para 8(k) of the Application are denied wholly and in toto. It is denied that the setting up of ICHWTSDF in the catchment area would not only be in violation of the notification dated 18.11.2003 but will also have an impact on the water quality of the reservoir. It is denied that as the unit of Answering Respondent has not obtained Environment Clearance the same cannot be allowed to be operated which threatens the entire catchment and the reservoir itself.



It is submitted and reiterated that the unit of Answering Respondent has EC for operating the facility. It is also submitted that as per the TGR Notification activities related to mining, quarrying, stone crushing are prohibited in Zone 1 of the TGR catchment area. As the facility of the Answering Respondent is not indulging in either of these activities, the facility cannot be said to have violated the TGR notification. This fact has also been observed and noted by the Joint Committee in its report filed in the present Application. Hence, the facility of the Answering Respondent is not in violation of the TGR notification.

57. That the averments contained in Para 8(l) of the Application are a matter of record and merit no response.
58. That the averments contained in Para 8(m) of the Application are a matter of record and merit no response.
59. That the averments contained in Para 8(n) of the Application are wholly denied as they are baseless, false, and frivolous. It is denied that the unit has failed to obtain any Environment Clearance even after passing of almost two years and the application submitted by the project proponent has been delisted on 11.11.2020 and no application of the project proponent is pending before MoEF. It is denied that the unit is operating in violation of the direction of this Hon'ble Tribunal which requires that the ICHWTSDF facility must comply with the law and obtain prior Environment Clearance. It is submitted and reiterated that the facility has the requisite EC for operating the facility.

Parawise Reply to Grounds

60. That the averments contained in Para 9 of the Application are completely and wholly denied as they are baseless, false and frivolous. It is denied that the answering Respondent's facility is operating illegally and no action has been taken by any of the Respondents against the project proponent. It is denied that the MoEF & CC who is aware of the illegality and also aware that they have not been granted any Environment Clearance has not taken any step to stop the illegal operation of the unit. It is denied that the Respondent No. 3 Pollution Control Board who is also aware that the ICHWTSDF is operating in violation of siting criteria and also in violation of TGR Notification has not taken any action till date. thus, it is clear that the answering



Respondent's facility has a valid EC and no occasion arises to initiate any action.

It is submitted that the facility was issued the EC on 19.09.2014 and the same has been endorsed and confirmed by MoEF & CC vide its communications dated 20.01.2017, 23.10.2017, and its reply affidavit in W.P No. 7798 of 2020. Further, the EAC in its 48th meeting made a note that MoEF & CC has endorsed EC of the facility. The same has been reiterated in the Joint Committee Report filed in the present Application.

61. That the averments contained in Ground 9(A) of the Application are denied as they are false, baseless and frivolous. It is denied that there is any blatant violation caused by Answering Respondent by running the Red Category Hazardous Facility, i.e., Treatment, Storage, and Disposal Facility. It is denied that the TSDF is running without obtaining prior Environmental Clearance as laid under 7(D) of the Schedule of the EIA Notification, 2006. It is submitted and reiterated that the facility has EC for operating the ICHWTSDF.

62. That the averments contained in Ground 9(B) of the Application are completely and wholly denied as they are baseless, fabricated and frivolous. It is denied that MoEF & CC has granted EC under 7(d) of the EIA Notification, 2006 only for setting up of an incinerator at the TSDF, and no EC has been issued to date to the landfill of the Answering Respondent. It is denied that the Red Category hazardous landfill facility is operating in an unscientific manner without obtaining EC. It is denied that the present matter raises a substantial question relating to the environment as defined under Section 2 (m) of the National Green Tribunal Act, 2010 whereby the community at large is affected. It is submitted and reiterated that the Answering Respondent has the requisite EC and clearances required to operate the ICHWTSDF and the facility is operating in a scientific manner and causing no pollution so as to affect the public at large.

63. That the averments contained in Ground 9(C) of the Application are completely unfounded, incorrect, contrived and hence denied in toto. It is submitted that hazardous waste is handle din a scientific manner and in accordance with the environmental laws, thus causing no pollution or having any adverse effect on the public at large. It is



submitted that the Joint Committee report has found the facility to be operating in a scientific and ecologically sound manner. It is also submitted that the facility of the answering Respondent has been established to treat and manage toxic waste and is being operated in consonance with the existing and accepted environmental laws and principles.

It is submitted that the presumptuous concern displayed by the Applicant is uncorroborated. It is submitted that the function of the facility hasn't been found to be affecting the community at large, in fact, no such instance has been found where the functioning of the facility has caused any peril or danger to the society. It is submitted that hazardous waste is handled, treated, disposed of at the facility in a scientific and regulated manner.

In respect of a proper study having been conducted, it is submitted that GoK and KSPCB with the assistance of GTZ and consultant ERM GmbH had identified the facility site in Pemmanahalli and Thimmanayakanahalli at Dobaspet, after examining and inspecting 21 locations, for scientific handling and disposing of all the landfillable hazardous waste generated in Karnataka. It would be correct to state that a proper study and environment impact assessment was undertaken before establishing of the facility, and only after a proper analysis the allotment was made to the answering respondent to handle, manage, treat and dispose waste in a scientific and regulated manner.

64. That the averments contained in Ground 9(D) of the Application are completely and wholly denied in toto as they are unfounded, false and frivolous. It is submitted that hazardous waste (solid as well as liquid waste) is handled, disposed of in a scientific manner and in accordance with the terms of the 2003 TGR Notification. It is submitted that the Applicant is unnecessarily repeating and raising the same baseless averments that have already been addressed in the preceding paras. In any event, the 2003 TGR notification is not applicable in the present case as the facility of the answering Respondent is not involved in mining, quarrying or stone crushing.

65. That the averments contained in Ground 9(E) of the Application are denied to the extent that the unit is in complete violation of the 2001



guidance document as two habitations i.e., the Thimanayakanhalli Village is situated 200 mts from the unit and the Pemmanahalli Village is situated 150 mts from the unit. It is submitted that the Applicant has made a bald averment that the two villages, i.e., the Thimanayakanhalli Village are situated 200 mts from the unit and the Pemmanahalli Village is situated 150 mts from the unit. It is submitted that the Applicant has failed to bring forth any document in support of his false claim. It is submitted that It is also submitted that the Joint Committee report in O.A 654 of 2019 as well as the Joint Committee Report filed in the present Application have categorically stated that the facility is in compliance with the location criteria as per the CPCB guidelines. It is submitted that the facility is in compliance with all siting criteria and a minor deviation cannot be said to make the entire facility illegal. Further, it is denied that there are many tourist places in close proximity to the TSDF.

66. That the averments contained in Ground 9(F) and 9 (G) of the Application are seemed to be of no relevance in the present case. The Applicant has failed to show the relevance of the articles annexed and has also not been able to show how these articles come to his rescue. This is nothing but a cheap tactic to confuse and mislead this Hon'ble tribunal
67. That the averments contained in Ground 9(H) of the Application are misconceived, preposterous, and unfounded. It is submitted that the judgment of the Hon'ble High Court of Delhi in P.K. Nayyar & Ors. vs. Union of India & Ors. (2013 SCC Online Del 201) relied upon by the applicant is not applicable in the present case as the facts in the judgment cited are starkly at variance from the facts and circumstances of the present case. It is submitted that the facility is not set up in a residential area and is in an industrial area. The Applicant has also failed to substantiate his theoretical and unfounded claim that the facility is set up in a residential area.
68. That the averments contained in Ground 9(I) of the Application are denied in toto as they are ludicrously false, unsubstantiated and speculative. It is submitted that the applicant has preposterously failed to lay down any foundation for seeking and claiming compensation. It is submitted that a bare perusal of Section 15 of the NGT Act would make it clear that for claiming compensation there must



be determination of a substantial question under Section 14 of the NGT Act, which is not the case here. It is a well-established principle of law that to claim compensation damage/ injury to property or individual has to be shown, or one has to have been a victim of pollution or environmental damage under any of the enactments in Schedule I of the NGT Act.

The Applicant has failed to establish any basis to justify his claim of compensation under Section 15 of the NGT Act and has also failed to elucidate the nature and extent of damage caused to enable him to seek compensation or what is it that the Applicant seeks to have restored/ restituted. It is submitted that proof of actual damage is sine qua non to claim compensation and mere averment of violation cannot be a substantial ground to seek compensation. The Applicant has also failed to establish how he is a victim to claim any compensation.

The application is the nature of a fishing enquiry and the Applicant has failed to bring forth any specific violation/ damage to enable him to seek compensation. The Applicant is just abusing the process of law for his whims and fancies and has no substantial ground to stand on.

69. That the averments contained in Ground 9(J) of the Application are denied as they are false, baseless and frivolous. It is submitted that the judgment of the Hon'ble Supreme Court in **Alembic Pharmaceuticals Ltd vs. Rohit Prajapati & Ors. (Civil Appeal No. 1526 of 2016)** are not applicable in the present case, as the facility did not obtain any ex-post fact EC.

It is submitted that the EC was issued to the facility by MoEF & CC on 19.09.2014 and this EC is for both incinerator and landfill. The same has been reiterated in the preceding paragraphs of this reply, hence the judgment is not applicable in the present case.

70. That the averments contained in Ground 9(K) of the Application are completely and wholly denied as they are baseless, false and frivolous. It is submitted that the facts in **Alembic Pharmaceuticals Ltd vs. Rohit Prajapati & Ors.** are different from the facts of the present case. It is submitted that it is settled law of precedent that for application of a principle the facts and circumstances have to be same since that is not so in the present case, the Applicant's reliance on the said judgment



is grossly prejudiced and incorrect. The facts and circumstances of the present case are in fact on a better footing than the facts of the judgment relied upon by the Applicant.

It is also submitted that with respect to polluter's pay principles, the same is not applicable and finds no relevance in the present case, because judgment passed on any principles can only be applied where facts require such interreference on the set of principles. The polluters pay principle is only applicable in a prude case of pollution and identified polluter. The applicant has failed to showcase pollution qua the answering respondent and has also not identified any polluter, thus the polluter's principle is of no consequence in the present case.

71. That the averments contained in Ground 9(L) of the Application are completely and wholly denied as they are baseless, false and frivolous. It is denied that the Hon'ble Tribunal did not consider that the Project Proponent is operating the facility without prior Environmental Clearance is a complete violation of the mandate prescribed under the Environmental Impact Assessment Notification, 2006. It is submitted and reiterated that the Answering Respondent has the necessary and requisite EC and clearances for operating the facility.

72. That the averments contained in Ground 9(M) of the Application are completely and wholly denied as they are baseless, false, and frivolous as the judgment cited by the applicant of the Hon'ble Supreme Court in the matter of State of UP vs. Singhara Singh (1964) 4 SCR 485 is not applicable in the present case as this is not a case of *ex-post-facto* EC. It is submitted that the facility had been granted authorization in 2008 for the TSDF and an EC was granted in 2014 to operate the integrated facility. The same has also been endorsed twice by the MoEF and the said endorsement cannot be treated to be a grant of fresh EC. Thus, the question of *ex-post-facto* EC is of no relevance in the present case.

73. That the averments contained in Ground 9(N) of the Application are denied in toto for they are preposterous, unfounded, and spurious. It is submitted that the Applicant is treating this Hon'ble Tribunal as an appellate body by raising this particular ground. It is submitted that it is beyond this Hon'ble Tribunal's jurisdiction to adjudicate on the judgment passed by the Hon'ble Tribunal in O.A No. 654 of 2019. The



Applicant has not filed an appeal and adjudicating on this ground will be well beyond the jurisdiction of this Hon'ble tribunal and thus this ground deserves to be rejected.

74. That the averments contained in Ground 9(O) of the Application are absolutely spurious, baseless, and frivolous. It is submitted that the Hon'ble NGT in O.A No. 654 of 2019 did not find the answering respondent to be in violation of any environmental laws to have awarded compensation to the Application. It is also submitted that the answering respondent has always been operating the facility in accordance with and within the bounds of environmental laws and principles, which has also been observed by the Joint Committee in its report. Thus, the question for awarding compensation becomes moot as the answering Respondent has always been in compliance with all environmental laws, rules, and norms.
75. That the averments contained in Ground 9(P) of the Application are completely and wholly denied as they are misguided, unfounded and frivolous. It is denied that it is due to the negligence of Respondent Nos. 1 to 4, that Answering Respondent is still operating and causing progressive environment degradation. The applicant has also failed to show how, if any, environmental degradation is being caused and instead has only made a bald averment in this regard.
76. That the averments contained in Ground 9(Q) of the Application are a matter of record and merit no response.
77. That the averments contained in Ground 9(R) of the Application are a matter of record and merit no response.
78. That the petitioner cannot be permitted to raise any additional grounds on any subsequent occasion.

Reply to Limitation Clause

79. That in response to the clause of limitation, for the sake of brevity it is submitted that the same has been addressed in Para 28 of Preliminary Submissions and the same may be treated as part and parcel of the present paragraph.



Reply to Interim Prayer Clause and Prayer Clause

80. It is submitted that the prayer and reliefs sought by the Applicant may be rejected and the Application is dismissed as the Applicant has failed to prove and bring forth any document to prove their bald and baseless claims. It is submitted that the Applicant has failed to establish a prima facie case, showcase a balance of convenience and irreparable injury, which are the founding stones for seeking interim relief. It is submitted that allowing the Application under reply and awarding the reliefs sought would result in immeasurable loss to the Answering Respondent.

PRAYER

In view of the preliminary objections raised as well as the parawise reply given on merits, it is humbly prayed the application under reply maybe dismissed in toto and exemplary cost maybe imposed upon the applicant for filing a vexatious and frivolous litigation.

Date: 11.01.2022

Place: *Bangalore*



VERIFICATION

I, Amit Chaudhary, S/o Late A.M Chaudhary, having my R/o at No. 25/30, 2nd cross, Raghavendra Nagar, Hennur ring road, Kalyan Nagar, Bengaluru- 560043, Karnataka, India, aged about 53 years. I am the Authorized Signatory of Respondent No. 5 and do hereby verify and affirm that the contents from Para 1 to Para 80 of the present reply are true to the best of my knowledge and belief.

Verified at Bangalore on this 11th day of January, 2022.



11/01/2022
S.R. NANJUNDA SWAMY
 B.Sc., LL.B
 ADVOCATE & NOTARY PUBLIC
 GOVT. OF INDIA
 # 211, 4th "C" Cross, HRBR 3rd Block
 Kalyan Nagar, Bengaluru-560043
 Mob: 9845587419-906058583

Government of Karnataka site clearance order for Dobbasapete

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub: Approving the recommendations of the Karnataka State Pollution Control Board for the establishment of the Treatment, Storage and Disposal Facility (TSDF) of hazardous wastes at Dobbaspet in Nelamangala taluk of Bangalore Rural district.

- Read:**
1. Hazardous Wastes (Management and Handling) Rules, 1989 vide Notification, S.O.594 (E) dated: 28.07.1989, and subsequent amendment vide Notification, S.O. 24(E) dated 06.01.2000 & S.O.593(E) dated 20.05.2003
 2. Proceedings of the Public hearing held on 20.02.2004 furnished by the DC.Bangalore (R) district, vide letter dated 18.03.2004
 3. Letter No.KSPCB/IHWC/AEO-1/EO/2003-04/686 dated 31.03.2004 from KSPCB.

PREAMBLE:

In exercise of the powers conferred by sections 6, 8, and 25 of the Environment (Protection) Act, 1986, the Central Government has issued the Hazardous Wastes (Management and Handling) Rules, 1989 vide Notifications S.O.594 (E) dated: 28.07.1989, S.O. 24(E) dated 06.01.2000 & S.O. 593(E) dated 20.05.2003. The types of wastes and their management and handling of hazardous wastes are specified in the Rules.

The Department of Forest Ecology and Environment and the Karnataka State Pollution Control Board in collaboration with the German Technical Co-operation (GTZ) have inventorised the hazardous waste generated in the State and identified suitable sites for the establishment of TSDF for hazardous wastes. For this purpose the identified sites are in Pemmanahalli and Thimmanayakanahalli at Dobbaspet in Nelamangala taluk of Bangalore Rural district and in Ajjakadirenahalli and Muddenahalli at Shidlaghatta taluk of Kolar district.

The Karnataka State Pollution Control Board vide its letter dated: 31.03.2004 read at (3) above has reported that the Technical Advisory Committee of the Board in its 272nd meeting held on 15.11.2003 had detailed deliberation on the proposed land fill site at Dobbaspet and recommended for establishing the Treatment, Storage and Disposal Facility (TSDF) at Dobbaspet and authorised the Board to put up the project for public hearing.

In accordance with the guidelines of the CPCB and as per the provisions contained in the EIA Notification of 1994, the Deputy Commissioner, Bangalore Rural district has conducted the public hearing on 20.02.04. The report of the panel has been received by the Karnataka State Pollution Control Board vide letter No. CAL CR 369/2003-04 dated 18.03.04. In terms of sub rule (5) of Rule 8 of Hazardous Wastes (Management and Handling), Rules 1989 as amended by 2003 Rules, Karnataka State Pollution Control Board has forwarded to the State Government, the project report including EIA report and details of the Public Hearing along with its recommendation vide letter read at (3) above.

The Dobbaspeta site has been identified after scientific survey like soil investigation, geo technical analysis, hydro geological investigations and other site specific studies. The REIA also provides information on social, economic and cultural details of the habitations in the study area. The proposed facility does not have any negative impact on these factors.

The suggested design in the EIA report includes composite liners for the proposed land fill in the Treatment, Storage and Disposal Facility (TSDF). This ensures prevention of pollution of ground water and soil. The design is also safe from the point of stability.

The Karnataka State Pollution Control Board has recommended to the State Government that the Treatment, Storage and Disposal Facility (TSDF) could be set up at the proposed site bearing Sy No 75,76,77,78,79,80,81,82, 83,84 and 85 of Pemmanahalli village and Sy No 7,8 and 9 of Thimmanayakanahalli village of Nelamangala taluk of Bangalore Rural district measuring about 108.18 acres.

In the State Level Steering Committee meeting held on 19.11.2003 it has been decided that the Karnataka Industrial Area Development Board (KIADB) shall be the Contracting Authority (CA) for the establishment of the Treatment, Storage and Disposal Facility (TSDF) at Dabaspeta.

Hence the following Order,

GOVERNMENT ORDER NO FEE 293 ECO 2002, BANGALORE DATED 21.04.2004.

In the circumstances explained in the preamble, the Government accords approval to the recommendation of the Karnataka State Pollution Control Board for

- 3 -

the establishment of Treatment, Storage and Disposal Facility (TSDF) at the identified lands in Dobbaspet of Nelamangala taluk, Bangalore Rural district as per Rule 8 (6) of Hazardous Wastes (Management and Handling) Rules, 1989 as substituted by the Hazardous Waste, (Management & Handling), Amendment Rules, 2003.

By order and in the name of the
Governor of Karnataka

V.R. Gaikwad
(V.R. Gaikwad)

Under Secretary to Government
Forest, Ecology and Environment Department.

24/2/14

To the Compiler, Karnataka State Gazette with a request to publish in the next issue.

Copy to,

1. Accountant General, Karnataka, Bangalore
2. Secretary to Government, Government of India, Ministry of Environment and Forests, Government of India, Paryavana Bhavan, CGO Complex, Lodhi Road, New Delhi
3. Principal Secretaries/Secretaries of all the departments
4. Chairman, Karnataka State Pollution Control Board, Parisava Bhavana, Church Street, Bangalore.
5. Chief Executive Officer, Karnataka Industrial Area Development Board
6. Deputy Commissioner, Bangalore Rural district, Bangalore.
7. S G F / Spare copies.



ಸುರಕ್ಷಿತ ಕರ್ನಾಟಕ - 2006

ANNEXURE - R-11

ಕರ್ನಾಟಕ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಮಂಡಳಿ

(ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಅಧೀನ ಸಂಸ್ಥೆ)

14/3, 2ನೇ ಮಹಡಿ, ರಾಷ್ಟ್ರೀಯತಾನ್-ಪರಿಷತ್ ಕಟ್ಟಡ, ನೃಪಮಂಗ ರಸ್ತೆ, ಬೆಂಗಳೂರು - 560 001

ದೂರವಾಣಿ : 22215383, 22215679, 22242006, 22215059 ಫ್ಯಾಕ್ಸ್ : 080-22217702

ವೆಬ್‌ಸೈಟ್ : <http://kiadb.kar.nic.in> ಈ-ಮೈಲ್ : kiadb@mail.kar.nic.in

No. KIADB/ENGG/HAWA/5359/2006-07

Date: 08.08.06
By Courier/Fax

To
M/s.Ramky Infrastructure Ltd &
Ramky Enviro Engineers Ltd,
'Ramky House' Gulmohar Avenue,
Raj Bhavan road, Somajiguda,
Hyderabad-500082.
Fax No.040-23302353.
080-23328705.

Sir,

Sub: Tender for Hazardous Waste – Treatment, Storage and
Disposal Facility at Dobaspet, Bangalore Rural Dist. on BOOT
Basis.

Ref: This office letter No.IADB/ENGG/HAWA/4794/2006-07
dt:26-07-2006.

* * *

We are pleased to inform you that M/s.Ramky Infrastructure Ltd & Ramky
Enviro Engineers Ltd has been selected to be the private operator for HAWA-
TSDF, Dobaspet, and Karnataka.

The rates and terms and conditions agreed by you vide your letter dated 27-
07-06 has been approved by the Steering Committee with following additional
conditions:

1. If any Industrial Hazardous Waste requires combination of treatments then
in such a situation, the highest rate among the combination of treatment for
the final volume of dried waste is applicable.
2. The rates quoted by M/s.Ramky Infrastructure Ltd & Ramky Enviro
Engineers Ltd for each year is inclusive of all the taxes and any other such
items. Hence, the rates at any given time will be the upper limit.

Hence you are hereby required to submit an acceptance letter along with
following documents:

1. Detailed Operational plan-Treatment procedures for each of the 33
categories of Hazardous Waste as per the Hazardous Waste Rules.
2. Letter accepting the design of ERM.
3. Schedule of activities for construction.
4. Performance guarantee.

The acceptance letter should reach our office by 10-08-06.

TRUE COPY

S. B. N. R.
Chief Engineer &
Chief Development Officer
ADVOCATE

15

Government of Karnataka
Registration & Stamps Department

Issued by MSP/A100/05-06 **0789902**
State Bank of Mysore

Certified that a sum of Rs. 100/- (Rupees One Hundred only) has been paid towards Karnataka Stamp duty by
 Sri/Smt. Ramky Enviro Engineers Ltd
 s/d/w/o Ramky Infrastructure Ltd residing at BANGALORE
 Mahalakshmi Layout Branch 4257
 Br. Name U BANGALORE 360 Q86

Date: 26 AUG 2006

For STATE BANK OF MYSORE
 Authorised Agent to collect stamp duty on behalf of Government of Karnataka

CONTRACT AGREEMENT

FOR
 DESIGN, BUILD, OWN, OPERATE AND TRANSFER (DBOOT)
 OF
 DOBBASAPETE HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL
 FACILITY (TSDF)

This agreement made the 1st day of December 2006 between Karnataka Industrial Areas Development Board (KIADB), of No: 14/3, 2nd Floor, Rashthrohana Parishat Building, Nrupathaunga Road, Bangalore-560 001 represented by CEO & EM, KIADB (Hereinafter called the "Contracting Authority") of the one part and

M/s. Ramky Infrastructure Ltd., and Ramky Enviro Engineers Ltd., (Consortium) of "Ramky House", Gulmohar Avenue, Raj Bhavan Road, Somajiguda, Hyderabad - 500 082 represented by Director (Hereinafter called the "Private Operator"

Whereas the Contracting Authority is desirous that certain works should be executed on a design build own operate and transfer (DBOOT) basis by the Private operator, viz Design, construction, operation, closure for 20 years and aftercare for 30 years of a Transfer, Storage Disposal facility of a nominal capacity of 8.0 lakh tons of Hazardous waste, and has accepted a Tender by the Private operator

Now this agreement witnesseth as follows:

1. In this agreement words and expression shall have the same meanings as are respectively assigned to them in the Conditions of contract hereinafter referred to.

[Handwritten Signature]

[Handwritten Signature]

3343

Government of Karnataka
Registration & Stamps Department

Issued by MSP/A100/05-06 **0789901**
State Bank of Mysore

Certified that a sum of **Rs. 100/- (Rupees One Hundred only)** has been paid towards Karnataka Stamp duty by
Sri/Smt. **M/S. Ramky Enviro Engineers Ltd**
s/d/w/o **Ramky Enviro Engineers Ltd** residing at **SANGALORE**
Mahalakshmi Lay-out, Branch 4257
Br. Name **STATE BANK OF MYSORE** 560086
Date: **12.6.AUG 2006**
For STATE BANK OF MYSORE
Authorised Agent to collect stamp duty on behalf of Government of Karnataka

2. The following documents shall be deemed to form and be read and construed as part of this Agreement, viz:-

1. Detailed Project Report
2. The said Tender
3. The Conditions of Contract (Parts I and II)
4. The Technical and Performance Specifications;
5. The Drawings and
6. The Letter of Acceptance
7. Financial Proposal
8. Proceedings of the Negotiation Meeting
9. Timeline Chart

3. In consideration of the facilities extended by the Contracting Authority under the terms of the tender, the contractor hereby covenants with the Contracting Authority to execute and operate the TSDF and remedy any defects thereof in conformity in all respects with the provisions of the Contract.

4. The Contracting Authority permits the Private operator to charge the users gate fee as described below at the times and in the manner prescribed herewith:

a. Upper limit of Gate fee to be charged for twenty years

Unit - Rs./MT

Particulars \ Years from the commencement of operation	1	2	3	4	5	6	7	8	9	10
Direct Land filling	1260	1260	1260	1260	1260	1449	1449	1449	1449	1449
Shredding & Land filling	1350	1350	1350	1350	1350	1552.5	1552.5	1552.5	1552.5	1552.5
Drying & Land filling	1620	1440	1440	1440	1440	1656	1656	1656	1656	1656
Stabilization & Land filling	2160	2160	2160	2160	2160	2484	2484	2484	2484	2484
Transportation & Collection	4.50	4.84	5.20	5.59	6.01	6.46	6.94	7.47	8.07	8.67

Tender Documents

Conditions of Contract

Unit - Rs./MT

Particulars\Years from the commencement of operation	11	12	13	14	15	16	17	18	19	20
Direct Land filling	1811.25	1811.25	1811.25	1811.25	1811.25	2082.93	2082.93	2082.93	2082.93	2082.93
Shredding & Land filling	1940.62	1940.62	1940.62	1940.62	1940.62	2231.71	2231.71	2231.71	2231.71	2231.71
Drying & Land filling	2070	2070	2070	2070	2070	2380.5	2380.5	2380.5	2380.5	2380.5
Stabilization & Land filling	3105	3105	3105	3105	3105	3570.75	3570.75	3570.75	3570.75	3570.75
Transportation & Collection	9.27	9.97	10.72	11.52	12.39	13.31	14.31	15.39	16.54	17.78

b. If any industrial Hazardous Waste requires a combination of treatments then in such a situation, the highest rate among the combination of treatment for the final volume of dried waste is applicable. The Private Operator shall use any improved technology for treatment after approval of the same from Karnataka State Pollution Control Board. However, the gate fee agreed by the Private Operator for twenty years will remain the same even if new technologies are applied.

c. The rates quoted by the Private Operator for each year is inclusive of all the taxes and any other such item. Hence, the rates at any given time will be the upper limit. Hence in case of any new taxes levied, the Private Operator could approach the CA for adding the same.

d. The prices as indicated in the Private Operator's revenue estimation of Appendix-C of financial model will form the basis for our price/gate fee for the 20 years.

e. The Private Operator shall not claim any revision in the gate fee for the 20 years operation period for what ever reasons.

f. Consequently the bid clarification on revision of bid will be null and void (Question 3 of the pre-bid clarification by BEIL)

g. The Private Operator agree to fulfil all the technical and performance details as per tender document.

h. In case of availability of MoEF or any other subsidy/grant then, corresponding decrease in the gate fee will be given by the Private Operator as indicated by the CA

I. The stated gate fees are the upper limits for any particular year.

J. The ERF and Disaster Management contribution will be as per Chapter-16 of DPR (sub chapter - 16.4 & 16.5)

De-ES, 1/12/06

De-ES

Tender Documents

Conditions of Contract

5. This contract runs co terminus with the land lease agreement
6. Key personnel and their brief bio-data as per Annexe-1 to be deployed in the TSDF at Dobbasapete.
7. Detailed Engineering drawing to be approved by the Expert Committee before the start of construction activity
8. Detailed operation plan to be as per Annexe-2
9. In case the Private Operator defaults on any of the contract conditions, then the Contracting Authority has the powers to take over the functioning of the TSDF until the Private Operator fulfils the required conditions.

IN WITNESS WHEREOF THE PARTIES ABOVENAMED HAVE EXECUTED THESE PRESENTS ON THE DAY, MONTH, YEAR AND PLACE HEREIN ABOVE MENTIONED, IN THE PRESENCE OF THE WITNESSES ATTESTING HEREUNDER.

<p>WITNESSES:</p> <p>1. <i>H. S. Srinivasan</i> 1/12/06 (Dr. H. C. Srinivasan, DRA) Chairman, KSPCB Bangalore 560001</p>	<p>FOR THE KARNATAKA INDUSTRIAL AREAS DEVELOPMENT BOARD</p> <p><i>D. N. Nayak</i> 1/12/06 (D. N. NAYAK) CEO (Karnataka Industrial Areas Development Board (KIADB), No: 14/3, 2nd Floor, Rashthrohana Parishat Building, Nrupathaunga Road, Bangalore -560 001 CONTRACTING AUTHORITY</p>
<p>2. <i>P. Bineesha</i> 1/12/06 P. BINEESHA CHIEF ENVIRONMENTAL ADVISOR GTZ- HANA, BANGALORE - 560001</p>	<p>FOR MS. Ramky Infrastructure Ltd., and Ramky Enviro Engineers Ltd., (Consortium)</p> <p><i>D. K. Nagaraja</i> 1/12/06 D. K. NAGARAJA DIRECTOR. ("Ramky House", Gulmohar Avenue, Raj Bhavan Road, Somajiguda, Hyderabad -500 082) PRIVATE OPERATOR</p>

100

Government of Karnataka
Registration & Stamps Department

Issued by MSP/A100/05-06 **0737/03**

State Bank of Mysore

Certified that a sum of Rs. 100/- (Rupees One Hundred only) has been paid towards Karnataka Stamp duty by
 Sri/Smt. M/s. Ramky Enviro Engineers Ho
 s/d/w/o RAMKY INFRASTRUCTURE ENGINEERS HO residing at BANGALORE, KARNATAKA

For STATE BANK OF MYSORE
 Authorized Agent to collect stamp duty on behalf of Government of Karnataka

Dr. Name Mohamed Sanoulla Branch 4257 BANGALORE - 560006

Date: 26 AUG 2006

100

Annexure-R5/4

SCHEDULE A - LEASE DEED

This Deed of Lease entered into on the First day of December Two Thousand and Six (01/12/2006) at Bangalore:

Between:

The Government of Karnataka
 represented by
 Secretary to Government
 Ecology & Environment
 Department of Forests, Ecology & Environment
 having its office at 7th Floor,
 M.S. Building, Dr. Ambedkar Veedhi,
 Bangalore - 560 001 represented by
 Sri. Mohamed Sanoulla, IAS

(hereinafter referred to as the "LESSOR" which expression, wherever the context permits, shall mean and include its assigns, successors-in-interest, administrators, nominees and representatives)

And:

M/s. Ramky Infrastructure Ltd., and Ramky Enviro Engineers Ltd (Consortium)
 represented by, Mr. D.K. Nagaraja, Director

M/s. Ramky Infrastructure Ltd., and Ramky Enviro Engineers Ltd (Consortium)
 having its office at "Ramky House",
 Gulmohar Avenue,
 Raj Bhavan Road,
 Somajiguda,
 Hyderabad -500 082

(hereinafter referred to as the "LESSEE" which expression, wherever the context permits, shall mean and include his/hers/its heirs, executors, successors, administrators and legal representatives)

Government of Karnataka
Registration & Stamps Department

Issued by MSP/A100/05-06 073804
State Bank of Mysore

Certified that a sum of Rs. 100/- (Rupees One Hundred only) has been paid towards Karnataka Stamp duty, by

Sri/Smt. M. Ramky Enviro Engineers Ltd
s/d/w/o RAMKY INFRASTRUCTURE residing at 1st FLOOR, BANGALGHE, KARNATAKA

Br. Name Metaloks Branch 4257
BANGALURU TEODRE

Date: 26 AUG 2006
Authorized Agent to collect stamp duty on
behalf of Government of Karnataka

WITNESSES AS FOLLOWS:

- I. WHEREAS the Lessor, the Government of Karnataka, in pursuance of the Environment (Protection) Act, 1986 ("the Act") and the Hazardous Wastes (Management & Handling) Rules 1989 and the Hazardous Wastes (Management & Handling) Amendment Rules 2003 is desirous of providing adequate and necessary measures for treatment, handling, disposal, etc., of hazardous wastes in the State of Karnataka;

- II. WHEREAS the Lessor is the absolute owner of the immovable properties bearing survey Nos. 7, 8, 9, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 and 85 situated in the Karnataka Industrial Area within the limits of Pemmanahalli and Thimmanayakanahalli villages and are morefully described in the Schedule-I written hereunder and is hereinafter referred to as the "Schedule-I Property" or "the Demised Property";

- III. WHEREAS the Lessee a Ramky Infrastructure Ltd., Company & Ramky Enviro Engineers Ltd., (Consortium) is engaged in the business, inter alia, of infrastructure development and has been awarded the contract by Karnataka Industrial Area Development Board to design, build, own & operate a facility for treatment, storage and disposal of hazardous wastes in the State of Karnataka;



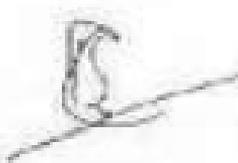
(iv) And Notwithstanding to whomsoever the aforesaid papers, the Licensee shall be liable to pay the full cost of the said papers and the expenses of the Licensee and a share of the same and the Licensee has agreed to pay the same rate \$25.00 per 1000 (1000) GALLONS per month for the installation of Hazardous Waste Treatment Storage Disposal Facility (HWTDF).

v) NOW THIS DEED OF TRUST PROVIDED THAT in pursuance with the provisions of the above part of the instrument and in accordance with the Licensee hereby granted the Licensee hereby assigns from all the interests therein bearing survey nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 situated in the Karnataka Industrial Area within the limits of Thanebichahalli and Thanebichahalli village located in the District of KARNATAKA and situated in the District of KARNATAKA and situated in the District of KARNATAKA.

4. DEFINITIONS AND ABBREVIATIONS

1.1. In this Deed the following abbreviations shall have the meaning assigned to them below:

- CA - Contracting Agency
- DISCONTI - Design, Build, Operate & Transfer
- Govt - Government of India
- Govt - Government of Karnataka
- EW - Effluent Water
- HWSP - Hazardous Waste Storage Plant
- SIACDE - Karnataka Industrial Area Development Board
- SIACB - Karnataka State Pollution Control Board
- TO - Transfer Operator
- SPV - Special Purpose Vehicle
- TSDF - Treatment Storage and Disposal Facility

 - 3 - 

1.2 DEFINITIONS:

- 1.2.1 "Contracting Authority or CA" means The Karnataka Industrial Area Development Board (KIADB) which will be the administrative monitoring authority during the Initial Phase of TSDF Project CA and will be represented by its Chief Executive Officer & Executive Member. KIADB will act on the behalf of GoK and the stakeholders.
- 1.2.2 "Special Purpose Vehicle or SPV" means the entity established to take over the controlling authority from KIADB after the completion of the Initial Phase of TSDF Project and which entity would maintain administrative and supervisory control over the PO in the operation of the HW-TSDF.
- 1.2.3 "Operation of TSDF" means a period of twenty (20) years commencing after completion of the Initial Phase TSDF Project, during which the TSDF will be fully operational, including collection of HW from generators, transporting, treating it as per the required norms for land-filling and finally disposing it in an engineered landfill, etc.
- 1.2.4 "Post Closure of TSDF" means after each phase of landfilling (comprising of 4-5 years), the landfill will be covered with composite lining system and re-cultivation layer formed. At the end of 20 years the entire landfill will be covered with re-cultivation layer. The post closure period starts at this stage. For about 30 years, this closed landfill will have to be monitored for environmental parameters like ground water, soil, air etc.
- 1.2.5 "Steering Committee" means a committee headed by The Principal Secretary, Department of Forest, Ecology and Environment, Government of Karnataka, whose members include the Secretary, DFEE, CEO & EM, KIADB, Member Secretary, KSPCB, Principal Secretary, Industries and Commerce, Zonal Officer, Central Pollution Control Board, representatives of Industrial Associations & NGOs. The purpose of the steering committee is to review the progress of the HWM in the state of Karnataka, to facilitate and clear obstacles and difficulties in the project and to avoid bureaucratic delays. Steering Committee Meeting shall be held once in two months. Special/extraordinary meetings may be held for deciding crucial issues.
- 1.2.6 "HW Rules" means the rules promulgated by the Ministry of Environment and Forests, GoI, known as the Hazardous Wastes (Management & Handling) Rules, 1989 including the Hazardous Wastes (Management & Handling) Amendment Rules 2003 and later amendments, under the provisions of the Environment Protection Act, 1986.

- 1.2.7 "the Contract" means the initial Contract/agreement entered into between KIADB (as the CA) and the PO for the design, construction, operation and closure of the HW-TSDF as described in the Detailed Project Report, including a second identical Contract will be entered into between the SPV and the PO on formation of the SPV and handover of the Contracting Authority roles and functions from KIADB to the SPV.
- 1.2.8 "Detailed Project Report" means the report containing all the technical, financial and economic details and specifications for setting-up and operating the HW-TSDF, approved by the GoK.
- 1.2.9 "Superfund" means a fund established to take care of the eventualities and remediation measures due to accidents/disasters that may occur in the site which will lead to contamination of ground water and/or soil in the vicinity of the site and which may in turn lead to health hazards to the surrounding population. This fund will be maintained by the CA in an Escrow account. The corpus for this account will be initially deposited by the PO before the operation of the TSDF starts. An annual recurring deposit will also be paid by the PO towards this account. Details of this account are as per the contract.
- 1.2.10 "Residual liability" means the liability and/or hazard caused to the environment due to the improper operations or construction of the TSDF by the Lessee during the tenure of the Contract and this lease and improper handling of HW in the landfills which would lead to contamination of the Demised Property and its surroundings.

2. DURATION OF LEASE

- 2.1 The duration of the lease shall be for a period of Fifty One (51) years commencing on 01.12. 2006 and ending on 01.12.2057. The lessor has this day delivered possession of the Schedule-I Property to the Lessee, which the Lessee hereby acknowledges.
- 2.2 The duration of the lease comprises:
 - 2.2.1 One year for the construction phase of the TSDF;
 - 2.2.2 A period of 20 years after the completion of the construction phase of the TSDF, which is the Operation of TSDF;
 - 2.2.3 A period of 30 years after the completion of the operation phase, which is the Post Closure of TSDF. This duration under no circumstances shall be altered.

- 2.3 The duration of the construction phase (clause 2.2.1) may be extended by mutual written agreement by the Lessor and the Lessee in the event of occurrence of delays not within the control of the Lessee.
- 2.4 The duration of the Operation of TSDF may be for a period lesser or more than 20 years and the duration of the lease may be varied to that extent upon such terms and conditions that may be agreed to in writing between the Parties.

3. RENT

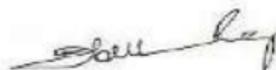
- 3.1 The Lessee shall pay an annual rent of Rupees One Hundred only (Rs.100/-) per acre of the Demised Property to the Lessor for the use and occupation of the Schedule-I Property for the duration of this lease;
- 3.2 The Lessee shall further be liable to pay enhanced rent at the rate of 5% per annum from the commencement of the 2nd year of this lease;
- 3.3 The rent reserved as aforesaid shall be payable without deduction whatsoever on or before the 31st day of January of each year as advance rent for the year for which the rent is due;
- 3.4 The Lessee shall be liable to pay interest at the rate of 15.5% per annum (or other rate fixed by the Lessor from time to time) in the event the Lessee defaults in paying the annual rent on or before the day mentioned above.
- 3.5 If and whenever any part of the rent hereby reserved shall be in arrears, the same may recovered from the Lessee under the provisions of the Karnataka Land Revenue Act as arrears of land revenue (Act. 12 of 1964).
- 3.6 If the said rent hereby reserved shall be in arrears for a period of thirty days (reckoned from the date mentioned in Clause 3.3 above) whether or not the Lessor has made a written demand therefore, the Lessor shall be entitled to terminate the lease and re-enter upon the Demised Property.

4. USER

- 4.1 The Lessee shall use the Schedule-I Property solely for the purpose of constructing and operating a facility for treatment, storage and disposal of hazardous wastes, i.e., for the HW-TSDF as stipulated in the Contract;
- 4.2 The Lessee may use the Demised Property for any other purpose, ancillary to and in furtherance of the main object/s of operating the TSDF with the express prior written consent of the Lessor & CA



- 6 -



5. LEASE CO-TERMINUS WITH THE CONTRACT

- 5.1 The Parties hereby expressly agree and confirm that this lease has been granted solely and only for the purpose of designing, constructing and operating a facility for treatment, storage and disposal of HW and that this lease shall be co-terminus with the Contract No. 78 dtd 01/02/2006 entered into between the Lessee and KIADB (the CA) in connection thereto;
- 5.2 It is further agreed and confirmed by the Parties that the termination/ expiry/cancellation of the Contract shall operate as termination of this lease and the Lessee shall hand-over possession of the Schedule-I Property to the Lessor, who will be entitled to re-enter thereupon.

6. SUB-LETTING AND ASSIGNMENT

- 6.1 The Lessee shall not be entitled to sub-let or under-let or part with possession of the Schedule-I Property or any portion thereof or assign its rights, liabilities and/or obligations hereunder to any other person/s, except with the express written consent of the Lessor;
- 6.2 The Lessor at its sole discretion may consider transfer of the lease-hold rights of the Schedule-I Property in favour a new entrepreneur identified by the Lessee, during the currency/tenure of this lease, on such further terms and conditions as it may deem fit.
- 6.3 It is expressly agreed and confirmed by the Parties that the liabilities of the Lessee that may have accrued during its tenure hereunder, shall be transferred to the new entrepreneur, if any, as though the liabilities were originally incurred by the new entrepreneur;
- 6.4 The liabilities that may have incurred by the Lessee hereunder shall be determined by the Lessor in consultation with the CA/SPV/Steering Committee at the time of consideration of transfer of the lease-hold rights to a new entrepreneur, who shall expressly and unconditionally consent in writing to the Lessor, to take over such liabilities from the Lessee.

7. DELIVERY BACK OF POSSESSION

- 7.1. The Lessee shall immediately deliver possession of the Schedule-I Property, including the TSDF constructed, the structures, super-structures, implements, equipment, fittings and fixtures thereon to the Lessor upon the termination of this lease or upon expiry of the lease by efflux of time or otherwise as provided hereunder;

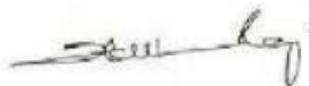
- 7.2 The Lessee hereby confirms that it shall not, under any circumstances, remove, dismantle, demolish or otherwise change the nature of the structures, super-structure, equipment, facility, fixtures and fittings, etc., both movable and/or immovable set-up on the Demised Property at the time of delivery of possession of the Demised Property to the Lessor.

8. INSPECTION AND DIRECTIONS

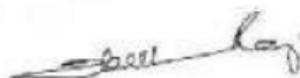
- 8.1 The Lessee shall permit the Lessor, its representatives or agents, and/or other persons employed/engaged/authorised by the Lessor at all reasonable times during the term of the lease to enter into or upon the Demised Premises and to inspect the same;
- 8.2 The Lessee shall be bound to abide and follow any/or all instructions, directions, suggestions, etc. of the Lessor, its agents, representatives as aforesaid, regarding the use and enjoyment of the Demised Property and structures put-up thereon, including execution of repairs, modifications, alterations, etc. thereto at the expense of the Lessee.

9. TERMINATION AND RE-ENTRY

- 9.1 The Lessor shall be at liberty to terminate/determine the lease, in the event of the Lessee failing to fulfil or committing breach of any terms and/or conditions of this lease and/or the Contract;
- 9.2 In the event of termination/determination of the lease as aforesaid, the Lessee shall not be entitled to any compensation/damages, whatsoever, from the Lessor;
- 9.3 The termination, determination or expiry of the Contract, for any reason whatsoever, shall operate as termination/determination of the lease hereby granted to the Lessee;
- 9.4 The Lessor shall be entitled to terminate/determine the lease in the event of the Lessee being declared insolvent/bankrupt or in the event of the winding-up and/or dissolution of the Lessee and/or in the event of the Lessee ceasing to carry on its business;
- 9.5 In the event of the Demised Property not being used for the stipulated purpose and/or when it is no longer required for the stipulated purpose the Lessor alone shall have the discretion to terminate the lease, provided however, the lease shall not be terminated unless the Lessor gives notice in writing of the breach, as stipulated in this clause 9.5, to the Lessee and calling upon it to remedy such breach within 90 days from date of receipt of such notice;



- 9.6 The Lessor shall be at liberty to terminate the lease and re-enter upon the Demised Property in the event the Lessee fails or neglects to pay promptly and/or discharge its financial and/or other liabilities towards banks/financial institutions/creditors, etc. from whom the Lessee had obtained financial assistance for the purpose of the HW-TSDF, including in the event the Lessee receives notice thereof from such banks/financial institutions/creditors, etc.
- 9.7 Notwithstanding the termination/determination/expiry of the lease as provided herein, the Lessor shall not be precluded from initiating or taking any steps to recover all/any sum/s that may be due from the Lessee to the Lessor under these presents;
- 9.7 Upon termination/determination of the lease as contemplated herein, the Lessor shall be entitled to re-enter upon the Demised Property and take possession thereof.
- 9.8 The Lessor shall serve upon the Lessee a written notice of termination of the lease and re-entry of a period of 60 days, commencing from the day such notice is received by the Lessee.
- 9.9 The right of the Lessor to terminate the lease granted hereby is not limited to the grounds contained in Clause 10 but includes grounds mentioned elsewhere in this Deed.
10. POST TERMINATION
- 10.1 At the end of duration of the lease or earlier termination or any extended period thereof, an independent third party, appointed by the Lessor/GoK/CA/SPV/Steering Committee, shall assess any residual liabilities present at the Demised Property.
- 10.2 The residual liabilities so assessed and quantified as per Clause 10.1, shall be deducted from the balance available in the Superfund and the balance amount remaining thereafter, if any, shall be refunded to the Lessee within fifteen days from such determination, free of interest.
- 10.3.1 In the event of the residual liabilities exceeding the amount available in the Superfund, the deficit amount shall be paid by the Lessee within fifteen days of the Lessor quantifying the same and intimating the same, in writing to the Lessee. In the event of failure of the Lessee to pay the same the Lessor may recover the said sums as per the provisions of the Land Revenue Act as if the same were arrears of land revenue.



15. Lessee's Covenants

- 11.1 The Lessee hereby certifies and declares that it is aware and has fully understood the scope, purpose and object of the Contract and the Detailed Project Report.
- 11.2 The Lessee hereby acknowledges and certifies that it has taken a binding by the Lessee pursuant to the objectives contained in the Contract and the Detailed Project Report and that it is here shall always be read, understood and construed in the light of the scope, conditions and objectives of the Contract and the Detailed Project Report.
- 11.3 The Detailed Project Report shall be used only for the purpose of setting up and operating the HV 7500, as terms of the Contract. The lowest level or any part thereof shall not be used for any other purpose not covered in the Detailed Project Report unless otherwise permitted explicitly by the CA/SPV in writing. The Lessee shall strictly follow, adhere and conform to the specifications mentioned herein and in the Detailed Project Report submitted by the Lessee to the Lessee for the HV 7500, under the Contract.
- 11.4 The Lessee shall always abide by the terms and conditions as may be imposed by the Lessee/GoA/GoC/NIWDR/CA/ASPCV and other statutory bodies/agencies from time to time regarding the use of the SON-Dub-1 Property and/or the surrounding areas at the relevant time.
- 11.5 Any building/structure put up by the Lessee on the Detailed Property shall conform to the building by-laws and other rules and regulations prescribed from time to time in respect thereof. The Lessee shall get any buildings/structures (if any) after obtaining the building plan (if approved) sanctioned by the CA.
- 11.6 The Lessee shall not seek any well, bore-well, etc. on the Detailed Property without the prior written consent of the Lessee and the CA.
- 11.7 The Lessee shall under no circumstances change/alter the nature of its constitution that existed as on the date of execution of the lease deed. Any alteration/change in the Lessee's constitution shall be made only with the explicit prior written consent of the Lessee, which consent would be subject to the condition that the original applicant/patron/partner/proprietor/director/shareholder should continue to hold a minimum 5% One percent (05%) of the equity shares in the newly constituted firm/company/etc.
- 11.8 In the event of any legal proceedings initiated against the Lessee for bankruptcy or insolvency and/or in the event of receipt of any notice of winding up, the Lessee shall notify the same to the Lessee immediately.

46



- 11.9 The Lessee shall duly comply with any/or all condition and direction that may be issued by the State or Central Government and the KSPCB from time to time; **47**
- 11.10 The Lessee shall promptly and punctually pay the rents reserved hereunder to the Lessor and in the manner provided in Clause 3 above.

12. LESSOR'S COVENANTS

The Lessor hereby covenants with the Lessee that the Lessee paying regularly the rents hereby reserved and performing and observing all the covenants of the Lessee herein contained and in the Contract and the Detailed Project Report, shall be entitled, during the subsistence of this lease to enjoy the Demised Property without any let, hindrance or interference from the Lessor or any other person's claiming through or under it.

13. TAXES

The Lessee shall pay all existing and future taxes, rates, assessments and all other statutory dues and outgoings in respect of the Demised Premises and anything for the time being thereon.

14. ELECTRICITY AND WATER

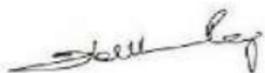
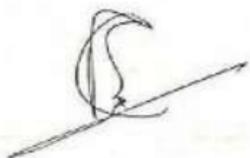
The Lessee shall obtain necessary electricity and water connection in respect of the Demised Property and shall bear and pay the relevant authorities the charges, fees, bills, etc. therefore promptly. The Lessee shall ensure that there is no claim, whatsoever made against the Lessor in that regard.

15. INDEMNITY

The Lessee shall fully indemnify and keep indemnified the Lessor from and against all/any legal proceedings, actions, losses, damages, liabilities, claims, injury and costs whatsoever, that the Lessor may suffer or incur on account of actions, omissions and commissions of the Lessee in respect of the Demised Property and/or the Hazardous Waste Treatment Storage and Disposal Facility and its use.

16. FORCE MAJEURE

- 16.1 The Lessee shall not be discharged from performing/observing its covenants as contained herein on account occurrence of Force Majeure events, viz., mishap due to fire, earthquake, strike, floods, tempest, war, riot, civil war or civil commotions, mob violence, civil disturbance, act of God or on account of terrorist attack;



16.2 In the case of occurrence of Force Majeure event/s, which in the opinion of Lessor and the CA/SPV demands appropriate action, a Disaster Management Committee will be constituted by the Lessor to consider the implications thereof in respect of the lease, the Contract and the said Committee shall determine the need for the application of the Superfund (which is defined and described in Detailed Project Report).

17. MISCELLANEOUS

17.1 The Lessee shall comply with the provisions of the Karnataka Forest Act 1963 and the Rules framed thereunder. All the tree growth on the Schedule-I Property at the time of grant of lease and all Reserved Trees, including branches, fruits, timber and roots that may grow thereon shall belong to CoK.

17.2 On matters not specifically stipulated in these presents the Lessor shall be entitled to give direction/s to the Lessee which the Lessee shall carry out/abide. In the event of any the default by the Lessee in carrying out such direction/s, the same will be treated as breach of covenants of these presents.

17.3 If any provision contained herein should be held unlawful, becomes incapable of performance by either Party, is rendered void or unenforceable for any reason, that provision shall be severed from this Deed and the other provisions shall continue to be valid and performed, as if the severed provision was never a part of this Agreement.

17.4 No amendment to this Agreement shall be valid and enforceable unless both the Parties agree to the same in writing.

17.5 All correspondence, communications, statements, reports, contracts, agreements, orders, bills, invoices and other written material shall be in English language.

18. GOVERNING LAW AND JURISDICTION

This Agreement shall be construed and interpreted in accordance with the laws of India. Courts in Bangalore Rural District alone shall have jurisdiction to the exclusion of all other Courts in India and abroad.

19. DISPUTE RESOLUTION AND ARBITRATION

In the event of any dispute/s or difference/s arising between the Parties, in connection with any aspect of this lease, including but not limited to, interpretation, working, and termination thereof, the same shall be resolved in following manner:

19.1 By reference of the said dispute/s or difference/s in writing, within thirty days from the date of knowledge of such dispute/s or difference/s has arisen, to the Steering Committee for mediation and conciliation. The Steering Committee shall thereafter, notify the other Party of such reference and endeavour to resolve the dispute/s or difference/s between the Parties.

19.2 In the event of the Steering Committee failing and/or for any reason being unable to resolve/settle the dispute/s or difference/s referred to it by settlement, as provided in Clause 19.1 within a period of ninety (90) days from the date of receipt of such reference, then the dispute/s or difference/s shall be referred to arbitration by a two Member Arbitral Tribunal to be appointed by both the parties herein by mutual consent. The decision of the Tribunal shall be final and binding on the Parties. The provisions of the Arbitration and Conciliation Act, 1996 as amended from time to time shall govern the arbitration. The place of arbitration shall be Bangalore alone.

20. NOTICES

All notices and correspondence required to be given under this Agreement shall be deemed to be sufficiently given in writing and sent by registered post/hand delivery under acknowledgement to

The Lessor at:

And the Lessee at:

IN WITNESS WHEREOF THE PARTIES ABOVENAMED HAVE EXECUTED THESE PRESENTS ON THE DAY, MONTH, YEAR AND PLACE HEREINABOVE MENTIONED, IN THE PRESENCE OF THE WITNESSES ATTESTING HERELUNDER.

<p><u>WITNESSES:</u> 1. <i>Heshamudehany</i> 1/12/06 (Dr. H.C. SHARATHCHANDRAN) Chairman, KSPCB Bangalore 560001</p>	<p>FOR THE GOVERNMENT OF KARNATAKA BY THE DEPARTMENT OF FORESTS, ECOLOGY AND ENVIRONMENT <i>[Signature]</i> 1-12-2006. (MOHAMED SANAVULLA) LESSOR</p>
<p>2. <i>D. BINEESHA</i> CHIEF ENVIRONMENTAL ADVISOR GTZ - HAWA. BANGALORE - 560001 <i>[Signature]</i> 1/12/06</p>	<p>FOR M/S. RAMKY INFRASTRUCTURE LTD., AND RAMKY ENVIRO ENGINEERS LTD, (CONSORTIUM) <i>[Signature]</i> D.K. NAGARAJA (DIRECTOR.) 1/12/06 LESSEE</p>

[Signature]

[Signature]

SCHEDULE-I

All that piece of land known as Sy. No 7, 8, 9, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, and 85 in the Karnataka industrial Area within the limits of village Pemmanahalli and Thimmanayakanahalli Containing by measurement 93.18 acres of thereabouts and bounded as follows that is to say.

On the North by National Highway 207

On the South by TDPS factory

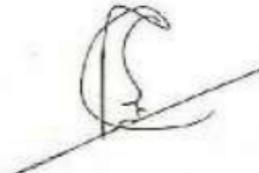
On the East by a *nalla*

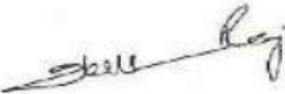
On the West by Agricultural land.

And measuring as follows:

Dobhaspete, Bangalore Rural District

Sl. No.	Name of the Village	Sy. No.	Land break - up details (in acres)	Total Extent in acres.	Taluk/RF
1.	Thimmanayakanahalli	7	7/1 = 3.11 7/2 = 1.34	5.05	Nelamangala
2.	Thimmanayakanahalli	8	8/1 = 1.15 8/2 = 4.11 8/3 = 1.38	7.24	Nelamangala
3.	Thimmanayakanahalli	9	13.24	13.24	Nelamangala
4.	Pemmanahalli	79	79/1 = 1.31 79/2 = 3.21	5.12	Nelamangala
5.	Pemmanahalli	80	80/1 = 2.12 80/2 = 1.20	3.32	Nelamangala
6.	Pemmanahalli	81	81/1 = 1.05 81/2 = 0.33 81/3 = 0.33 81/4 = 0.33 81/5 = 0.35 81/6 = 1.00	5.19	Nelamangala

 - 14 -

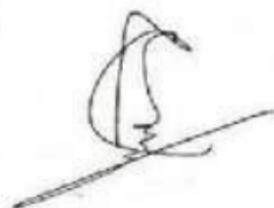
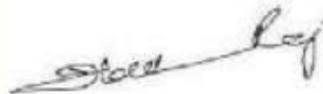


Sl. No.	Name of the Village	Sy. No.	Land break - up details (in acres)	Total Extent in acres.	Taluk/RF
7.	Pemmanahalli	82	82/1 = 4.01 82/2 = 2.36	6.37	Nelamangala
8.	Pemmanahalli	83	83/1 = 4.05 83/2 = 2.16	6.21	Nelamangala
9.	Pemmanahalli	78	6.11	6.11	Nelamangala
10	Pemmanahalli	77	77/1 = 1.32 77/2 = 1.27 77/3 = 3.05	6.24	Nelamangala
11	Pemmanahalli	76	6.38	6.38	Nelamangala
12	Pemmanahalli	84	5.05	5.05	Nelamangala
13	Pemmanahalli	85	85/1 = 3.17 85/2 = 2.38 85/3 = 0.25 85/4 = 0.14	7.14	Nelamangala
14	Pemmanahalli	75	6.32	6.32	Nelamangala
	Total	-	93.18	93.18	

SCHEDULE - II
(BUILDING REGULATIONS)

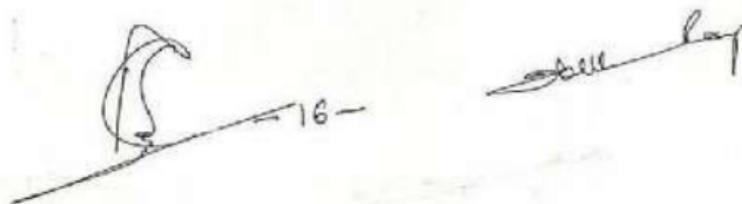
The coverage, setback floor area ratio shall be in accordance with the table prescribed as below

Particulars of plot area	0 TO 230 Sq. Mts. Sq.m	231 to 1000 Sq. Mtr. Sq.m	1001 to 2000 Sq.m	2001 to 4000 Sq.m	4001 to 8000 Sq.m	Above 8000 sq. Mtrs.
Coverage	80%	60%	50%	40%	35%	30%
Floor area ratio	1.00	1.25	1.25	1.25	1.00	0.50
Min. frontage	3m	12m	24m	28m	32m	42m
Min. front setback	1.00m	4.50m	6.00m	8.00m	8.00m	15.00m
Others sides	1.00m	3.00m	5.00m	5.00m	6.00m	12.00m

NOTE:

1. Whenever the minimum plot area is less than the one specified in the particulars category, the zoning regulations prescribed for the previous category should be adopted. However, where Industrial Areas are located within the Municipal Corporation limits, Urban Development Areas, the buildings bye-laws of the corporation authorities, Urban Development Authorities shall only be followed.
2. The plot holder shall not use the land for any purpose except as factory for manufacture.
3. All buildings shall be constructed in accordance with Municipal bylaws and regulations in force time to time as well any other laws, rules and regulations in force relating to the construction and the use of the premises and in accordance with the plans and elevations approved by the officers authorised by the Lessor.
4. No construction work shall be commenced unless the plans, elevations and sections have been approved by the officer authorised by the Lessor and no additions or alterations to the buildings, the plans of which have been so approved shall at any time be made except with the similar previous approval of the said officer.
5. All survey boundary marks demarcating the boundaries of plot shall be properly preserved and kept in good repair by the Lessee during the period of constructions of buildings. Where more than one Lessee is concerned with the same boundary marks, the officer authorized by the Lessor shall allocate this obligation suitably.
6. No temporary semi-permanent structure shall be built on the plot, except during the period of construction or re-construction in future.
7. The final working drawing to be submitted for approval of the Lessors shall include,
 - a) Plans, elevations and sections drawn to a scale of 1 inch - 8 feet
 - b) Half inch details wherever required.
 - c) Block plan drawn to suitably showing the layout with the proposed building shown coloured red therein.
 - d) Any other details or particulars required by the Lessor.
8. The above mentioned drawing and specifications shall be submitted in triplicate.



Handwritten signature and the number 16

Government of Karnataka

Registration & Stamps Department

Issued by MSP/A100/05-06 078

532

State Bank of Mysore

Certified that a sum of Rs. 100/- (Rupees One Hundred only) has been paid towards Karnataka Stamp duty by

Sri/Smt. Ramky Enviro Engineers Hd

sd/w/o Ramky Infra Structure Pvt. Ltd. residing at

Mahalakshmi Lay-out Branch 4257

Br. Name: BANGALORE QRS.

BANGALORE

FOR STATE BANK OF MYSORE

STATE BANK OF MYSORE

Authorised Agent collect stamp duty on
behalf of Government of Karnataka

Date

26 AUG 2006

CONTRACT AGREEMENT

FOR

DESIGN, BUILD, OWN, OPERATE AND TRANSFER (DBOOT)

OF

DOBBASAPETE HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL
FACILITY (TSDF)

This agreement made the 1st day of December 2006 between Karnataka Industrial Areas Development Board (KIADB), of No: 14/3, 2nd Floor, Rashtrothana Parishat Building, Nrupathaunga Road, Bangalore-560 001 represented by CEO & EM, KIADB (Hereinafter called the "Contracting Authority") of the one part and

M/s. Ramky Infrastructure Ltd., and Ramky Enviro Engineers Ltd., (Consortium) of "Ramky House", Gulmohar Avenue, Raj Bhavan Road, Somajiguda, Hyderabad - 500 082 represented by Director (Hereinafter called the "Private Operator"

Whereas the Contracting Authority is desirous that certain works should be executed on a design build own operate and transfer (DBOOT) basis by the Private operator, viz Design, construction, operation, closure for 20 years and aftercare for 30 years of a Transfer, Storage Disposal facility of a nominal capacity of 8.0 lakh tons of Hazardous waste, and has accepted a Tender by the Private operator

Now this agreement witnesseth as follows:

1. In this agreement words and expression shall have the same meanings as are respectively assigned to them in the Conditions of contract hereinafter referred to.

[Signature] /s/

[Signature]

Particulars\Years from the commencement of operation	11	12	13	14	15	16	17	18	19	20
Direct Land filling	1811.25	1811.25	1811.25	1811.25	1811.25	2082.93	2082.93	2082.93	2082.93	2082.93
Shredding & Land filling	1940.62	1940.62	1940.62	1940.62	1940.62	2231.71	2231.71	2231.71	2231.71	2231.71
Drying & Land filling	2070	2070	2070	2070	2070	2380.5	2380.5	2380.5	2380.5	2380.5
Stabilization & Land filling	3105	3105	3105	3105	3105	3570.75	3570.75	3570.75	3570.75	3570.75
Transportation & Collection	9.27	9.97	10.72	11.52	12.39	13.31	14.31	15.39	16.54	17.78

b. If any industrial Hazardous Waste requires a combination of treatments then in such a situation, the highest rate among the combination of treatment for the final volume of dried waste is applicable. The Private Operator shall use any improved technology for treatment after approval of the same from Karnataka State Pollution Control Board. However, the gate fee agreed by the Private Operator for twenty years will remain the same even if new technologies are applied.

c. The rates quoted by the Private Operator for each year is inclusive of all the taxes and any other such item. Hence, the rates at any given time will be the upper limit. Hence in case of any new taxes levied, the Private Operator could approach the CA for adding the same.

d. The prices as indicated in the Private Operator's revenue estimation of Appendix-C of financial model will form the basis for our price/gate fee for the 20 years.

e. The Private Operator shall not claim any revision in the gate fee for the 20 years operation period for what ever reasons.

f. Consequently the bid clarification on revision of bid will be null and void (Question 3 of the pre-bid clarification by BEIL)

g. The Private Operator agree to fulfil all the technical and performance details as per tender document.

h. In case of availability of MoEF or any other subsidy/grant then, corresponding decrease in the gate fee will be given by the Private Operator as indicated by the CA

I. The stated gate fees are the upper limits for any particular year.

J. The ERF and Disaster Management contribution will be as per Chapter-16 of DPR (sub chapter - 16.4 & 16.5)

5. This contract runs co terminus with the land lease agreement
6. Key personnel and their brief bio-data as per Annex-1 to be deployed in the TSDF at Dobbasapete.
7. Detailed Engineering drawing to be approved by the Expert Committee before the start of construction activity
8. Detailed operation plan to be as per Annex-2
9. In case the Private Operator defaults on any of the contract conditions, then the Contracting Authority has the powers to take over the functioning of the TSDF until the Private Operator fulfils the required conditions.

IN WITNESS WHEREOF THE PARTIES ABOVENAMED HAVE EXECUTED THESE PRESENTS ON THE DAY, MONTH, YEAR AND PLACE HEREINABOVE MENTIONED, IN THE PRESENCE OF THE WITNESSES ATTESTING HEREUNDER.

<p><u>WITNESSES:</u></p> <p>1. <i>A. S. Anantachand</i> 11/12/06 (Dr. H. C. SHARATCHANDRA) Chairman, KSPCB Bangalore 560001</p>	<p>FOR THE KARNATAKA INDUSTRIAL AREAS DEVELOPMENT BOARD</p> <p><i>D. N. Nayak</i> 11/12/06 (D. N. NAYAK) CEO (Karnataka Industrial Areas Development Board (KIADB), No: 14/3, 2nd Floor, Rashtrathana Parishat Building, Nrupathaunga Road, Bangalore -560 001</p> <p>CONTRACTING AUTHORITY</p>
<p>2. <i>P. Bineesha</i> 1/12/06 P. BINEESHA CHIEF ENVIRONMENTAL ADVISOR GTZ- HANA, BANGALORE - 560001</p>	<p>FOR Ms. Ramky Infrastructure Ltd., and Ramky Enviro Engineers Ltd., (Consortium)</p> <p><i>D. K. Nagaraja</i> 11/12/06 D. K. NAGARAJA DIRECTOR. ("Ramky House", Gulmohar Avenue, Raj Bhavan Road, Somajiguda, Hyderabad -500 082)</p> <p>PRIVATE OPERATOR</p>



Annexure-R5/5 (Colly.)

**ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
Karnataka State Pollution Control Board**

ANNEXURE-R-VI

"ಪರಿಸರಭವನ",
4 ಮತ್ತು 5ನೇ ಅಂತಸ್ತು, ನಂ. 49, ಚರ್ಚ್ ಸ್ಟ್ರೀಟ್,
ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ

"Parisara Bhavan"
4th & 5th Floor, # 49, Church Street,
Bangalore - 560 001, Karnataka, INDIA

//BY RPAD//

(This document contains.....pages including annexure)

Combined Consent Order No. H: 362

19 JUN 2008

DESPATCHED

Consent for discharge of effluents under the Water (Prevention and Control of Pollution) Act 1974 and Emissions under the Air (Prevention and Control of Pollution) Act 1981.

Ref: Your application received on dated 12/03/2008

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

Consent is granted to
M/s.Ramky Enviro Engineers Limited,
Sy.No.75 to 85 of Pemmanahalli,
Sy.No.7 & 9 of Thimmanayakanahalli,
Dabaspet, Nelamangala Taluk,
Bangalore Rural District.

authorizing him/her/it to operate their Treatment Storage and Disposal Facility and to make discharge of effluents and emissions from the premises as subjected to the conditions cited below :

Discharge of effluents under the Water Act:

Sl. No.	Description	Place of discharge
1	Trade effluent	Treated in ETP and shall not be discharged outside the TSDF premises/limits. The facility is of zero discharge facility
2	Domestic effluent	Disposed into septic tank and soak pit

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

Sl.No	Description of /source/chimney/outlet	Limits specified
01	125 KVA DG set	15 meter chimney above roof level

The consent is valid for the handling of Landfillable hazardous waste at 40000 TPA i.e., to collect the wastes generated at the industries, transport it to TSDF for scientific disposal.

The Consent is granted for the period from 01/05/2008 to 30/06/2009

For and on behalf of the KSPCB

[Signature]
MEMBER SECRETARY.

- To:
Copy to: 1.Regional Officer, Bangalore North 2 for information
2. SEO-4, HO, for information.
3. Master Register
4. Case file.

SCHEDULE
TERMS AND CONDITIONS

(to accompany consent no.)

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

1. The operator shall install and operate the effluent treatment systems as approved by the Board vide CFE Letter no. 425A, dated 06/06/2007. There shall be no discharge outside the premises but reused within the TSDF. The actual quantity of trade effluent generated shall be assessed and reported along with its quality.
2. The domestic effluent shall be treated in septic tank and soak pit.

SPECIFIC CONDITIONS

- a. The rain water coming in contact with the waste storage sheds, landfill area and all waste processing areas shall have to be segregated, collected, and taken to effluent treatment plant (leachate pond), within the TSDF premises, treated and used inside the TSDF facility for any useful applications and shall not be discharged outside the premises.
- b. There shall not be any storm water outlets any where in the surrounding compound wall built around the TSDF premises. The total rain water coming from the catchments area of the TSDF facility shall be collected and stored inside the premises and used for the TSDF construction/operation.
- c. Effluent generated due to tyre washing, truck washing and other such/similar activities shall be strictly segregated and treated and used only in TSDF applications.
- d. Any spillage happened inside the TSDF premises and places during transportation shall be cleaned up immediately and precautions shall be taken to avoid public access to such places.
- e. Only authorised persons shall operate the trucks meant for transportation of Hazardous waste from generator to the TSDF premises.
- f. All types of emergency handling equipments inside the truck meant for transportation of hazardous waste and at TSDF facility shall be maintained properly and the people should be trained to use the safety apparatus.
- g. As per Condition No.1,2,9 of the lease deed agreement signed between M/s.Ramky Enviro Engineers Limited and Government of Karnataka, the TSDF operator shall deposit the disaster management contribution amount in escrow account.
- h. The operator shall comply with all terms & conditions relating to performance guarantee, PLI, post closure monitoring expenses & other deposits as applicable.
- i. The TSDF premises is meant for handling, processing, treatment and disposal of land disposabl. hazardous waste into the land fill only. Hence, no other facilities are permitted to be established within this TSDF premises without obtaining necessary clearance from the Government of Karnataka, KIADB and KSPCB as applicable.
- j. The operator is permitted to collect from the generators only land fillable hazardous waste. No other wastes like incinerable and recyclable wastes shall be collected by the operator from any generator/industry for any reasons.

B. DISCHARGE OF EMISSIONS UNDER THE AIR ACT

1. The discharge of emissions from the premises of the operator shall pass through the stack/chimney/outlet mentioned in this consent order.
2. The operator shall provide control equipments as approved by the Board vide CFE letter no. 425A, dated 06/06/2007 for the control of emissions.

For and on behalf of the KSPCB

[Signature]
MEMBER SECRETARY.

THE COPY

NO. 100/2007



ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ Karnataka State Pollution Control Board

"ಪರಿಸರ ಭವನ"

4 ಮತ್ತು 5ನೇ ಅಂತಸ್ತು, ನಂ. 49, ಚರ್ಚ್ ಸ್ಟ್ರೀಟ್,
ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ

"Parisara Bhavana"

4th & 5th Floor, # 49, Church Street,
Bangalore - 560 001, Karnataka, INDIA

NO.KSPCB/HWMC/2007-08/

H25A

DATE: 6 JUL 2007

To:

The Director,
M/s Ramky Infrastructure Ltd.,
No.2950, Mahakavi Kuvempu Road
Rajajinagar 2nd Stage,
Bangalore-560 010.

Sir,

Sub:-Consent for establishment for setting up TSDF for hazardous waste at
Dabaspeta, Nelamangala Taluk.

Ref:-Your application No.3521, dated 12/12/2006.

#####

Under the GTZ- HAWA Project, the site at Dabaspeta has been identified for setting-up of TSDF for land fillable hazardous waste generated in the State. The site was notified for this purpose by the Government of Karnataka on 21/02/2003. Preliminary investigations and REIA were completed in January 2004 under the GTZ- HAWA Project. An intensive public awareness campaign was conducted in the surroundings (5 km radius) of Dabaspeta site for a period of seven months (June 2003 until January 2004) where all the stakeholders were apprised about the project. Public hearing was held on 20.2.2004.

The State Government have accorded approval as required under Rule 8 of Hazardous Waste (Management & Handling) Rules vide a Government Order No.FEE 293 ECO 2002, Bangalore dated 21st April 2004. The conceptual design drawings and collection systems relating to TSDF including the final DPR was prepared in June 2004 by GTZ. State Cabinet clearance has been obtained for the project in the month of June 2005.

Government of Karnataka have issued final notification for acquisition of 93.18 acres of land. Accordingly, KIADB have acquired land by paying compensation to the land losers as per procedure.

The KIADB has been designated as Contracting Authority and made responsible for construction of TSDF and they have awarded the work to M/s.Ramky Infrastructure Limited on 01/12/2006 after following detailed procedures. The land lease agreement and contract agreement have been signed by GOK & KIADB with M/s.Ramky Infrastructure Limited during December-2006.

All the above actions have been carried out based on the approval/concurrence of the Steering Committee constituted by Government of Karnataka (GOK) with Principal Secretary as its Chairman.

In this background, M/s.Ramky Infrastructure Limited filed an application for Consent for Establishment (CFE) for development of TSDF at Dabaspet. In view of the above developments formal CFE is issued subject to following conditions under the Water and Air Act.

1. The Construction of TSDF shall have to be carried out as per the DPR and other terms and conditions of the contract executed with KIADB and Department of Forest, Ecology and Environment, Government of Karnataka at the said site. However, in the light of non availability of 2 acre land for entrance proposed on southern side. Necessary peripheral changes in the layout suitable to the normal operation of TSDF can be affected, except the land fill linked facilities. (entry to the landfill can be from Northern side from highway 207.
2. The quantity of land fillable hazardous waste to be handled at at the TSDF shall not exceed 40,000MTPA (Forty thousand metric tons).
3. The quantity of domestic effluent from the facility shall not exceed 1.2M³/day.
4. The TSDF and its components shall be established according to the specifications as prescribed in DPR and as per contract agreement so that all provisions and requirement of Hazardous Waste (Management & Handling) Rules, 2003 as amended up to date are complied.
5. The Operator of the facility shall follow all the conditions specified in the HWM Rules relating to transportation of Hazardous wastes. The operator shall use only authorized vehicles/trucks for transportation of hazardous waste and follow the manifest system scrupulously. The vehicle shall be labeled as per specification of CPCB guidelines and as approved by RTO.
6. The operator of the facility shall be liable for damages caused to the environment resulting due to improper handling and disposal of Hazardous Wastes. Besides the operator shall obtain necessary policy cover under the Public Liability Insurance Act. The Operator shall also contribute to the ERF (Environment Relief Fund) and other funds as applicable as stipulated in the contract document.
7. The charges to be levied for treatment and disposal of Hazardous waste shall be as specified in the contract document and other terms and conditions executed with KIADB and State Government.
8. The operator of the facility shall take all precautionary measures for collection, treatment and disposal of hazardous waste. Operator shall also provide arrangement for sampling of ground water (piezometric holes) all around the TSDF.
9. The operator of facility shall provide proper arrangement for treatment and re-use of leachate and effluents generated during the operation of TSDF and shall not discharge any effluent outside the premises.

: 3 :

10. The operator of facility shall install separate electric meter for pollution control devices.
11. Appropriate air pollution control equipment to control the emission of air pollutants from various sections (stabilization area and storage area etc.) shall be provided, so that the emission level of various pollutants could be well within the norms. Ambient air quality shall be monitored around the facility.
12. The chimneys for air pollution sources and D.G.Set shall be as specified and steps shall be taken to control objectionable odour.
13. Environmental cell with technically qualified personnel shall be setup under the control of Senior Executive of the TSDF.
14. The operator of the facility shall take adequate precautionary measures during transportation, storage, treatment and secured land filling operations.
15. The operator of the facility shall take proper action to control the noise pollution. The ambient noise level shall not exceed the limit 75dB(A) during the day time and 70dB(A) during the night time within the boundary and away from the boundary should meet the residential standard during operation and construction period.
16. The operator of the facility shall take effective steps for extensive tree plantation in and around the premises for general improvement of environment. A detailed proposal for green belt development shall be submitted to the Board within three months. The operator should not cut any type of trees already existing in the site and not coming in the proposed landfill area or other civil works area. The operator should start plantation (with high density) of new saplings in open area (Green belt area) apart from the land identified for landfill development and other civil structures.
17. The Board reserves the right to modify, revoke or withdraw the CFE issued.
18. The facility operator shall be liable for compliance of all the directions issued by State Government, CPCB and MOEF during construction of facility.
19. The operator shall as a temporary measure construct a shed and make arrangements to lift the land disposable hazardous waste accumulated at the industries and store it in the shed till development of first cell.
20. The operator shall have to construct masonry drains around the periphery of the site to avoid entry of surface run-off from surrounding land/sites into the land fill activity area.

The consent for operation as required under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 shall be obtained after fulfillment of all the conditions mentioned above. For this purpose, the operator of facility shall have to make an application to this Board in the prescribed form at least 45 days before the expected date of commissioning of the common treatment facility. The applicant shall not without valid consent for operation bring in to use any facility or any outlet for the discharge of effluent and gaseous emission.

Yours faithfully,



Annexure-R5/6

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ Karnataka State Pollution Control Board

"ಪರಿಸರಭವನ",

4 ಮತ್ತು 5ನೇ ಅಂತಸ್ತು, ನಂ. 49, ಚರ್ಚ್ ಸ್ಟ್ರೀಟ್,
ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ

"Parisara Bhavan"

4th & 5th Floor, # 49, Church Street,
Bangalore - 560 001, Karnataka, INDIA

FORM-2

[SEE RULE 3(5) AND 5(5)]

AUTHORISATION FOR HANDLING HAZARDOUS WASTES

INR No
KSPCB/HWM/...../..... H:361

Dated 9 ~~Jan~~ 2009

1. The Vice President of M/s.Ramky Enviro Engineers Limited situated at Sy.No.75 to 85 of Pemmanahalli and Sy.No.7 & 9 of Thimmanayakanahalli, Dabaspeta, Neimangala Taluk, Bangalore Rural District is hereby granted an authorization under Rule 5(5) of Hazardous Waste (Management & Handling) Amendment Rules, 2003 for **handling Hazardous Waste** in the manner indicated below while carrying on the activity of storage and disposal of land fillable hazardous waste into land fill.

Waste Category	Hazardous Waste generated at TSDF	Quantity	Method of Handling
5.1	Used oil generated out of D.G.set operation and other mechanical and hydraulic machine operations.	0.1KL/A	Shall be collected in leak proof containers & disposed to CPCB registered & KSPCB authorized reprocessors provided the oil meets the standards as per Schedule-5 of the Rules.
5.2	Oil soaked cotton waste generated during the process of hydraulic machine operation, and vehicle garage and such other machine operation and maintenance.	0.5MT/A	Store in secured manner and disposed to authorized incinerator/TSDF.
9.0	Used lead acid batteries and other non-ferrous metal waste generated during operation and maintenance of vehicles etc.	Quantity shall be submitted.	Stored in secured manner and disposed KSPCB authorized CPCB authorized reprocessors. Lab effluent to disposed to leachate pond.
33.3	Discarded containers.	1000Nos/A	Stored in a secured manner and recycle back after washing.
	Land disposable hazardous waste collected from other industries for treatment and disposal into the land fill.	40000MT/A (Forty thousand tons per annum)	Collected from the generators established only in the State of Karnataka, stored in secured manner, treated and disposed into secured land fill.

2. This authorization is issued with reference to the application dated **12/03/2008** and will be in force for a period up to **30.06.2009** unless cancelled or suspended.
3. This authorization is issued only for storage of landfillable hazardous waste collected from the generators established only in the State of Karnataka and the said premises shall not be used for storage and disposal of hazardous waste generated by any other generator outside the State.
4. The specific conditions listed in the combined consent issued to this facility shall have to be strictly followed along with other general conditions.
5. The authorization is subject to the terms and conditions stated in the Annexure enclosed and to the relevant provisions specified in the Hazardous Waste (Management and Handling) Rules, 1989 amended till date for the time being in force under the Environment (Protection) Act, 1986.
6. The used (Old) batteries shall be disposed as per Batteries (Management & Handling) Rules, 2001.

MEMBER SECRETARY.

..P/2.

TERMS & CONDITIONS OF AUTHORISATION

1. The person authorized shall comply with the provisions of the Environment (Protection) Act, 1986 and the Rules made there under.
2. This authorization or its renewal shall be produced for inspection at the request of an Officer authorized by the Karnataka State Pollution Control Board.
3. The person authorized shall not rent, lend, sell, transfer or otherwise transport the Hazardous Wastes without obtaining prior permission of the Karnataka State Pollution Control Board.
4. Any unauthorized change in personnel, equipment or working conditions as mentioned in the application by the person authorized shall constitute a breach of this authorization.
5. It is the duty of the authorized person to take prior permission of the Karnataka State Pollution Control Board to close down the facility.
6. An application for the renewal of an authorization shall be made 60 days before the date of expiry.
7. The Person authorized shall bring to the notice of the Board any increase in quantity, change in category, handling operation and obtain fresh authorization
8. Karnataka State Pollution Control Board reserves the right to review, impose additional condition or conditions, revoke, change or alter the terms and conditions of this authorization or to suspend or cancel this authorization
9. The Person authorized shall take steps for reduction and prevention of the waste generated or for recycling or reuse
10. The person authorized shall comply with all the conditions stipulated in this authorization as well as the duties specified in the Hazardous Waste (Management & Handling) Amendment Rules, 2003 viz. Rule Nos. 4,4A,7,9,10,15,16 and 20 reproduced in Annexure.
11. The occupier shall ensure that the non-ferrous metal wastes specified in Schedule-4 of the Rules, used oil and waste oil are sold only to CPCB Registered units.
12. The Person authorized shall become the Member of the Common Hazardous Waste Disposal Facility to be established in the State and send the waste to the facility.
13. The validity of this authorization is subject to the validity of consents issued under Water & Air Acts.
14. The authorized person shall maintain the records at site in Form-3 and shall submit the details in Form-4 within 31st of January every year.
15. The transportation of hazardous waste shall have to be carried out only through registered/authorized vehicles meant for transportation of hazardous waste.
16. **Display Boards**
The Person authorized shall display sign boards at the storage site as "Hazardous Waste Storage Site" and "Danger" and the site shall be provided with accident preventive measures.

[Signature]
MEMBER SECRETARY.

To:
The Vice President,
M/s.Ramky Enviro Engineers Limited,
Sy.No.75 to 85 of Pemmanahalli,
Sy.No.7 & 9 of Thimmanayakanahalli,
Dabaspet, Nelamangala Taluk,
Bangalore Rural District.

1

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 12th DAY OF AUGUST 2009

PRESENT

THE HON'BLE MR. P.D. DINAKARAN, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE V.G. SABHAHIT

WRIT PETITION NO. 19927/2007 (GM-FOL-PIL)

BETWEEN:

- 1 SRI T M UMASHANKAR
S/O LATE MARULASIDDAPPA
EX-PRESIDENT, SOMAPUR GRAMA PANCHAYAT
SOMAPUR (ABASPET) 562111
NELAMANGALA TALUK
BANGALORE RURAL DISTRICT
KARNATAKA
- 2 SRI M C NEELAKANTAI AH
S/O LATE CHANNAGANGAIAH
MADENAHALLI VILLAGE
LAKKUR POST
NELAMANGALA TALUK
BANGALORE RURAL DISTRICT
KARNATAKA
- 3 SRI N NANJAPPA
S/O SRI N NAGANNA
VASAVI TEMPLE ROAD
DABASPET 562111
NELAMANGALA TALUK
BANGALORE RURAL DISTRICT
KARNATAKA

- 4 G GATTIBYRAPPA
S/O LATE GANGAPPA
AGED 60 YEARS
VASAVI TEMPLE ROAD
DOBASPET 562111
NELAMANGALA TALUK
BANGALORE RURAL DISTRICT,
KARNATAKA PETITIONERS

(By Sri V S HEGDE : KESVY & CO)

AND :

- 1 STATE OF KARNATAKA
THROUGH ITS SECRETARY
FOREST, ECOLOGY AND ENVIRONMENT
DEPARTMENT, KARNATAKA GOVERNMENT
SECRETARIAT, M.S.BUILDING,
3RD STAGE, 4TH FLOOR, DR.B.R.AMBEDKAR
VEEDHI, BANGALORE 01, KARNATAKA
- 2 KARNATAKA STATE POLLUTION CONTROL BOARD
THROUGH ITS CHAIRMAN
PARISARA BHAVANA
CHURCH STREET
BANGALORE
KARNATAKA
- 3 KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD
THROUGH ITS CHIEF EXECUTIVE OFFICER
NRUPATHUNGA ROAD
BANGALORE 560001
- 4 M/S RAMKY ENVIRO ENGINEERS LTD.
SY NOS. 75 TO 85 OF PEMMANAHALLI AND
SY.NOS. 7 AND 9 OF THIMMANAYAKANAHALLI,
NELAMANGALA TALUK,
BANGALORE RURAL DISTRICT. ... RESPONDENTS



(By Smt NILOUFER AKBAR AGA FOR R1, SRI NAGARAJ, ADVOCATE. FOR R-2, M/S. SANJEEV ANGADI ASSOCIATES FOR R-3, SMT. VANI.H. FOR R-4)

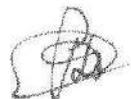
THIS W.P. IS FILED PRAYING TO PROHIBIT THE RESPONDENTS FROM PROCEEDING FURTHER WITH ESTABLISHMENT OF A TREATMENT STORAGE AND DISPOSAL FACILITY FOR HAZARDOUS WASTE MANAGEMENT AT DOBASPET, NELAMANGALA TALUK, BANGALORE RURAL DISTRICT KARNATAKA. DIRECT THE RESPONDENTS TO SHIFT THE PROPOSED TREATMENT STORAGE AND DISPOSAL FACILITY FOR HAZARDOUS WASTE MANAGEMENT FROM DOBASPET, NELAMANGALALA TALUK, BANGALORE RURAL DISTRICT, KARNATAKA TO AN APPROPRIATE AREA WHERE THE IMPACT ON ENVIRONMENT, ECOLOGY, POPULATION AND RISK OF POLLUTION WOULD BE MINIMAL;

THIS WRIT PETITION COMING UP FOR PRELIMINARY HEARING ON THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

(Delivered by P.D.Dinakaran, C.J.)

Heard Sri V.S.Hegde, learned counsel appearing for the petitioners, Smt. Niloufer Akbar, learned Government Advocate appearing for respondent No.1-State, Sri Nagaraj, learned counsel appearing for respondent No.2-Pollution Control Board, Sri Sanjeev Angadi, learned counsel appearing for respondent No.3-Karnataka



Industrial Areas Development Board and Smt.Vani.H., learned counsel appearing for respondent No.4.

2. According to the petitioners, the directions issued by Hon'ble Supreme Court in the case of RESEARCH FOUNDATION FOR SCIENCE TECHNOLOGY AND NATIONAL RESOURCE POLICY vs. UNION OF INDIA AND ANOTHER (WRIT PETITION (C) No.657/1995 dated 14.10.2003), are violated by permitting respondent No.4 to establish 'Treatment, Storage and Disposal Facility' plant in Sy.No.75 to 85 of Pemmanahalli village and Sy.No.7,8 and 9 of Thiramanayakanahalli village of Nelamangala taluk and on that ground petitioners seeks reliefs as hereunder:

- (a) To issue a writ of prohibition or any other writ, order or direction of a like nature prohibiting the respondents from proceeding further with the establishment of a 'Treatment, Storage and Disposal Facility for hazardous waste management at Dobaspeta, Nelamangala Taluk, Bangalore Rural District, Karnataka; and
- (b) To issue a writ of mandamus or any other writ, order or direction of a like nature directing the respondents to shift the

proposed Treatment, Storage and Disposal Facility for hazardous waste management at Dobaspet, Nelamangala Taluk, Bangalore Rural District, Karnataka to an appropriate area where the impact on environment, ecology, population and risk of pollution would be minimal".

3. On the other hand, Sri Sanjeev Angadi, learned counsel appearing for respondent No.3-Karnataka Industrial Areas Development Board and Smt. Niloufer Akbar, learned Government Advocate appearing for respondent No.1-State submits that the construction of 'Treatment, Storage and Disposal Facility' plant is already over and the same was established based on the consent letter given by Pollution Control Board and the Project has also been commenced and the treatment, storage and disposal facility was commissioned from 21.06.2008 onwards.

4. It is to be seen that the petitioners have not chosen to mention the exact violations.



5. In that view of the matter, it may not be proper for this Court to entertain the petition and grant the reliefs sought for by the petitioners, namely,

(i) to issue a writ of prohibition or any other writ, order or direction of a like nature prohibiting the respondents from proceeding further with the establishment of a Treatment, Storage and Disposal Facility for hazardous waste management at Dobaspet, Nelamangala Taluk, Bangalore Rural District, Karnataka; and

(ii) to issue a writ of mandamus or any other writ, order or direction of a like nature directing the respondents to shift the proposed Treatment, Storage and Disposal Facility for hazardous waste management at Dobaspet, Nelamangala Taluk, Bangalore Rural District, Karnataka to an appropriate area where the impact on environment, ecology, population and risk of pollution would be minimal".

However, the petitioners are given liberty to point out the violations, if any, to respondents 1, 2, 3 and in which event, the



competent authority shall take appropriate action to rectify those violations.

Writ petition is disposed of accordingly.

Sd/-
Chief Justice

Sd/-
JUDGE

Snb/

Index: Yes/No.

Web Host: Yes/No

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

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

Dated: 19th September, 2014

To

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

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

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

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

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



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

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

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

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

A. SPECIFIC CONDITIONS:

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

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

B. GENERAL CONDITIONS:

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



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

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

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

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

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

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

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

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

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

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

(Lalit Kapur)
Director (IA-III)

Copy to:

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

(Lalit Kapur)
Director (IA-III)

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

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

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

PREAMBLE:

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

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

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

The said meeting was concluded with the following recommendations;

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

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

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

Hence the Order.

GOVERNMENT ORDER NO. FEE 277 ENV 2014,

BENGALURU, DATED: 04.09.2015.

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

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

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

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

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

Mathad
4/9/15

(Andanayya Mathad)

Under Secretary to Government,
(Ecology and Environment)

Forest, Ecology and Environment Department.

To:

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

Copy to:

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

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



25581383, 25589112
 25588151, 25588270
 25588142, 25586520

Annexure-R5/10

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ

Karnataka State Pollution Control Board

Req. No 32144

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

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

DATED: 23 NOV 2015

TO:

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

Sir,

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

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

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

A. Samuel
 SENIOR ENVIRONMENTAL OFFICER

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

I. WATER CONSUMPTION:

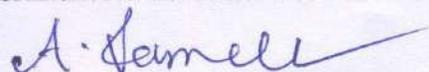
1. Total water required for incinerator facility shall not exceed 108 KLD.

II. WATER POLLUTION CONTROL:

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

III. AIR POLLUTION CONTROL:

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


SENIOR ENVIRONMENTAL OFFICER

IV. NOISE POLLUTION CONTROL:

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

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

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

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

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

VII. GENERAL :

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

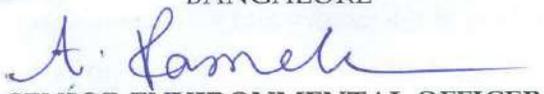
**SENIOR ENVIRONMENTAL OFFICER**

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

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

The receipt of this letter may please be acknowledged.

FOR AND ON BEHALF OF
KARNATAKA STATE POLLUTION CONTROL BOARD
BANGALORE


SENIOR ENVIRONMENTAL OFFICER

Encl.: Annexure-I.

Note:

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

ANNEXURE - I

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

Annexure R5/11*A. Samell*

SENIOR ENVIRONMENTAL OFFICER



**Consent For Operation
(CFO-Air,Water)**

**Consent No. AW-321392
Valid upto: 30/06/2026**

**Karnataka State Pollution Control Board
Parisara Bhavana, No.49, Church
Street, Bengaluru-560001
Tele : 080-25589112/3, 25581383
Fax:080-25586321
email id: ho@kspcb.gov.in**

Industry Colour: RED Industry Scale: MEDIUM

Annexure-R5/11

(This document contains 5 pages including annexure & excluding additional conditions)

Combined Consent Order No. AW-321392 **PCB ID:** 10269 **Date:** 09/11/2020

Combined consent for discharge of effluents under the Water (Prevention and Control of Pollution) Act , 1974 and emission under the Air (Prevention and Control of Pollution) Act , 1981

- Ref: 1. Application filed by the applicant/organization on 19/10/2020
2. Inspection of the Industry/organization/by RO, on 16/10/2020
3. Proceedings of the CCM dated 27/10/2020 ,held on 20/10/2020

Consent is hereby granted to the Occupier under Section 25(4) of the Water (Prevention & Control of Pollution) Act, 1974 (herein referred to as the Water Act) & Section 21 of Air (Prevention & Control of Pollution) Act, 1981, (herein referred to as the Air Act) and the Rules and Orders made there under and authorized the Occupier to operate /carryout industry/activity & to make discharge of the effluents & emissions conforming to the stipulated standards from the premises mentioned below and subject to the terms and conditions as detailed in the Schedule Annexed to this order.

Location:

Name of the Industry: Ramky Enviro Engineers Ltd., (Tsd)

Address: 75 to 85 of Pemmenahalli & 7 & 9 of Thimmanayakanahalli, Towards Doddaballapur Road, NH-207, KIADB Industrial Area,

Industrial Area: Dobaspet III Phase I.A Somapura , Nelamangala Taluk,

Taluk: Nelamangala, District: Bangalore Rural

CONDITIONS:

a) Discharge of effluents under the Water Act:

Sr	Water Code	WC(KLD)	WWG(KLD)	Remark
1	Domestic Purpose	7.000	5.600	Shall be disposed to Septic tank & Soak Pit(Refer annexure C)
2	Others	2.000	1.900	Water is used for scrubber make up and scrubber liquid shall be treated in the spray dryer. (Refer annexure C)
3	Others	0.500	0.500	laboratory washing shall be Collected in leachate collection tank and shall be treated in the spray drier (Refer annexure C)
4	Others	99.000	0.000	Water is used for spray drier if there is no leachate available(Refer annexure C)

b) Discharge of Air emissions under the Air Act from the following stacks etc.

Sl. No.	Description of chimney/outlet	Limits specified refer schedule
The details of Sources, control equipments and its specification, type of fuel, constituents to be controlled in emissions etc. are detailed in Annexure-II.		

The consent for operation is granted considering the following activities/Products;

Sr	Product Name	Applied Qty/Month	Unit
1	Incineration of Hazardous waste	1044.0000	M.T
2	treatment, storage and disposal of landfillable hazardous waste	3333.3300	M.T

This consent is valid for the period from 01/07/2021 to 30/06/2026

To,

Ramky Enviro Engineers Ltd., (Tsd)

Dobbaspet

COPY TO:

The Environmental Officer, KSPCB, Regional Office Nelamangala for information and necessary action.

- Master Register.
- Case file.



**Consent For Operation
(CFO-Air,Water)**

Consent No. AW-321392
Valid upto: 30/06/2026

Karnataka State Pollution Control Board
Parisara Bhavana, No.49, Church
Street, Bengaluru-560001
Tele : 080-25589112/3, 25581383
Fax:080-25586321
email id: ho@kspcb.gov.in

86

Industry Colour: RED Industry Scale: MEDIUM

(This document contains 5 pages including annexure & excluding additional conditions)

Consent Fee paid : Rs. 900000

SCHEDULE

TERMS AND CONDITIONS

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

1. The discharge from the premises of the occupier shall pass through the terminal manhole/manholes where from the Board shall be free to collect samples in accordance with the provisions of the Act/Rules made there under.

2(a). The sewage/domestic effluent shall be treated in septic tank and with soak pit. No overflow from the soak pit is allowed. The septic tank and soak pit shall be as per IS 2470 Part-I & Part-II.

2(b). The treated sewage effluent discharged shall conform to the standards specified in Annexure-I.

3(a). The trade effluent generated in the industry shall be treated in the ETP and treated effluent shall conform to the standards stipulated by the Board in Annexure-I

3(b). The trade effluent shall be handed over to CETP and maintain logbook of effluent generated & sent every day.

4. The applicant shall install flow measuring/recording devices to record the discharge quantity and maintain the record.

5. The applicant shall not change or alter either the quality or the quantity or the place of discharge or temperature or the point of discharge without the previous consent/ permission of the Board.

6. The applicant shall not allow the discharge from the other premises to mix with the discharge from his premises. Storm water shall not be allowed to mix with the effluents on the upstream of the terminal manhole where the flow measuring devices are installed.

7. The daily quantity of domestic effluent and trade effluent from the industry shall not exceed the limits as indicated in this consent order:

8. The applicant shall discharge the effluents only to the place mentioned in the Consent order and discharge of treated/untreated outside the premises is not permitted.

B. EMISSIONS:

1. The discharge of emissions from the premises of the applicant shall pass through the air pollution control equipment and discharged through stacks/chimneys mentioned in **Annexure-II** where from the Board shall be free to collect the samples at any time in accordance with the provisions of the Act and Rules made there under. The tolerance limits of the constituents forming the emissions in each of the stacks shall not exceed the limits laid down in Annexure-II.

2. The applicant shall provide port holes for sampling of emission, access platforms for carrying out stack sampling, electrical points and all other necessary arrangements including ladder as indicated in Annexure-II.

3. The applicant shall upgrade/modify/replace the control equipment with prior permission of the Board.

C. MONITORING & REPORTING:

1. The applicant shall get the samples of effluents & emissions collected and get them analyzed once a month/either by in house monitoring laboratory or through EP approved laboratories for the parameters as Indicated in Annexure I & II.

2. The applicant shall maintain log books to reflect the working condition of pollution control systems and also self monitoring results and keep it open for inspection.

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

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

2. The solid waste generated shall be handled & disposed by scientific method without causing eye sore to the general public and to the surrounding environment.



**Consent For Operation
(CFO-Air,Water)**

**Consent No. AW-321392
Valid upto: 30/06/2026**

Karnataka State Pollution Control Board
Parisara Bhavana, No.49, Church
Street, Bengaluru-560001
Tele : 080-25589112/3, 25581383
Fax:080-25586321
email id: ho@kspcb.gov.in

87

Industry Colour: RED Industry Scale: MEDIUM

(This document contains 5 pages including annexure & excluding additional conditions)

E. NOISE POLLUTION CONTROL:

1. The applicant shall ensure that the ambient noise levels within its premises shall not exceed the limits i.e 75 dB(A) Leq during day time and 70 dB(A) Leq during night time as specified in under the Air (Prevention and Control of Pollution) Act, 1981.

F. HAZARDOUS AND OTHER WASTES (MANAGEMENT & TRANSBOUNDARY MOVEMENT) Rules 2016:

The applicant shall comply with the provisions of the Hazardous and other Wastes (Management & Transboundary Movement) Rules 2016.

G. GENERAL CONDITIONS:

1. The applicant shall not allow the discharge from the other premises to mix with the discharge from his premises.
2. The applicant shall promptly comply with all orders and instructions issued by the Board from time to time or any other officers of the Board duly authorized in this behalf.
3. The applicant shall set-up Environmental Cell comprising of qualified and competent personnel for complying with the conditions specified.
4. The Board reserves the right to review, impose additional conditions, revoke, change or alter terms and conditions of this consent.
5. The applicant shall forthwith keep the Board informed of any accidental discharge of emissions/effluents into the atmosphere in excess of the standards laid down by the Board. The applicant shall also take corrective steps to mitigate the impact.
6. The applicant shall provide alternate power supply sufficient to operate all Pollution control equipments.
7. The entire premises shall always be kept clean. The effluent holding area, inspection chambers, outlets, flow measuring points should made easily approachable.
8. The applicant shall display the consent granted in a prominent place for perusal of the inspecting officers of the Board.
9. The applicant his heirs, legal representatives or assignee shall have no claims what so ever to the continuation or renewal of this consent after expiry of the validity of consent.
10. The applicant shall make an application for consent for subsequent period at least 45 days before expiry of this consent.
11. The applicant shall develop and maintain adequate green belt all around the periphery.
12. The applicant shall provide rain water harvesting system and shall provide proper storm water management system.
13. This consent is issued without prejudice to any Court Cases pending in any Hon'ble Court
14. The applicant shall furnish the Environmental statement for every financial year ending with 31st March in Form-V as per Environment (Protection) Rules, 1986. The statement shall be furnished before the end of September.
15. The applicant shall display flow diagram of the pollution control system near the pollution control system/s.



**Consent For Operation
(CFO-Air,Water)**

**Consent No. AW-321392
Valid upto: 30/06/2026**

**Karnataka State Pollution Control Board
Parisara Bhavana, No.49, Church
Street, Bengaluru-560001
Tele : 080-25589112/3, 25581383
Fax:080-25586321
email id: ho@kspcb.gov.in**

Industry Colour: RED Industry Scale: MEDIUM

(This document contains 5 pages including annexure & excluding additional conditions)

NOTE:

The Conditions Nil mentioned in the schedule are not applicable.

Additional Conditions:

1. The applicant shall follow the conditions as stipulated in Annexure-A,B, C & D

Chimney No.	Chimney attached to	Capacity/ KVA Rating	Minimum chimney height to be provided above ground level (in Mts)	Constituents to be controlled in the emission	Tolerance limits mg/NM3	Fuel	Air pollution Control equipment to be installed, in addition to chimney height as per col.(4)	Date of which air pollution control equipments shall be provided to achieve the stipulated tolerance limits and chimney heights conforming to stipulated heights.
1	Any Other....	Laboratory	3	PM(mg/NM3),SO2 (PPM),NOx(PPM)	Acid mist-10mg/m3,		SCR	Before commissioning.
2	Incinerator	1.5ton/hr	40	PM(mg/NM3),SO2 (PPM),NOx(PPM)	50,200,400	DIE	4CS,FIL,DU S,MUL,PRT, SCR,SET	Before commissioning.
3	Any Other....	Stabilisation section	3	PM(mg/NM3),SO2 (PPM),NOx(PPM)	Acid Mist -10mg/m3		HDC	Before commissioning.
4	D.G. Sets	500 KVA	5	PM(mg/NM3),SO2 (PPM),NOx(PPM)	150,100,50	DIE	AEC,PRT	Before commissioning.
5	D.G. Sets	62.5 KVA	3	PM(mg/NM3),SO2 (PPM),NOx(PPM)	150,100,50	DIE	PRT	Before commissioning.

Note:

SCR : Scrubber

4CS,FIL : 4 Stage Cyclone Separator
DUS,MU
L,PRT,SC
R,SET

HDC : Hood Cover

AEC,PRT : Accoustic Enclosures

PRT : Port Hole

Note:

1. The Noise levels within the premises shall not exceed 75 dB (A) leq during day time and 70 dB(A) leq during night time respectively.

2. The DG set shall be provided with acoustic measures as per SI.No.94 in Schedule-I of Environment (Protection)Rules.

3. There shall be no smell or odour nuisance from the industry.



**Consent For Operation
(CFO-Air,Water)**

**Consent No. AW-321392
Valid upto: 30/06/2026**

**Karnataka State Pollution Control Board
Parisara Bhavana, No.49, Church
Street, Bengaluru-560001
Tele : 080-25589112/3, 25581383
Fax:080-25586321
email id: ho@kspcb.gov.in**

Industry Colour: RED Industry Scale: MEDIUM

(This document contains 5 pages including annexure & excluding additional conditions)

LOCATION OF SAMPLING PORTHOLES, PLATFORMS, ELECTRICAL OUTLET.

1. Location of Portholes and approach platform:

Portholes shall be provided for all chimneys, stacks and other sources of emission. These shall serve as the sampling points. The sampling point should be located at a distance equal to atleast eight times the stack or duct diameters downstream and two diameters upstream from source of low disturbance such as a Bend, Expansion, Construction Valve, Fitting or Visible Flame for rectangular stacks, the equivalent diameter can be calculated from the following equation.

$$\text{Equivalent Diameter} = \frac{2 (\text{Length} \times \text{Width})}{(\text{Length} + \text{Width})}$$

2. The diameter of the sampling port should not be less than 100 mm dia". Arrangements should be made so that the porthole is closed firmly during the non sampling period
3. An easily accessible platform to accommodate 3 to 4 persons to conveniently monitor the stack emission from the portholes shall be provided. Arrangements for an Electric Outlet Point of 230 V 15 A with suitable switch control and 3 Pin Point shall be provided at the Porthole location.
4. The ladder shall be provided with adequate safety features so as to approach the monitoring location with ease.

For and on behalf of the
Karnataka State Pollution Control Board

Signature Not Verified
Digitally signed by
Date: 2020.11.09 11:57:43
+05:30

ANNEXURE-A

The Occupier of the facility shall achieve Zero Liquid Discharge.


SENIOR ENVIRONMENTAL OFFICER
WMC - KSCP B

ANNEXURE-B

Chimney No.	Description of Chimney	Minimum chimney height to be provided above ground level(AGL) /above roof level (ARL)	Constituents to be controlled in emission	Tolerance limits mg/Nm ³	Air pollution Control equipment to be installed, in addition to chimney height as per Col.(3)	Date of which air pollution Control equipment shall be provided to achieve the stipulated tolerance limits and chimney heights conforming to stipulated heights.
1	2	3	4	5	6	7
1	62.5 KVA DG set	3.0 m ARL	SO ₂	-	Acoustic enclosure	At all times
2	500 KVA DG set	5 m ARL	SO ₂	-	-do-	At all times
3	Hazardous waste Incinerator – 1.5 TPH (Fuel:-Furnace Oil)	40 m AGL	See Note(2)	See Note(2)	See Note (3)	At all times
4	Waste Stabilization Section	3.0 m ARL or 9.0 m AGL which ever is higher	Acid Mist	10	Scrubber	At all times
5	Laboratory Chamber	3.0 m ARL or 9.0 m AGL which ever is higher	Acid Mist	10	Scrubber	At all times

Note:

- 1) The noise levels within industry premises shall not exceed 75 dB (A) Leq during day time(6:00 AM to 10:00PM) and 70 dB (A) Leq during night time (10:00 PM to 6:00AM).
- 2) The emission standards at Para C in respect of Incinerator (Source No.3) shall conform to the standards stipulated in Notification issued by Ministry of Environment, Forest Government of India in GSR 446 (E) Dated: 13.06.2011 under EP Rules, 1989 (Copy enclosed as Annexure D)
- 3) **The Air Pollution Control Equipment System to Incinerator shall comprise of Spray drier, disc atomizers, Multiclone, Dry scrubber with reagent feeding system (lime and Charcoal), bag filter (with < 5 micron size), Packed Wet Scrubber, Demister and the final cleaned exhaust shall be discharged to atmosphere using Chimney of 40 m Above ground level.**

ANNEXURE-C

ADDITIONAL CONDITIONS TO ACCOMPANY CONSENT FOR OPERATION ORDER OF M/S KARNATAKA WASTE MANAGEMENT PROJECT (A DIVISION OF M/S RAMKY ENVIRO ENGINEERS LTD., SY. NO. 75-85 OF PEMMANAHALLI VILLAGE AND SY. NO. 7, 8 & 9 OF THIMMANAYAKANAHALLI VILLAGE, KIADB INDUSTRIAL AREA, DABASPET, NELAMANGALA TALUK, BANGALORE RURAL DISTRICT- 562 111

- 1) The consent for operation is issued for Operating Common Hazardous Waste Treatment, Storage, Disposal Facility (Hereinafter referred as "CHWTSDF") comprising of Secured landfill of capacity 40,000 T/Annum and Incineration of Hazardous Waste using of Incinerator of capacity 1.5 TPH.
- 2) This consent is valid for the period 01.07.2021 to 30.06.2026.

A. CONDITIONS UNDER SECTION 25(4) OF THE WATER ACT, 1974 FOR TREATMENT AND DISCHARGE OF EFFLUENT:

1. The maximum quantity of discharge of sewage and trade effluent shall not exceed the quantity given below and the effluents shall be treated and disposed as stipulated below:

Sl. No.	Water required for	Water Consumption (in KLD)	Maximum Quantity of effluent discharge (in KLD)	Description of Outlet, Method of treatment, mode and place of disposal
1.	Domestic purpose	7.0	5.6	Domestic effluent generated from Office Block and near Incinerator facility shall be treated in Septic tank and Soak Pit. Domestic effluent generated from Canteen Block shall be treated in DWAT System.
2.	Industrial Purpose			
a.	Scrubbing at Stabilization Unit	2.0	1.90	The saturated Scrubbing liquid along with laboratory washing shall be neutralized and shall be completely used for Quenching in spray drier.
b.	Laboratory Washing	0.50	0.50	
c.	Quenching in Spray drier.	99.00	0	

2. The Vehicles used for transportation of Hazardous Waste (both owned and leased) shall only be washed inside CHWTSDF facility in a dedicated washing bay with concrete floor. The wash water shall be pre-treated in Oil and Grease chamber, grit chamber. The sludge collected from the Grit Chamber shall be disposed as Hazardous waste within the land fill facility. The pretreated effluent (wash water) shall be disposed to Impervious leachate Pond I & II. The applicant shall furnish the quantity of water required /day for washing vehicles used for transportation of Hazardous waste.


SENIOR ENVIRONMENTAL OFFICER

WMC - KSCP

3. The applicant shall provide acid /alkali resistant pipeline for conveying trade effluent generated from washing area to impervious leachate collection pond and from leachate collection pond to quenching water feed tank./ and waste stabilization.
4. The industry shall always use effluent collected in leachate collection tank/ Storm water collection tank for the purpose of quenching of gases generated during incineration process in spray drier.
5. There shall be no bypass or discharge of effluents either inside or outside the premises of CHWTSDF.
6. The CHWTSDF shall prepare storm water management plan integrated with rain water harvesting system for handling storm water runoff outside the Land fill area. The storm water shall not be allowed to mix with the trade effluent.
7. The Occupier of the facility shall provide impervious garland canal around the land fill area. The storm water runoff from the land fill area and shed area shall be collected using impervious garland canal and store in Quarantine tank-1 and 2 followed by Storm Water Collection pond. The Operator the facility shall ensure the storm water runoff from other areas shall not enter the Quarantine tank 1 & 2 and shall be separately managed.
8. Percolation pits for storm water runoff inside the CHWTSDF premises is not permitted.
9. The industry shall install water meter for measuring the quantity of water used for quenching of incinerator exhaust in spray tower.
10. The industry shall maintain log book and shall maintain log book recording the daily utilization of water stored in Leachate collection/storm water tank for quenching purpose in Spray drier.

B. CONDITIONS UNDER SECTION 21 OF THE AIR ACT, 1981 FOR CONTROL AND DISCHARGE OF AIR EMISSIONS

1. The discharge of emissions from the additional air pollution sources shall pass through the stacks/chimneys mentioned in **Annexure-B** where from the Board shall be free to collect the samples at any time in accordance with the provisions of the Act and Rules made there under. The stacks/chimneys heights shall be as per **Annexure-B**.
2. The operator shall provide and maintain dust extraction system followed by suitable air pollution control equipment for control of fugitive emissions generated during waste stabilization.
3. Inside road used for movement of vehicles from entry of the facility to hazardous waste storage area, stabilisation area to active Land fill site shall be either be concreted or asphalted. Use of katcha road for movement of hazardous waste inside the premises is prohibited.
4. Automatic sweeping machines shall be deployed inside the premises to sweep any spilled hazardous Waste on internal road. Hazardous waste collected during mechanical sweeping shall be disposed in the land fill.
5. The Occupier of the facility shall prepare Odour management plan by conducting a detailed study and submit report within 30 days. The recommendations of the study shall be implemented to control odour.
6. The Occupier of the facility shall use de-odour spray to suppress the smell if, any.
7. The industry shall install wind cone to ascertain the direction of movement of plume of the incinerator.

C. HAZARDOUS & OTHER WASTE (MANAGEMENT AND TRANSBOUNDARY MOVEMENT) RULES 2016:

1. The applicant shall comply all provisions of the Hazardous and Other waste (Management and Transboundary Movement) Rules, 2016 and guidelines issued by CPCB in respect storage, transport, treatment and disposal of Hazardous Waste from time to time.
2. The industry shall provide dedicated storage area with impervious floor for storing hazardous waste, separately for hazardous waste which requires stabilization and incinerable hazardous waste.
3. Storage of containers used for Storing hazardous Waste on naked ground in open area is prohibited.
4. The Hazardous waste generated from the incinerator facility viz Salt from Spray drier, Air Pollution Control equipments and ash from rotary drier shall be disposed in the land fill itself. A log book shall be maintained to record the quantity of waste generated within the premises and disposed.

D. MONITORING AND REPORTING

1. The applicant shall install and maintain Online Continuous Emission Monitoring system as per CPCB direction dated: 05.02.2014 for monitoring of parameters namely PM, HCl, SO₂, NO_x, HF, TOC, CO and the same shall be connected to CPCB /KSPCB server. The Operator of the facility shall ensure uninterrupted connectivity with the server for continuous transfer of monitoring results.
2. The applicant shall get the samples of air emission of stack attached to stack No. (4) and (5) collected every month and get it analysed for the parameters indicated in **Annexure-B** and submit report to concerned Regional Office within 15 days from the date of collection of the samples.
3. The applicant shall carry out the ambient air quality monitoring at three locations as per the National Ambient air quality Monitoring standards (i.e., weekly twice) for all the parameters and submit the report to the Regional Office. The industry shall furnish statistical analysis for annual average of pollutants for all the locations.
4. The industry shall install and maintain automatic weather monitoring station including automatic rain gauge to ascertain the quantity of runoff to take necessary steps in preventing of overflow of leachate collection pond.
5. The industry shall install IP camera at Incineration facility, Land fill site, Stabilization area, Leachate holding tank and Storm water collection ponds and connect to KSPCB server.
6. The industry shall establish and maintain two monitoring wells near Land fill area. The Operator of the facility shall monitor the water quality of the said wells on monthly basis.
7. The industry shall monitor the ground water quality of 9 No. of bore wells located outside the disposal facility on quarterly basis.
8. The applicant shall carry out monitoring of VOC at five location within the CHWTSDF premises on monthly basis.
9. The industry shall set up environment cell with qualified Environmental Engineer/ Scientist for carrying self -monitoring of all pollution control activities.
- 10 The industry shall maintain permanent log book / register to record the monitoring results carried out as indicated above and shall it made it available inspecting officer of the Board. The Abstract of monitoring shall be submitted once in a month, both to


 SENIOR ENVIRONMENTAL OFFICER
 WMC - KSPCB

Regional Office-Nelmangala and Hazardous Waste management Cell of the Board office.

11. The applicant shall maintain log books to reflect the working condition of pollution control systems and also self monitoring results and keep it open for inspection.
12. The applicant shall also develop and maintain in-house data base for documenting the monitored data as indicated above within 3 months and shall provide credentials (user name and Password) of the database to the Board so as to view the data as and when required.
13. The industry shall establish in-house monitoring facility for self-monitoring or shall engage the services of Laboratory approved by MoEF & CC, Govt. of India under Environment (protection) Act, 1986 for carrying out Environment Quality monitoring works.

E.GENERAL CONDITIONS:

1. The industry shall comply all terms and conditions of EC issued by MoEF & CC, Govt. of India vide letter No. F. No.J-10-65/2012- IA III Dated: 19.09.2014.
2. Operator of the facility shall maintain good house keeping inside the facility.
3. This consent order is issued without Prejudice to the Court Case Pending before Hon'ble Courts/ NGT.
4. This consent for operation order does not relieve the Operator of the facility against any action contemplated under the provisions of the Water Act and the Air Act and Environment (Protection) Act, 1986 for the past violations.
5. Operator of the facility is liable to pay Environment relief/compensation, if there is any damage caused by the facility to human beings, environment, flora, fauna or any property.
6. This CFO is issued without prejudice to any dues payable by the facility to any Government /body/organization.
7. The Occupier of the facility shall apply for and obtain Public Liability Insurance along with Environment Relief Fund (ERF) and submit copy of the same to the Board.
8. The Operator of the facility shall open a common account " **ESCROW ACCOUNT** " as per Memorandum of MoEF & CC, GOI vide No. 23-1/2008-HSMI Dated: 16.04.2009 and shall deposit 5 % of Annual turnover of this facility to utilize during adverse impact on environment , health of the public during post closure. The account shall be maintained as per Tripartite agreement between the Operator of the facility, KSPCB and Public Sector bank as Escrow Agent.
9. The applicant shall submit compliance report within 30 days from date of receipt of this order.

ANNEXURE D

Chimney No. 1	Parameters	Emission standards mg/Nm ³ unless stated (except Total Dioxins and Furans)	Sampling Duration in (minutes) unless stated otherwise
Incinerator	Particulate Matter	50	30
	HCl	50	30
	SO ₂	200	30
	CO	100	30
		50	24 Hrs.
	Total Organic carbon	20	30
	HF	4	30
	NO _x (NO and NO ₂ expressed as NO ₂)	400	30
	Total dioxins and furans	0,1 ng TEQ/ Nm ³	1. 3 Hrs (shall be monitored once in a year)
	Cd+ Th + their compound	0.05	2 Hrs.
	Hg and its compound	005	2 Hrs.
	Sb + As + Pb + Cr + CO + Cu + Mn + Ni +V + their compounds	0,05	2 Hrs _{ii}

Note:

1. All monitored values shall be corrected to 11% Oxygen on dry basis
2. The CO₂ concentration in tail gas shall not be less than 7%.
3. The Occupier of the facility shall maintain a minimum temperature of 1100⁰C in secondary combustion chamber with a gas residence time in secondary combustion chamber not less than 2 (two) seconds.
4. Incineration plants shall be operated (combustion chambers) with such temperature, retention time and turbulence, as to achieve Total Organic Carbon (TOC) content in the slag and bottom ashes less than 3% or their loss on ignition is less than 5% of the dry weight.


 SENIOR ENVIRONMENTAL OFFICER
 WMC - KSCP

111

Annexure-R5/12

By Speed Post

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

Indira Paryavaran Bhavan
 Jor Bagh Road, Aliganj
 New Delhi-110 003

Date: 23rd October, 2017

Subject: Clarification with regard to Environmental Clearance issued to M/s Ramky Enviro Engineers Ltd. For setting up incinerator under item 7 (d) of EIA (all integrated facilities having incineration and landfill) at existing TSDF- reg.

Ref: Your E-mail dated 18.09.2017

Sir,

The undersigned is directed to refer your above mentioned E Mail wherein you have requested to clarify that the project including both landfill and Incinerator is having Environmental Clearance as the MoEFCC had evaluated both the Landfill and Incinerator before issuing the EC.

2. The matter was examined in the Ministry. It is pertinent to mention here that Ministry has already issued a clarification vide letter date 20th January, 2017 on the above mentioned subject (copy enclosed). It is further clarified that the proposal involves setting up of incinerator facility of capacity 5.5 Million Kcal/Hr(1000 - 1500 kg/hr) within the existing Hazardous Waste Treatment and Disposal Facility of Karnataka Waste Management Project (KWMP) at Sy.No.7, 8, 9, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 and 85 at Dobaspet, Bangalore Rural District, Karnataka State to dispose the Incinerable waste of the industries in a scientific manner, so that the existing TSDF will become an Integrated Common Hazardous Waste Management Facility (ICHWMF).

3. It is reiterated that the Ministry has issued Environmental Clearance to M/s Ramky Enviro Engineers Ltd. for setting up of incinerator at the existing TSDF, Dobaspet, Bangalore, Karnataka under item 7(d) of the EIA Notification, 2006 i.e. (all integrated facilities having incineration and landfill) so that the existing TSDF will become an Integrated Common Hazardous Waste Management Facility (ICHWMF)

Encl: As above


 (Kushal Vashist)
 Director
 Tel: 011- 24695382

To,

Shri Amit Chaudhary,
 Sr General Manager, Karnataka Waste management Project
 (A division of Ramky Enviro Engineers Ltd.)
 Towards Doddaballapur Road, NH- 207
 KIADB Industrial Area, Dabaspet
 Nelamangala Tq. Bengaluru, Rural District- 562 111
 E Mail: mbdkwmp@ramky.com

F. No. 10-65/2012-IA III (Pt.)
Government of India
Ministry of Environment, Forest and Climate Change
(I.A. Division)

Indira Paryavaran Bhawan
 Aliganj, Jorbagh Road,
 New Delhi -110003

Tele fax: 011- 24695398
 Dated: 20th January, 2017

To

✓ Shri Raghavendra K
 NO. 28, New No. 9, 15th Cross,
 Ashok Nagar, Vidyepeetha Circle,
 Banashankari 1st Stage,
 Bangalore-560050

Subject: Representation dated 2.12.2016 of M/s Karnataka Waste Management Project (A Division of Ramky Enviro Engineers Ltd.) regarding MoEF&CC letter no 20-236/2016- IA III dated 9th September, 2016 issued to Shri Raghavendra K, as an information under RTI Act 2005.

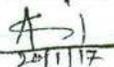
Sir,

This refers to the MoEF&CC letter no 20-236/2016- IA III dated 9th September, 2016 issued to Shri Raghavendra K, as an information under RTI Act 2005, wherein it was informed that:

"As per records available in Section, no EC has been issued till date to the M/s Karnataka Waste Management Project (A Division of Ramky Enviro Engineers Ltd) for TSDf site at Dobaspet Industrial Area, Nelamnala Taluk, Banalore District, Karnataka)"

2. Further, Ministry has received a representation from M/s Karnataka Waste Management Project (A Division of Ramky Enviro Engineers Ltd.) informing that communication dated 9th September, 2016 by the MoEF&CC has created confusion and misinterpretation.
3. Ministry has re-examined the matter and noted that the Ministry has issued environmental clearance to M/s Ramky Enviro Engineers Ltd. for setting up of incinerator at TSDf, Dobaspet, Bangalore, Karnataka under item 7 (d) of EIA, Notification, 2006 i.e. (all integrated facilities having incineration and landfill). Information provided vide MoEF&CC letter no 20-236/2016- IA III dated 9th September, 2016 is superseded with this letter.
4. This issues with the prior approval of the Competent Authority.

Yours faithfully


 20/1/17
 (A. N. Singh)

CPIO & Jt. Director
 Phone: 011-24695398

Encl.: Copy of Environmental Clearance letter dated 19.9.2014.

Copy to:-

- 1 M/s Karnataka Waste Management Project, (A Division of Ramky Enviro Engineers Ltd.), Towards Doddaballapur Road, NH-207, KIADB Industrial Area, Dabaspet, Nelamangala Tq, Bangaluru Rural District-562111.

Post on 20/1/17

o/c

W.P.Nos.51509/2016
& 52176-52179/2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JANUARY, 2019

PRESENT

HON'BLE MR.JUSTICE DINESH MAHESHWARI, CHIEF JUSTICE

AND

HON'BLE MR.JUSTICE ARAVIND KUMAR

WRIT PETITION NO. 51509/2016 &
WRIT PETITION NOS. 52176-52179/2016 (GM-POL-PIL)

BETWEEN:

1. SRI T.M. UMASHANKAR
S/O LATE MARULASIDDAPPA
AGED ABOUT 65 YEARS
SOMAPUR (DABASPET)-562 111
NELAMANGALA TALUK
BANGALORE RURAL DISTRICT
2. SRI M.C. NEELAKANTIAH
S/O LATE CHANNAGANGAIAH
AGED ABOUT 72 YEARS
LAKKUR POST
MADENAHALLI VILLAGE-562 111
NELAMANGALA TALUK
BANGALORE RURAL DISTRICT
3. SRI G. GATTIBYRAPPA
S/O LATE GANGAPPA
AGED ABOUT 71 YEARS
VASAVI TEMPLE ROAD
NELAMANGALA TALUK

DABASPET-562 111
BANGALORE RURAL DISTRICT

4. SRI D.C. SREENIVAS MURTHY
S/O T. CHANNEGOWDA
AGED ABOUT 43 YEARS
SOMPURA HOBLI
NELAMANGALA TALUK
DOBASPET-562 111
BANGALORE RURAL DISTRICT
5. SRI S. PRAMOD
S/O VENUGOPAL .M
AGED ABOUT 28 YEARS
SRI RANGANATHA SWAMY NILAYA
MANJUNATHA NAGAR
KESANDRA POST
TUMKUR-572 104

... PETITIONERS

(BY SRI S G PRASHANTH MURTHY, ADV., FOR
SRI SRIRANGA .S, ADV..)

AND

1. UNION OF INDIA
MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE
NEW DELHI-110 001
REPRESENTED HEREIN BY ITS SECRETARY
2. STATE OF KARNATAKA
DEPARTMENT OF FOREST, ECOLOGY AND
ENVIRONMENT
M.S.BUILDING
3RD PHASE, 4TH FLOOR
DR. AMBEDKAR VEEDHI
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY

3. KARNATAKA STATE POLLUTION CONTROL BOARD
PARISARA BHAVANA
CHURCH BHAVANA
BENGALURU-560 001
REPRESENTED BY ITS CHAIRMAN
4. KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD
4TH FLOOR, KANIJA BHAVAN
RACE COURSE ROAD
BANGALORE-560 001
REPRESENTED HEREIN BY ITS
EXECUTIVE MEMBER &
CHIEF EXECUTIVE OFFICER
5. M/S RAMKY ENVIRO ENGINEERS LTD.
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE
AT NO.6-3-1089/10 & 11
RAMKY HOUSE
GULMOHUR AVENUE
RAJBHAVAN ROAD
SOMAJIGUDA
HYDERABAD-500 082
AND HAVING ITS ESTABLISHMENT AT
SURVEY NOS.75 TO 85 OF THIMMANAHALLI AND
SURVEY NOS.7 & 9 OF THIMMNAYAKA HALLI
NELAMANGALA TALUK
BANGALORE RURAL DISTRICT
REPRESENTED BY ITS DIRECTOR
6. M/S RAMKY INFRASTRUCTURE LTD.
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT
NO.6-3-1089/10 & 11, RAMKY HOUSE
GULMOHUR AVENUE
RAJBHAVAN ROAD, SOMAJIGUDA

HYDERABAD-500 082
AND HAVING ITS ESTABLISHMENT
AT SURVEY NOS.75 TO 85 OF
PEMMANAHALLI AND
SURVEY NOS.7 & 9 OF THIMMNAYAKA HALLI
NELAMANGALA TALUK
BANGALORE RURAL DISTRICT
REPRESENTED BY ITS DIRECTOR

... RESPONDENTS

(BY SRI GURURAJ YADRAVI, ADV., FOR R-1;
SRI D NAGARAJ, AGA FOR R-2;
SRI D NAGARAJ, ADV., FOR R-3,
SRI H L PRADEEP KUMAR, ADV., FOR
SRI BASAVARAJ V. SABARAD, ADV., FOR R-4;
SRI SUBRAMANYA .R, ADV., FOR R-5;
NOTICE TO R-6 IS COMPLETE V/O DT. 02.12.2016)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
DECLARE THAT THE ESTABLISHMENT OF TSDF OF
RESPONDENT NOS. 5 AND 6 CONSORTIUM IS ILLEGAL AND
ETC.

THESE WRIT PETITIONS COMING ON FOR ORDERS
THIS DAY, CHIEF JUSTICE MADE THE FOLLOWING:

ORDER

The petitioners, said to be the residents of Nelamangala
Taluk, Bengaluru Rural District and holders of certain parcels of
agricultural land, have preferred these writ petitions essentially
seeking to question the Treatment, Storage and Disposal Facility
(TSDF) established by the respondent Nos.5 and 6 on a contract
awarded by the respondent Nos.2 and 4.

2. While raising several issues concerning the compliance of the Environment (Protection) Act, 1986, Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 as also the other cognate Environment Protection Laws, the petitioners have prayed for the reliefs as under:

"a. Declare that the establishment of TSDF of the 5th & 6th Respondent consortium is illegal;

b. Direct the 1st to 4th Respondents to facilitate the closure of TSDF of the 5th & 6th Respondent consortium;

c. Declare that the 5th & 6th Respondent consortium has no right to continue operations without establishing the 3 funds namely – 'super fund', Residual Liability Fund and Environment Relief Fund;

d. Issue a writ of certiorari to quash the Government Order dated 04.09.2014 bearing No. FEE 277 ENV 2014 (Annexure-G) issued by Respondent No.2;

e. Direct an enquiry in respect of serious illegalities and violations by the 5th & 6th Respondent consortium and Government authorities in establishing and running of TSDF and incineration facility at Survey Nos. 7 to 9 and 75 to 85 of Premanahalli Thimmanayakana Halli villages, Nelamangala District, Bangalore South Taluk and take action against the erring individuals/entities;

f. Direct the 1st to 4th Respondents to initiate proceedings against the 5th & 6th Respondent consortium and its directors and officers incharge under the provisions of Environment

(Protection) Act, 1986 and Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016;

g. Direct a proper Environmental Impact Assessment be carried out by a Committee to be formed by this Hon'ble Court to assess the impact of 5th & 6th Respondent consortium on Thippagondanahalli reservoir which provides drinking water to the Bangalore city and take all preventive or remedial measures to prevent all forms of contamination and pollution to water bodies.

h. Grant cost of proceedings.

i. Pass such other orders that this Hon'ble Court may deem fit in the facts and circumstances of this case."

3. These petitions were initially considered on 29.09.2016 when notices were ordered to be issued. Thereafter, on 13.12.2017, the following order came to be passed by the Court :

"Sri Ashok Haranahalli, learned Senior Counsel appearing for respondent No.5 submits that respondent No.5 will deposit ₹3,20,00,000/- [Rupees Three Crores Twenty Lakhs only] with this Court within ten days from today. Accordingly, respondent No.5 is directed to deposit ₹3,20,00,000/- [Rupees Three Crores Twenty Lakhs only] with this Court within ten days from today.

List on 02.01.2018."

4. After several adjournments, when the matter was further considered on 28.11.2018, this Court queried on the compliance of the aforesaid order dated 13.12.2017 and after taking note of the submissions made on behalf of the parties, the following order was passed:

“On being queried in regard to the order aforesaid, it is pointed out that the said amount is lying in deposit in this Court. The said amount is essentially referable to ‘Superfund’ as provided in Clause 1.2.9 of the contract agreement, wherein the respondent Nos.5 and 6 are said to be the ‘private operators’ for Common Hazardous Waste Treatment, Storage and Disposal Facility.

The respondent –Karnataka Industrial Areas Development Board (KIADB), by its letter dated 18.05.2017 [Annexure-R1], had pointed out to the said respondent Nos.5 and 6 about the escrow account having been opened with the Corporation Bank, wherein the said respondents were supposed to deposit the amount relating to Superfund. The KIADB has indicated in the said letter, tentative amount for operation of the plant from 2008-09 to 2017-18 at Rs.866.00 lakhs.

Learned counsel appearing for the respondent Nos.5 and 6 though seeks to dispute the amount as stated in the said letter, but submits that the other part of the amount towards the said superfund would be calculated by the said respondents and he would be placing the calculation before the Court on the next date of hearing.

Several aspects relating to obtaining of environmental clearance by the respondent Nos.5

and 6 from the Central Pollution Control Board as also the State Pollution Control Board have come up for consideration.

Looking to the questions involved in the matter, it appears appropriate that these matters be listed at an early date.

However, the amount lying in deposit in this Court be transferred to the escrow account with the Corporation Bank as indicated in the letter dated 18.05.2017 by the KIADB and the same shall remain in such deposit until further orders in these matters.

List these matters for orders on 12.12.2018."

Further, on 12.12.2018, after taking note of the submissions made on behalf of the parties, the following order was passed:

"The office has reported compliance of the order dated 28.11.2018 in the manner that the referred sum of Rs.3,20,00,000/- (Rupees three crores twenty lakhs) has been transferred to the specified escrow Account.

Learned counsel for the respondent Nos.5 and 6 has submitted his statement of accounts relating to the 'Superfund' deposits to be made as per the Official Memorandum dated 16.04.2009.

Learned counsel appearing for the respondent Nos.5 and 6 submits that, as per the calculations, the remaining amount to be paid by these respondents until the month of November, 2018 comes to Rs.11,61,011/- (Rupees eleven lakhs sixty one thousand eleven). These respondents may make such payment to the respondent-Karnataka Industrial Areas Development Board ('KIADB') within two days and the respondent-KIADB may accept such payment without prejudice and subject to all just exceptions.

Learned counsel appearing for the Karnataka State Pollution Control Board submits that he

shall be filing his response affidavit during the course of day.

List these matters on 10.01.2019, as prayed.”

5. On the matter being taken up for further consideration today, learned counsel for the respondent No.4 –KIADB has filed a rejoinder affidavit, *inter alia*, disputing the correctness of calculation made by the respondent Nos.5 and 6 as regards the dues towards 'Superfund'.

6. Learned counsel for the respondent Nos.5 and 6 has, on the other hand, filed a memo pointing out that the said respondents have deposited an amount of Rs.11,61,011/- in the name of Super Fund Dobaspeta, KIADB, in compliance with the order passed by this Court on 12.12.2018.

7. On the other hand, learned counsel for the respondent No.3 –Karnataka State Pollution Control Board (KSPCB) has pointed out that in relation to the same TSDF and on practically the same grounds, another petition has been filed before the National Green Tribunal, New Delhi (NGT) and the same is registered as Original Application No.117/2018. A copy of the order dated 13.03.2018 in the said Original Application by the NGT has also been placed on record, wherein notices were

ordered to be issued to the respondents, who are the same parties as arrayed in these petitions. The issue raised in the said application is also substantially the same as raised in these petitions.

8. Learned counsel for the KSPCB has also referred to the decision of the Hon'ble Supreme Court in the case of ***Bhopal Gas Peedith Mahila Udyog Sangathan & Ors. vs. Union of India & Ors. : AIR 2012 SC 3081*** to submit that this matter deserves to be transferred to the NGT.

9. Learned counsel for the petitioners as also learned counsel for the other respondents are also *ad idem* that on the subject-matter, these petitions deserve to be transferred to the NGT.

10. Taking note of the submissions so made and having regard to the subject-matter, it appears just and proper that these petitions be transferred to the NGT. Ordered accordingly.

11. The papers be transmitted to the National Green Tribunal, New Delhi, forthwith with due compliance of the rules.

W.P.Nos.51509/2016
& 52176-52179/2016

12. In view of the above, these petitions as also the pending interlocutory application shall stand disposed of in this Court.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

bkv

Item No.12

Court No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No.117 of 2018

Avinash M & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 15.01.2019

CORAM :

HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Applicant(s)

Mr. Amit Singh, Mr. Rajan
Singh and Mr. Prashant
Kumar, Advocates

For Respondent(s)

Ms. Pusshp Gupta, Advocate
for R-1
Mr. Devraj Ashok, Advocate
Mr. Nishanth Patil and Mr.
Ananthu Suresh, Advocates for
R-4
Mr. Abhinav Sharma, Advocate
for R-5 & 6

ORDER

This Original Application has been filed with the prayer that Respondents be restrained from continuing the operation of Treatment, Storage & Disposal Facility for Handling Hazardous Waste (TSDF). There is no dispute about the fact that this TSDF was established in the year 2006. The instant application has come to be filed only on 2nd March, 2018. In view of the inordinate delay in filing this Original Application, we do not propose to entertain such like original applications which suffers from delay and latches. The National Green

Tribunal Act, 2010 do provide time in which the applicant is to raise his grievance from the time when the cause of action first arose. As this matter has been filed after 12 years, we refrain from entertaining this Original Application.

Consequently, Original Application No. 117 of 2018 stands dismissed.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

January 15, 2019
sn



Item No.06

Court No. 1

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

Writ Petition Nos. 51509/2016 & 52176-52179/2016

Sri T. M. Umashankar & Ors.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 22.04.2019

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

For Applicant(s):

ORDER

1. The matter has been transferred to this Tribunal by the High Court of Karnataka vide order dated 10.01.2019 to deal with the subject matter of W.P. (C) Nos. 51509/2016 and 52176-52179/2016 on the file of the High Court.
2. We may note that High Court order refers to another matter which was pending before this Tribunal being Original Application No. 117/2018 which has since been disposed of on 15.01.2019 on the ground of delay.

3. The Writ Petition before the High Court giving rise to the present proceedings was for a direction for closure of Treatment, Storage and Disposal Facility (TSDF) established by M/s Ramky Enviro Engineers Ltd. and M/s Ramky Infrastructure Ltd. on the direction of State of Karnataka, Karnataka State Pollution Control Board and Karnataka Industrial Area Development Board on the ground that super fund, Residual Liability Fund and Environment Relief Fund had not been established, as required under the Hazardous and other Waste (Management and Transboundary Movement) Rules, 2016 and there are violations of norms in operating the TSDF facility.
4. The order of the High Court further shows that a sum of Rs. 3.2 crore was transferred to an ESCROW account under the order of the High Court dated 28.11.2018. Further sum of Rs. 11,61,011/- was deposited in pursuance to order of the High Court dated 12.12.2018.
5. According to the Writ petitioners, working of TSDF needs to be audited to ensure compliance of environmental laws, apart from ensuring deposit of funds by the service provider in the manner statutorily required. It is alleged that the environmental clearance, as required, has not been taken nor post establishment preventive and remedial steps taken to comply with the requirement of Air (Prevention and Control of

Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986. The service provider is liable to pay environmental cost for the failure.

6. We are of the view that consideration of the issue will require a factual analysis report by a joint Committee comprising the representatives of the Ministry of Environment, Forest & Climate Change, (MoEF&CC), Central Pollution Control Board (CPCB) and Karnataka State Pollution Control Board (KSPCB). The nodal agency for the purpose will be the KSPCB. The report may be furnished to this Tribunal within two month by e-mail at ngt.filing@gmail.com.
7. The KSPCB may provide relevant papers to the other members of the Committee. If any other papers are required, the KSPCB may secure the same from any of the parties to the Writ Petition by e-mail.

The Committee may also look into the averments made in the Writ Petition and examine the matter in the manner required.

A copy of the order, along with a scanned copy of the Writ Petition, be sent to KSPCB, MoEF&CC and CPCB.

List for further consideration on 08.08.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

April 22, 2019

Writ Petition Nos. 51509/2016 & 52176-52179/2016

A



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

1.0 PREAMBLE

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

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

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

2.0 PRELIMINARY MEETING & INSPECTION OF JOINT COMMITTEE

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

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

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

Also, the unit representatives present during inspection are:

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

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

3.0 M/s KARNATAKA WASTE MANAGEMENT PROJECT, BANGALORE

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

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

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

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

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

4.0 LOCATION OF TSDF AND ITS SURROUNDINGS

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

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

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

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

5.0 STATUS OF OPERATION OF TSDF

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

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

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

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

6.0 COMPLIANCE TO ENVIRONMENTAL NORMS AND GUIDELINES

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

6.1 COMPLIANCE OF LOCATION CRITERIA FOR H.W. LANDFILL

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

COMPLIANCE OF LOCATION CRITERIA

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

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

12.	Ground Water table level: No landfill shall be located in areas where the ground water table will be less than 2 m below the base of the landfill.	Ground water table at landfill site is beyond 2 M.
-----	---	--

The TSDF site is complying with the location criteria except non-development buffer zone. The landfill facility is provided with access roads, equipment shelters, weighing scale, office space, waste inspection / sampling facility, temporary waste storage area, surface water drainage facility, leachate collection tank, monitoring wells, fencing and green belt along the peripheral boundary etc.

6.2 COMPLIANCE OF AMBIENT AIR QUALITY

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

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

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

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

Ambient Air Quality Monitoring Results (Average)

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

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

Ambient Air Quality Monitoring Results

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

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

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

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

a) STABILISATION OF HAZARDOUS WASTE

Options:

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

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

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

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

b) MANAGEMENT OF LEACHATE GENERATED

Options:

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

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

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

6.4 COMPLIANCE OF MANAGEMENT OF SURFACE RUN OFF

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

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

6.5 COMPLIANCE OF GROUND WATER QUALITY

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

A. Inside the TSDF Premises

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

B. Outside the TSDF Premises

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

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

6.6 COMPLIANCE OF ESCROW ACCOUNT

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

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

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

ESCROW AMOUNT STATEMENT

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

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

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

6.7 COMPLIANCE OF ENVIRONMENTAL CLEARANCES

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

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

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

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

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

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

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

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

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

7.0 CONSTITUTION OF SEIAA AND EC FOR INTEGRATED FACILITY

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

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

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

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

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

SCHEDULE

The list of Projects or Activities Requiring Prior Environmental Clearance

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

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

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

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

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

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

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

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

The relevant photographs are given as Annexure 8.

8.0 OVERALL OBSERVATIONS AND THE VIEW OF THE JOINT COMMITTEE

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

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

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

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

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

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

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

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

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

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

A. Environmental Compliances:

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

The committee suggests the following to implement:

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

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

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

B. Environmental Clearance:

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

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

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

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

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

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

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

Dr. Murali Krishna
31/7/19
(Dr. MURALI KRISHNA. C)

MoEF&CC

G. Thirumurthy
31.7.19
(G. THIRUMURTHY)

CPCB

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

KSPCB

Item No. 03

Court No. 1

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

Original Application No. 654/2019
(Writ Petition Nos. 51509/2016 & 52176-52179/2016)

(With report dated 07.08.2019)

Sri T. M. Umashankar & Ors.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 26.09.2019

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. Darpan K.M., Advocate

For Respondent(s): Mr. Devraj Ashok, Advocate for State of
Karnataka
Mr. Ravi Varma, Mr. Abhinav Sharma, Advocate
for R-5
Mr. Chirag Jain, Advocate for R-6

ORDER

1. The matter has been transferred to this Tribunal by the High Court of Karnataka vide order dated 10.01.2019 to deal with the subject matter of *W.P. (C) Nos. 51509/2016 and 52176-52179/2016* on the file of the High Court.
2. The Writ Petition before the High Court giving rise to the present proceedings was for a direction for closure of Treatment, Storage and Disposal Facility (TSDF) established by M/s Ramky Enviro Engineers Ltd. and M/s Ramky Infrastructure Ltd. on the direction of State of

Karnataka, Karnataka State Pollution Control Board and Karnataka Industrial Area Development Board on the ground that super fund, Residual Liability Fund and Environment Relief Fund had not been established, as required under the Hazardous and other Waste (Management and Transboundary Movement) Rules, 2016 and there are violations of norms in operating the TSDF facility.

3. The order of the High Court further shows that a sum of Rs. 3.2 crore was transferred to an ESCROW account under the order of the High Court dated 28.11.2018. Further sum of Rs. 11,61,011/- was deposited in pursuance to order of the High Court dated 12.12.2018.
4. According to the Writ petitioners, working of TSDF needs to be audited to ensure compliance of environmental laws, apart from ensuring deposit of funds by the service provider in the manner statutorily required. It is alleged that the environmental clearance, as required, has not been taken nor post establishment preventive and remedial steps taken to comply with the requirement of Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986. The service provider is liable to pay environmental cost for the failure.
5. In view of above, vide order dated 22.04.2019, this Tribunal directed constitution of a joint Committee comprising the representatives of the Ministry of Environment, Forest & Climate Change, (MoEF&CC), Central Pollution Control Board (CPCB) and Karnataka State Pollution Control Board (KSPCB). The Committee was to furnish a report to this Tribunal.

6. Accordingly, report has been furnished by the joint Committee on 07.08.2019 finding the TSDF to be compliant except that consent to operate for a period from 01.07.2016 was refused by the SPCB against which an appeal was pending and the Appellate Authority directed maintenance of *status quo*. It is further stated that while Environmental Clearance (EC) was taken for incinerator, the same EC was being treated as EC for TSDF which does not meet the mandate of the rules. However, it is suggested that at this stage, separate EC may not be directed to be required. The concluding part of the report is as follows:

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

7. In view of above, while we do not interfere with the functioning of the TSDF, we direct that the TSDF must comply with the law and the requisite EC may be obtained. The project proponent may apply for EC within two months. The Appellate Authority may deal with the

appeal said to be pending for about three years expeditiously in accordance with law.

The application is disposed of.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

September 26, 2019
Original Application No. 654/2019
DV



IN THE SUPREME COURT OF INDIA

Annexure-R5/18

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL (Diary) NO. 522 OF 2020

T.M. UMASHANKAR & ORS.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

O R D E R

Delay condoned.

Having heard Mr. Basava Prabhu Patil, learned Senior Counsel for the appellant for sometime, even though he has made out a good point in law, it is difficult for us to interfere given the public interest involved. However, insofar as compensation is concerned, Mr. Patil's clients are free to knock at the doors of whichever forum in order to seek the aforesaid in public interest if so payable in law.

Accordingly, the appeal is dismissed.

Pending application stands disposed of.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(NAVIN SINHA)

New Delhi;
December 17, 2020.

ITEM NO.3 Court 3 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL Diary No(s). 522/2020

(Arising out of impugned final judgment and order dated 26-09-2019
in OA No. 654/2019 passed by the National Green Tribunal)

T.M. UMASHANKAR & ORS. Appellant(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(FOR ADMISSION and IA No.109876/2020-EX-PARTE STAY and IA
No.109873/2020-CONDONATION OF DELAY IN FILING APPEAL and IA
No.109875/2020-CONDONATION OF DELAY IN REFILING / CURING THE
DEFECTS)

Date : 17-12-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Basava Prabhu Patil, Sr. Adv.
Mr. Akshat Srivastava, Adv.
Mr. Hetu Arora Sethi, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER

(Signed order is placed on the file)

Greenfield Common Hazardous Waste Treatment, Storage and Disposal Facility (CHWIF) cum Incineration facility at Plot No. 48, Village Rampara, Tehsil Chotila, District Surendranagar, Gujarat by M/s Varni Enviro Care Private Limited - Reconsideration for Terms of Reference (IA/GJ/MIS/95505/2019; F.No. 10-15/2019-IA-III)

48.4.1.1. The EAC noted the following:-

- (i) The proposal is for grant of Terms of Reference to the project 'Greenfield Common Hazardous Waste Treatment, Storage and Disposal Facility (CHWIF) cum Incineration facility at Plot No. 48, Village Rampara, Tehsil Chotila, District Surendranagar, Gujarat by M/s Varni Enviro Care Private Limited.
- (ii) The project/activity is covered under category A of item 7(d) 'Common hazardous waste treatment, storage and disposal facilities (TSDFs)' of the Schedule to the EIA Notification, 2006 and its subsequent amendments, and requires appraisal at Central level by sectoral EAC.
- (iii) The proposal was earlier considered by the EAC (Infra-2) in its 39th Meeting of Expert Appraisal Committee (Infra-2) held during 26-28 March, 2019. The Committee noted that site-1 at village Rampara, which is proposed for the project is in the vicinity of the Rampara Reserve Forest (0.3 km). Committee also noted that nearest habitation is 0.3 km away from the site which is not in accordance with the CPCB Criteria. The Committee asked the project proponent to re-examine the proposal for its site suitability. The Committee asked the project proponent to submit additional details. The Project Proponent has submitted the additional information on Ministry's website on 18.12.2019.

48.4.1.2. *The project proponent informed the EAC that based on the site alternative criteria, Site 2 (Site near Surai Village) is preferred for the development of TSDF cum Incineration Facility. The EAC noted that now the project proponent has selected site 2 for the proposed TSDF and accordingly revised Form-1 has been submitted. However, revised pre-feasibility report for site-2 has not been prepared and submitted. The EAC deliberated upon the information provided by the project proponent and noted that with the change in site, whole proposal including the name of the project will changed.*

Accordingly, the EAC asked the project proponent to withdraw the instant proposal and apply afresh for the proposed site-2.

Agenda item No. 48.4.2.

Integrated Common Hazardous Waste Treatment Storage and Disposal Facility of Karnataka Waste Management Project, Dobaspet Industrial Area, Pemmanahalli and Village Thimmanayakanahalli, Taluka Nelamangala, District Bangalore Rural, Karnataka by M/s. Ramky Enviro Engineers Limited - Terms of Reference

(IA/KA/MIS/135629/2020; F.No. 10-7/2020-IA-III)

48.4.2.1. The project proponent and the accredited Consultant M/s Ramky Enviro Services Private Ltd. gave a detailed presentation on the salient features of the project and informed that:

- (i) Karnataka Waste Management Project (KWMP), a division of M/s. Ramky Enviro Engineers Limited (REEL), proposes to obtain environmental clearance for the existing Integrated Common Hazardous Waste Treatment, Storage and Disposal Facility (ICHWTSDF) spread in an area of 93.18 acres at plot no. 7,8,9,75,76,77,78,79,80,81,82,83,84 and 85 of Dobaspet Industrial area (notified industrial area), Pemmanahalli and Thimmanayakanahalli Villages, Nelamangala Taluk, Bangalore Rural District, Karnataka with the facilities listed in the table below:

S.No	Name of the Facility	Existing Capacity
1	Secured Landfill (Direct Landfill (DLF) and Landfill after Treatment (LAT))	40,000 TPA
2	Hazardous waste Incineration	5.5 Million kcal/hr (1000 - 1500 kg/hr)

- (ii) The existing Integrated Common Hazardous Waste Treatment Storage and Disposal Facility (ICHWTSDF) is located in the notified Industrial Area of KIADB and land was provided by Government of Karnataka to M/s Ramky Enviro Engineers Limited for development of Treatment, Storage and Disposal Facility (TSDF). The total area of the facility is 93.18 acres and an area of 31.8 acres (33%) has been allocated for greenbelt.
- (iii) A minimum area of 10 m wide all along the boundary has been left for greenbelt. Also, one row of plants (both sides) has been planted along the internal roads within the project site to minimize the environmental impacts of the site on its surroundings. The existing greenbelt shall be further enhanced by increasing the plantation density as much as possible.
- (iv) The total water requirement is 115 KLD which will be sourced from tankers/rainwater harvesting.
- (v) The total power required for operations is 550 kVA which is sourced from Bangalore Electricity Supply Company Limited (BESCOM), DG set with 563 KVA capacity is used for power backup for emergency requirement.
- (vi) Wastewater/leachate generated shall be used in the spray drier connected to the incinerator or sent to solar evaporation pond or for usage in stabilization. Domestic wastewater shall be disposed of through the existing septic tank/soak pit. Incineration ash, sludge etc. generated in the facility shall be disposed of in the landfill, after treatment if necessary.
- (vii) The total cost of the project is Rs. 52 Crores.

48.4.2.2. The EAC noted the following:-

- (i) The proposal is for grant of Terms of Reference to the project 'Integrated Common Hazardous Waste Treatment Storage and Disposal Facility of Karnataka Waste Management Project, Dobaspet Industrial Area, Pemmanahalli and Village Thimmanayakanahalli, Taluka Nelamangala, District Bangalore Rural, Karnataka by M/s. Ramky Enviro Engineers Limited.
- (ii) The project/activity is covered under category A of item 7(d) 'Common hazardous waste treatment, storage and disposal facilities (TSDFs)' of the Schedule to the EIA Notification, 2006 and its subsequent amendments, and requires appraisal at Central level by sectoral EAC.

48.4.2.3. The project proponent has explained the chronology of the event before the EAC and informed that:

- The Government of Karnataka and Karnataka State Pollution Control Board (KSPCB) have identified TSDF site. The Government of Karnataka made an agreement with German Technical Cooperation (GTZ) for evolving an effective Hazardous Waste Management (HAWA) strategy in the State of Karnataka. Initially two sites i.e., one in Siddalagahatta Taluk in Kolar District and the other in Dobaspet, Bangalore Rural District were shortlisted by the KSPCB for setting up TSDF. Finally, Dobaspet site was found more suitable and identified for setting up TSDF to cater the need for the entire state. The KIADB acquired land for TSDF site.
- The Dobaspet site was notified for the TSDF purpose by the Government of Karnataka on 21.02.2003. Preliminary investigations and Environmental Impact Assessment (EIA) was completed in January 2004 under the GTZ-HAWA Project. The Technical Advisory Committee of KSPCB in their 272nd meeting held on 15.11.2003 recommended for establishment of TSDF at Dobaspet and authorized KSPCB to put up the project for Public Hearing as per the prevalent EIA Notification, 1994.
- Intensive Public Awareness Campaign about the project was conducted in the surroundings (5 km radius) of Dobaspet site from June, 2003 to January 2004, to appraise the entire stakeholders. The Deputy Commissioner, Bangalore Rural District has conducted Public Hearing on 20.02.2004, as per the provisions contained in the EIA Notification of 1994.

- The report of the public hearing panel was received by KSPCB vide letter no. CAL CR 369/2003-04 dated 18.03.2004. Accordingly, the KSPCB vide letter no. KSPCB/HWMC/AEO-1/EO/2003-04/686 dated 31.03.2004 forwarded the project report including EIA report and details of the public hearing along with its recommendation to the State Government.
- The state government accorded approval, as required under Rule 8 of Hazardous Waste (Management & Handling) Rules, vide a Government Order No. FEE 293 ECO 2002 Bangalore dated 21.04.2004, within the stipulated time. The conceptual design drawings and collection systems relating to TSDF including the final DPR was prepared in June 2004 by GTZ. State Cabinet Clearance has been obtained for the project in the month of June 2005.
- Government of Karnataka has issued final notification for acquisition of 93.18 acres of land. Accordingly, KIADB have acquired land by paying compensation to the land losers as per procedure.
- The KIADB has been designated as Contracting Authority and made responsible for construction of TSDF and they have awarded the work to M/s. Ramky Infrastructure Limited on 01.12.2006 after following detailed procedures. The Land Lease Agreement and Contract Agreement have been signed by Government of Karnataka and KIADB respectively with M/s. Ramky Infrastructure Limited and Ramky Enviro Engineers Ltd. (Consortium) on 1st December 2006.
- Consent for Establishment (CFE) was issued to Ramky in July 2007 by Karnataka State Pollution Control Board for handling of landfillable hazardous waste up to 40,000 TPA. The total area of the facility is 93.18 acres (37.83 hectares), out of which 26 acres is earmarked for Secured Landfill (SLF).
- Consent for Operation (CFO): The facility obtained Consent for Operation in June 2008 and the facility started receiving wastes from July 2008 onwards from member industries, which is disposed of in Secured Landfill (either directly or after stabilization, as required).
- MoEF&CC accorded Environmental Clearance on 19.09.2014 (vide file number 10-65/2012-IA.III) for setting up of 5.5 Million Kcal/hr (1000 – 1500 kg/hr) Incinerator at the existing TSDF, Dobaspet, Bangalore, Karnataka under item 7(d) of the EIA Notification, 2006 (i.e. all integrated facilities having incineration and landfill) so that the existing TSDF will become an Integrated Common Hazardous Waste Management Facility (ICHWMF).

The EAC noticed that Environmental Clearance for setting up of incinerator at TSDF, Dobaspet, Bangalore, Karnataka by M/s Ramky Enviro Engineers Ltd has been granted by MoEF&CC vide letter F.No 10-65/2012-IA.III dated 19.09.2014. As per EC letter dated 19.09.2014, “the proposal involves setting up of incinerator facility of capacity 5.5 Million Kcal/Hr(1000 - 1500 kg/hr) within the existing Hazardous Waste Treatment and Disposal Facility of Karnataka Waste Management Project (KWMP) at Sy.No.7, 8, 9, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 and 85 at Dobaspet, Bangalore Rural District, Karnataka State to dispose the Incinerable waste of the industries in a scientific manner, so that the existing TSDF will become an Integrated Common Hazardous Waste Management Facility (ICHWMF)”.

NGT order dated 26.09.2019 disposed off the application vide OA No-654/2019 (WP Nos 51509/2016 & 52176 -52179 / 2016) stating that: “... while we do not interfere with the functioning of the TSDF, we direct that the TSDF must comply with the law and the requisite EC may be obtained. The project proponent may apply for EC within two months. The Appellate Authority may deal with the appeal said to be pending for about three years expeditiously in accordance with law.”

It was deliberated that some key issues relating with the TSDF facility is under discussion between the Karnataka Industrial Area Development Board (KIADB) and Karnataka State Government. Further, the EAC was of the view that earlier, while granting the Environmental Clearance, the Ministry had endorsed the existence of the landfill site along with the proposal of incinerator. In the instant case, the project proponent has not proposed any expansion of the existing facility. Accordingly, the EAC opined that the project proponent may approach the Hon'ble National Green Tribunal for seeking

clarification on further requirement of Environmental Clearance in view of the EC granted to the project proponent vide letter dated 19.09.2014. In view, the Committee opined that the Ministry may also seek opinion of the State Government in the matter.

In view of the foregoing observations, the EAC recommended to defer the proposal. The proposal shall be reconsidered after the above details are addressed and submitted.

Agenda item No. 48.4.3.

Integrated Common Hazardous Waste Treatment, Storage, Disposal & Recycling Facility at Industrial Growth Center (IGC), Maneri Village, Mandla District, Madhya Pradesh by M/s Ramky Enviro Engineers Limited - Environmental Clearance

(IA/MP/MIS/117811/2019; F.No. 10-40/2019-IA-III)

48.4.3.1. The project proponent and the accredited Consultant M/s Ramky Enviro Services Private Ltd. gave a detailed presentation on the salient features of the project and informed that:

- (i) Ramky Enviro Engineers Limited (REEL) proposes to establish an Integrated Common Hazardous Waste Treatment, Storage, Disposal & Recycling Facility in an area of 19.77 acres (8 Ha.) at plot no. 11, 12, 13, 14, 18, 19, 20, 21, 27, 28, 29, 31, 32, 33, 34, 35, 36, 43 and 44, at Industrial Growth Centre (IGC), Maneri (V), Mandla (D), Madhya Pradesh. It shall be noted that MP Industrial Development Corporation Limited (Formerly MP AKVN), while allotting the land, has clubbed all the above plot numbers to a single plot and named it as Plot No. 2, without any change in the land area.
- (ii) Facilities proposed to be developed as part of this project include:

S. No.	Facility	Capacity
1	Secured Landfill (Direct Landfill)	250 TPD
2	Landfill after Treatment	400 TPD
3	Incineration*	55 TPD
4	Bio Medical Waste Treatment	12.5 TPD
5	Alternative Fuel and Raw Material Facility (AFRF)	55 TPD
6	E-Waste Recycling Facility (with Precious Metal Recovery)	82 TPD
7	Drum Decontamination Recycling Plant	10 TPD
8	Used / Spent Oil Recycling Facility	54 KLD
9	Lead Recycling Facility	65 TPD
10	Paper Recycling Facility	10 TPD
11	Plastics Recycling Facility	10 TPD
12	Solvent Recovery Facility	27 KLD
13	Aluminium Dross Reprocessing Facility	165 TPD
14	Spent Pot Liner (Carbon Portion) Reprocessing Facility	165 TPD
15	Spent Pot Liner (Refractory Portion) Reprocessing and Disposal Facility	165 TPD
16	Renewable Energy	2 MW
17	Waste to Energy	2 MW

* Common incinerator for Hazardous Waste and Bio Medical Waste

- (iii) The total water requirement is estimated to be about 120 KLD. Water requirement shall be met through MP Industrial Development Corporation Limited (formerly known as AKVN)/Tankers/Bore well. It is proposed to treat all the wastewater and leachate within the project premises and it is proposed to reuse the treated water (Zero Liquid Discharge). The power requirement is estimated to be about 375 kVA.
- (iv) Power will be supplied by Madhya Pradesh State Electricity Board (MPSEB) and sufficient quantity of DG sets will be used for emergency power backup.

Annexure-R5/20

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

IN

Writ Petition No. 7798 of 2020

IN THE MATTER OF:

Sri Shivaganagaiah & Others

...Petitioners

Versus

Union of India & Others

...Respondents

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.1,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE

MOST RESPECTFULLY SHOWETH:

I, E. Thirunavukkarasu working as Scientist 'E' in the Regional Office of the Ministry of Environment, Forest and Climate Change at Bengaluru, the deponent herein, do hereby solemnly affirm and state on oath as under:-

1. That I am authorized to swear this affidavit in my official capacity.
It is submitted that the Ministry of Environment, Forest and Climate Change is Respondent No. 1 in the matter.
2. It is submitted that the contents of the application, unless specifically admitted, are denied to the extent that they are inconsistent with submissions made hereinafter.
3. It is respectfully submitted that under sub section (1) clause (v) of sub section (2) of Section-3 of the Environment (Protection) Act, 1986, the Central Government has the power to make rules for carrying out the purposes of the said Act. Exercising the powers conferred by the Environment (Protection) Act, 1986, the Ministry had issued the Environment Impact Assessment (EIA) Notification

vide S.O.60(E) dated 27th January, 1994 mandating 32 categories of projects listed in the Schedule-I to obtain prior environmental clearance based on the investment criteria (originally it was Rs 50 crores, which was enhanced to Rs 100 crores). It is further submitted that the Environmental Impact Assessment (EIA) was made a statutory requirement for certain category of construction and development activities through amendment dated 07.07.2004 in the EIA Notification, 1994.

4. That under the Environment (Protection) Act, 1986 read with Environment (Protection) Rules, 1986, the Answering Respondent has issued a notification number S.O. 1533(E) dated 14.09.2006 (hereinafter referred to as the "EIA Notification, 2006"), in suppression of the notification number S.O.60(E) dated 27th January, 1994.
5. That under the provision of the EIA Notification, 2006, *all new projects or activities listed in the Schedule to the EIA Notification 2006 or the expansion or modernization of existing projects or activities listed in the Schedule to the EIA Notification 2006 with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization or any change in product -mix in an existing manufacturing unit included in Schedule beyond the specified range, shall be undertaken in any part of India, as applicable, only after receipt of the prior environment clearance from the Central Government or by the State Level Environment Impact Assessment Authority*

("SEIAA"), as the case may be. It is submitted that, the Central Government under sub Section (3) of section 3 of the Environment Protection Act, 1986 in accordance with the procedure specified in the EIA Notification, 2006, duly constitutes SEIAA in the States.

6. Categorization of Projects and activities: -

- i. All projects and activities are broadly categorized into two categories- Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man-made resources.
- ii. All projects and activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) constituted by the Central Government for the purpose of this notification;
- iii. All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2 of the EIA Notification, 2006, or change in product mix as specified in sub paragraph (iii) of paragraph 2 of EIA Notification, 2006, but excluding those which fulfil the General Conditions (GC) stipulated in the Schedule, will require prior environmental clearance from the State/Union Territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on

the recommendations of a State or Union Territory Level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be considered at the Central Level;

7. It is submitted that the EIA Notification, 2006 in Paragraph 7, stipulates four stages in the process of obtaining Environmental Clearance. Stage (1) is screening wherein the State Expert Appraisal Committee (SEAC) takes the decision whether or not the project or activity requires further environmental studies for preparation of Environmental Impact Assessment (EIA) report for its appraisal prior to grant of environmental clearance depending upon the nature and location specificity of the project. Stage (2) is Scoping wherein the Expert Appraisal Committee for category 'A' projects and the State Level Expert Appraisal Committee for category 'B' projects determines detailed and comprehensive Terms of Reference addressing all relevant environmental concern for the preparation of an EIA Report in respect of the proposed project or activity for which the prior environmental clearance is sought. Stage 3 relates to Public Consultation and has two components- i) a Public Hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV of the EIA Notification 2006, for ascertaining concerns of local affected persons; ii) Obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity. Lastly, Stage (4) relates to Appraisal of the Project wherein the detailed scrutiny

by the EAC or the SEAC of the application and other documents like the Final EIA Report and outcome of public consultations including public hearing proceedings, submitted by the Project Proponent to regulatory authority concerned for grant of environment clearance. The EAC or SEAC concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance.

8. It is submitted that the Common Hazardous Waste treatment, Storage and Disposal Facilities (TSDFs) are covered under entry 7(d) of the Schedule to the EIA Notification, 2006 with details as under:

	Project or Activity	Category with threshold limit		Conditions if any
		A	B	
(1)	(2)	(3)	(4)	(5)
7		Physical Infrastructure including Environmental Services		
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only.	General Condition shall Apply

9. It is submitted that the project proponent had applied for Terms of Reference (ToR) with the Answering Respondent on 06.08.2012. The proposal was considered by EAC in its 117th meeting held on 18th – 19th October, 2012 and EAC recommended for Terms of Reference (ToR), based upon recommendation of EAC, the Answering Respondent has granted ToR for proposal for setting up of incinerator at TSDF, Dobaspet, Bangalore, Karnataka by M/s Ramky Enviro Engineers Ltd. A Copy of Terms of Reference dated 26.02.2013 and minutes of the 117th meeting are annexed herewith as **Annexure – 1 (colly)**.
10. It is submitted that the Answering Respondent followed the due procedure of prevalent laws for appraisal of the Project and as stipulated in the EIA Notification, 2006 and subsequent amendments. The project proponent had applied for grant of Environmental Clearance to the project in question on 07.11.2013. The proposal was appraised in detail by the Expert Appraisal Committee (Infrastructure – 2) constituted by the Answering Respondent, in its 124th meeting held on 13th – 14th May, 2013, 128th meeting held on 20th – 23rd November, 2013 and 134th meeting held on 19th – 21st May, 2014 and the project was recommended for grant of Environmental Clearance with adequate environmental safeguards. The Environment Clearance was accorded in favour of M/s Ramky Enviro Engineers Ltd. for setting up of incinerator at TSDF at Dobaspet, Bangalore vide letter dated 19.09.2014. The EC was accorded subject to stipulation of various environmental safeguards under the provisions of the EIA Notification, 2006. A Copy Environmental Clearance dated

19.09.2014 and minutes of 124th, 128th, and 134th meeting are annexed herewith as **Annexure – 2 (colly)**.

11. It is submitted that the 5th and 6th Respondent sought for clarification from the Answering Respondent vide letter dated 25.04.2017 and 19.09.2017 with respect to Environmental Clearance issued to M/s Ramky Enviro Engineers Ltd. for setting up of incinerator under item 7 (d) of the EIA notification, 2006 (all integrated facilities having incineration and landfill) at existing TSDF is valid for both the incineration and landfill. It is further submitted that the Answering Respondent vide letter dated 23.10.2017, clarified that the facility at Dobaspet has the Environmental Clearance in relation to all integrated facilities having incineration and landfill. A copy of letter dated 25.04.2017, 19.09.2017 and 23.10.2017 are annexed herewith as annexure as **Annexure 3, 4 and 5**.
12. That in pursuant to order dated 26.09.2019 passed in O. A. No. 654 of 2019 the project proponent had submitted its application with this Answering Respondent for amendment of Environmental Clearance. The matter was taken by the Expert Appraisal Committee (EAC) in its 46th meeting held during 25.11.2019, wherein EAC observed that as per EC letter dated 19.09.2014, "the proposal involves setting up of incinerator facility of capacity 5.5 Million Kcal/Hr(1000 - 1500 kg/hr) within the existing Hazardous Waste Treatment and Disposal Facility of Karnataka Waste Management Project (KWMP) at Sy.No.7, 8, 9, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 and 85 at Dobaspet, Bangalore Rural District, Karnataka State to dispose the Incinerable waste of the

CRITERIA FOR HAZARDOUS WASTE LANDFILLS

CRITERIA FOR HAZARDOUS WASTE LANDFILLS

1.0 APPLICABILITY

The criteria stated hereafter apply to owners and operators of facilities that dispose hazardous waste in landfills. The term hazardous waste landfill (HW Landfill) is used to designate a waste disposal unit designated and constructed with the objective of minimum impact to the environment. This term encompasses other terms such as “secured landfill”, “engineered landfill”, “waste mounds”, “waste piles” etc.

2.0 LOCATIONAL CRITERIA

HW Landfills shall not be located within a certain distance of the following lakes, ponds, rivers, wetlands, flood plains, highways, habitation, critical habitat area, water supply wells, Airports, coastal zone. 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.

- a. Lake or Pond: No landfill shall normally be constructed within 200 m of any lake or pond. Because of concerns regarding runoff of waste contaminated water, a surface water monitoring network with approval of SPCB/PCC shall be established.
- b. River: No landfill shall be constructed within a 100 m of a navigable river or stream.
- c. Flood Plain: No landfill shall be constructed within a 100-year flood plain. A landfill may be built within the flood plains of secondary streams if an embankment is built along the streamside to avoid flooding of the area. However, landfills must not be built within the flood plains of major rivers unless properly designed protection embankments are constructed around the landfills.
- d. Highway: No landfill shall be constructed within 500 m of the right of way of any state or national highway.
- e. Habitation: A landfill site shall be at least 500 m from a notified habitated area. A zone of 500 m around a landfill boundary should be declared a no-development buffer zone after the landfill location is finalized.
- f. Public Parks: No Land fill be constructed within 500 m of public park.
- g. Critical Habitat Area: No landfill shall be constructed within critical habitat areas including reserved forest areas. A critical habitat area is defined as the area in which one or more endangered species live. It is sometimes difficult to identify a critical habitat area. If there is any doubt then the SPCB/PCC shall be consulted for clarification.

- h. Wetlands: No landfill shall be constructed within wetlands. It is often difficult to identify a wetland area. Maps may be available for some wetlands, but in many cases such maps are absent or are incorrect. If there is any doubt, then the SPCB/PCC shall be consulted for clarification.
- i. Airport: No Landfill shall be constructed within a zone around Airports as notified by the regulatory authority or the aviation authority.
- j. Water Supply: No landfill shall be constructed within 500 m of any water supply well.
- k. Coastal Regulation Zone: No landfill shall be sited in a coastal regulation zone.
- l. Ground Water table level: No landfill shall be located in areas where the ground water table will be less than 2 m below the base of the landfill.
- m. Other criteria may be decided by the planners in consultation with SPCB/PCC commensurate with specific local requirements such as presence of monuments, religious structures etc.

3.0 SITE SELECTION

Hazardous waste landfills should preferably be located in areas of low population density, low alternative land use value, low ground water contamination potential and at sites having high clay content in the subsoil.

A HW landfill will be selected following the guidelines published by MoEF. The step by procedure will be as follows:

- i. Earmarking a 'search area' taking into account the location of the waste generation units and a 'search radius' (typical 5 to 250 km). The search area will be so chosen that it minimizes the number of HW landfills in any region or state.
- ii. Identification of a list of potential sites on the basis of:
 - a. Availability of land
 - b. Collection of preliminary data
 - c. Restrictions listed in the locational criteria (section 2.0)
- iii. Collection of preliminary data as follows:
 - a. Topographic Maps: A topographic map will help find sites that are not on natural surface water drains or flood plains. Topographical maps may be procured from Survey of India.
 - b. Soil Maps: These maps, primarily meant for agricultural use, will show the types of soil near the surface. They are of limited use as they do not show types of soil a few metre below the surface. They may be procured from Indian Agricultural Research Institute.

- c. Land Use Plans: These plans are useful in delineating areas with definite zoning restrictions. There may be restrictions on the use of agricultural land or on the use of forest land for landfill purposes. Such maps are available with the Town Planning Authority or the Municipality.
- d. Transportation Maps: These maps, which indicate roads and railways and locations of airports, are used to determine the transportation needs in developing a site.
- e. Water Use Plans: Such maps are usually not readily available. A plan indicating the following items should be developed: private and public tubewells indicating the capacity of each well, major and minor drinking water supply line(s), water intake wells located on surface water bodies and open wells.
- f. Flood Plain Maps: These maps are used to delineate areas that are within a 100 year flood plain. Landfill siting must be avoided within the flood plains of major rivers.
- g. Geologic Maps: These maps will indicate geologic features and bedrock levels. A general idea about soil type can be developed from a geological map. Such maps can be procured from Geological Survey of India.
- h. Aerial Photographs / Satellite Imagery: Aerial photographs or satellite imageries may not exist for the entire search area. However, such information may prove to be extremely helpful. Surface features such as small lakes, intermittent stream beds and current land use, which may not have been identified in earlier map searches, can be easily identified using aerial photographs.
- i. Ground Water Maps: Ground water contour maps are available in various regions which indicate the depth to ground water below the land surface as well as regional ground water flow patterns. Such maps should be collected from Ground Water Boards or Minor Irrigation Tubewell Corporations.
- j. Rainfall Data: The monthly rainfall data for the region should be collected from the Indian Meteorological Department.
- k. Wind Map: The predominant wind direction and velocities should be collected from the Indian Meteorological Department.
- l. Seismic Date: The seismic activity of a region is an important input in the design of landfills. Seismic coefficients are earmarked for various seismic zones and these can be obtained from the relevant BIS code or from the Indian Meteorological Department.
- m. Site Walk Over and Establishment of Ground Truths: A site reconnaissance will be conducted by a site walk-over as a part of the preliminary data collection. All features observed in various maps will be confirmed. Additional information pertaining to the following will be ascertained from nearby inhabitants: (a) flooding

- during monsoons; (b) soil type; (c) depth to G.W. table (as observed in open wells or tube wells); (d) quality of groundwater and (e) depth to bedrock.
- n. Preliminary Boreholes and Geophysical Investigation: At each site, as a part of preliminary data collection, one to two boreholes will be drilled and samples collected at every 1.5m interval to a depth of 20m below the ground surface. The following information will be obtained: (i) soil type and stratification; (ii) Permeability of each strata; (iii) strength and compressibility parameters (optional); (iv) ground water level and quality and (v) depth to bedrock. In addition to preliminary boreholes, geophysical investigations (electrical resistivity/seismic refraction/others) may be undertaken to assess the quality of bedrock at different sites.
- iv. Selection of two best ranked sites from amongst the list of potential sites on the basis of the ranking system stipulated by MoEF (1991).
- v. Environmental Impact Assessment for the two sites for the following parameters.
- (a). ground water quality; (b) surface water quality; (c) air quality - gases, dust, litter, odour; (d) land use alteration; (e) drainage alteration; soil alteration; (f) soil erosion; (g) ecological impacts (h) noise; (i) aesthetics - visual, vermin, files; (j) traffic alteration; and (k) others
- vi. Assessment of public perception for the two sites.
- vii. Selection of Final site.
- viii. The above site selection procedure shall not be applicable for location of facility within industrial areas of State Industrial Development Agencies. However EIA requirement will apply.

4.0 SITE INVESTIGATION CRITERIA

The data collected during site selection is not sufficient for landfill design. To be able to undertake detailed design of a landfill at a selected site, it is essential to characterize the landfill site and evaluate the parameters required for design. It is necessary that all data listed in Section 3.0 (iii) on “preliminary data” be collected for site characterization. If some data has not be collected, the same should be obtained before site investigations are undertaken for characterization. The following additional data will be collected through a detailed site investigation programme at the chosen site.

A detailed site investigation programme will comprise of subsoil investigation, ground water/hydrogeological and geological investigation. The output expected from each investigation is listed below;