

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)

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	Brief Response to the Joint Committee Report	1-4
Annexure-1	Copy of the relevant portion of Criteria for Hazardous Waste Landfills guidelines.	5-9
Annexure-2	Copy of the bank statement reflecting payment of Rs. 21,20,372/-	10

THROUGH

SANJEET PUROHIT/ SOUMYA VAISHY  
ADVOCATES  
COUNSELS FOR RESPONDENT NO. 5

Place: Bengaluru

Date: 05.02.2022

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)

BRIEF RESPONSE TO THE JOINT COMMITTEE REPORT

1. That the above-mentioned Application has been filed by the Applicant alleging violations by the Answering Respondent in setting up and running of Integrated Common Hazardous Waste Treatment Storage and Disposal facility (hereinafter referred to as ICHWTSDF) 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 the order dated 26.09.2019 passed by the Hon'ble NGT in O.A 654 of 2019.
2. That this Hon'ble NGT in the above-captioned matter vide order dated 06.09.2021 had directed constitution of a Joint Committee to ascertain the violations alleged by the Applicant. That the order dated 06.09.2021 inter alia states,

*"7. In order to ascertain the nature of violations committed by the 5<sup>th</sup> respondent and also the question regarding the environment compensation, if any, to be imposed for the alleged violation said to have been committed by the 5<sup>th</sup> respondent, we feel if appropriate to appoint a Joint Committee consists of (1) a Senior Scientist from MoEF&CC, Integrated Regional office, Bangalore, (2) a Senior Scientist from Central Pollution Control Board, Integrated Regional office, Bangalore, (3) a Senior Scientist from Karnataka State Pollution Control Board and (4) a Senior Scientist from Indian Institute of Science, Bangalore to inspect the unit in question and submit a factual as well as action taken report, if there is any violation found.*

*8. The Committee is directed to ascertain (i) whether the 5<sup>th</sup> respondent 5 unit had committed any violation of environmental laws in establishing and running the unit without obtaining necessary permission and in violation of the direction issued by the Principal Bench in O.A. No. 654 of 2019, (ii) On account of the violation committed, is there any damage caused to the environment, (iii) If any damage has*

*[Handwritten signature]*



*been caused, the Committee is directed to assess the environment compensation payable by the 5<sup>th</sup> respondent and also suggest the methodology by which damage caused to the environment can be restored.*

*9. The Karnataka State Pollution Control Board will be the nodal agency for coordination and also for providing necessary logistics for this purpose."*

3. That the present reply is being filed in response to the Joint Committee report and is limited to the averments that are necessary for adjudication of the above-mentioned Application.
4. That the Joint Committee after conducting its inspection prepared and filed a report on 01.12.2021. That Respondent No. 5 has gone through the Joint Committee report, which is in favour of Respondent No. 5, however, some concerns have been raised that are being responded to specifically hereunder:

- a. Response to point No. 5 in Para 5.1.1.1 at page No. 6 and 7 point No. 5 in Para 5.1.1.1 on page No. 6 and 7

That the facility is exempted under the guidelines on "Criteria for Hazardous Waste Landfills". That the above-mentioned guideline have categorically stipulated at Point 3 (viii) that "site selection procedure shall not be applicable for location of facility within industrial areas of State Industrial Development Agencies. However, EIA requirement will apply." That the unit of the Respondent No. 5 has been established within the compounds of an earmarked industrial area that belongs to the Karnataka Industrial Area Development Board. Since the unit is within an industrial area, it is exempted from adhering to the site selection criteria stipulated in these guidelines. That despite having been exempted, the facility has nonetheless followed the site selection criteria as enumerated in these guidelines. A copy of the relevant portion of Criteria for Hazardous Waste Landfills guidelines is annexed herewith as Annexure - 1.

Further, 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.

- b. Response to Para 5.1.1.10 on Page 25

That Respondent No. 5 has regularly been depositing money in the escrow account. It is submitted that to date Respondent No. 5 has deposited INR

*[Handwritten Signature]*



4,19,61,736/- in the escrow account, the details of which are in the table below:

S.No.	Transaction Date	Period	Amount
1	21.12.2017	June 2008 to Oct. 2017	Rs. 3,20,00,000/-
2	13.12.2018	Nov 2017 to Nov 2018	Rs. 11,61,011/-
3	06.02.2020	Dec 2018 to March 2019	Rs. 7,12,809/-
4	10.09.2020	April 2019 to March 2020	Rs. 36,71,941/-
5	23.09.2021	April 2020 to March 2021 (First Installment)	Rs. 22,95,603/-
6	18.11.2021	April 2020 to March 2021 (Second Installment)	Rs. 21,20,372/-
<b>Total Amount paid</b>			<b>Rs. 4,19,61,736/-</b>

That a copy of the bank statement reflecting payment of Rs. 21,20,372/- is annexed herewith as Annexure -2.

c. Response to Para 5.1.4 on Page 30

That the Joint Committee during the inspection had recommended building a collection tank near the entrance gate to collect surface run-off/ stormwater/ any overflow from quarantine tank/ leachate tank and the same gets discharged outside the premises of the facility. That this observation/ recommendation has been duly noted and taken into consideration by Respondent No. 5 and the same shall be complied with after obtaining the requisite permissions from various state authorities, as may be needed.

5. That a perusal of the Joint Committee Report would encapsulate the fact that Respondent No. 3 has been fully compliant with all the environmental laws and has been operating the facility in satisfaction of the various environmental guidelines, notifications and rules.
6. That in light of the above, it is humbly prayed that the Application, i.e., O.A No. 196 of 2021 be dismissed with exemplary costs as it is false, baseless and frivolous and the facility/ Respondent No. 5 is functioning in compliance and satisfaction of all relevant guidelines and environmental norms.

*[Handwritten Signature]*



THROUGH

SANJEET PUROHIT/ SOUMYA VAISHY  
ADVOCATES  
COUNSELS FOR RESPONDENT NO. 5

Place: Bengaluru

Date: 05.02.2022.

  
DEPONENT  


VERIFICATION

I, Amit Chaudhary, S/o Late A.M Chaudhary, having my R/o at 25/20, 2<sup>nd</sup> Cross, Raghavendra Nagar, Hennur Ring Road, Kalyan Nagar, Bengaluru-560043, aged about 53 years am the Authorized Signatory of Respondent No. 5 and do hereby verify and affirm that the contents from Para 1 to Para 6 of the present reply are true to the best of my knowledge and belief.

Verified at Bengaluru on this 5<sup>th</sup> day of February 2022.

  
DEPONENT  


# **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;



Account Name : RAMKY ENVIRO ENGINEERS LIMITED  
 Address : RAMKY GRANDIOSE-13TH FLOOR, RAMKY  
 TOWERS, GACHIBOWLI, Hyderabad  
 HYDERABAD  
 TELANGANA-500032  
 IN

Date : 1 Dec 2021

Account Number : 00000036192767584

Account Description : CA-REGULAR-PUB-OTH-ALL-INR

Branch : CAG HYDERABAD

Drawing Power : 0.00

Interest Rate(% p.a.) : 0.0

MOD Balance : 0.00

CIF No. : 85627380318

IFS Code : SBIN0013039

MICR Code : 500002147

Balance as on 1 Nov 2021 : 96,771.50

## Account Statement from 1 Nov 2021 to 1 Dec 2021

Txn Date	Value Date	Description	Ref No./Cheque No.	Branch Code	Debit	Credit	Balance
2 Nov 2021	2 Nov 2021	BY TRANSFER-CUSTOMER REQUEST-	TRANSFER FROM 38555859287 RAMKY ENVIRO ENGINEERS /	13039		21,39,603.00	22,36,374.50
18 Nov 2021	18 Nov 2021	TO TRANSFER-NEFT UTR NO: SBIN3213222 04223- HAZARDOU S WASTE TREATMENT STORAGE	TRANSFER TO 99506044303 / HAZARDOU S WASTE TREATMENT STORAGE	13039	21,20,372.60		1,16,001.90

\*\*This is a computer generated statement and does not require a signature.