# Joint committee report in the matter of Hon'ble National Green Tribunal O.A. No. 101/2024(CZ), Naimuddin v/s State of Rajasthan & Ors.

1. **Background:**

An Original Application No. 101/2024 (CZ) has been filed by Sh. Naimuddin before the Hon'ble National Green Tribunal (NGT), Central Zone Bench, Bhopal wherein the applicant has raised the issues of health impact on the nearby residents due to pollution caused by industry namely M/s Mangalam Cement Ltd. The Hon'ble NGT, Central Zone Bench, Bhopal on 30/04/2024, in the matter, has inter alia directed following:

*"We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of:-*

*i. One representative from the Collector, Kota, Rajasthan*
*ii. One representative from Chief Medical & Health Officer, Kota Rajasthan*
*iii. One representative from Rajasthan State Pollution Control Board*

*The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support."*

2. **Constitution of Joint Committee**:

In accordance with the NGT's directives, the following individuals have been nominated as members of the joint committee:

- District Collector, Kota nominated Additional District Magistrate (Ceiling), Kota as member of Joint Committee.
- Chief Medical & Health Officer, Kota nominated Dr. Pramod Kumar, Medical Officer In-charge, CHC Ramganjmandi, Kota as member of Joint Committee.
- Rajasthan State Pollution Control Board nominated Regional Officer, Kota, as member of Joint Committee.

3. **Details of the grievances raised in the O.A. no. 101/2024**

In the O.A. no. 101/2024, the applicant has raised the issues of pollution caused by industry namely M/s Mangalam Cement Ltd. and its impact on health of workers and local residents.

4. **Site Visit, Monitoring & Health Examinations**:

In order to scrutinize the contentions presented by the applicant, the committee members conducted site visit of M/s Mangalam Cement Ltd. on 12/06/2024. During visit the committee members visited all the plants of industry, conducted ambient air and stack sampling. Also, information regarding operation of plant was obtained and the committee also reviewed the documents/details related to the matter. In addition to above, health examination of workers/laborers/residents/employees of M/s Mangalam Cement Ltd. was carried out by the team of doctors under the supervision of Medical Officer In-charge, CHC Ramganjmandi.

5. **Details of industry with air & water pollution sources and pollution control measures adopted:**

The main product of M/s Mangalam Cement Ltd. is Ordinary Portland Cement (OPC) and Pozzolana Portland Cement (PPC). Limestone, gypsum, red ochre, Kota stone slurry and laterite are main raw materials for manufacturing of cement. M/s Mangalam Cement Ltd. has following units operational inside the complex:

(i) Cement Plant (Unit-1, 2 and 3)
(ii) Captive Power Plant (Unit-1 and 2)
(iii) Captive limestone mine

**(i) <u>Cement Plant (Unit - 1, 2 and 3)</u>**

Cement production in the industry is carried out across three units: Unit 1, Unit 2, and Unit 3. The Unit 1 and Unit 2 of the industry have their respective rotary kilns, clinker coolers, coal mills & cement mills, therefore, production of clinker and cement is carried out in Unit 1 and Unit 2. However, the Unit 3 of the industry has only a cement mill, therefore, only crushing of clinker is carried out in Unit 3.

The primary raw material for cement manufacturing is limestone, which is sourced from the industry's captive limestone mines. The limestone procured from this captive limestone mine is crushed in the stone crusher and is sent to stacker reclaimer of Unit 1 and Unit 2. Here it is pertinent to mention that the stacker reclaimer of Unit 1 is under a covered shed, however, industry has provided only temporary covering using tarpaulin sheet with the stacker reclaimer of Unit 2. It was also observed that due to gust of winds in the area, tarpaulin sheets could not contain the fugitive emissions and crushed limestone dust from the stacker reclaimer of Unit 2 was getting airborne. Since the limestone from these mines is of marginal grade, additional high-grade limestone is procured externally. In addition to above, limestone slurry waste is also utilized as a raw material.

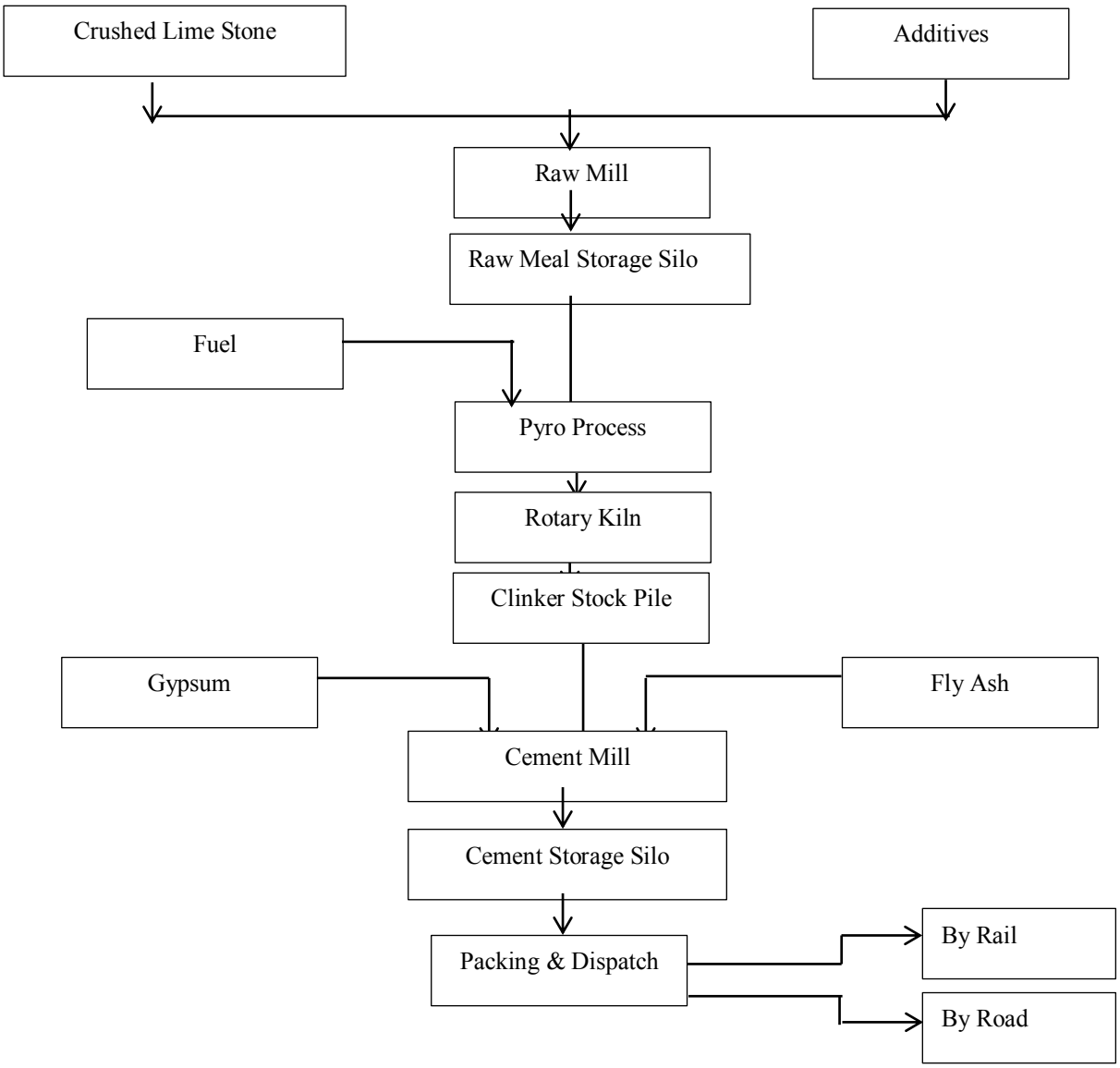
The limestone, along with other raw materials such as laterite and bauxite is stored in curved gantries and stockpiles. However, large quantities of the raw material viz. Gypsum, limestone slurry waste etc. was found stored in the open and were temporally covered using tarpaulin sheets. It was observed that due to gust of winds in the area, tarpaulin sheets could not contain the fugitive emissions and raw materials viz. Gypsum, limestone slurry waste was getting airborne. In order to arrest the fugitive emission, the industry needs to provide additional covered storage or some other arrangements like water sprinkling system.

These raw materials are then transferred from the gantries and stockpiles to their respective hoppers via belt conveyors. From the hoppers, the raw materials are measured in the required proportions and quantities before being fed into the raw mill for grinding. The ground mixture, known as raw meal, is then transported to the raw meal silo through air slides and elevators.

The raw meal is drawn from the silo in the necessary quantities and fed into the pre-heater via a bucket elevator. After pre-calcination, the material reaches the rotary kiln. Petcoke and coal are used as fuels to maintain the required temperatures within the kiln. These fuels are transferred through conveyor belts and stored in the coal hopper. Coal is finely ground in the coal mill and then fired in the main kiln. The rotary kiln produces clinker at temperatures ranging from 1300°C to 1400°C, which is subsequently cooled in the clinker cooler. The cooled clinker is transported and stored in the curved clinker stockpile via bucket conveyors.

To produce Ordinary Portland Cement (OPC), clinker is mixed with gypsum in specific proportions and finely ground in a cement mill. For Portland Pozzolana Cement (PPC), fly ash sourced from thermal power plants is also mixed with clinker and gypsum in the cement mill. The finished OPC and PPC cement is transported to their respective silos through air slides and stored until needed. The cement is then packaged into bags by packers according to market demand. The process flow diagram of cement manufacturing is below:

## Flow diagram of Cement Manufacturing Process




In addition to above unit has also provided waste heat recovery plant with the cement plant. Waste Heat Recovery Power Plant, as also clear by its nomenclature, utilizes waste heat (from hot flue/hot gases which were being discharged into atmosphere through respective stack) of the process for generation of steam (through 4 nos. of boilers viz. 11.8 TPH, 11 TPH, 14 TPH and 16.8 TPH steam generating capacity) and in turn produces 11 MW electricity (through 11 MW turbine). No additional source of air emission has been installed under this project.

The unit wise details of product, production capacity, consent status and pollution control measures adopted with various sections of the cement plant are tabulated in Table 1 below.

**Table 1**

| Sr. No. | Unit Name | Stack attached to | Stack height from GL in m and status of monitoring facility | Details of APCM | Probable Pollutant | Product, Production capacity and consent status |
|---|---|---|---|---|---|---|
| 1 | Unit 1 | Cement Mill (170 TPH) | 30m, adequate monitoring facility | Hybrid Bag filter | Particulate matter | Clinker @ 0.99 MTPA, Cement @ 1.7 MTPA CTO valid upto 31/08/2024<br><br>Clinker @ 0.36 MTPA CTO valid upto 28/02/2026 |
| | | Coal Mill | 53m, adequate monitoring facility | Bag house | Particulate matter | |
| | | Clinker Cooler | 35m, adequate monitoring facility | ESP | Particulate matter | |
| | | Rotary kiln | 145m, adequate monitoring facility | Hybrid Bag filter | Particulate matter, $SO_2$, $NO_x$ | |
| 2 | Unit 2 | Cement Mill (200 TPH) | 30m, adequate monitoring facility | Hybrid Bag filter | Particulate matter | Clinker @ 1.32 MTPA, Cement @ 2.3 MTPA CTO valid upto 31/07/2024 |
| | | Coal Mill | 65m, adequate monitoring facility | Bag house | Particulate matter | |
| | | Clinker Cooler | 39m, adequate monitoring facility | ESP | Particulate matter | |
| | | Rotary kiln | 100m, adequate monitoring facility | Hybrid Bag filter | Particulate matter, $SO_2$, $NO_x$ | |
| 3 | Unit 3 | Cement Mill (250 TPH) | 45m, adequate monitoring facility | Hybrid Bag filter | Particulate matter | Cement @ 6000 TPD CTO valid upto 31/08/2024 |
| 4 | Waste heat recovery plant | | Not required | Not required | Not applicable | Waste Heat Recovery Power Plant @ 11 MW CTO valid upto 31/07/2024 |

Stack monitoring of all stacks of the cement plant and captive power plant was carried out during the site visit of the industry. The analysis results of monitoring carried out on various stacks inside the industry are tabulated in Table 2 below.

**Table 2**

| Sr. No. | Unit Name | Stack attached to | Consented Limit for PM ($mg/Nm^3$) | Analyzed Results for PM ($mg/Nm^3$) |
|---|---|---|---|---|
| 1 | Cement Unit 1 | Cement Mill (170 TPH) | 30 | 20 |

| | | | | |
|---|---|---|---|---|
| | | Coal Mill (30 TPH) | 30 | 27 |
| | | Clinker Cooler | 30 | 24 |
| | | Rotary kiln | 30 | 22 |
| 2 | Cement Unit 2 | Cement Mill (200 TPH) | 30 | 25 |
| | | Coal Mill (280 TPH) | 30 | 23 |
| | | Clinker Cooler | 30 | 28 |
| | | Rotary kiln | 30 | 26 |
| 3 | Cement Unit 3 | Cement Mill (250 TPH) | 30 | 23 |
| 4 | Captive Power Plant | Boiler of CPP Unit-1 | 50 | 25 |

The analysis results of stack monitoring reveals that the parameter is meeting the prescribed standards laid down in consents for stack emission at all the stacks.

Cement plants require to install online gas analyzers (for PM, $SO_2$ and $NO_x$) with the rotary kiln for Continuous Emission Monitoring Systems. The industry has installed the same on the stacks of 2 nos. of rotary kilns and data for same is also being transmitted to RSPCB Server. In addition to above Cement plants also require to install Particulate Matter (PM) online analyzers with the stacks of cement mill, coal mill and clinker cooler for Continuous Emission Monitoring Systems. The industry has installed the same on the stacks of all 3 nos. of cement mill, 2 nos. of coal mill & 2 nos. of clinker cooler and data for same is also being transmitted to RSPCB Server.

**(ii) <u>Captive Power Plant (Unit-1 and 2)</u>**

The power requirement of the industry is met through 2 nos. of coal fired boilers of 80 TPH each which are connected to 2 nos. of turbines having capacity of 17.5 MW each. Out of these 2 nos. of boilers and turbines, only one of boiler and turbine is operational at a time and other is at standby.

The unit had obtained consent to operate for Unit-1 having power generation @ 17.5 MW vide State Board letter dated 10/06/2024 with validity upto 30/04/2029 and consent to operate for Unit-2 having power generation @ 17.5 MW vide State Board letter dated 13/01/2022 with validity upto 28/02/2027. The details of pollution control measures provided with the boilers are tabulated in Table 3 below.

**Table 3**

| Sr No | Stack attached to | Fuel | Capacity | Stack height in meter & its adequacy | Details of APCM | Whether adequate safe infrastructural Monitoring Facility Provided or not? |
|---|---|---|---|---|---|---|
| 1 | Boiler of Unit-1 | Coal | 80 TPH | 77m, Adequate | ESP (4 Fields) | Yes |
| 2 | Boiler of Unit-2 | Coal | 80 TPH | 77m, Adequate | ESP (4 Fields) | Yes |

Since the Boiler of Unit-2 was in standby, only the stack monitoring of the Boiler of Unit-1 was conducted. The analysis results of stack monitoring of Boiler of Unit-1 mentioned in Table 2 above reveals that the parameter is meeting the prescribed standards laid down in consents for stack emission.

Coal based power plants require to install online gas analyzers (for PM, $SO_2$ and $NO_x$) with the stack of boiler for Continuous Emission Monitoring Systems. The industry has installed the same on the stacks of 2 nos. of boilers and data for same is also being transmitted to RSPCB Server.

As per 1st Revised Guidelines for Real-time Effluent Quality Monitoring System dated July, 2018 issued by CPCB, Power plants require to install online analyzers for pH, TSS and Temperature. The industry has installed online analyzers for the same and data of same is also being transmitting to RSPCB Server.

**(iii) Captive limestone mine**

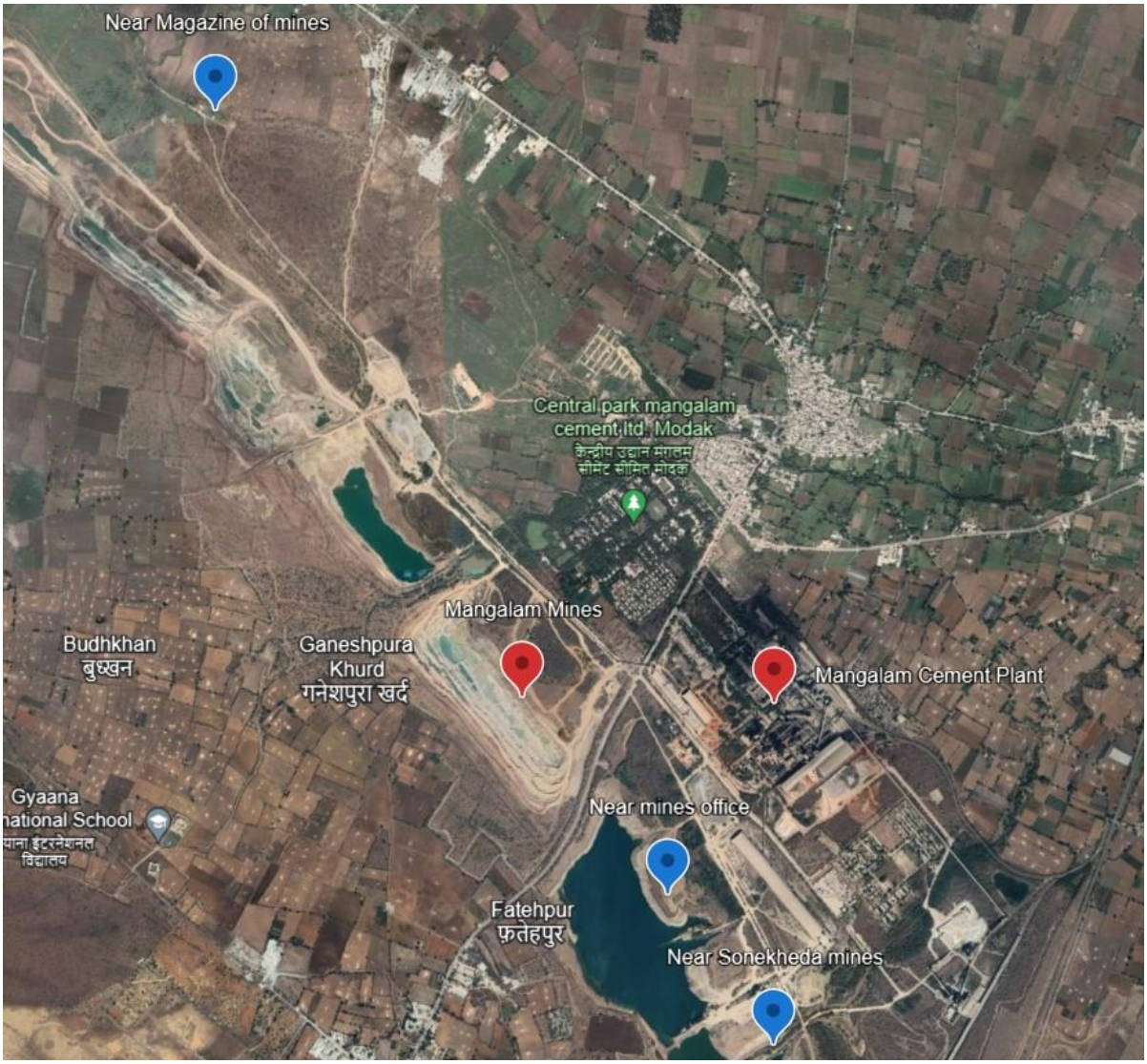
The main raw material of the cement plant is lime stone which is extracted from the industry's captive limestone mines. The limestone found in this captive limestone mine is of marginal grade.

The industry had obtained consent to operate for this captive limestone mine having M.L. No. 02/76 and lease area of 895.42 Ha for production of limestone @ 4.5 MTPA vide State Board letter dated 22/06/2022 with validity upto 30/06/2027. Mining activity in this captive limestone mine is completely carried out through open cast mechanical method. Limestone and overburden stock is mined by shovel dumper combination by making a bench of 8 meters height. In these benches, holes are made by wet drilling machine and they are broken using controlled blasting technique with the help of explosives. Thereafter, with the help of shovel dumper, limestone is sent to crusher and overburden is sent to reclamation site.

As per information provided by the industry, the pits formed after mining are back filled i.e. recharged, leveled and spread soil and plantation is carried out on the backfilled section. Rainwater collected in the mining pits is used by the industry for industrial as well as domestic consumption. Water is also continuously sprinkled on transportation road within the lease area to control fugitive emission.

In order to crush the limestone coming out of the industry's captive limestone mine, the industry has installed two crushers of 350 TPH and 550 TPH capacity which are installed in the mine lease area of the industry. The industry had obtained consent to operate for these two crushers of 350 TPH and 550 TPH capacity vide State Board letter dated 27/10/2022 with validity upto 31/10/2032. In order to control the fugitive emissions from the crushers, both of the crushers and screens have been installed in an enclosed housing, pulse jet bag filters have been provided at all transfer points and water is sprinkled on the hopper. The crushed limestone is sent to the stacker reclaimer section of the cement plant through belt conveyor from the limestone crusher. The belt conveyors used for transferring this crushed limestone is covered with tin sheets and suitable bag filters have been installed at each transfer point.

During the site visit of the industry, the ambient air monitoring was carried out at three locations inside the mining lease during day time as well as night time. The analysis results of the ambient air monitoring carried out inside the mining lease are tabulated in Table 4 below.



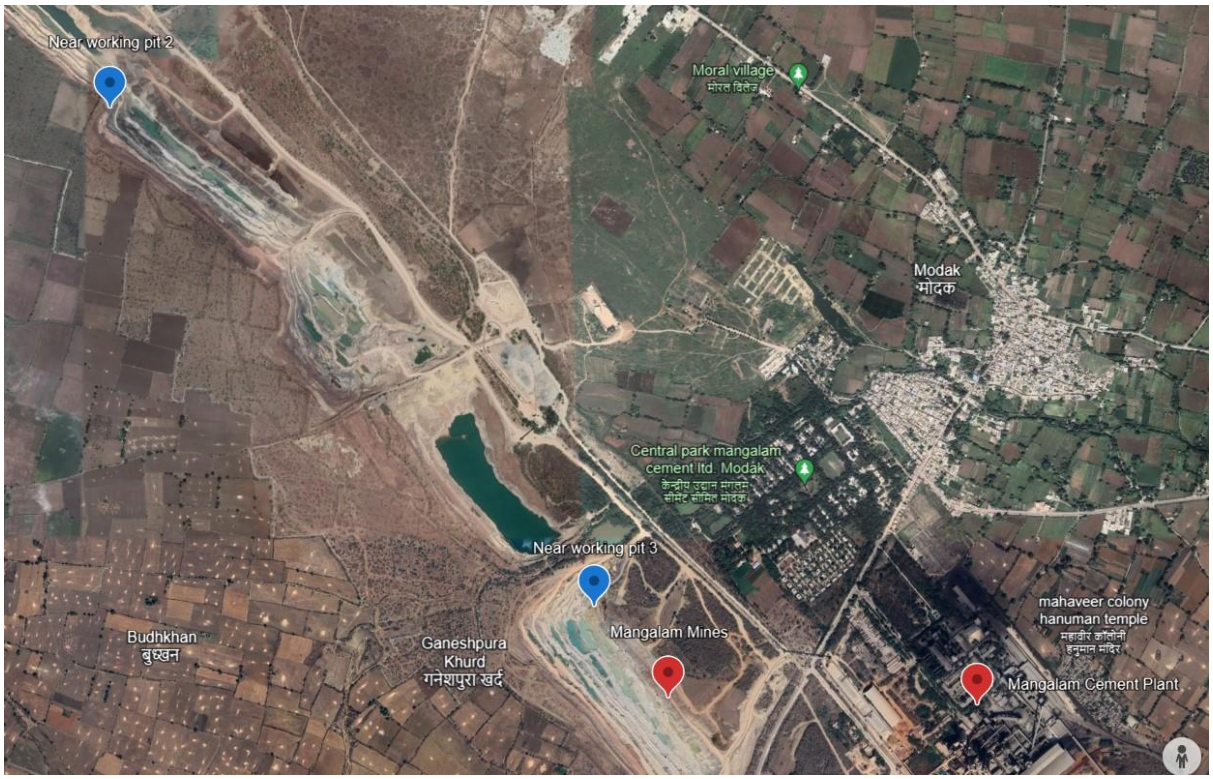

**Screenshot of Google Earth showing ambient air monitoring locations w.r.t. mining lease of the industry**

**Table 4**

| **Time/ Location** | **Day** | | | **Night** | | |
|---|---|---|---|---|---|---|
| **Parameters** | **PM ($\mu g/m^3$)** | **$SO_x$ ($\mu g/m^3$)** | **$NO_x$ ($\mu g/m^3$)** | **PM ($\mu g/m^3$)** | **$SO_x$ ($\mu g/m^3$)** | **$NO_x$ ($\mu g/m^3$)** |
| **Permissible limits** | **100** | **80** | **80** | **100** | **80** | **80** |
| Near Mines Office | 121 | 9.4 | 31.9 | 58 | 7.5 | 23.1 |
| Near Sonekheda mines | 132 | 9.3 | 33.3 | 57 | 7.4 | 22.4 |
| Near Magazine of mines | 127 | 8.8 | 32.4 | 51 | 7.5 | 22.8 |

The analysis results of this ambient air monitoring of mine reveals that the ambient air samples of the unit collected during day time are not complying with the prescribed standards at all the locations. However, ambient air samples of the unit collected during night time are complying with the prescribed standards at all the locations.

Further, fugitive emission monitoring was carried out during the site visit of the industry at two locations at approx. 9m away from the working pit at the mining lease. In addition to above, fugitive emission monitoring was carried out at approx. 9m away from both of the crushers. The analysis results of the fugitive emission monitoring are tabulated in Table 5 below.




**Screenshot of Google Earth showing fugitive emission monitoring locations near working pits of the mining lease**

**Table 5**

| Location | SPM ($\mu g/m^3$) |
|---|---|
| **Permissible limits** | **600** |
| Near working pit 2 | 316 |
| Near working pit 3 | 367 |
| Near crusher 1 | 586 |
| Near crusher 2 | 576 |

The analysis results of fugitive monitoring reveals that the parameter is meeting the prescribed standards at all the locations.

6. **<u>Ambient air monitoring carried out within and outside the industry</u>**

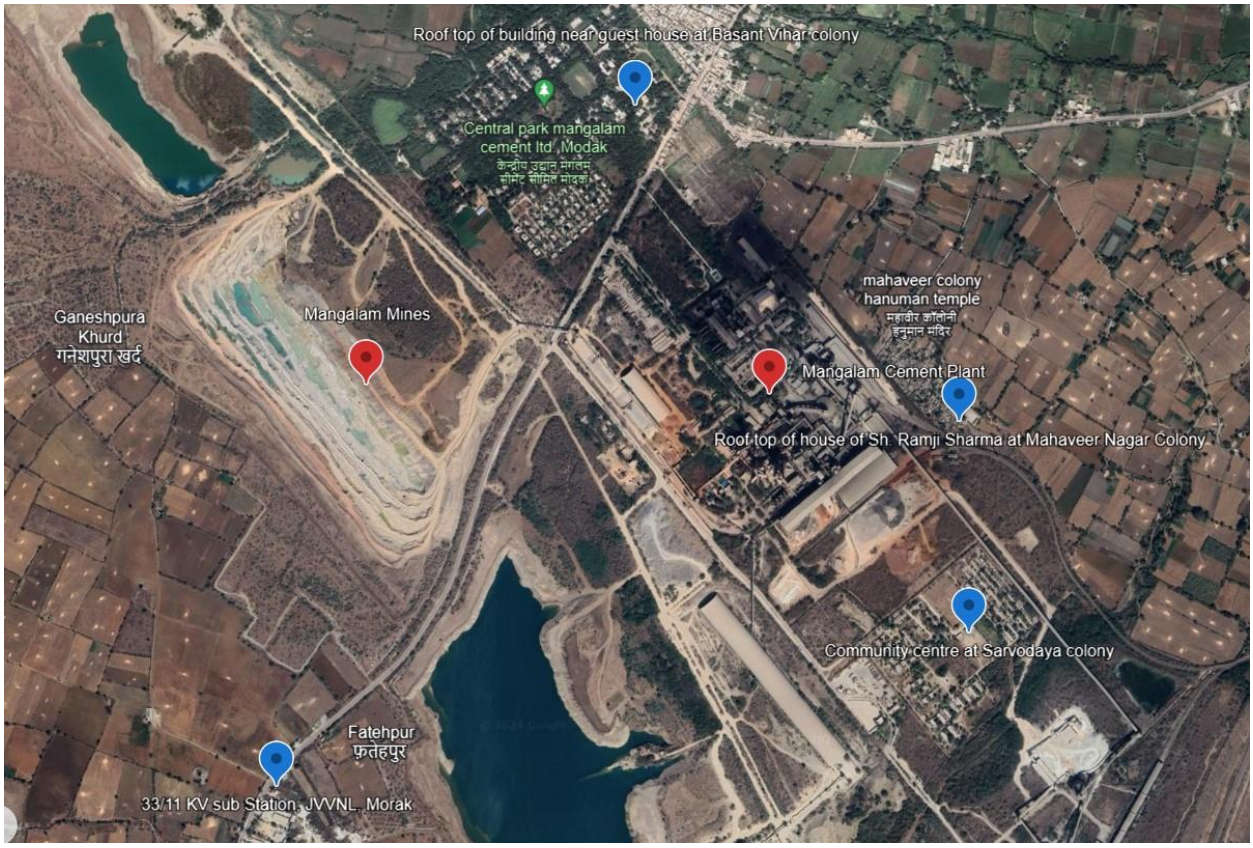
Ambient air monitoring was carried out at 4 locations within the premises and 4 locations outside the premises of the industry during day time as well as night time. The ambient air monitoring locations were chosen so as to cover all the directions of the industry. The analysis results of the ambient air monitoring carried out inside and outside the industry are tabulated in Table 6 & Table 7 below.


**Screenshot of Google Earth showing ambient air monitoring locations inside the premises of the industry**

**Table 6**

| Consolidated Analysis Results of Ambient Air Monitoring conducted inside the industry | | | | | | |
|---|---|---|---|---|---|---|
| **Time/ Location** | **Day** | | | **Night** | | |
| **Parameters** | **PM ($\mu g/m^3$)** | **$SO_x$ ($\mu g/m^3$)** | **$NO_x$ ($\mu g/m^3$)** | **PM ($\mu g/m^3$)** | **$SO_x$ ($\mu g/m^3$)** | **$NO_x$ ($\mu g/m^3$)** |
| **Permissible limits** | **100** | **80** | **80** | **100** | **80** | **80** |
| Near workshop | 152 | 10.4 | 35.4 | 129 | 8.2 | 27 |
| Near security gate | 84 | 10.5 | 35.7 | 61 | 9.5 | 27.2 |

| | | | | | | |
|---|---|---|---|---|---|---|
| Near rack loading area | 143 | 10.7 | 36.2 | 72 | 8.5 | 30.6 |
| Near railway gate | 155 | 10.8 | 37.8 | 69 | 8 | 29.6 |




**Screenshot of Google Earth showing ambient air monitoring locations outside the premises of the industry**

**Table 7**

| Consolidated Analysis Results of Ambient Air Monitoring conducted outside the industry | | | | | | |
|---|---|---|---|---|---|---|
| **Time/ Location** | **Day** | | | **Night** | | |
| **Parameters** | **PM ($\mu g/m^3$)** | **$SO_x$ ($\mu g/m^3$)** | **$NO_x$ ($\mu g/m^3$)** | **PM ($\mu g/m^3$)** | **$SO_x$ ($\mu g/m^3$)** | **$NO_x$ ($\mu g/m^3$)** |
| **Permissible limits** | **100** | **80** | **80** | **100** | **80** | **80** |
| Community centre at Sarvodaya colony | 142 | 11.9 | 35.2 | 83 | 8.8 | 25.6 |
| Roof top of building near guest house at Basant Vihar colony | 91 | 10.3 | 35.9 | 71 | 8.1 | 24.5 |
| Roof top of house of Sh. Ramji Sharma at Mahaveer Nagar Colony | 149 | 11.7 | 33.4 | 80 | 7.7 | 26.8 |

| | | | | | | |
|---|---|---|---|---|---|---|
| 33/11 KVA Sub-station, JVVNL, Morak | 146 | 11.1 | 32.8 | 79 | 7.5 | 26.9 |

The analysis results reveals that ambient air samples from three of the four locations within the premises do not meet the prescribed standards during daytime hours, and one of the four locations fails to meet the standards during nighttime hours.

The analysis results also reveals that ambient air samples from three of the four locations outside the premises do not meet the prescribed standards during daytime hours. However, ambient air samples at these locations collected during night time are complying with the prescribed standards at all the locations.

## 7. Non-compliances observed during visit at a glance

Industry is not complying with "Environmental Guidelines for Prevention and Control of Fugitive Emissions from Cement Plants" issued by CPCB as:

a. No shed has been provided with the stacker reclaimer section of Unit 2. However, the unit has provided temporary covering using tarpaulin sheet. Nevertheless, it was observed that due to gust of winds in the area, tarpaulin sheets could not contain the fugitive emissions and crushed limestone dust from the stacker reclaimer section of Unit 2 was getting airborne. In order to arrest the fugitive emission, the industry needs to provide additional covered storage or some other arrangement like water sprinkling system.

b. Large quantities of the raw material viz. Gypsum, limestone slurry waste etc. was found stored in the open and were temporally covered using tarpaulin sheets. It was observed that due to gust of winds in the area, tarpaulin sheets could not contain the fugitive emissions and raw materials viz. Gypsum, limestone slurry waste was getting airborne. In order to arrest the fugitive emission, the industry needs to provide additional covered storage or some other arrangement like water sprinkling system.

c. Though most of the internal roads are cemented, however, the cemented roads have not been provided for approach to the coal yard.

d. Industry practices manual sweeping for cleaning of internal roads even though industry has 3 nos. of automatic road sweeping machines. However, none of these automatic road sweeping machines was found deployed during site visit.

## 8. Health Examination

In order to examine health of workers/laborers/residents/employees of M/s Mangalam Cement Ltd., a team of three doctors was deputed under the supervision of Medical Officer In-charge, CHC Ramganjmandi on 14/06/2024. The observations of the team are as under:

a. The industry M/s Mangalam Cement Ltd. has two residential colonies namely Sarvodaya Vihar and Vasant Vihar, adjacent to the plant, where the workers/laborers/residents/employees of the industry reside. A random health checkup of 220 workers/laborers/residents/employees was carried out, taking into consideration the duration of their employment or service with M/s Mangalam Cement Ltd.

| Sr. No. | Duration of the employment/service | Number of workers/laborers and employees |
|---|---|---|
| 1 | 0 to 10 years | 61 |
| 2 | 11 to 20 years | 75 |
| 3 | 21 to 30 years | 65 |
| 4 | 31 to 40 years | 19 |
| Total | | 220 |

b. During the health checkup of above individuals, the team of doctors reviewed their past medical history, consulted them regarding any ongoing health issues (if any), and diagnosed lung-related problems based on blood samples, sputum analysis, and x-ray analysis as needed.

c. Among the 220 individuals checked, four were suspected of having tuberculosis based on their x-ray reports. Blood and sputum samples were then taken from these four individuals. The analysis results of these samples revealed that they were not suffering from any lung ailments.

d. Thus, the health examination found no individuals suffering from lung ailments. Therefore, it cannot be concluded that lung-related health issues are caused by M/s Mangalam Cement Ltd.

e. Regarding the news article published in Rajasthan Patrika on 30/03/2024 as reffered by the applicant in its application before the Hon'ble NGT, information on number of ongoing cases of tuberculosis patients in the nearby area was sought from CHC Modak, Budhkhan Subcentre of CHC Chechat and PHC Modak Gaon. These health centers reported a total 26 number of ongoing cases of tuberculosis patients in the area (16 cases of CHC Modak, 2 cases of Budhkhan Subcentre of CHC Chechat and 8 cases of PHC Modak Gaon). In addition to above, District Tuberculosis Prevention Centre, Kota reported no cases of silicosis in the vicinity of M/s Mangalam Cement Ltd.

## 9. **Conclusion**

a. The industry has adopted pollution control measures at all units of the cement plant and captive power plant. Additionally, the stack monitoring results for all stacks, as mentioned in Table 2, comply with the consented parameters, indicating that the pollution control measures for the process stacks are adequate. However, the ambient air monitoring results at some locations did not meet the prescribed standards. This is due to the industry's inadequate arrangements for controlling fugitive emissions.

b. The population of Modak, Ramganjmandi is approximately 45,000 and with 26 ongoing cases of tuberculosis, the incidence appears to be within normal range. Additionally, health checkups of workers, laborers, and other employees revealed no cases of lung ailments. Therefore, role of M/s Mangalam Cement Ltd. for causing lung-related health issues cannot be established.

10. **Action Taken**

On the basis of non-compliances observed i.e. inadequate arrangements for control of fugitive emission, directions for deposition of interim environmental compensation of Rs.48,10,000/- under section 33A of the Water Act, 1974 and section 31A of the Air Act, 1981 has been issued to the industry vide State Board's letter dated 18/07/2024. ***(copy of State Board's letter dated 18/07/2024 is enclosed and annexed herewith as Annexure I)***

(Krishna Devi)
ADM (Ceiling),
Kota

(Dr. Pramod Kumar)
Medical Officer In-charge,
CHC Ramganjmandi, Kota

(Amit Soni)
Regional Officer,
RSPCB, Kota

Annexure I

# Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004
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RSPCB HelpLine No. : 0141-2716877

**Registered Post**

F (Tech) RSPCB/CPP/C-2/ 208-209 Date:- 18/07/2024

**M/s Mangalam Cement Ltd.,**
**PO- Aditya Nagar, Village-Morak,**
**Tehsil-Ramganj Mandi, District-Kota**

Sub: Directions for deposition of interim Environmental Compensation under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016.

1. Whereas section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
2. And whereas section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, operation or process or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land or bring into use any new or altered outlet for the discharge of sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
3. And whereas section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas you are operating the unit/establishment/ entity/plant (hereinafter referred to as the industry) in the name of M/s Mangalam Cement Ltd., which is engaged in operating an industrial plant / operation / process at PO- Aditya Nagar, Village-Morak, Tehsil-Ramganj Mandi, District-Kota.
5. And whereas it has been observed during inspection dated 25.05.2024 that you have violated the provisions of the Air Act and/or Water Act. Details are as under:
    i. No air pollution control measures has been provided and no shed has been provided with the stacker reclaimer section of unit II. Temporary covering using tarpaulin sheet was also not provided.
    ii. General housekeeping in the plant was unsatisfactory.
    iii. Large quantities of raw material wiz. gypsum, limestone slurry waste etc. was found stored in the open.
    iv. The cemented roads have not been provided for approach to the coal yard and significant quantity of dust was found in the vicinity.
    v. The industry practices manual sweeping for cleaning of internal roads instead of automatic road sweeping machines.
    vi. Water sprinkling system provided with the coal shed and gantry area was out of order.
    vii. The unit is not complying with "Environmental Guidelines for Prevention and Control of Fugitive Emissions from Cement Plants" issued by CPCB.

# Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

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RSPCB HelpLine No. : 0141-2716877


6. And whereas the non-compliance observed in inspection report dated 25.05.2024 was communicated to the industry vide show cause notice dated 06.06.2024.
7. And whereas industry submitted its reply vide letter dated 20.06.2024 and the contents of reply has been verified by RO Kota and observed that industry has failed to rectify the non-compliances observed in respect of following:-
   i. No air pollution control measure and shed have been provided with the stacker reclaimer section of unit II. Covering from tarpaulin sheets is not sufficient to control fugitive emissions due to high winds and crushed limestone dust from the stacker reclaimer section of unit II was getting airborne.
   ii. General housekeeping in the plant was found to be unsatisfactory.
   iii. Temporally covering from tarpaulin sheets is not sufficient to control fugitive emissions due to high winds and raw materials wiz. gypsum, limestone slurry waste was getting airborne. The industry is required to provide more shed area for proper storage of raw materials.
   iv. The cemented roads have not been provided for approach to the coal yard.
   v. No automatic road sweeping machines was found deployed during inspection.
   vi. The unit is still not complying with "Environmental Guidelines for Prevention and Control of Fugitive Emissions from Cement Plants" issued by CPCB.
8. And whereas, the stack & ambient air quality monitoring were carried out on 06-08.05.2024 & 12-13.06.2024 and the analysis reports of Ambient Air Quality Monitoring reveals that the parameter i.e. Particulate Matter ($PM_{10}$) at various locations has exceeded the prescribed standards.
9. And whereas, a show cause notice for intended imposition of Environmental Compensation was issued vide Board letter dated 25.06.2024 to which industry submitted its reply dated 10.07.2024 confirming to pay Environmental Compensation of Rs. 48,10,000/- and also submitted the action plan to rectify non-compliances.
10. And whereas the above observations indicate that the industry has failed to comply with the provisions of Air Act and Water Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by making discharge of effluent/ emissions has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
11. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble NGT in Original Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the individuals/ units /industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.
12. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
13. And whereas the industry is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court and Hon'ble NGT in various orders.
14. And whereas RO Kota has reported that unit will require at least 6 months time to rectify the non-compliance/violations) therefore, the non-compliance of total **185** days (i.e. from **25.05.2024** to **25.11.2024**) has been calculated for the industry.
15. And whereas the Board has estimated the amount of interim environmental compensation to be levied on the industry as Rs. **48, 10,000/- (Rupees Forty Eight Lacs Ten Thousand)** on the basis of Polluter Pays Principle.

# Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

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16. And whereas the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.

In view of the above, the State Board in exercise of the powers conferred upon it under Section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts, hereby directs the industry to deposit the amount of **48, 10,000/- (Rupees Forty Eight Lacs Ten Thousand)** as Environmental Compensation on the basis of 'Polluter Pays Principle' in Regional office of the RSPCB at Kota within 60 days. The Environmental Compensation may be deposited through a demand draft drawn in the favour of the Member Secretary, Rajasthan State Pollution Control Board, Jaipur.

Please be informed that in case of failure to deposit the Environmental Compensation, the industry will be liable for following actions: -

i. Consent to Establish and/ or Consent to Operate shall be refused/ revoked without any further notice.
ii. Any application for grant/ renewal of Consent to Establish or Consent to Operate shall not be entertained by the Board.
iii. After 60 days the industry shall be liable to pay additional amount @ 1.5% of the Environmental Compensation amount per month till deposition of the Environmental Compensation.

It may be further noted that in case of failure to comply with these directions, the industry shall be closed immediately without any prior notice and action shall be initiated as per the Acts.

This bears approval of the competent authority.

Yours sincerely,

प्रतिभा 18/07/24

(Pratibha Singh)
EE & GIC (Cement)

o/c

Copy to the following for information / necessary action:-

1. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Kota with a request to forward the demand draft received from the industry to Accounts Section of Head Office, Jaipur with a statement of amount deposited to this office.
2. Master File.

प्रतिभा 18/07/24

EE & GIC (Cement)

o/c