

Action Taken Report
in matter of
Original Application No.146 of 2020
Umesh Kumar
Vs
State of Uttrakhand

In compliance of order dated 27.09.2020 of the

**Hon'ble National Green Tribunal,
Principal Bench,
New Delhi**



Uttarakhand Pollution Control Board
“Gaura Devi Paryavarn Bhawan”

Action Taken Report
In the matter of
Original Application No. 146 of 2020

Umesh Kumar

(Applicant)

Vs

State of Uttarakhand

(Respondent)

In compliance of the order passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi on dated 27.11.2020, The joint committee conducted the inspection of M/s NKG Infrastructure (Hot Mix Plant), Vill-Birahi, Chamoli on 18.12.2020. The inspection report is enclosed as **Annexure-01**.

The summary of the Joint Inspection report is as follows: -

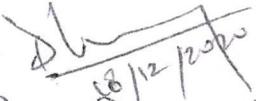
1. The M/s NKG Infrastructure (Hot Mix Plant) is located in Vill-Birahi, District-Chamoli.
2. The Hot Mix Plant is in operational and dedicated to Road, Chardham Project only.
3. The District Magistrate, Chamoli has granted the conditional permission to Hot Mix Plant from 01-10-2019 to 30-06-2020 or up to completion of project work, which even earlier vide letter no. 08/30-hot mix plant (2018-2019)/Gopeshwar on dated 05/10/2019. The copy of the permission is annexed at **Annexure-02**. The unit has provided stack along with wet scrubber.
4. Unit has obtained consent to operate from UKPCB under the water (prevention & control of pollution) Act 1974 and Air (prevention & control of pollution) Act 1981, which is valid up to 31.03.20 and further extended up to 31.03.2021 and copy of Consent to Operate is annexed at **Annexure -03**.

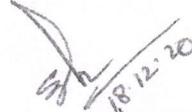
The distance of the Hot Mix Plant is 25 meters away from Alknanda River.

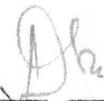
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मैसर्स एन0के0जी0 इन्फ्रास्ट्रक्चर लि0 (हॉट मिक्स प्लॉट) ग्राम बिरही चमोली की
संयुक्त निरीक्षण आख्या

उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड मुख्यालय के पत्रांक संख्या यू0के0पी0सी0बी0/एच0ओ0/सा.-183/496/5075-1016 दिनांक 04.12.2020 एवं कार्यालय जिला अधिकारी चमोली के पत्रांक स0 1765/29-4(2020-2021) गोपेश्वर दिनांक 07 दिसम्बर 2020 के अनुपालन में जो कि माननीय राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन स0 146/2020, उमेश कुमार बनाम उत्तराखण्ड सरकार से सम्बंधित है, का निरीक्षण आज दिनांक 18-12-2020 को राजस्व विभाग, खनन विभाग व प्रदूषण नियंत्रण बोर्ड के अधिकारियों द्वारा किया गया। मा0 एन0जी0टी0 द्वारा हॉट मिक्स प्लांट से अलकनन्दा नदी की दूरी के सम्बंध में आख्या चाही गयी है। निरीक्षण के समय मै0 एन0के0जी0 इन्फ्रास्ट्रक्चर लि0 द्वारा ग्राम बिरही चमोली में संचालित हॉट मिक्स प्लांट की दूरी अलकनन्दा नदी से 25 मीटर पायी गयी। यहां यह भी उल्लेखनीय है कि उक्त हॉट मिक्स प्लांट ऑल वेदर रोड निर्माण हेतु स्थापित/ संचालित है। उक्त हॉट मिक्स प्लांट को जिला अधिकारी कार्यालय चमोली के आदेश स0 08/30-हॉट मिक्स प्लांट (2018-2019) गोपेश्वर 05 अक्टूबर 2019 के माध्यम से अनुज्ञा निर्गत की गयी हैं।


(धीरज सिंह राणा)
नायब तहसीलदार
चमोली


(एस एस चौहान)
सहा0वैज्ञा0अधि0
यू0के0 पी.सी.बी.
देहरादून


(दिनेश कुमार)
उप निदेशक
खनन विभाग
चमोली


(अमित पोखरियाल)
क्षेत्रीय अधिकारी
यू0के0 पी.सी.बी.
देहरादून

॥ आदेश ॥

उप महाप्रबन्धक, राष्ट्रीय राजमार्ग एवं अवसथना विनियम निगम लिमिटेड 81/73, बलबोर रोड, देहरादून, उत्तराखण्ड पिन-248001 द्वारा वेबसाई एन-10/2016 इन्फार्मेशन लिमिटेड नई दिल्ली हाल पीपलकोटी तहसील एवं जिला चमोली के आवेदन पत्र दिनांक 16.05.2018 के क्रम में आयोगिक विनियम अनुभाग, उत्तराखण्ड शासन के कार्यालय प्राप्त संख्या-1750/VII-1/16/08-रि/08 दिनांक 19 नवम्बर, 2016 द्वारा प्रख्यापित स्लोन केशर, स्वीनिंग प्लाट, हॉट गिवस प्लाट, रीडिगिक्स प्लाट, प्लानसाइजर एवं मोबाईल स्लोन केशर समय नीति, 2016 के अन्तर्गत अध्याय-V के नियम संख्या-1 (न) में दिये गये प्राविधानानुसार आवेदक एन-10/2016/आई0डी0सी0एल0 द्वारा वेबसाई एन-10/2016 इन्फार्मेशन लिमिटेड नई दिल्ली हाल पीपलकोटी तहसील एवं जिला चमोली के स्लान पत्र-माडी (निरही) की संख्या 0-18 के खसरा नम्बर 1540 रकबा 9588 हेक्टर भूमि मध्ये 0200 हेक्टर 00 वर्ग जो गैर जे-20/ए0पेपी-9(3) ग गौवर, जो परिवोजना वर्गी हेतु एन-10/2016/आई0डी0सी0एल0 के अधीन एक खसरा संख्या 58 (गैर वेदर रोड) के एक जो भी फल हो के लिए एतद्वारा स्वीकृत/अनुमति प्रदान की जाती है -

01. उत्तराखण्ड स्लोन केशर, स्वीनिंग प्लाट, प्लानसाइजर, मोबाईल स्लोन केशर, मोबाईल स्वीनिंग प्लाट, हॉट गिवस प्लाट, रीडिगिक्स प्लाट अनुमति नीति, 2016 के अन्तर्गत अध्याय -V में दिये गये प्राविधानों का पालन इकाई से अनुपालन किया जाना आवश्यक होगा।
02. पर्यावरण (संरक्षण) अधिनियम-1986 में दिये गये प्राविधानों का अक्षरशः अनुपालन किया जाना आवश्यक होगा।
03. हॉटगिवस प्लाट स्वामी के द्वारा कर व विक्रय किये गये उपखनिज आदि का मासिक विवरणी निर्धारित प्रपत्र में प्रत्येक माह के प्रथम सप्ताह में इस कार्यालय, वाणिज्य कर कार्यालय तथा मृतत्व एवं खनिकर्म निदेशालय के जनपदीय कार्यालय में जमा किया जाना होगा।
04. हॉटगिवस प्लाट संचालकों द्वारा बालू या बजरी या कोल्डर या उनके द्वारा उत्पाद अर्थात् कच्चा माल व पक्का के प्लाट में उपयोग किये गये मात्र पर 01 रुपया प्रति कुन्चल की समतुल्य क्षमता पर्यावरण एवं खनिज सम्पदा शुल्क के रूप में निर्धारित लेखा शीर्षक-0853 अर्थात् धनु खनन एवं खनिकर्म उपयोग में जमा किया जाना होगा।
05. हॉटगिवस प्लाट का पंजीकरण निदेशक, मृतत्व एवं खनिकर्म इकाई द्वारा 05 वर्ष हेतु किया जायेगा तथा प्रत्येक वर्ष प्लाट के संचालन हेतु पंजीकरण का नवीनीकरण किया जाना होगा।
06. शासन /निदेशालय /महोदय द्वारा समय-2 पर निर्गत शासनादेशों /आदेशों का का कड़ाई से पालन किया जाना होगा।
07. हॉटगिवस प्लाट में पक्के माल के भण्डारण एवं परिवहन उत्तराखण्ड खनिज नीति, 2005 के अधीन प्राप्त कर प्लाट का संचालन किया जाना होगा।
08. हॉटगिवस प्लाट का पंजीकरण निदेशक, मृतत्व एवं खनिकर्म इकाई द्वारा किया जायेगा प्लाट के संचालन हेतु प्रत्येक वर्ष पंजीकरण का नवीनीकरण किया जायेगा।
09. वर्षा ऋतु में (अर्थात् 01 जुलाई से 30 सितम्बर तक) खनन/चुगान/भण्डारण की संक्रियायें स्थगित रहेंगी।
10. हॉटगिवस प्लाट स्वीकृत होने पर पर्यावरणीय स्वीकृति/सहमति प्राप्त की जानी आवश्यक होगी।

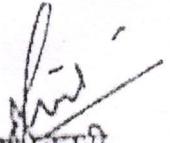
(स्वाति एस0भदौरिया)
जिलाधिकारी,
चमोली।

कार्यालय जिलाधिकारी, चमोली।

संख्या- ०८ / तीरा- हॉटगिक्स प्लान्ट (2018 - 2019) दिनांक: गोपेश्वर: 5, अक्टूबर, 2019

प्रतिलिपि: निम्नांकित को सूचनार्थ एवं अनुपालनार्थ प्रेषित :-

1. अपर सचिव, औद्योगिक विकास अनुभाग, उत्तराखण्ड शासन देहरादून।
2. निदेशक, भूतत्व एवं खनिकर्म इकाई उद्योग निदेशालय, उत्तराखण्ड, गोपालपानी देहरादून।
3. पुलिस अधीक्षक चमोली।
4. उप जिलाधिकारी, चमोली।
5. प्रभागीय वनाधिकारी, बदरीनाथ वन प्रभाग गोपेश्वर।
6. क्षेत्रीय अधिकारी, उत्तराखण्ड परिवरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड ई-15 नेहरू कालोनी देहरादून।
7. खान अधिकारी/खान निरीक्षक, भूतत्व एवं खनिकर्म इकाई चमोली।
8. उप महाप्रबन्धक, राष्ट्रीय राजमार्ग एवं अवसंरचना विकास निगम लिमिटेड, 81/73, बलबीर रोड, देहरादून, उत्तराखण्ड पिन-24800
9. मैसर्स एन०के०जी० इन्फ्रास्ट्रक्चर लिमिटेड नई दिल्ली हाल पीपलकोटी तहसील एवं जिला चमोली।


जिलाधिकारी,
चमोली।



REGIONAL OFFICE
Uttarakhand Pollution Control Board
E-115, Nehru Colony, Dehra Dun (Uttarakhand)
 Web : www.ukocmms.nic.in, E-mail : rouppcb@gmail.com

UEPPCB/ROD/CH/C-89

/2019-20/3979-1807

Date: 19/02/2020
REGD. POST

To,

M/s NKG Infrastructure Pvt. Ltd. (Hot Mix Plant)
 Village Gadi, Birhi
 Tehsil & Post Chamoli
 Distt. Chamoli.

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the "Water (Prevention & Control of Pollution) Act, 1974" and under Section-21 of the "Air (Prevention & Control of Pollution) Act, 1981" and Authorization under "Rule-5" of the "Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008" notified under "Environment (Protection) Act, 1986" as applicable (to be referred hereinafter as Water Act, Air Act respectively).

Application No. 316761 Date: 17.02.2020

CCA is hereby granted to M/s NKG Infrastructure Pvt. Ltd. (Hot Mix Plant) located at Village Gadi, Birhi, Tehsil & Post Chamoli, Distt. Chamoli subject to the provisions of the Water Act, Air Act and HW Rules and the orders that may be made further and subject to following terms and conditions :-

1. This CCA is granted up to 30.06.2020 and valid for manufacturing of following products with Capital Investment / Net Assets Values 0.52 Crs:-

S. No.	Last CTE		Present CCA (Fresh)	
	Product	Quantity (Per Hour)	Product	Quantity (Per Hour)
1	-	-	Manufacturing of Bituminous Mix	25 MT

2. Specific Conditions under Water Act:

- (i) The daily quantity of effluent discharge (KLD) :-

	Last CTE	Present CCA (Fresh)
Trade Effluent	-	Nil
Sewage	-	0.2 KLD

- (ii) Trade effluent treatment and disposal - Nil.

- (iii) **Sewage Treatment and Disposal:** The applicant shall provide comprehensive treatment and disposal facility for the treatment of domestic waste as per norms.

3. Conditions under Air Act :-

- (i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as is required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards :

S. No	Stack attached with	Stack height (Mt)	Type of Fuel	Fuel Quantity KLD/MTD	Emission Control Equipment	Emission standards not to exceed
1.	D.G. Set (125 KVA)	1.0	Diesel	10	Natural Draft & Acoustic	-

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

- (ii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day time	Night time	Day time	Night time	Day time	Night time	Day time	Night time
	75	70	65	55	55	45	50	40

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

4. Conditions under HW Rules :-

- (i) Number of authorization and date of issue : -----
(ii) The **Factory Manager** of M/s is hereby granted an authorization to operate a facility for collection and storage of Hazardous wastes.
(iii) The authorization is granted to operate a facility for generation, collection and storage of hazardous wastes within factory premises for following category of wastes.

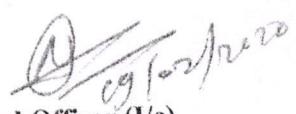
S.No.	Category (Schedule-I & Schedule-II)	Quantity of Waste for which authorization is being issued (MTA)	Mode of Disposal
3	Schedule I – 5.1	0.001 MT	Disposable

- (iv) The authorization shall be in force for **30.06.2020**
(v) The authorization is subject to the conditions stated below and the such conditions as may be specified in the rules for the time being in force under Environment (Protection) Act, 1986.

Terms and conditions of authorization:

- (i) The authorization shall comply with the provisions of the **Environment (Protection) Act, 1986**, and the rules made there under.
(ii) The authorization and its renewal shall be produced for inspection at the request of an officer authorized by the SPCB/PCC.
(iii) The person authorized shall not rent, lend, sell, transfer or otherwise transport the hazardous wastes without obtaining prior permission of the SPCB/PCC.
(iv) Any unauthorized changes in personnel, equipment as working conditions as mentioned in the application by the person authorized shall constitute a breach of his authorization.
(v) It is the duty of the authorized person to take prior permission of the SPCB/PCC to close down the facility.
(vi) An application for the renewal of an authorization shall be made as laid down under these rules.
(vii) The unit shall comply with any other conditions specified in the guidelines issued by the MoEF or CPCB/SPCB from time to time.
5. This CCA is valid for **Hot Mix Plant** Process only.
6. **Compulsory documents to be submitted by the Industry/Unit :-**
(i) Annual return in **Form-4** and **Waste Disposal Manifest** in **Form-10** under HW Rules and **Third Party Audit Report**.
(ii) Environment Statement in **Form-V** of **Environment (Protection) Rules, 1986**.
(iii) Quarterly **compliance report of the CCA**, photograph of **ETP/APCs/Waste Storage Area**.
7. Unit has to apply for renewal of CCA well in advance of 60 days of expiry of this CCA.
8. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.

9. Unit has to comply with the other general conditions as annexed herewith. Non compliance of any provision of this CCA and provisions of the **Water Act, Air Act and HW Rules** will result in legal action under the aforesaid **Acts and Rules**.


Regional Officer (I/c)

Copy to: Member Secretary, Uttarakhand Pollution Control Board, Dehradun for kind information please.


Regional Officer (I/c)

Annexure

rcsd
19/2/2020

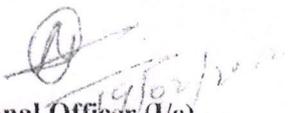
Specific Conditions:

1. The applicant shall submit audited balance sheet of the unit at the end of each financial year so that fee submitted by the applicant could be assessed.
2. A Solid wastes generated from the industry has to be disposed in manner so that contamination of surface water bodies/ground water/soil etc. does not take place.
3. The industry shall comply with the **Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2016** notified under the **Environment (Protection) Act, 1986** (as amended).
4. The industry shall take adequate measures to control of noise from its own source so as to comply with the standards as may be applicable.
5. The applicant shall develop green belt within the premises.
6. The industry shall strictly adhere with the specific and general conditions issued with CCA order. Any violation of stipulated conditions may attract legal action under the provisions of **Water Act, Air Act and Environment (Protection) Act and Rules** made thereunder.
7. The industry shall ensure **all safety measures** and shall undertake periodical assessment by the competent authority.
8. Unit shall ensure manifest system in **Form-10** of **HW Rules** while disposing hazardous waste.
9. Hazardous waste should not be stored beyond a period of **90 days**.
10. Unit shall strictly comply with the provisions of the **The Public Liability Insurance Act, 1991** as amended and **Rules** made there under and shall submit copies of **Insurance Policies** (if any) to the **Board Offices** regularly.
11. Unit shall not use fuel in their manufacturing process or in any subsidiary process which may emit fugitive emission of different nature.
12. There should be no effluent discharge outside the unit premises.
13. The unit shall ensure all measures for pollution control as specified under the **Environment (Protection) Act, 1986** and **Rules** made there under, so that ambient air quality not exceed to prescribed limit at any time.
14. The **Stone Crushing Units/Screening Plants/Mobile Stone Crusher/Mobile Screening Plants/Hot Mix Plants/Ready Mix Plants** shall strictly follow the **Uttarakhand Stone Crushing Units/Screening Plants/Mobile Stone Crusher/Mobile Screening Plants/Hot Mix Plants/Ready Mix Plants Anugya Nitti- 2016** (as amended time to time), promulgated by the State Government.
15. This CCA is valid for the **Hot Mix Plant** only.
16. The unit shall not operate during night hours as defined under **Noise Rules-2000**.
17. The CCA is valid for **domestic effluent** only. **Industrial effluent** should not be generated.
18. Unit shall ensure to control air quality followed by regular spray water in premises and link road.
19. Unit should comply as per the measures given in **E(P) Rule-1986** as amended time to time.
20. Unit should take all the necessary permission from the concerning Department.
21. Unit should operate **Air Pollution Control System (Wet Scrubber)** continuously during the time of operation and also maintain the appropriate height of chimney.

General Conditions:

1. The applicant shall get analyse the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoE&F and shall report to the UEPPCB.

2. The applicant shall however, not without the prior consent of the **Board** bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If, at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the **Board**, legal action shall be initiated against the applicant.
5. The applicant shall maintain good housekeeping. All valves/pipes/sewer/drains etc. must be leak-proof.
6. The industry shall provide uninterrupted entry to the STP's/ETP's inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control measures.
7. The industry shall provide "Inspection Book" at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/ production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point.
12. The **Board** reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.
13. The person authorized shall not rent, lend, sell, transfer or otherwise transport the hazardous waste without obtaining prior permission of the **Board**.
14. Any unauthorized change in personnel, equipment as working condition as mentioned in the application by the person authorized shall constitute a breach of his authorization.
15. It is the duty of the authorized person to take prior permission of the **Board** to close down the facility.
16. The authorization is valid for temporary storage of Hazardous Waste within premises only.
17. The authorized agency shall ensure that on-line data with regard to quantity and nature of hazardous chemicals being used in the plant as well as air emission and waste generated within premises is displayed on **Display Board of size 6x4 feet** outside the main factory gate within premises.
18. It is duty of the authorized person to take prior permission of this Board to close and cleanup the facility for treatment, storage and disposal of hazardous waste.
19. The applicant shall maintain record of hazardous waste in **Form-3** and shall submit annual return in **Form-4** on or before the 30th day of June following to the financial year to which that return relates.
20. In case of any accident, complete details in the light of **Form-14** of the Hazardous Rules shall be submitted to this Board at the earliest.
21. In no case any hazardous waste shall be disposed off on land, in any drain, or into any water stream. All spillage must also be safely collected and stored.
22. Before the hazardous waste is stored or dumped in the facility, applicant must conduct a detailed **physical and chemical analysis of hazardous waste sample** and report to the **Board**.
23. Dried hazardous sludge from the process in the plant shall be **stored in double lined HDPE pit constructed with R.C.C. or such material which does not react with the waste contained in it.**
24. The storage area should be fenced properly and Sign/Notice Board indicating 'Danger' and 'Hazardous' shall be displayed at appropriate position both in Hindi and English.
25. The industry shall store non-ferrous metal waste, used oil/spent oil waste in sealed drums placed on impervious floor under covered shed. Hazardous waste if required shall be **sold only to Registered Recyclers/Re-processors.**
26. In case of any transportation of hazardous waste, the details in **Form-13** of the **Hazardous Rules** shall be submitted to the **Board**.


 Regional Officer (I/c)