

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI.**

OA NO.868/2019

IN THE MATTER OF

Shamsher Singh

Applicant

VERSUS

State of Haryana

Respondent

**ACTION TAKEN REPORT ON THE BEHALF OF HARYANA
STATE POLLUTION CONTROL BOARD**

MOST RESPECTFULLY SHOWETH:-

1. That the Hon'ble Tribunal took cognizance of the complaint received by post and directed Haryana State Pollution Control Board to look into the matter, take appropriate action in accordance with law and to furnish a factual and action taken report in this matter.
2. That the above said unit is a small scale unit and engaged in tyre pyrolysis process. Unit has obtained Consent to operate from HSPCB vide letter Dated 13.08.2018 valid up to 31.03.2025 under Water Act, 1974 & Air Act, 1981.
3. That the site was visited on 29.01.2019 the concerned field officer of HSPCB. Spot Inspection Report is enclosed as **Annexure-1**. The observations are summarized as below:-
 - Waste tyres/raw material are being fed manually without removal of wires.
 - Feeding of waste tyres to reactor is not mechanised.
 - The initial heating should be done by liquid fuel or gas but during inspection wood was found to be used for initial heating.

- Not provided adequate number of sensors along with alarm system throughout the plant to detect any leakage of flammable vapours from the system.
- Unit has not provided any details of authorised actual users/processors to which carbon black and oil obtained from the process.
- Unit has not provided agreement of GEPIL for disposal of sludge generated, only acknowledgment letter provided.
- As per Analysis Report of air emission and effluent, parameters were found exceeding the prescribed limits.

Action taken by Haryana State Pollution Control Board is as follows:-

A). Closure Action:-

Closure order against the unit was issued by HSPCB vide order No. HSPCB/2019/4229 dated 17.02.2019, which was complied on 17.02.2019. Copy of closure order is annexed herewith as **Annexure-2**.

B). Prosecution

The Recommendation for prosecution against the unit has been sent to competent authority vide letter No. 20688 dated 18.02.2019 (**Annexure-3**) and copy of draft complaint has been sent to competent authority vide letter no. 20689 dated 18.02.2019 for approval. (**Annexure-4**).

C). Environmental Compensation

Environmental compensation of Rs 31,56,205/- has been assessed to be imposed on the unit as per Board Policy dated 29.04.2019 and has been sent to head office for approval of competent authority (**Annexure-5**).

The report is submitted accordingly for kind consideration. It is undertaken to comply with the directions passed by this Hon'ble Tribunal.

Shyama

Q
**Regional Officer, Bhiwani Region,
Haryana State Pollution Control Board**

Place: Bhiwani

Date - 18/02/2020



Annex A

Annexure-102

Tele No. 01664-256259

Regional Office

Haryana State Pollution Control Board,
SCF-32, Opp. Community Centre, Sector-13, HUDA, Bhiwani
Email-hspcbrojr@gmail.com



SPOT INSPECTION REPORT

Name of the Unit : M/s Balaji Rubber Industries, Vill- IKKas, Jind

Date of Inspection: 29/01/2020

No.	SOP criteria	Status at site
1.	The feed to the pyrolysis reactor should be devoid of steel	Unit engaged in feeding of waste tyres without removal of steel wire from tyre
2.	After removal of steel wire the tyre can be put either in the form of crumbs or chips (which can be made simply by cutting without going for the shredded process)	Unit engaged in feeding of waste tyres without removal of steel wire from tyre
3.	The feeding arrangement of the rubber crumb to the reactor should be mechanized	feeding arrangement is not mechanized
4.	The initial heating of the reactor should be done by liquid fuel or gas.	Initial heating is done by wood & then liquid fuel & pyro gas.
5.	The flue gas should be released to the environment through a chimney of at least 30 meters height.	Unit has provided stack of height 30 meter for flue gas
6.	After initial heating, during the pyrolysis process, the pyro gas generated within the plant should be used as fuel	Yes, unit has laid down the piping arrangement & using the pyro gas as fuel for heating in advanced stage.
7.	Excess of pyro gas if any should be flared through properly designed flaring system of adequate capacity considering the emergency situation in which the entire gas may have to be flared	Yes complying & separate stack/chimney of approx. 30 meter height is provided for flaring
8.	The flaring should be done at minimum height of 30 meters	yes provided
9.	Adequate instrumentation for measurement and control of temperature and pressure along with safety interlocks in case of increase of temperature or pressure to cut off heating of the reactor should be provided	yes provided adequate instrumentation for measurement of tem. & pressure along with safety interlocks to cut off heating of reactor with PLC provided. the safety hooter is inbuilt in the PLC panel
10.	Automatic control systems such as Programmed Logic Control (PLC) shall be adopted	yes provided
11.	In order to control fugitive emissions from the reactor during operation, proper sealing should be ensured	yes unit has provided rubber sealing/glan to control fugitive emissions & leakage working checked by unit.

12.	The collection of the oil from the condensers should be in closed vessel and storage also should be in closed vessel and storage also should be in closed tanks with suitable events.	The unit is maintaining the same in closed vessel for collection & storage of oil & no manual handling is done.
13.	There should be no manual handling of oil.	No manual handling is done
14.	Transfer of oil should be through pumps.	Transfer is through pump.
15.	At the end of the pyrolysis process there actor has to be cooled before the removal of carbon. During this process ,the reactor should be purged with nitrogen.	yes, complying & unit has provided 2 No of nitrogen cylinders with having purging mechanism for cooling ^{reactor}
16.	The removal of carbon should be started after the reactor's temperature has come down to below 50 degree Celsius	yes, complying
17.	The removal of carbon should be mechanized system and it should ensured that no spillage takes place during the collection of the carbon in the bags.	complying & unit has provided 2 No of conveying MCS (electrically operated to avoid spillage of carbon black.
18.	Adequate number of sensors along with alarm system should be provided at suitable locations throughout the plant to detect any leakage of flammable vapors from the system.	No such alarm/ devices provided for detection of such flammable vapours.
19.	Adequate fire fighting system like sprinkles and fire hydrant with necessary pumping system and water storage should be Provided.	unit has provided 6 No. of fire extinguisher & No. of sand buckets as fire hydrant & expiry of fire extinguisher is due on unit has laid down the water line, sprinkler & water storage tank of 70 klt.
20.	The plot size should be adequate for storage of crumb or cut tyres, oil and carbon black in addition to the pyrolysis plant.	yes Plot size is adequate
21.	Accessories as well as enough space for movement of fire tender in case of any emergency.	yes enough space for movement of fire tenders provided.
22.	A minimum indicative size of small plant is about 3000 square meters.	yes area of plant is more than 3000 sq. meter. ^{based after obtaining}
23.	The plant shall possess clearance certificates issued by the concerned departments.	unit has obtained CTE from requisite deptt.
24.	The carbon black and oil obtained from the process should be supplied only to actual users/processors.	The unit is having no details of actual users & engaged in disposal of carbon black & fuel oil as product through local trader/ dealer.
25.	The waste water generated in the process from condensers or any scrubbers should be properly treated in an effluent treatment plant and the sludge generated should be sent to TSDF.	unit has installed ETP & submitted agreement acknowledge letter from CEFIL for disposal of Hg. waste generated

For Balaji Rubber Industries

Representative of the unit **Parthi**

Concerned Field officer

Regional officer



Closure Order

Whereas M/s Balaji Rubber Industries, Hansi Road, Village Ikkas, Jind is a Pyrolysis Plant covered under Orange category of consent, management of the Board and unit is violating the provision of under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of Air (Prevention and control of Pollution) Act, 1981 as submitted by the Regional Officer, Bhiwani vide letter no. 20505 dated 10.02.2020.

Whereas unit was inspected by the concerned field officer on 29.01.2020 in reference to O.A. No. 868/2016 titled as Shamsher Singh Vs. State of Haryana in Hon'ble NGT and during inspection, following compliances were observed as per CPCB guidelines -

1. Waste tyres being fed manually without removal of wire.
2. Feeding of waste tyres to reactor is not mechanized.
3. Wood was being used for initial heating.
4. Inadequate no. of sensors with alarms, to detect leakage of flammable vapours.
5. Not provided details of authorized processors to whom carbon black and oil is sold.
6. No agreement with GEPIL to dispose off sludge generated.

Whereas show cause notice for closure under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of Air (Prevention and control of Pollution) Act, 1981 was issued to the unit by the Regional Officer, Bhiwani vide letter no. 20566 dated 12.02.2020 but unit had not submitted the reply of the show cause notice.

Whereas the Regional Officer, Bhiwani has recommended the closure order under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of Air (Prevention and control of Pollution) Act, 1981 against the said unit for violations mentioned above vide letter no. 20590 dated 15.02.2020.

Therefore, keeping in view of the above said facts and in exercise of the powers conferred under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of Air (Prevention and control of Pollution) Act, 1981, it is hereby ordered to close down the process of the above said unit by sealing plant, machinery and D.G. sets alongwith disconnection of electricity supply immediately.

Further, the CTO granted by the Board vide no. 5473010 dated 13.08.2018 is hereby revoked.

Dated Panchkula
17th February, 2020

Ashok Khoterpal
Chairman

Endst. No. HSPCB/2020/ 4329

Dated: 17-2-20

A copy of the above is forwarded to the following for information and necessary action please:-

1. The Deputy Commissioner, Jind.
2. The Regional Officer, Bhiwani. He is asked to send the compliance of closure order within 03 days and to submit the case for imposing penalty of Environmental Compensation and initiating the legal action as per policy of the Board.
3. The Executive Engineer (OP Division) DHBVN, Jind to disconnect the electricity supply of the unit immediately.
4. M/s Balaji Rubber Industries, Hansi Road, Village Ikkas, Jind.

Assistant Environmental Engineer (HQ)
For Chairman



Annexure - 3
Tele No. 01664-256259

Regional Office
Haryana State Pollution Control Board,
SCF-32, Opp. Community Centre, Sector-13, HSVP, Bhiwani
Email-hspcbrojr@gmail.com



No. HSPCB/BHI/2019/ 20688 FTms-11928

Dated: 18-2-20

To

The Chairman,
Haryana State Pollution Control Board,
Panchkula

Sub: Sanction of prosecution under section 43/44/45A for violation of section 24/25 of Water (Prevention & Control of Pollution) Act, 1974 and under section 37/38/39 for violation of section 21/22 of Air (Prevention & Control of Pollution) Act, 1981 M/s Balaji Rubber Industries, Village- Ikkas, Hansi Road, Jind.

Ref: Head office letter no. HSPCB/2019/1900 dated 26.09.2019

In this connection, it is submitted that this Office has examined the facts in reference of Head Office letter referred above. The point wise detailed examination report as per Head Office letter no. HSPCB/DA/2015/423-434 Dated 23.06.2015 is as under:-

- i. Inspection Report of the unit conducted on 29.01.2020 by the undersigned alongwith concerned field officer of HSPCB is enclosed herewith as **Annexure-A**.
- ii. The unit has been granted CTE vide application no. 5343333 dated 06.06.2018 and CTO vide application no. 5473010 dated 13.08.2018 for the period 13.08.2018 to 31.03.2025. Copy of CTE and CTO are enclosed as **Annexure-B**
- iii. Copy of proof the partnership is enclosed herewith as **Annexure-C**,
- iv. Photographs is enclosed as **Annexure-D**.
- v. site plan is enclosed as **Annexure-E**.
- vi. Copy of SCN issued is enclosed herewith as **Annexure-F**.
- vii. Copy of proof of SCN issued is enclosed as **Annexure-G**.
- viii. The sample was tested by the board analyst and as per the analysis Report No. 2087 dated 11.02.2020 and as per air emission analysis report no. 545 dated 06.02.2020, the parameters were found exceeding/non confirming with the general standards for discharge of Environmental Pollutants.

Keeping in view of above mentioned facts, it is recommended that the sanction for prosecution of the above said unit through Sh. Harish Kumar, AEE may be granted under section 37/38 of Air (Prevention and control of pollution) Act, 1981 and 24/25 of Water (Prevention and control of pollution) Act, 1974 in the name of the unit and the persons responsible for day to day operation of the said unit as given below:-

1. M/s Balaji Rubber Industries, village- Ikkas, Hansi Road, Jind.
2. Sh. Subhash S/o Sh/ Jeevan Singh, R/o VPO Ramrai, District Jind
3. Sh. Krishan S/o Nafe Singh, Village Ikkas, District Jind
4. Smt. Rakesh Kumari, W/o Sh. Vijay Kumar, R/o H. No. 641/15, Jawahar Nagar, Hansi, District Hisar,
5. Smt. Rekha W/o Sh. Raj Kumar, R/o H.no. 2285, Sector-14, Hisar
6. Smt. Satyawanti W/o Sh. Charanjit, R/o H.No. 223C/7, Kasban Mohalla, Hansi, District Hisar.

DA/- As Above


Regional Officer,
Bhiwani Region



Tele No. 01664-256259

Annexure - 4

Regional Office
Haryana State Pollution Control Board,
SCF-32, Opp. Community Centre, Sector-13, HUDA, Bhiwani

Email-hspcbprojr@gmail.com

No. HSPCB/BHI/2020/
To

20689 FTMS-11933

Dated:- 18-2-20

The Chairman,
Haryana State Pollution Control Board,
Panchkula

Sub: Draft complaint of M/s Balaji rubber industries, Hansi Road, Village Ikkas, District Jind under section 43/44/45A for violation of section 24/25 of Water (Prevention & Control of Pollution) Act, 1974 and under section 37/38/39 for violation of section 21/22 of Air (Prevention & Control of Pollution) Act, 1981.

In this connection, Please find **enclosed herewith** the draft complaint for prosecution which is to be filed in Special Environment Court at Kurukshetra against the unit and its responsible person under section 43/44/45A for violation of section 24/25 of Water (Prevention & Control of Pollution) Act, 1974 and under section 37/38/39 for violation of section 21/22 of Air (Prevention & Control of Pollution) Act, 1981.

It is recommended that the draft complaint please be vetted for the legal cell and approved from competent authority. So, that the case can be filed in Special Environment Court, Kurukshetra.

It is submitted for your kind information and further necessary action please.

DA/ As above

Q


Regional Officer,
Bhiwani Region



Regional Office

Tele No. 01664-256259

Annexure-5

Haryana State Pollution Control Board,
SCF-32, Opp. Community Centre, Sector-13, HUDA, Bhiwani
Email-hspcbrojr@gmail.com



No. HSPCB/BHI/2020/

26690 FTMS-11944

Dated

18-2-20

To

The Chairman,
Haryana State Pollution Control Board,
Panchkula.

Sub: Environmental Compensation Assessment report – M/s Balaji Rubber Industries, Village- Ikkas, Hansi Road, Jind.

In this connection, it is intimated that the sample of air emission and effluent from outlet of ETP of the said unit was collected by the undersigned and field officer on 29.01.2020 in compliance of OA No. 868/2019 titled as Shamsher Singh Vs State of Haryana in Hon'ble NGT and as per analysis report of air emission No. 545 dated 06.02.2020, the following parameter is found exceeding the prescribed limit:-

Sr. No.	Parameter Name	SPM(mg/m3)	Prescribed Limit (µg/l)
1	SPM	247.8	150

As per A/R No.2087 dated 11.02.2020, parameters of effluent from outlet of ETP were exceeding the prescribed limits.

Sr. No.	Parameter Name	Result of outlet of ETP(mg/l)	Prescribed Limit (mg/l)
1	Suspended Solids	117	100
2	BOD	40	30

As the unit was sealed by board on dated 17.02.2020 in compliance of HO Letter No. 4229 dated 17.02.2020.

Thus, unit was willfully & deliberately violating under Air Act, 1981 and Water Act, 1974.

In view of above, unit is liable to pay the environmental compensation as per direction of the board issued vide office order no. 6043-6075 dated 29.04.2019, as assessed by this office as per methodology defined therein. The assessment report for Environmental Compensation is given as under:

$$EC = PI * N * R * S * LF$$

$$\text{i.e. } EC = 50 * N * 250 * 0.5 * 1.25 = \text{Rs. } 7812.5/- \text{ per day} * N \text{ (number of days)}$$

$$N = 10.01.2019 \text{ to } 17.02.2020 = 404 \text{ days}$$

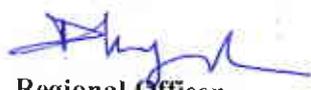
$$EC = 7812.5 * 404 = 31,56,205/-$$

In view of above, it is requested that the assessment report may be examined and finalized at Head office level by the committee of the officers so that the further directions could be issued to the defaulting unit accordingly.

DA As above

Copy of SCN, Copy of A/R

Copy of last compliance spot inspection


Regional Officer
Bhiwani Region