

BEFORE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI.

O.A. No. 104 of 2020

IN THE MATTER

RAJESH GHANTAYATH

...Applicant

-Vs-

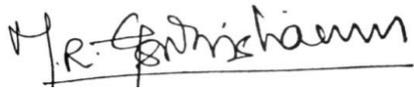
UNION OF INDIA & Ors

...Respondent

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Dated at Chennai on this the 18th day of August, 2024



M.R.GOKUL KRISHNAN

COUNSEL FOR THE 6TH RESPONDENT
(KSPCB)

**BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI**

O.A. NO.104 OF 2020 (SZ)

IN THE MATTER OF :

Rajesh Ghantayath

....Applicant

Versus

Union of India and Others

....Respondents

MEMO FILED ON BEHALF OF THE 6TH RESPONDENT

It is most respectfully showeth;

1. It is humbly submitted that the above application was filed alleging violation committed by the 8th Respondent M/s. Mother Earth Environ Tech Private Limited in conducting transport, storage and Disposal Facility (TSDF) of hazardous waste management facility in the disputed area.
2. It is submitted that this Hon'ble Tribunal in its order dated 26.7.2024 had directed the 6th Respondent Karnataka State Pollution Control Board (KSPCB) to submit the inspection report.
3. It is submitted that in compliance to the directions of this Hon'ble Tribunal, the subject area was inspected by the Board on 23.07.2024 and the inspection report is annexed to this memo.

4. It is humbly submitted that the 6th Respondent Board had also calculated and imposed Environmental Compensation vide order dated 16.08.2024 for Rs.3,96,45,000/- (Rupees Three Crores Ninety-Six Lakhs and Forty-Five Thousand only) and the said order is annexed to this memo.
5. It is humbly submitted that the 6th Respondent Board has taken action against the 8th Respondent for violations.

It is therefore humbly prayed that this Hon'ble Court may be pleased to accept the report and pass such order or orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

Dated at Chennai on this the 18th day of August 2024



Counsel for 6th Respondent

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ

KARNATAKA STATE POLLUTION CONTROL BOARD

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ - ರಾಮನಗರ

ಪರಿಸರ ಭವನ, ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಕಛೇರಿ ಹತ್ತಿರ,
ಬೆಂಗಳೂರು-ಮೈಸೂರು ರಸ್ತೆ, ರಾಮನಗರ-562159
ದೂರವಾಣಿ : 080-27275678



REGIONAL OFFICE - RAMANAGARA

Parisara Bhavana, Near DC Office,
Bangalore-Mysore Road, Ramanagara - 562159
Email : ramnagar@kspcb.gov.in

No: KSPCB/RO/RMN/F No. 1031/IR/2024-25/ 237

Date: 23-07-2024

Kind attn: SEO-Waste Management Cell

INSPECTION REPORT OF SRI MNJUNATH C.R EO, KSPCB, REGIONAL OFFICE RAMANAGARA

Officer Accompanied: Smt .Meenakshi H.A, DEO

Mother Earth Environ Tech Pvt Ltd is an existing Common Hazardous waste TSDF facility located at plot No. 217, Harohalli KIADB Indl Area, 2nd phase, Kanakapura Taluk, Ramanagara District having valid CFO up to 30.06.2021 and authorisation under HWM Rules valid up to 30.06.2021. The CFO and authorisation has been issued for the hazardous waste landfill with two cells of capacity of 1, 51,000 Tons.

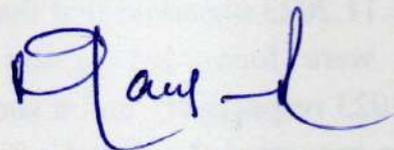
Further, in view of the TSDF authority have hired expert consultant for capping of TSDF as per CPCB guidelines and accordingly they have submitted closure drawings to the Board office, subsequently Board office had issued memo to this office vide No.PCB, WMC, 3769, HWM, 2019, 2020-21/5622 dated 10.03.2021 and directed this office to inspect the TSDF site periodically (once in a week) and send the report on capping of TSDF to the Board office regularly and to verify the CPCB guidelines followed by TSDF facility.

In view of the above the TSDF facility was inspected on 26.03.2021, 05.07.2022, 22.02.2023 and 03.11.2023 observed that the TSDF authority have not started the capping of TSDF and the reports were forwarded to the Board office on 29.03.2021, 18.07.2022, 22.02.2023 and 17.11.2023 respectively and a show cause notice was issued to TSDF authorities on 22.02.2023 and also requested the Board office to call the TSDF authority for personal hearing as they are operating the TSDF without valid consent of the Board and also not started capping of TSDF as per the Board office directions and CPCB guidelines. Copies of the inspection report and showcase notice were enclosed for kind reference.

The TSDF was again inspected during the routine monitoring on 23.07.2024 and observed the followings.

1. The TSDF was not under operation at the time of inspection and have not renewed the the consent of the Board, However, they stopped receiving the waste from 02.02.2021 onwards as per the records of this office.
2. They have stopped receiving the waste from the member industries from 03.02.2021.
3. Now, Both Cell-I and Cell-II of TSDF has been temporarily capped with Gas liner and HDPE Sheets of thickness 1.5 mm and they have filled completely 1,51,000 MT of waste in the TSDF.
4. They have not yet started the capping still and they have covered Both Cell-I and Cell-II of TSDF with HDPE liner in the TSDF premises.
5. The trade effluent (leachate) is being collected separately and finally handed over to CETP after pre-treatment in the facility for further treatment and disposal. They informed that, the pre treated leachate is being sent to M/s. Bangalore Eco Park Pvt Ltd and they have submitted the Form-10 regarding disposal of leachate to CETP during the time of inspection and observed that, they have disposed the leachate quantity of 19.72 MT to CETP on 18.07.2023 and have not disposed further directed the industry authorities to dispose immediately scientifically the quantity collected of about 25 to 30KLD in the collection tanks.
6. The photos taken during the time of inspection is here with enclosed.

To avoid probable contamination due to possible leakages of gases or leachate, the TSDF authorities are required to start the capping of TSDF on top priority as per the Board office directions and CPCB guidelines. However the TSDF authority have not taken up any steps for capping of TSDF till date and they are operating without valid consent of the Board, hence it is recommended to call the TSDF authorities for personal hearing before the Board office to have a firm commitment pertinent to capping of TSDF.



Environmental Officer
RO-Ramanagara

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ

KARNATAKA STATE POLLUTION CONTROL BOARD

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ - ರಾಮನಗರ

ಪರಿಸರ ಭವನ, ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಕಛೇರಿ ಹತ್ತಿರ,
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ದೂರವಾಣಿ : 080-27275678



REGIONAL OFFICE - RAMANAGARA

Parisara Bhavana, Near DC Office,
Bangalore-Mysore Road, Ramanagara - 562159
Email : ramnagar@kspcb.gov.in

//By RPAD//

No. PCB/RO/RMN/EC/2024-25/ 289

Date: 16-08-2024

To,

The Occupier
M/s. Mother Earth Enviro Tech Private Limited,
Plot No. 217, 2nd Phase, Harohalli Industrial Area,
Kanakapura Taluk, Ramanagara District.

Sir,

Sub: Levying Environmental Compensation to M/s. Mother Earth Enviro Tech Private Limited, Plot No. 217, 2nd phase, Harohalli Industrial Area, Kanakapura Taluk, Ramanagara District for the non-compliances to the provisions of the, Water (P & CP) Act-1974, the Air (P & CP) Act-1981 & Hazardous and other waste (M & TM) Rules-2016-reg.

- Ref:
1. Environmental Clearance issued by SEIAA, Govt of Karnataka Dated:28.08.2015 and 11.06.2018.
 2. Consent for Establishment/Expansion (CFE/CFExp) Dated: 04.11.2015 and 15.10.2018.
 3. Consent order issued under the Water Act 1974 and the Air Act (CFO) Dated: 13.04.2016 and 12.02.2019.
 4. Authorization under HWM Rules,2016 Dated: 13.04.2016 and 13.01.2021.
 5. Your letter submitted to the Board Office Dated: 19.02.2021, 06.08.2021 and 13.08.2021.
 6. RSEO - Bangalore South inspection report Dated: 15.07.2021 and 20.09.2021.
 7. Orders of Hon'ble NGT (SZ) in OA No.104 of 2020.
 8. Board Office Letter No.PCB/WMC/3769/HWM/2019/2020-21/695 Dated:18.03.2022.
 9. Order of Hon'ble NGT (SZ) Dated:06/18.10.2023.
 10. Inspection of your unit by the Officers of Regional Office, Ramanagara Dated: 23.07.2024
 11. Board Office SCN No.PCB/WMC-2/3769/HWM(2021)/20203-24/4732 Dated 01.12.2023.
 12. Your Letter vide No. MEEPL/HO/2023-24/01/01 Dt: 03/01/2024.
 13. Inspection of your unit by the officers of Regional Office, Ramanagara Dated: 03.11.2023.

With reference to the above subject, it is to be informed that, you have established Common Hazardous Treatment Storage Disposal Facility (CHWTSDf) in the name of M/s. Mother Earth Enviro Tech Private Limited at Plot No. 217, 2nd phase, Harohalli Industrial Area, Kanakapura Taluk, Ramanagara District for which you have obtained Environmental Clearance cited at Reference (1) with conditions mentioned therein. Board has issued CFE/CFExp for the said site with conditions to comply vide Reference Cited at (2). Further Consent for Operation Under water Act 1974 & Air Act 1981 & Authorization under Hazardous and Other waste (M & TM) Rules 2016 for the period upto 30.06.2021 with conditions to comply for the same at all the times.

Further you have submitted a letter to the Board & requested the Board to permit for providing permanent capping to the dumping/disposal facility Site as the facility has reached the authorized capacity vide references cited at (5). In response to your request, RSEO- Bangalore South inspected your CHWTSDF & recommended to issue directions to provide capping to the CHWTSDF as the facility has reached the authorized capacity. Based on the recommendations of RSEO-Bangalore south, Board has accorded permission for capping of Common Hazardous Treatment Storage Disposal Facility (CHWTSDF) with terms and conditions vide letter cited at reference (8). Hon'ble NGT South Zone Chennai Vide order Dated: 06.10.2023 and directed to the board to the prepare a detail financial estimate for "as per clause-11 of the Hazardous waste Land fill Criteria" and submit the same before the next hearing vide reference cited (9).

In view of this, Officers of the Regional Office, Ramanagara inspected CHWTSDF on 03.11.2023 and reported that you have not taken any action pertinent to capping the CHWTSDF as per the CPCB guidelines and provided only a temporary covering and also not handling leachate scientifically due to which there may be a chance of contamination of Soil and leakages of gases. In view of this Board has issued SHOW-CAUSE Notice for the Non-compliances to the directions issued by the Board for not having provided capping to the CHWTSDF vide reference cited at (11).

You have submitted a reply for the said SHOW CAUSE notice vide reference cited at (12) and same is not acceptable.

Your CHWTSDF was inspected by the Officers of the Regional Office-Ramanagara on 23.07.2024 and noticed that you have not yet started the capping and covered CELL-1 & CELL-2 of the facility with HDPE liner which is not acceptable and is not as per the CPCB guidelines, hence there is every chance of escaping the harm full gas into the atmosphere which may affect flora & fauna. Further you are handling the leachate generated from CHWTSDF in an unscientific manner which may cause soil, surface and sub-surface water pollution & may damage the health of Human beings and Animals. It is noticed that even after lapse of one year nine months you have not taken any measures/steps to provide capping as per the permission grant by the Board and creating environmental pollution in and around your CHWTSDF.

As per the order of the order/directions of the Hon'ble NGT, Environmental Compensation (EC) has been calculated as below using formula derived by CPCB (as per the order in the matter of O.A 593/2017)

$$EC = PI \times N \times R \times S \times LF$$

EC = Environmental compensation (in Rs)

PI = Pollution Index of industrial sector

N = Number of days of violation took place

R = A factor in Rupees for Environmental compensation

S = Factor for scale of operation

LF = Location factor

Note:

- PI Shall be calculated, based on the prescribed scoring methodology given in CPCB document, wherever the PI score is not available. It was suggested that, the average pollution index of 80, 50 and 30 may be taken for calculating the environmental compensation for Red, Orange and Green categories of industries respectively.
- $N = 881$ days (for the period from 19-03-2022 to 16-08-2024)
- R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the environmental compensation in case of violation.
- S could be based on small/medium/large industry categorization or volume of effluent discharge per day / fuel consumed per day with variable weight age shall be 0.5 for micro or SSI units, 1.0 for medium and 1.5 for large units.
- LF could be 1.5 for the units located in critically polluted areas/ecologically sensitive areas/proximity to large habitations. The scope if LF will be examined further for listing ecologically sensitive areas and proximity to large habitations.

Hence, the EC = $80 \times 881 \times 250 \times 1.5 \times 1.5$ (Proximity to large habitations) = Rs. 3,96,45,000/- (Three crores, ninety six lakhs, forty five thousand only)

Therefore, you are hereby informed to pay Environmental Compensation of Rs. 3,96,45,000/- (Three crores, ninety six lakhs, forty five thousand only) within 15 days from the date of receipt of this demand note, failing which, action deemed fit shall be initiated as per the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 & the Hazardous and Other waste (M & TM) Rules, 2016 without prior intimation/resorting to further correspondence with the Board.

The receipt of the letter may please be acknowledged.

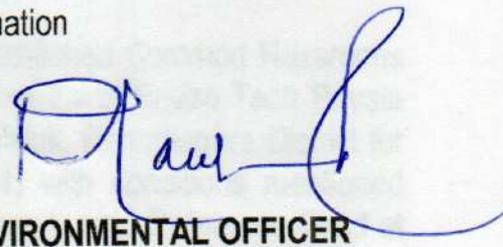
Yours faithfully

Sd/-

ENVIRONMENTAL OFFICER
RO – Ramanagara

Copy submitted to:--

- The Member Secretary (Kind attn; SEO - WMC Cell), KSPCB, ParisaraBhanvan, Bengaluru for kind information
- The SEO, Ramanagara, KSPCB, Parisara Bhavana, Near DC Office, Ramanagara for Kind Information.
- The Law Officer, KSPCB, Parisara Bhanvan, Bengaluru for kind information
- Case file


ENVIRONMENTAL OFFICER
RO – Ramanagara

Mother Earth Environ Tech Pvt Ltd, Plot No.217, Harohalli
Industrial Area, 2nd Phase, Kanakapura Taluk, Ramanagara District.















**BEFORE NATIONAL GREEN
TRIBUNAL**

SOUTHERN ZONE, CHENNAI.

O.A. No. 104 of 2020

RAJESH GHANTAYATH

...Applicant

-Vs-

UNION OF INDIA & Ors

...Respondent

**MEMO FILED ON BEHALF OF THE
6TH RESPONDENT AND
INSPECTION REPORT OF KSPCB
IN RESPECT OF MOTHER EARTH
ENVIRON TECH PVT LTD**

M.R. GOKUL KRISHNAN

COUNSEL FOR THE 6TH RESPONDENT
(KSPCB)

9962549483