

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

Original Application No.620 of 2022

Kaushal Kishore Vishwakarma

--Applicant

Versus

State of Punjab

--Respondent

Reply of Punjab Pollution Control Board in compliance of order dated 08.01.2024 through Er. Ramandeep Singh Sidhu, Environmental Engineer, Regional Office, Bathinda.

Respectfully showeth:

1. That briefly stated Mr. Kaushal Kishore Vishwakarma resident of Village Bhabhuwa, Madhya Pradesh has written a letter to the Hon'ble National Green Tribunal complaining about non-compliance of order dated 17.1.2020 (date 17.1.2022 seems to has been written mistakenly in the order dated 1.11.2022) passed by the Hon'ble Tribunal in O.A No. 72 of 2019 titled as Rakesh Singh v/s State of Punjab. The Hon'ble National Green Tribunal has taken cognizance of the case and the letter petition has been treated as Original Application No. 620 of 2022. Series of orders have been passed in the case by the Hon'ble National Green Tribunal and the Board has filed replies in compliance thereof.



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2. That the Hon'ble National Green Tribunal was pleased to pass an order dated 8.1.2024 wherein directions have been issued for initiation of appropriate proceedings for imposition of environmental compensation and prosecution of defaulting officers / officials of respondent no. 4 and 7. The relevant extract of paragraph 10 and 11 of the order dated 8.1.2024 is reproduced herein below for kind perusal and reference.

"10. Despite unjustified continued storage of carbon slurry by respondents no. 4 and 7 and also inaction/delay on their part in disposal thereof in accordance with mandatory statutory provisions, no action has been taken by Punjab State Pollution Control Board and Haryana State Pollution Control Board for imposition of environmental compensation and also prosecution of the defaulting officers/officials and Punjab State Pollution Control Board and Haryana State Pollution Control Board are directed to initiate appropriate proceedings for imposition of environmental compensation and prosecution of the defaulting officers/officials in accordance with law and file Action Taken Report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

11. List for further consideration on 22.02.2024."

3. That the order dated 8.1.2024 passed by the Hon'ble Tribunal has been examined a notice to directions u/s 5 of the Environment (Protection) Act, 1986 for violation of the provisions of Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 was issued to M/s National Fertilizers Ltd., Sivian Road, Bathinda by the Board vide letter no. 816 dated 12.2.2024 with an opportunity of hearing before the Chairman of the Board on 14.2.2024. The industry was directed to show cause as to why the directions already proposed vide Board's letter no.


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3809 dated 22.12.2023 for imposition of environmental compensation alongwith an additional proposed direction to initiate legal action of the defaulting officers/ officials in accordance with the law for unjustified continued storage of carbon slurry by the industry and also in action / delay on their part in disposal thereof, may not be taken. A copy of letter no. 3809 dated 22.12.2023 is enclosed as **Annexure-A** and a copy of letter no. 816 dated 12.2.2024 is enclosed herewith as **Annexure-B**.

4. That Sh. V.K. Goyal, Executive Director, Smt. Sandhya Batra, DGM (TS), Sh. Harmesh Lal Thandi, Senior Manager of National Fertilizers Ltd., Bathinda have appeared for hearing on 14.2.2024 before the Chairman of the Board in reference to the notice dated 12.2.2024 issued by the Board. The representatives of the industry submitted written reply to the notice issued by the Board and the reply was taken on record. As per the reply submitted by the M/s National Fertilizers Ltd., in one of the points it has been mentioned that the lifting of the HW Cat. 18.2 has been commenced again w.e.f. 20.11.2023 and 325.86 MT more quantity of hazardous waste has been lifted to the re-processor till 13.2.2023 and 37931.25 MT of hazardous waste is lying with the industry in its dyes. After hearing the representatives of the industry and the officers of the Board and also considering the orders being passed by the Hon'ble National Green Tribunal in O.A No. 620 of 2022, the Chairman of the Board decided as under:

- a) In compliance to the orders of the Hon'ble NGT, the prosecution of the defaulting officers/officials of NFL, Bathinda is approved to be filed in the court of law under the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 framed under Environment (Protection) Act, 1986 for unjustified continued storage of carbon slurry by the industry and also in action/delay on their part in disposal



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thereof which has caused environmental damage in the area.

- b) NFL, Bathinda is directed to give the names of the defaulting officers/officials responsible for unjustified continued storage of carbon slurry by the industry and also in action/delay on their part in disposal thereof, to the Regional Office, Bathinda of the Board, within 07 days.
 - c) Environmental Engineer, Regional Office, Bathinda shall calculate the amount of Environmental Compensation to be imposed upon the industry in accordance with the law for unjustified continued storage of carbon slurry by the industry and also inaction/delay on their part in disposal thereof, within 07 days and shall send the same for verification to the Committee constituted by the Board for Imposition of Environmental Compensation. Subsequently, the Board shall issue orders for Imposition of Environmental Compensation to the industry for causing environmental damage.
 - d) The industry shall also ensure to dispose of its entire hazardous waste of category 18.2 at the earliest possible shortest time by exploring all means available in compliance to the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and shall submit monthly report in the matter to the Regional Office, Bathinda of the Board.
5. That the proceedings of the hearing held on 14.2.2024 before the Chairman of the Board were conveyed to M/s National Fertilizers Ltd., Sivian Road, Bathinda vide letter no. 919 dated 15.2.2024 and a copy of the same is enclosed as **Annexure-C**.



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6. That respectfully it is submitted that the Punjab Pollution Control Board in compliance to order dated 8.1.2024 of the Hon'ble Tribunal has initiated appropriate proceedings against respondent no.4 namely M/s National Fertilizers Ltd., Bathinda for filing of prosecution case against the industry as well as its responsible officers / officials and for imposition of environmental compensation in accordance with the provisions of the Law.
7. That the action taken report on behalf of Punjab Pollution Control Board is hereby submitted in compliance to order dated 8.1.2024 for kind perusal and consideration of the Hon'ble Tribunal.

Submitted by



(Ramandeep Singh Sidhu)
Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda

Date: 20-02-2024
Place: Bathinda


PUNJAB POLLUTION CONTROL BOARD

Zonal Office, Street No. 12, Power House Road, Bathinda



No. 389

Registered

Dated 22/12/2023

To

 M/s National Fertilizers Ltd.,
 Sivian Road, Bathinda.

Subject: - Notice to issue directions u/s 5 of Environment (Protection) Act, 1986 for violation of the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 - M/s National Fertilizers Ltd., Sivian Road, Bathinda.

The, MoEF&CC, Govt of India in exercise of the powers conferred by Environment (Protection) Act, 1986 has notified the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 vide no G.S.R. 395(E) published in the Official Gazette on 04.04.2016 in supersession of the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008.

Whereas, it is mandatory on the part of the industry to obtain the authorization of the Board for management of hazardous waste (s) under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

And whereas, it is also mandatory on the part of the industry to provide adequate and appropriate arrangements for generation, collection, storage & disposal of the hazardous waste (s) generated from its premises.

And whereas, the industry was granted authorization under the provisions of the HOWM Rules, 2016 on 03.10.2023 (valid upto 31.03.2024) for generation, collection, storage & disposal of hazardous waste including category 18.2 @ 39600 TPA, subject to one of the specific condition that the industry shall ensure lifting of at-least 6400 MT of hazardous waste of cat. 18.2 i.e. carbon slurry by 31.03.2023 and shall completely lift the stored hazardous waste of cat. 18.2 i.e. carbon slurry @ 38257.11 MT by 30.09.2026.

And whereas, the site of the industry was visited by the officer of the Board on 25.10.2023 and it was observed that the lifting of hazardous waste of category 18.2 has not yet started from its premises.

And whereas, the industry failed to ensure the compliance of the special condition imposed in the authorization granted to it under the HOWM Rules, 2016.

And whereas, the industry was issued show cause notice for revocation of authorization granted to it under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 alongwith an opportunity of personal hearing before the Chairman of the Board on 20.11.2023, which was attended by the DGM of the industry who stated that no Carbon slurry has been generated by the industry since 2013 and sale order for lifting of Carbon slurry (category 18.2) of 39600 MT has been issued to M/s Shubham Sales (authorized recycler) on 08.11.2023 and lifting of the said hazardous waste shall begin shortly.


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 Punjab Pollution Control Board
 Regional Office, Bathinda.

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And whereas, it is pertinent to mention here that the case bearing OA no. 620/2022 titled as "Kaushik Kumar v/s State of Punjab & others" is pending before the Hon'ble National Green Tribunal, New Delhi and matter is regarding storage & disposal of hazardous waste of category 18.2 (carbon slurry) in violation to the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. The matter was listed for hearing on 24.11.2023 & the Hon'ble Tribunal in its order has mentioned that leftover carbon slurry (category 18.2) amounting to approx. 53100 MT is stored in NFL, Bathinda for a very long period of time and has sought response of MoEF & CC and CPCB regarding issuance of guidelines and monitoring mechanism for monitoring storage and disposal of such hazardous waste of carbon slurry by similar industry throughout India to be essential for just and proper adjudication of environmental questions involved in the case.

And whereas, CPCB vide its letter no. CM-13011/189/2023-LAW-HO-CPCB-HO-7336 dated 13.12.2023 has requested the industry to provide following information:-

1. Status of carbon slurry (hazardous waste) generated by the unit per annum.
2. Mode of disposal being carried out by the unit. Evidence of disposal of carbon slurry i.e. copy of hazardous waste disposal manifest- form-10 be provided.
3. In case, no carbon slurry is generated by the unit, it may be informed since which year carbon slurry is not being generated.
4. Quantity of carbon slurry (hazardous waste) that is yet to be disposed of by the unit may be informed.

And whereas, the industry has stored huge quantity approx. 53100 MT of hazardous waste i.e. carbon slurry (category 18.2 of schedule-I of HOWM Rules, 2016) in its premises since long and has failed to get it lifted to an authorized recycler till date in violation to the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

And whereas, in exercise of powers conferred by Section 23 of the Environment (Protection) Act, 1986, the Central Government has delegated the powers vested in it u/s 5 of the Environment (Protection) Act, 1986 vide notification no. 327 (E) dated 10.04.2001 to the Chairman of the State Pollution Control Boards to issue directions to the industry for violations of any standard and rules relating to the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

Now, the Chairman, Punjab Pollution Control Board in exercise of the powers delegated upon him by the Ministry of Environment & Forests, Government of India, New Delhi, after considering the entire case, has proposed to issue the following directions u/s 5 of Environment (Protection) Act, 1986 :-

1. That the industry shall not restart its processes unless it takes all necessary measures for scientific management of the hazardous waste i.e. carbon slurry (category 18.2 of schedule-I of HOWM Rules, 2016) generated by it.
2. That the environmental compensation as per methodology evolved by the CPCB shall be levied & recovered from the industry for the environmental damage caused by it, by storing the hazardous waste i.e. carbon slurry (category 18.2 of schedule-I of HOWM

Rules, 2016) in its premises since long in violation to the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

3. That the authorization granted to the industry under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 be revoked.

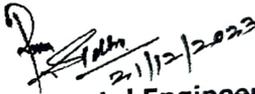
As such, you are, hereby, given an opportunity to file objections, if any, on the proposed directions before **the Chairman, Punjab Pollution Control Board in his office at Vatavarn Bhawan, Nabha Road, Patiala on 27.12.2023 at 11:00 A.M,** failing which, it will be presumed that the industry has nothing to say and further action for confirmation of above directions will be initiated by the Board without giving any further notice / opportunity.


 Environmental Engineer (ZB)
 For Chairman, PPCB

Dated 22/12/2023

Endst. No 38/0

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda for information & necessary action. He is requested to intimate the industry regarding date, time & venue of the hearing well before the date of hearing.


 Environmental Engineer (ZB)
 For Chairman, PPCB


 Environmental Engineer
 Punjab Pollution Control Board
 Regional Office, Bathinda.



No.

Registered

Dated

To

M/s National Fertilizers Ltd.,
Sivian Road, Bathinda.

ਮ.ਸ.ਦਿ. - 15/12/2023
 ਮ.ਸ.ਦਿ. - 15/12/2023

Subject: - Notice to issue directions u/s 5 of Environment (Protection) Act, 1986 for violation of the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 - M/s National Fertilizers Ltd., Sivian Road, Bathinda.

Whereas, the notice to issue directions u/s 5 of Environment (Protection) Act, 1986 for violation of the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 was issued to the industry vide Board's letter no. 3809 dated 22.12.2023, with the following proposed directions:-

1. That the industry shall not restart its processes unless it takes all necessary measures for scientific management of the hazardous waste i.e. carbon slurry (category 18.2 of schedule-I of HOWM Rules, 2016) generated by it.
2. That the environmental compensation as per methodology evolved by the CPCB shall be levied & recovered from the industry for the environmental damage caused by it, by storing the hazardous waste i.e. carbon slurry (category 18.2 of schedule-I of HOWM Rules, 2016) in its premises since long in violation to the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
3. That the authorization granted to the industry under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 be revoked.

And whereas, the industry was afforded an opportunity of personal hearing before the Chairman of the Board on 27.12.2023, wherein amongst other decisions, it was decided as under:-

1. The industry shall also ensure to dispose of its entire hazardous waste of category 18.2 at the earliest possible shortest time by exploring all means available in compliance to the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and shall submit monthly report in the matter to the Regional Office, Bathinda of the Board.
2. The industry shall install 2 no. piezometers in upward direction of the existing carbon slurry ponds (as measurement of background level of pollutants in ground water) and minimum 4 no. piezometer around the carbon slurry ponds in consultation with Environmental Engineer, Regional Office, Bathinda to monitor the groundwater of the area.
3. The industry shall engage Technical Institute of good repute or Chartered Institute approved by the Board to carry out the study:-
 - a) Regarding environmental damage (if any) caused due to the storage of carbon slurry of category 18.2 of schedule-I of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 for such a long period.


 Environmental Engineer
 Punjab Pollution Control Board
 Regional Office, Bathinda

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- b) And, if any Environmental damage has been caused in the area, then the remedial measures for the compensation of environmental damage (if any) as well as the utilization of the ponds which when are emptied after the complete lifting of carbon slurry.
- c) The report in the matter shall be submitted to the Board, within 15 days and the industry shall bear the entire cost of the study/report in the matter.
4. It is made clear to the industry that in case, industry found violating the provisions of HOWM Rules, 2016 as well as the decisions of above hearing, further action against the industry shall be taken under the provisions of HOWM Rules, 2016 without any further notice.

And whereas, it is pertinent to mention here that the case bearing OA no. 620/2022 titled as "Kaushik Kumar v/s State of Punjab & others" is pending before the Hon'ble National Green Tribunal, New Delhi. The matter was listed for hearing on 08.01.2024 & the Hon'ble Tribunal in its order has directed the PPCB to initiate appropriate proceedings for imposition of environmental compensation & prosecution of the defaulting officers/officials in accordance with the law for unjustified continued storage of carbon slurry by the industry and also in action/delay on their part in disposal thereof.

And whereas, the matter has been considered by the Competent Authority and decided to afford another opportunity of personal hearing u/s 5 of the Environment (Protection) Act, 1986 for violation of the provisions of HOWM Rules, 2016 before initiating further action w.r.t. the directions already proposed vide Board's letter no. 3809 dated 22.12.2023 alongwith an additional proposed direction to initiate legal action of the defaulting officers/officials in accordance with the law for unjustified continued storage of carbon slurry by the industry and also in action/delay on their part in disposal thereof.

As such, you are, hereby, given another opportunity to file objections, if any, on the proposed directions before **the Chairman, Punjab Pollution Control Board in his office at Vatavarn Bhawan, Nabha Road, Patiala on 14.02.2024 at 11:00 A.M.**, failing which, it will be presumed that the industry has nothing to say and further action including confirmation of above directions will be initiated by the Board without giving any further notice / opportunity.

Endst. No. 817

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda for information & necessary action. He is requested to intimate the industry regarding date, time & venue of the hearing well before the date of hearing.

cd
Environmental Engineer (ZB)
For Chairman, PPCB

Dated 12/2/2024

P. S. Singh
Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda

P. S. Singh
12.02.2024
Environmental Engineer (ZB)
For Chairman, PPCB


PUNJAB POLLUTION CONTROL BOARD

Zonal Office, Street No. 12, Power House Road, Bathinda



No. 919

Registered

Dated 19/2/2024

To

 M/s National Fertilizers Ltd.,
Sivian Road, Bathinda.

Subject: Proceedings of the personal hearing given to M/s National Fertilizers Ltd., Sivian Road, Bathinda u/s 5 of Environment (Protection) Act, 1986 for violation of the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 by the Chairman on 14.02.2024.

The following were present:
From Board's side:

Er. Harbir Singh, CEE, Bathinda

Er. Rakesh Kumar, SEE, ZO, Bathinda

From industry side:

Sh. V.K. Goyal, Executive Director

Smt. Sandhya Batra, DGM (TS)

Sh. Harmesh Lal Thandi (Sr. Manager)

It was brought out that the industry was granted authorization under the provisions of the HOWM Rules, 2016 on 03.10.2023 (valid upto 31.03.2024) for generation, collection, storage & disposal of hazardous waste including category 18.2 @ 39600 TPA, subject to one of the specific condition that the industry shall ensure lifting of at-least 6400 MT of hazardous waste of cat. 18.2 i.e. carbon slurry by 31.03.2023 and shall completely lift the stored hazardous waste of cat. 18.2 i.e. carbon slurry @ 38257.11 MT by 30.09.2026.

The site of the industry was visited by the officer of the Board on 25.10.2023 and it was observed that the lifting of hazardous waste of category 18.2 has not yet started from its premises.

The industry failed to ensure the compliance of the special condition imposed in the authorization granted to it under the HOWM Rules, 2016.

The industry was issued show cause notice for revocation of authorization granted to it under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 alongwith an opportunity of personal hearing before the Chairman of the Board on 20.11.2023, which was attended by the DGM of the industry who stated that no Carbon slurry has been generated by the industry since 2013 and sale order for lifting of Carbon slurry (category 18.2) of 39600 MT has been issued to M/s Shubham Sales (authorized recycler) on 08.11.2023 and lifting of the said hazardous waste shall begin shortly.

It is pertinent to mention here that the case bearing OA no. 620/2022 titled as "Kaushik Kumar v/s State of Punjab & others" is pending before the Hon'ble National Green Tribunal, New Delhi and matter is regarding storage & disposal of hazardous waste of category 18.2 (carbon slurry) in violation to the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. The matter was listed for hearing on 24.11.2023 & the Hon'ble Tribunal in its order has mentioned that leftover carbon

Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

slurry (category 18.2) amounting to approx. 53100 MT is stored in NFL, Bathinda for a very long period of time and has sought response of MoEF& CC and CPCB regarding issuance of guidelines and monitoring mechanism for monitoring storage and disposal of such hazardous waste of carbon slurry by similar industry throughout India to be essential for just and proper adjudication of environmental questions involved in the case.

CPCB vide its letter no. CM-13011/189/2023-LAW-HO-CPCB-HO-7336 dated 13.12.2023 has requested the industry to provide following information:-

1. Status of carbon slurry (hazardous waste) generated by the unit per annum.
2. Mode of disposal being carried out by the unit. Evidence of disposal of carbon slurry i.e. copy of hazardous waste disposal manifest- form-10 be provided.
3. In case, no carbon slurry is generated by the unit, it may be informed since which year carbon slurry is not being generated.
4. Quantity of carbon slurry (hazardous waste) that is yet to be disposed of by the unit may be informed.

The industry has stored huge quantity approx. 53100 MT of hazardous waste i.e. carbon slurry (category 18.2 of schedule-I of HOWM Rules, 2016) in its premises since long and has failed to get it lifted to an authorized recycler till date in violation to the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

Notice u/s 5 of Environment (Protection) Act, 1986 for violation of the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 was issued to the industry alongwith an opportunity of personal hearing before the Hon'ble Chairman of the Board on 27.12.2023.

During hearing, the DGM of the industry submitted written reply to the notice issued to it, which has been taken on record. She further stated that:-

1. Commercial production at the Unit of NFL was declared on 01.10.1979. The NFL Unit was using Fuel Oil ("FO") / Low Sulphur Heavy Stock ("LSHS") as feedstock for production of Ammonia from 1979 up until 2013. In an endeavor to keep in pace with clean technology, NFL was restructured in November, 2012. The feedstock was replaced from LSHS to Natural Gas. As a result, there has been no generation of carbon slurry at the NFL Unit since 2012 and the leftover carbon slurry was stored in the designated carbon slurry ponds after following all the rules, regulations, guidelines and taking all necessary precautions.
2. After the notification of the Hazardous Waste (Management and Transboundary Movement) Rules 2016 on 04.04.2016, carbon residue in production of nitrogenous and complex fertilizers was categorized as "hazardous waste" under Category 18.2 of Schedule - 1 of the said Rules.
3. From 2016 to 2019, NFL appointed Metal Scrap Trade Corporation Limited - a public sector undertaking under the Ministry of Steel, Government of India (hereinafter referred to as "MSTC") for the disposal of carbon slurry through tendering process. Carbo Chemical Industries was selected by MSTC as the H1 Bidder. The quantity of 9,305.94 MT of carbon slurry was lifted by Carbo Chemical Industries vide Sale Order No. 288, dated 06.03.2017.

4. From 2019 onwards, MSTC issued notice inviting tender (NIT) on behalf of NFL on 11.11.2019, 30.12.2019 & 09.01.2020 for lifting of 39600 MT of carbon slurry. However, the H1 bidder was quoting extremely low prices against the reserved price as such the e-auction was re-conducted on 09.12.2020, but again the highest bid received was much lower than the reserved price, resulting in negotiations and revised bid was approved on 09.04.2021, wherein M/s Shubham Sales Corporation Ltd., Rohtak was finalized for lifting of the carbon slurry. Sale order was issued as per which M/s Shubham Sales were bound to complete the lifting by 16.04.2023, however the said firm could not complete the lifting in the stipulated timeline and also failed to deposit due installments to NFL.
5. Fresh proposal was received from Shubham sales, new sale order was thereafter executed and accordingly M/s Shubham Sales was allowed to lift the carbon slurry (category 18.2). Sale Order no. NFB: ST/D/2022-23/393 dated 21.06.2022 for lifting of the entire quantity (39600 MT) of Carbon slurry was issued to M/s Shubham Sales, Rohtak, wherein the firm is bound to lift the entire quantity by 30.09.2024. The job of lifting is in progress and as on 25th December 2023, 38080 MT Carbon Slurry is lying in the Ponds.

During hearing, the representatives of the industry and the officers of the Board, the Chairman of the Board decided that:-

1. The industry shall also ensure to dispose of its entire hazardous waste of category 18.2 at the earliest possible shortest time by exploring all means available in compliance to the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and shall submit monthly report in the matter to the Regional Office, Bathinda of the Board.
2. The industry shall install 2 no. piezometers in upward direction of the existing carbon slurry ponds (as measurement of background level of pollutants in ground water) and minimum 4 no. piezometer around the carbon slurry ponds in consultation with Environmental Engineer, Regional Office, Bathinda to monitor the groundwater of the area.
3. The industry shall engage Technical Institute of good repute or Chartered Institute approved by the Board to carry out the study:-
 - i. Regarding environmental damage (if any) caused due to the storage of carbon slurry of category 18.2 of schedule-I of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 for such a long period
 - ii. And, if any Environmental damage has been caused in the area, then the remedial measures for the compensation of environmental damage (if any) as well as the utilization of the ponds which when are emptied after the complete lifting of carbon slurry.
 - iii. The report in the matter shall be submitted to the Board, within 15 days and the industry shall bear the entire cost of the study/report in the matter.
4. Environmental Engineer, Regional Office, Bathinda shall visit the industry after every 15 days period and shall check the compliances of HOWM Rules, 2016 and verify the compliances of the decisions of the hearing as above and shall submit his progress report


 Environmental Engineer on weekly basis to Zonal Office Bathinda.
 Punjab Pollution Control Board
 Regional Office, Bathinda.

5. It is made clear to the industry that in case, industry found violating the provisions of HOWM Rules, 2016 as well as the decisions of above hearing, further action against the industry shall be taken under the provisions of HOWM Rules, 2016 without any further notice.

The Hon'ble National Green Tribunal, New Delhi in OA no. 620/2022 titled as "Kaushik Kumar v/s State of Punjab & others" in the order dated 08.01.2024 directed the PPCB to initiate appropriate proceedings for imposition of environmental compensation & prosecution of the defaulting officers/officials in accordance with the law for unjustified continued storage of carbon slurry by the industry and also in action/delay on their part in disposal thereof.

Subsequently, the industry was afforded another opportunity of personal hearing u/s 5 of the Environment (Protection) Act, 1986 for violation of the provisions of HOWM Rules, 2016 before the Chairman of the Board on 14.02.2024.

The hearing was attended by the officials of the industry who submitted written reply to the notice issued to it, which has been taken on record. They further stated that:-

1. 5 nos. of new piezometers have been installed at the specified locations in addition to the existing 04 nos. piezometers in consultation with the Environmental Engineer, PPCB Bathinda.
2. For conducting an Environment Assessment Study at National Fertilizers Limited, Bathinda, a letter of intent for the said study has already been issued to Maharaja Ranjit Singh Punjab Technical University (MRSPTU) on 30.01.2024 and it has been informed by the University that the time for completion of the study will be nearly 3 to 4 months.
3. Considering the environmental sustainability and adoption of cleaner fuels, Bathinda Unit was revamped in March 2013 and since then Natural Gas (NG) is being used as feedstock for production of Urea. After the feedstock changeover from Fuel Oil to Natural Gas, there is no generation of Carbon Slurry from the unit. Carbon slurry lying in the ponds was last generated in the month of November 2012 and as on date the old stocks of Carbon Slurry is lying in ponds.
4. In furtherance of the directions issued by the Ministry of Environment, Forest and Climate Change (hereinafter referred to as "MOEF&CC") vide Office Memo F. No. 23-88/2018-HSM, dated 09.10.2018, another analysis of the carbon slurry was conducted from Alpha Test House, which is ISO/IEC 17025: 2005, NABL accredited Laboratory. The Alpha Test House collected the samples from the three (3) carbon slurry ponds on 23.10.2018 and issued the respective reports on 15.11.2018. As per the three (3) reports, the carbon slurry sample(s) collected from the 3 carbon slurry ponds at Respondent No.4's Unit are non-hazardous as the hazardous content in accordance with schedule-II of the said Rules are below detectable limits.
5. Carbon slurry was being generated since 1979 up to November 2012 and was declared hazardous in 2016, SOP notified in 2017, matter was taken up with MoEF & CC for, "One time Exemption" to sell the Carbon Slurry under "Non Hazardous Category". After due deliberations and discussions with the officials of MoEF & CC, it was finalized in 2019 to


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 Regional Office, Bathinda.

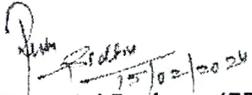
proceed ahead with the disposal of the Carbon Slurry as Hazardous Waste in terms of the HOWM Rules 2016.

6. NFL Bathinda appointed Metal Scrap Trade Corporation Limited - a public sector undertaking under the Ministry of Steel, Government of India (here in after referred to as "MSTC") for the disposal of carbon slurry through a tendering process. In November 2019, MSTC issued NIT on its website on behalf of NFL, Bathinda and E-auction was conducted. Various Press advertisements were also published in the leading newspapers. Bids from only two parties were received. Since the highest bid received was much lower than the reserve price, re-auction was conducted on 20.02.2020 due to extensions sought by Parties. Three parties participated. After all the technical clarifications, the bid of M/s Shivam Chemicals was approved online on 15.07.2020. However, subsequently, the Haryana SPCB withdrew the authorization granted to M/s Shivam Chemicals, Panipat on 03.08. 2020. Hence the total process and efforts went in vain.
7. It is pertinent to mention that the ongoing pandemic Covid-19 slowed down the process of lining up the party for lifting of Carbon slurry. The NIT was once again issued on MST website on 09.12.2020 and e-auction was conducted on 12.01.2021. Only two parties participated which clearly indicates the limited number of parties available in the market. The bid of H-1 bidder M/s Shubham Sales Corporation Limited Rohtak was approved online on 09.04.2021. Acceptance letter was issued to M/s Shubham Sales Corporation Limited on 20.04.2021 after fulfilling all the compliances mandated under HOWM Rules 2016. M/s Shubham Sales Corporation Limited was unable to deposit the first installment as per the NIT terms and ongoing Covid-19. After the receipt of the first installment, sale order no.393 dated 21.06.2022 was issued to M/s Shubham Sales Corporation Limited, Rohtak for 39600 MT of carbon slurry. The party lifted 1342.89 MT of Carbon slurry in the year 2022-23. M/s Shubham Sales Co., could not lift the entire quantity owing to no-deposition of the requisite amount as per the terms and conditions of Sale Order. Further, M/s Shubham Sales Co. requested for extension of payment schedule vide their letter dated 07.08.2023. In view of proposal received from M/s Shubham sales, dated 07.08.2023, and upon several discussions and deliberations, NFL, Bathinda issued the Amendment No.1 dated 07.10.2023 as well as the Amendment No.2 dated 04.11.2023 to the sale order No. 393, for lifting of carbon slurry. Party commenced re-lifting of the carbon slurry on 20.11.2023 & 325.83 MT of carbon slurry has been lifted as on 13.02.2024 & 37931.25 MT carbon slurry is lying in the ponds. Monthly report in this regard is being submitted to RO, PPCB, Bathinda. M/s Shubham Sales CO. has endeavored to lift the entire quantity of carbon slurry by 30.09.2024.
8. The entire process leading to the safe disposal of the Carbon Slurry since 2013 comprises working of various departments of the organization in a specified hierarchy and no individual officer can be held liable for any alleged contraventions of the provisions of the Environment (Protection) Act, 1986 and all the efforts have been diligently made by all the officers of NFL in good faith for safe disposal of Carbon Slurry from its Premises.

After hearing the officials of the industry and the officers of the Board, the Chairman of the Board decided that:-

1. In compliance to the orders of the Hon'ble NGT, the prosecution of the defaulting officers/officials of NFL, Bathinda is approved to be filed in the court of law under the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 framed under Environment (Protection) Act, 1986 for unjustified continued storage of carbon slurry by the industry and also in action/delay on their part in disposal thereof which has caused environmental damage in the area.
2. NFL, Bathinda is directed to give the names of the defaulting officers/officials responsible for unjustified continued storage of carbon slurry by the industry and also in action/delay on their part in disposal thereof, to the Regional Office, Bathinda of the Board, within 07 days.
3. Environmental Engineer, Regional Office, Bathinda shall calculate the amount of Environmental Compensation to be imposed upon the industry in accordance with the law for unjustified continued storage of carbon slurry by the industry and also inaction/delay on their part in disposal thereof, within 07 days and shall send the same for verification to the Committee constituted by the Board for Imposition of Environmental Compensation. Subsequently, the Board shall issue orders for Imposition of Environmental Compensation to the industry for causing environmental damage.
4. The industry shall also ensure to dispose of its entire hazardous waste of category 18.2 at the earliest possible shortest time by exploring all means available in compliance to the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and shall submit monthly report in the matter to the Regional Office, Bathinda of the Board.

You are requested to ensure the compliance of the above decisions of the personal hearing.


 Environmental Engineer (ZB)
 For Chairman, PPCB

Dated 15/2/2027

Endst. No. 920

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda for information and requested to ensure the compliance of decision of hearing within stipulated period.


 Environmental Engineer (ZB)
 For Chairman, PPCB


 Environmental Engineer
 Punjab Pollution Control Board
 Regional Office, Bathinda.