

**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 by way of affidavit of Er. Gurindar Singh Majithia, Member Secretary, Punjab Pollution Control Board, Patiala in compliance to order dated 15.10.2024.

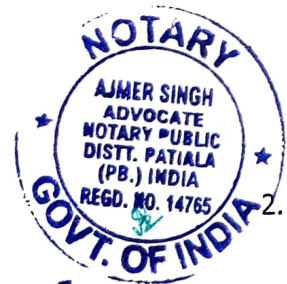
I, the above-named deponent, do hereby solemnly affirm and state as under:

Respectfully showeth:

1. That briefly stated the above mentioned case involving the issue of storage and disposal of hazardous waste in violation of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 is pending before this Hon'ble Tribunal.
2. That in compliance to the orders passed by the Hon'ble National Green Tribunal, the Punjab Pollution Control Board is filing replies / status reports from time to time.
3. That the Hon'ble National Green Tribunal was pleased to pass an order dated 15.10.2024, thereby directing the Member Secretaries of the Punjab



**Member Secretary
Punjab Pollution Control Board
Patiala.**



This Documents has been registrea
 at Serial No. 816
 This day of 14 JAN 2025

Pollution Control Board and Haryana State Pollution Control Board to file affidavit regarding remedial action taken including steps taken for recovery of Environmental Compensation.

4. That in compliance to order dated 15.10.2024, it is submitted that since the date the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 were notified in the year 2016 by the Ministry of Environment, Forest and Climate Change wherein carbon slurry has been declared as hazardous waste, the Punjab Pollution Control Board is pursuing with the industry M/s National Fertilizers Ltd, Bathinda to dispose of the carbon slurry in a scientific and environmentally sound manner. Show Cause notices have been issued by the Board from time to time and various opportunities of hearing were extended to M/s National Fertilizers Ltd, Bathinda for proper disposal of carbon slurry lying stored in the ponds within the premises of the industry. The industry has also engaged M/s PDIL for the evaluation of carbon slurry and issued e-tendering process for disposal of carbon slurry and has also approached the Ministry of Environment, Forest and Climate Change, Government of India for declaration of carbon slurry as non-hazardous substance, but the representation of the industry was not accepted by the Ministry of Environment, Forest and Climate Change.

5. The Board has granted authorizations to the industry for disposal of Hazardous waste of category 5.1(used or spent oil), category 18.1(spent catalyst), category 18.2 (carbon residue) of 39600 MT from time to time with specific conditions as under:

a. Year 2020

Authorization was granted for the period from 26.04.2020 valid upto 31.03.2021 with certain conditions as mentioned therein. With regard to the disposal of hazardous waste of category 18.2, specific condition was imposed that the industry may invite & process tenders for disposal of hazardous waste i.e. Carbon slurry (Cat. 18.2 of schedule-I) subject to condition that successful bidder shall be authorized actual user & shall



Member Secretary
Punjab Pollution Control Board
Patiala.

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have prior permission/authorization of PPCB for lifting & transporting the said Hazardous Waste. A copy of authorization dated 26.04.2020 valid upto 31.03.2021 is enclosed as **Annexure- A**.

b. Year 2021

Authorization was granted for the period from 17.09.2021 valid upto 31.03.2022 with certain conditions as mentioned therein. With regard to the disposal of hazardous waste of category 18.2, specific condition was imposed that the industry shall dispose of the entire quantity of carbon slurry (category 18.2 of schedule-I) by 31.03.2022 and shall submit monthly progress in this regard to the Board. A copy of authorization dated 17.09.2021 valid upto 31.03.2022 is enclosed as **Annexure- B**.

c. Year 2022

Authorization was granted for the period from 17.06.2022 valid upto 31.03.2023 with certain conditions as mentioned therein. With regard to the disposal of hazardous waste of category 18.2, specific conditions were imposed that the industry shall ensure to dispose of the entire quantity of carbon slurry (category-18.2 of schedule-I) within the stipulated time period and shall submit monthly progress in this regard to the Board and that the industry shall ensure that the facility / party to whom its hazardous waste is lifted shall have minimal requisite facilities for utilization of hazardous waste as prescribed by CPCB as well as having valid CTOs under the Water Act, 1974 & Air Act, 1981 as well as valid authorization under the HOWM Rules, 2016 from the concerned State Pollution Control Board. A copy of authorization dated 17.06.2022 valid upto 31.03.2023 is enclosed as **Annexure- C**.

d. Year 2023

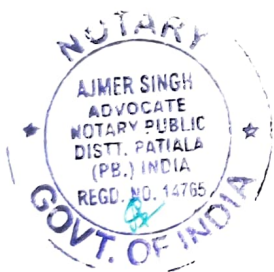
Authorization was granted for the period from 03.10.2023 valid upto 31.03.2024 with certain conditions as mentioned therein. With regard to the disposal of hazardous waste of category 18.2, specific conditions were imposed as under



Member Secretary
Punjab Pollution Control Board
Patiala.



- i) The industry shall not generate/ store/ collect/ dispose any other category of hazardous waste from its premise, except the category of hazardous waste(s) for which it has been granted this authorisation under the HWM Rules, 2016.
- ii) The industry shall install online display board (digital type) in accordance with the Board's letter no. 17852-65 dated 14.08.2020 within one month (if not already provided) and submit compliance to the Board within 7 days, thereafter.
- iii) The industry shall dispose of its generated hazardous waste category 29.2 to the Common Hazardous Waste Treatment & Disposal Facility as per provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, under proper manifest and shall maintain proper record in this regard, at all times.
- iv) The industry shall dispose of its hazardous waste category 5.1, 18.1 & 18.2 to the authorized unit / recycler/ utilizer (actual user) having valid Registration Certificate-cum-Pass Book from respective State Pollution Control Board / Central Pollution Control Board and valid authorization of the State Board under the said Rules and 'consents to operate' under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 and authorization under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, under proper manifest and shall maintain proper record in this regard, at all times.
- v) The industry shall ensure lifting of at-least 6400MT of HW Cat. 18.2 i.e. carbon slurry by 31.3.2023 and shall completely lift the stored HW Cat. 18.2 i.e. carbon slurry @ 38257.11 MT by 30.09.2026.




Member Secretary
Punjab Pollution Control Board
Patiala.

- vi) The industry shall store its hazardous wastes generated from different manufacturing activities/ otherwise, within its premises in an environmentally sound manner as per provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- vii) The industry shall ensure regular lifting of hazardous waste and also ensure that the quantity of hazardous waste generated per year shall not be stored beyond 90 days (extendable upto 180 days) in its premises at any time.
- viii) The industry shall handle the hazardous waste(s) strictly in accordance with the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and guidelines issued by Central Pollution Control Board / Ministry of Environment & Forests and Climate Change, New Delhi.
- ix) In case, the industry fails to comply with the above conditions of authorization as well as provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and/or any other environmental law applicable to the industry and Rules, Circulars & Directions issued by the Board from time to time, the Board shall be constrained to take action against the industry under the provisions of the Pollution Control Laws.

A copy of the authorization dated 04.10.2023 granted for the period 03.10.2023 to 31.03.2024 is enclosed as **Annexure-D**. It is relevant to mention here that in specific condition no. 5 of the authorization the date 31.03.2023 has inadvertently been written due to typing mistake whereas the actual date which has to be mentioned is 31.03.2024. The date 31.03.2023, as such may kindly be read as 31.03.2024 in specific condition no.5.



Member Secretary
Punjab Pollution Control Board
Patiala.



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e) Year 2024

Authorization was granted for the period from 21.03.2024 valid upto 31.03.2025 was granted on 21.03.2024 with certain conditions as mentioned therein. With regard to the disposal of hazardous waste of category 18.2, specific condition has been imposed that the industry will ensure to get its hazardous waste of category 18.02 lifted to the authorized re-cycler at the earliest. A copy of the authorization dated 21.03.2024 is enclosed as **Annexure-E**.

6. That it is pertinent to mention here that at the time of grant of authorization for disposal of hazardous waste category 18.2 by the Board in year 2020, M/s National Fertilizers Ltd, Bathinda was having 39600 MT of hazardous waste of category 18.2 stored in its dykes. As on 07.10.2024, M/s National Fertilizers Ltd, Bathinda has got 4900.2 MT of carbon slurry lifted to M/s Shubham Sales Corporation, Rohtak, Haryana (re-processor of hazardous waste). As on 7.10.2024, 34,699.8 MT of hazardous waste of carbon residue of category 18.2 was lying in the dykes of the industry. The Punjab Pollution Control Board vide letter no. 4257 dated 07.10.2024 has informed the Central Pollution Control Board in this regard. A copy of letter no. 4257 dated 07.10.2024 is enclosed as **Annexure-F**.

7. That the Board is pursuing hard with the M/s National Fertilizers Ltd, Bathinda to remove the remaining quantity of carbon slurry from its premises at the earliest.

8. That as far as the imposition and recovery of Environmental Compensation is concerned, the reply given in the following sub paras may kindly be read.

- a) In compliance to the decision taken during the personal hearing held on 05.09.2024 (proceedings conveyed vide letter no. 4162 dated 23.09.2024) the competent authority of the Board, vide order bearing no.412 dated 09.10.2024 has imposed Environmental Compensation amounting to Rs. 11,88,00,000/- (Eleven Crore Eighty-Eight Lakh Only) upon M/s National Fertilizers Ltd, Bathinda and directed the Chief



Member Secretary
Punjab Pollution Control Board
Patiala.



General Manager of the Industry to deposit the said amount of Environmental Compensation with the Board within 15 days from the date of receipt of the order.

- b) M/s National Fertilizers Ltd, Bathinda was requested by the Board vide letter no. 4893 dated 20.12.2024 to submit the compliance of the decisions of hearing held on 05.09.2024, wherein one of the decisions was for the imposition of Environmental Compensation. A copy of letter no. 4893 dated 20.12.2024 is enclosed as **Annexure-G**.
- c) The corporate office of M/s National Fertilizers Ltd situated at Noida, Uttar Pradesh was requested vide letter no. 4895 dated 20.12.2024 to deposit the amount of Rs. 11.88 Crore towards Environmental Compensation imposed upon the industry by the Board at the earliest. A copy of letter no. 4895 dated 20.12.2024 is enclosed as **Annexure-H**.
- d) However, the amount of Environmental Compensation has not been deposited by the industry and the same has been challenged by the industry by filing Appeal No. 47 of 2024 before the Hon'ble National Green Tribunal which has been separately listed for hearing on 20.01.2025. The Board has filed reply in the said appeal and a copy of the reply filed by the Board is enclosed as **Annexure-I**.
9. That the deponent may kindly be allowed to place on record, the present affidavit in compliance to order dated 15.10.2024 for kind consideration and appropriate orders of the Hon'ble Tribunal.

Deponent

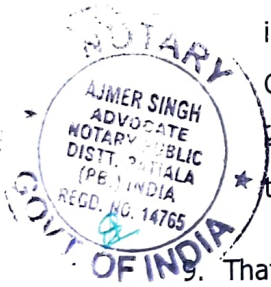
Date: 14-01-2025

Place: PATIALA


(Gurindar Singh Majithia)
Member Secretary, Punjab
Pollution Control Board,
Nabha Road, Patiala

The Contents of this affidavit document have been read over to the deponent He/She has accepted the true & correct.

Member Secretary
Punjab Pollution Control Board
Patiala.





Verification:

I, the deponent above named, do hereby verify and state that the contents of the above affidavit are true and correct to the best of my knowledge and belief, as derived from the official record. No part of the above affidavit is false and nothing material has been concealed there from.

Deponent

(Signature)
(Gurindar Singh Majithia)
Member Secretary, Punjab
Pollution Control Board,
Nabha Road, Patiala

Member Secretary
Punjab Pollution Control Board
Patiala.

Date: 14-01-2025

Place: PATIALA

Attested As Identified
(Signature)
NOTARY PUBLIC (Govt of India)
Distt. PATIALA (Pb.)

14 JAN 2025

This Documents has been registered
at Serial No. 816
This day of 14 JAN 2025

I Identify the Deponent/Person
to whom I know personally
(Signature)

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PUNJAB POLLUTION CONTROL BOARD

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

Website:- www.ppcb.gov.in

Office Dispatch No :

Registered/Speed Post

Date:

Industry Registration ID : R12BTI43363

Application No : 11833594

To,
A K JAIN
NATIONAL FERTILIZERS LIMITED
BATHINDA,PUNJAB-151003

Subject: **Renewal of Authorization for operating a facility for 'Collection, Generation, Storage, Disposal, ' of Hazardous Wastes as per the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 .**

A K JAIN of M/s national fertilizers ltd is hereby granted an authorisation based on the enclosed signed inspection report for Collection, Generation, Storage, Disposal, on the premises situated at Sibian road, Bathinda, Bathinda-151003

1. Particulars of Authorization granted to the Industry

Authorization No	HWM/renew/BTI/2020/11833594
Previous Authorization No	HWM/BTI/2016/4061127
Date of issue :	26/04/2020
Date of expiry :	31/03/2021
Previous Authorization Date of Issue :	29/08/2016
Previous Authorization Date of Expiry :	31/03/2021
Authorization Type :	renew

2. Particulars of the Industry

Name & Designation of the Applicant	A K JAIN, (GENERAL MANAGER I/c)
Address of Industrial premises	M/s national fertilizers ltd , Sibian road, Bathinda,Bathinda-151003
Capital Investment of the Industry	144375.0 lakhs
Category of Industry	Red
Type of Industry	Manufacturing of Fertilizers
Scale of the Industry	Large
Office District	Bathinda


Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

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M/s national fertilizers ltd ,Sibian road,Bathinda,Bathinda,151003

3. Particulars of Wastes

Category of Hazardous Waste as per the Schedules I,II and III of these rules	Authorised mode of disposal or recycling or utilisation or co-processing, etc	Quantity (ton/annum)
Schedule I 5.1-Used or spent oil	Generation . Collection . Storage . Disposal	25 MT/annum
Schedule I 18.1-Spent catalyst	Generation . Collection . Storage . Disposal	20 MT/annum
Schedule I 18.2-Carbon residue	Storage . Disposal	39600 T

4. The authorisation is subject to the general and specific conditions as appended with the Authorization.

PUNJAB



26/04/2020

(Ruby Sidhu)
Asstt Environmental Engineer

For & on behalf

of

(Punjab Pollution Control Board)

Endst. No.:

Dated:

A copy of the above is forwarded to the following for information and necessary action please:
Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda.



26/04/2020

(Ruby Sidhu)
Asstt Environmental Engineer

For & on behalf

of

(Punjab Pollution Control Board)



Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

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M/s national fertilizers ltd ,Sibian road,Bathinda,Bathinda,151003

TERMS AND CONDITIONS

A. GENERAL CONDITIONS

1. The authorised person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under.
2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the State Pollution Control Board.
3. The person authorised shall not rent, lend, sell, transfer or otherwise transport the hazardous and other wastes except what is permitted through this authorisation.
4. Any unauthorised change in personnel, equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorisation.
5. The person authorised shall implement Emergency Response Procedure (ERP) for which this authorisation is being granted considering all site specific possible scenarios such as spillages, leakages, fire etc. and their possible impacts and also carry out mock drill in this regard at regular interval of time;
6. The person authorised shall comply with the provisions outlined in the Central Pollution Control Board guidelines on $\frac{1}{2}$ Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty $\frac{1}{2}$.
7. It is the duty of the authorised person to take prior permission of the State Pollution Control Board to close down the facility.
8. The imported hazardous and other wastes shall be fully insured for transit as well as for any accidental occurrence and its clean-up operation.
9. The record of consumption and fate of the imported hazardous and other wastes shall be maintained.
10. The hazardous and other waste which gets generated during recycling or reuse or recovery or pre-processing or utilisation of imported hazardous or other wastes shall be treated and disposed of as per specific conditions of authorisation.
11. The importer or exporter shall bear the cost of import or export and mitigation of damages if any.
12. An application for the renewal of an authorisation shall be made as laid down under these Rules.
13. Any other conditions for compliance as per the Guidelines issued by the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board from time to time.
14. Annual return shall be filed by June 30th for the period ensuring 31st March of the year.

B. SPECIFIC CONDITIONS

1. The industry may invite & process tenders for disposal of hazardous waste i.e. Carbon slurry (Cat. 18.2 of schedule-I) subject to condition that successful bidder shall be authorized actual user & shall have prior permission/authorization of PPCB for lifting & transporting the said Hazardous Waste.



26/04/2020

(Ruby Sidhu)
Asstt Environmental Engineer

For & on behalf

of

(Punjab Pollution Control Board)



Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

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M/s national fertilizers ltd, Sibian road, Bathinda, Bathinda, 151003

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PUNJAB POLLUTION CONTROL BOARD

Regional Office, Bathinda (DISTRICT ADMINISTRATIVE COMPLEX, ROOM NO. 401 E
- 403 E,
406E & 418 E, 3RD FLOOR)
Website:- www.ppcb.gov.in

Office Dispatch No :	Registered/Speed Post	Date:
Industry Registration ID : R12BTI43363		Application No : 12482942

To,
V K GOYAL
NATIONAL FERTILIZERS LIMITED
BATHINDA, PUNJAB-151003

Subject: Fresh Authorization for operating a facility for Collection, Generation, Storage, Disposal, of Hazardous Wastes as per the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 .

V K GOYAL of M/s national fertilizers ltd is hereby granted an authorisation based on the enclosed signed inspection report for Collection, Generation, Storage, Disposal, on the premises situated at Sibian road, Bathinda, Bathinda-151003

1. Particulars of Authorization granted to the Industry

Authorization No	HWM/Fresh/BTI/2021/12482942
Date of issue :	17/09/2021
Date of expiry :	31/03/2022
Authorization Type :	Fresh

2. Particulars of the Industry

Name & Designation of the Applicant	V K GOYAL, (GENERAL MANAGER I/c)
Address of Industrial premises	M/s national fertilizers ltd , Sibian road, Bathinda, Bathinda-151003
Capital Investment of the Industry	1256.7 lakhs
Category of Industry	Orange
Type of Industry	2093-Pesticides formulation
Scale of the Industry	Small
Office District	Bathinda


Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

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M/s national fertilizers ltd ,Sibian road,Bathinda.Bathinda,151003

3. Particulars of Wastes

Category of Hazardous Waste as per the Schedules I,II and III of these rules	Authorised mode of disposal or recycling or utilisation or co-processing, etc	Quantity (ton/annum)
Schedule I 5.1-Used or spent oil	Generation , Collection , Storage , Disposal	25 T/Annum
Schedule I 18.1-Spent catalyst	Generation , Collection , Storage , Disposal	108 T/Annum
Schedule I 18.2-Carbon residue	Storage , Disposal	39600 T/Annum

4. The authorisation is subject to the general and specific conditions as appended with the Authorization.

PUNJAB

Gurmeet Singh

17/09/2021

Gurmeet Singh
Environmental Engineer

For & on behalf

of

(Punjab Pollution Control Board)

Endst. No.:

Dated:

A copy of the above is forwarded to the following for information and necessary action please:
The Senior Environmental Engineer, Punjab Pollution Control Board, Zonal Office, Bathinda

Gurmeet Singh

17/09/2021

Gurmeet Singh
Environmental Engineer

For & on behalf

of

(Punjab Pollution Control Board)

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

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M/s national fertilizers ltd ,Sibian road,Bathinda,Bathinda,151003

TERMS AND CONDITIONS

A. GENERAL CONDITIONS

1. The authorised person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under.
2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the State Pollution Control Board.
3. The person authorised shall not rent, lend, sell, transfer or otherwise transport the hazardous and other wastes except what is permitted through this authorisation.
4. Any unauthorised change in personnel, equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorisation.
5. The person authorised shall implement Emergency Response Procedure (ERP) for which this authorisation is being granted considering all site specific possible scenarios such as spillages, leakages, fire etc. and their possible impacts and also carry out mock drill in this regard at regular interval of time;
6. The person authorised shall comply with the provisions outlined in the Central Pollution Control Board guidelines on $\frac{1}{2}$ Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty $\frac{1}{2}$.
7. It is the duty of the authorised person to take prior permission of the State Pollution Control Board to close down the facility.
8. The imported hazardous and other wastes shall be fully insured for transit as well as for any accidental occurrence and its clean-up operation.
9. The record of consumption and fate of the imported hazardous and other wastes shall be maintained.
10. The hazardous and other waste which gets generated during recycling or reuse or recovery or pre-processing or utilisation of imported hazardous or other wastes shall be treated and disposed of as per specific conditions of authorisation.
11. The importer or exporter shall bear the cost of import or export and mitigation of damages if any.
12. An application for the renewal of an authorisation shall be made as laid down under these Rules.
13. Any other conditions for compliance as per the Guidelines issued by the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board from time to time.
14. Annual return shall be filed by June 30th for the period ensuring 31st March of the year.

B. SPECIFIC CONDITIONS

The industry shall dispose off the entire quantity of carbon slurry (category 18.2 of schedule-I) by 31.03.2022 and shall submit monthly progress in this regard to the Board.



17/09/2021

Gurmeet Singh
Environmental Engineer

For & on behalf

of

(Punjab Pollution Control Board)



PUNJAB POLLUTION CONTROL BOARD

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

Website:- www.ppcb.gov.in

Office Dispatch No : _____ Registered/Speed Post _____ Date: _____
 Industry Registration ID : R12BTI43363 _____ Application No : 18344665 _____

To,
V K GOYAL
NATIONAL FERTILIZERS LIMITED
BATHINDA,PUNJAB-151003

Subject: Fresh Authorization for operating a facility for Collection, Generation, Storage, Disposal, of Hazardous Wastes as per the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 .

V K GOYAL of M/s national fertilizers ltd is hereby granted an authorisation based on the enclosed signed inspection report for Collection, Generation, Storage, Disposal, on the premises situated at Sibian road, Bathinda, Bathinda-151003

1. Particulars of Authorization granted to the Industry

Authorization No	HWM/Fresh/BTI/2022/18344665
Date of issue :	17/06/2022
Date of expiry :	31/03/2023
Authorization Type :	Fresh

2. Particulars of the Industry

Name & Designation of the Applicant	V K GOYAL, (CHIEF GENERAL MANAGER I/c)
Address of Industrial premises	M/s national fertilizers ltd , Sibian road, Bathinda,Bathinda-151003
Capital Investment of the Industry	144375.0 lakhs
Category of Industry	Red
Type of Industry	1052-Fertilizer (basic) (excluding formulation)
Scale of the Industry	Large
Office District	Bathinda

Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

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M/s national fertilizers ltd ,Sibian road,Bathinda,Bathinda,151003

3. Particulars of Wastes

Category of Hazardous Waste as per the Schedules I,II and III of these rules	Authorised mode of disposal or recycling or utilisation or co-processing, etc	Quantity (ton/annum)
Schedule I 5.1-Used or spent oil	Generation , Collection , Storage , Disposal	25 T/Annum
Schedule I 18.1-Spent catalyst	Generation , Collection , Storage , Disposal	108 T/Annum
Schedule I 18.2-Carbon residue	Storage , Disposal	39600 T/Annum

4. The authorisation is subject to the general and specific conditions as appended with the Authorization.

PUNJAB



17/06/2022

(Ruby Sidhu)
Asstt Environmental Engineer

For & on behalf

of

(Punjab Pollution Control Board)

Endst. No.:

Dated:

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

Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda. He is requested to regularly monitor the progress regarding disposal of carbon slurry and also carry out ground water monitoring of the area nearby ash ponds to check any effect on the ground water due to storage of carbon slurry.



17/06/2022

(Ruby Sidhu)
Asstt Environmental Engineer

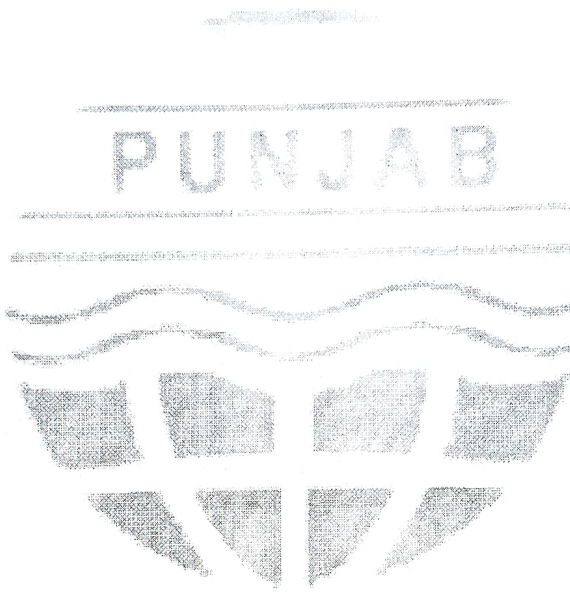
For & on behalf



Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

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M/s national fertilizers ltd ,Sibian road,Bathinda,Bathinda,151003



A handwritten signature in blue ink, appearing to be "S. Singh", written in a cursive style.

Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

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M/s national fertilizers ltd ,Sibian road,Bathinda,Bathinda,151003

TERMS AND CONDITIONS

A. GENERAL CONDITIONS

1. The authorised person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under.
2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the State Pollution Control Board.
3. The person authorised shall not rent, lend, sell, transfer or otherwise transport the hazardous and other wastes except what is permitted through this authorisation.
4. Any unauthorised change in personnel, equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorisation.
5. The person authorised shall implement Emergency Response Procedure (ERP) for which this authorisation is being granted considering all site specific possible scenarios such as spillages, leakages, fire etc. and their possible impacts and also carry out mock drill in this regard at regular interval of time;
6. The person authorised shall comply with the provisions outlined in the Central Pollution Control Board guidelines on 'Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty'.
7. It is the duty of the authorised person to take prior permission of the State Pollution Control Board to close down the facility.
8. The imported hazardous and other wastes shall be fully insured for transit as well as for any accidental occurrence and its clean-up operation.
9. The record of consumption and fate of the imported hazardous and other wastes shall be maintained.
10. The hazardous and other waste which gets generated during recycling or reuse or recovery or pre-processing or utilisation of imported hazardous or other wastes shall be treated and disposed of as per specific conditions of authorisation.
11. The importer or exporter shall bear the cost of import or export and mitigation of damages if any.
12. An application for the renewal of an authorisation shall be made as laid down under these Rules.
13. Any other conditions for compliance as per the Guidelines issued by the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board from time to time.
14. Annual return shall be filed by June 30th for the period ensuring 31st March of the year.

B. SPECIFIC CONDITIONS

1. The industry shall ensure to dispose off the entire quantity of carbon slurry (category-18.2 of schedule-I) within the stipulated time period and shall submit monthly progress in this regard to the Board.
2. The industry shall ensure that the facility / party to whom its hazardous waste is lifted shall have minimal requisite facilities for utilization of hazardous waste as prescribed by CPCB as well as having valid CTOs under the Water Act, 1974 & Air Act, 1981 as well as valid authorization under the HOWM Rules, 2016 from the concerned State Pollution Control Board.
3. The industry shall develop the vermi-composting/composting to manage the biodegradable solid waste. PP shall not throw, burn or bury any solid wastes in open, outside premises or in drain / water bodies.
4. The industry shall promote use of alternatives of single use plastics (SUP) and awareness to discourage use of plastic, through their Corporate Environment Responsibility (CER) activities.
5. The industry shall ensure that there are no usages of single use plastic- thermocol disposable items such as water bottles / water pouches/water cups, plates, forks, spoons, straw etc. and single use decorating material made of plastic-thermocol or any other non-biodegradable material in the premises.
6. The industry shall properly handle and manage the solid wastages as per the provisions of the Municipal Solid Waste Rules 2016 and ensure that the solid waste is segregated & disposed of in an environmentally sound manner.



Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.



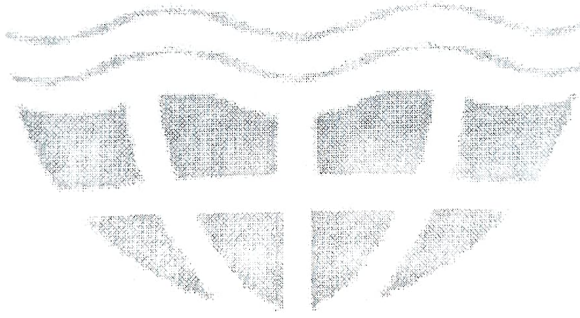
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M/s national fertilizers ltd, Sibian road, Bathinda, Bathinda, 151001

17/06/2022

(Ruby Sidhu)
Asstt Environmental Engineer
For & on behalf
of
(Punjab Pollution Control Board)

PUNJAB



Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

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M/s national fertilizers ltd ,Sibian road,Bathinda,Bathinda,151003



PUNJAB POLLUTION CONTROL BOARD
Invest Punjab, PBIP, Udyog Bhawan, Sector 17, Chandigarh.
Website:- www.ppcb.gov.in



Office Dispatch No :

Registered/Speed Post

Date:

Industry Registration ID : R12BT143363

Application No : 21184122

To,
V K GOYAL
NATIONAL FERTILIZERS LIMITED
BATHINDA,PUNJAB-151003

Subject: Fresh Authorization for operating a facility for Collection, Generation, Storage, Disposal, of Hazardous Wastes as per the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 .

V K GOYAL of M/s national fertilizers ltd is hereby granted an authorisation based on the enclosed signed inspection report for Collection, Generation, Storage, Disposal, on the premises situated at Sibian road, Bathinda, Bathinda-151003

1. Particulars of Authorization granted to the Industry

Authorization No	FWM/Fresh/BTI/2023/21184122
Date of issue :	03/10/2023
Date of expiry :	31/03/2024
Authorization Type :	Fresh

2. Particulars of the Industry

Name & Designation of the Applicant	V K GOYAL, (EXECUTIVE DIRECTOR)
Address of Industrial premises	M/s national fertilizers ltd , Sibian road, Bathinda, Bathinda-151003
Capital Investment of the Industry	148986.0 lakhs
Category of Industry	Red
Type of Industry	1052-Fertilizer (basic) (excluding formulation)
Scale of the Industry	Large
Office District	Bathinda

Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

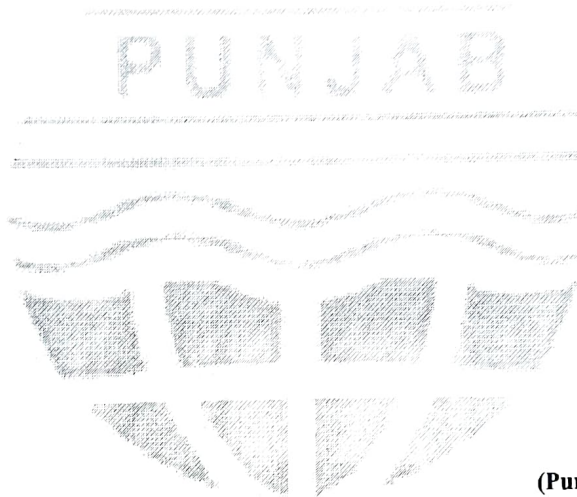
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M/s national fertilizers ltd ,Sibian road,Bathinda,Bathinda,151003

3. Particulars of Wastes

Category of Hazardous Waste as per the Schedules I,II and III of these rules	Authorised mode of disposal or recycling or utilisation or co-processing, etc	Quantity (ton/annum)
Schedule I 5.1-Used or spent oil	Generation , Collection , Storage , Disposal	25 T/Annum
Schedule I 18.1-Spent catalyst	Generation , Collection , Storage , Disposal	105 T/Annum
Schedule I 18.2-Carbon residue	Generation , Collection , Storage , Disposal	39600 T/Annum
Schedule I 29.2-Sludge containing residual pesticides	Generation , Collection , Storage , Disposal	0.66 T/Annum

4. The authorisation is subject to the general and specific conditions as appended with the Authorization.



04/10/2023

(Kamal Singla)
Environmental Engineer

For & on behalf

of

(Punjab Pollution Control Board)

Endst. No.:

Dated:

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

1. Senior Environmental Engineer, Zonal Office, Bathinda.
2. Environmental Engineer, Regional Office, Bathinda.

04/10/2023

Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

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M/s national fertilizers ltd ,Sibian road,Bathinda,Bathinda,151003

813

(Kamal Singla)
Environmental Engineer
For & on behalf
of
(Punjab Pollution Control Board)




Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

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M/s national fertilizers ltd ,Sibian road,Bathinda,Bathinda,151003

Page 3

TERMS AND CONDITIONS

A. GENERAL CONDITIONS

1. The authorised person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under.
2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the State Pollution Control Board.
3. The person authorised shall not rent, lend, sell, transfer or otherwise transport the hazardous and other wastes except what is permitted through this authorisation.
4. Any unauthorised change in personnel, equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorisation.
5. The person authorised shall implement Emergency Response Procedure (ERP) for which this authorisation is being granted considering all site specific possible scenarios such as spillages, leakages, fire etc. and their possible impacts and also carry out mock drill in this regard at regular interval of time;
6. The person authorised shall comply with the provisions outlined in the Central Pollution Control Board guidelines on $\frac{1}{2}$ Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty $\frac{1}{2}$.
7. It is the duty of the authorised person to take prior permission of the State Pollution Control Board to close down the facility.
8. The imported hazardous and other wastes shall be fully insured for transit as well as for any accidental occurrence and its clean-up operation.
9. The record of consumption and fate of the imported hazardous and other wastes shall be maintained.
10. The hazardous and other waste which gets generated during recycling or reuse or recovery or pre-processing or utilisation of imported hazardous or other wastes shall be treated and disposed of as per specific conditions of authorisation.
11. The importer or exporter shall bear the cost of import or export and mitigation of damages if any.
12. An application for the renewal of an authorisation shall be made as laid down under these Rules.
13. Any other conditions for compliance as per the Guidelines issued by the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board from time to time.
14. Annual return shall be filed by June 30th for the period ensuring 31st March of the year.

B. SPECIFIC CONDITIONS


 Environmental Engineer
 Punjab Pollution Control Board
 Regional Office, Bathinda.

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M/s national fertilizers ltd ,Sibian road,Bathinda,Bathinda,151003

- 1) The industry shall not generate/ store/ collect/ dispose any other category of hazardous waste from its premise, except the category of hazardous waste(s) for which it has been granted this authorisation under the HWM Rules, 2016.
- 2) The industry shall install online display board (digital type) in accordance with the Board's letter no. 17852-65 dated 14.08.2020 within one month (if not already provided) and submit compliance to the Board within 7 days, thereafter.
- 3) The industry shall dispose of its generated hazardous waste category 29.2 to the Common Hazardous Waste Treatment & Disposal Facility as per provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, under proper manifest and shall maintain proper record in this regard, at all times.
- 4) The industry shall dispose of its hazardous waste category 5.1, 18.1 & 18.2 to the authorized unit / recycler/ utilizer (actual user) having valid Registration Certificate-cum-Pass Book from respective State Pollution Control Board / Central Pollution Control Board and valid authorization of the State Board under the said Rules and 'consents to operate' under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 and authorization under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, under proper manifest and shall maintain proper record in this regard, at all times.
- 5) The industry shall ensure lifting of at-least 6400MT of HW Cat. 18.2 i.e. carbon slurry by 31.3.2023 and shall completely lift the stored HW Cat. 18.2 i.e. carbon slurry @ 38257.11 MT by 30.09.2026.
- 6) The industry shall store its hazardous wastes generated from different manufacturing activities/ otherwise, within its premises in an environmentally sound manner as per provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- 7) The industry shall ensure regular lifting of hazardous waste and also ensure that the quantity of hazardous waste generated per year shall not be stored beyond 90 days (extendable upto 180 days) in its premises at any time.
- 8) The industry shall handle the hazardous waste(s) strictly in accordance with the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and guidelines issued by Central Pollution Control Board / Ministry of Environment & Forests and Climate Change, New Delhi.
- 9) In case, the industry fails to comply with the above conditions of authorization as well as provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and/or any other environmental law applicable to the industry and Rules, Circulars & Directions issued by the Board from time to time, the Board shall be constrained to take action against the industry under the provisions of the Pollution Control Laws.



04/10/2023

(Kamal Singla)
Environmental Engineer

For & on behalf

of

(Punjab Pollution Control Board)

Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

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M/s national fertilizers ltd, Sibian road, Bathinda, Bathinda, 151003



PUNJAB POLLUTION CONTROL BOARD
Zonal Office, Power House Road, Street No. 12, Bathinda
Website:- www.ppcb.gov.in



LIFE
Lifestyle for
Environment

Office Dispatch No : _____ Registered/Speed Post _____ Date: _____
Industry Registration ID : R12BT143363 Application No : 24905670

To,
V K GOYAL
NATIONAL FERTILIZERS LIMITED
BATHINDA,PUNJAB-151003

Subject: **Renewal of Authorization for operating a facility for 'Collection, Generation, Storage, Disposal, ' of Hazardous Wastes as per the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 .**

V K GOYAL of M/s national fertilizers ltd is hereby granted an authorisation based on the enclosed signed inspection report for Collection, Generation, Storage, Disposal, on the premises situated at Sibian road, Bathinda. Bathinda-151003

1. Particulars of Authorization granted to the Industry

Authorization No	HWM/renew/BTI/2024/24905670
Previous Authorization No	HWM/Fresh/BTI/2023/21184122
Date of issue :	21/03/2024
Date of expiry :	31/03/2025
Previous Authorization Date of Issue :	03/10/2023
Previous Authorization Date of Expiry :	31/03/2024
Authorization Type :	renew

2. Particulars of the Industry

Name & Designation of the Applicant	V K GOYAL, (EXECUTIVE DIRECTOR)
Address of Industrial premises	M/s national fertilizers ltd , Sibian road, Bathinda,Bathinda-151003
Capital Investment of the Industry	148986.0 lakhs
Category of Industry	Red
Type of Industry	1052-Fertilizer (basic) (excluding formulation)
Scale of the Industry	Large
Office District	Bathinda


Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

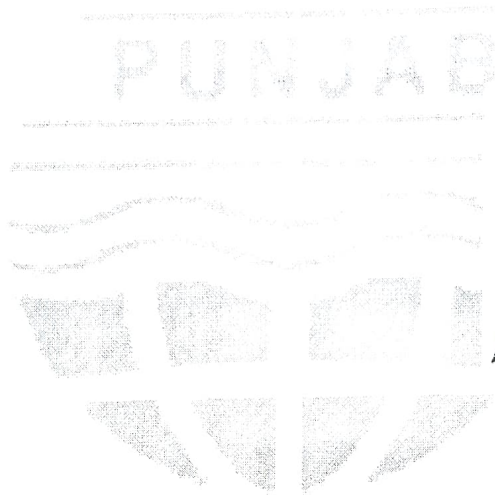
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M/s national fertilizers ltd ,Sibian road,Bathinda,Bathinda,151003

3. Particulars of Wastes

Category of Hazardous Waste as per the Schedules I,II and III of these rules	Authorised mode of disposal or recycling or utilisation or co-processing, etc	Quantity (ton/annum)
Schedule I 29.2-Sludge containing residual pesticides	Generation , Collection , Storage , Disposal	0.66 T/Annum
Schedule I 5.1-Used or spent oil	Generation , Collection , Storage . Disposal	25 T/Annum
Schedule I 18.1-Spent catalyst	Generation , Collection , Storage . Disposal	105 T/Annum
Schedule I 18.2-Carbon residue	Storage . Disposal	37931.25 T/Annum

4. The authorisation is subject to the general and specific conditions as appended with the Authorization.



21/03/2024

(Ruby Sidhu)
Environmental Engineer

For & on behalf

of

(Punjab Pollution Control Board)

Endst. No.:

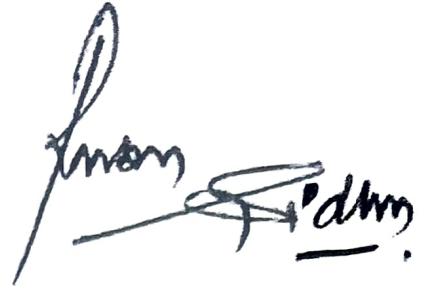
Dated:

A copy of the above is forwarded to the following for information and necessary action please:
Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda.

Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

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M/s national fertilizers ltd ,Sibian road,Bathinda,Bathinda,151003

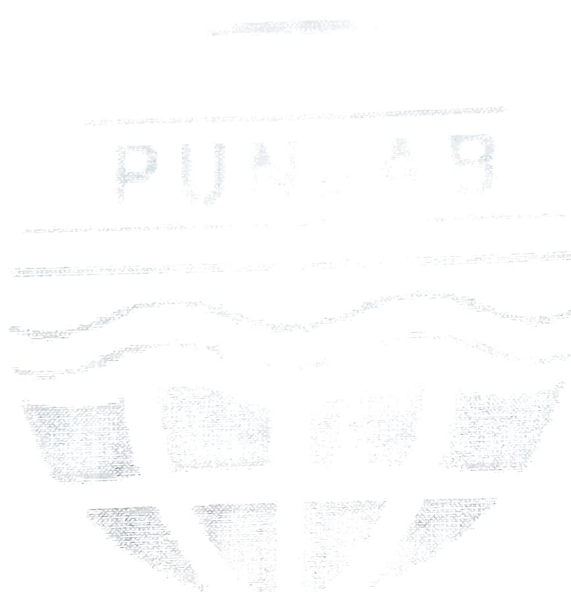


21-03-2024

(Ruby Sidhu)
Environmental Engineer

For & on behalf
of

(Punjab Pollution Control Board)



Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

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M/s national fertilizers ltd ,Sibian road, Bathinda, Bathinda, 151003

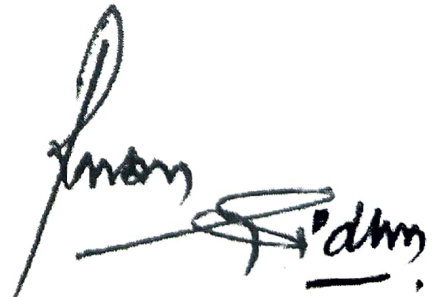
TERMS AND CONDITIONS

A. GENERAL CONDITIONS

1. The authorised person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under.
2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the State Pollution Control Board.
3. The person authorised shall not rent, lend, sell, transfer or otherwise transport the hazardous and other wastes except what is permitted through this authorisation.
4. Any unauthorised change in personnel, equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorisation.
5. The person authorised shall implement Emergency Response Procedure (ERP) for which this authorisation is being granted considering all site specific possible scenarios such as spillages, leakages, fire etc. and their possible impacts and also carry out mock drill in this regard at regular interval of time;
6. The person authorised shall comply with the provisions outlined in the Central Pollution Control Board guidelines on $\frac{1}{2}$ Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty $\frac{1}{2}$.
7. It is the duty of the authorised person to take prior permission of the State Pollution Control Board to close down the facility.
8. The imported hazardous and other wastes shall be fully insured for transit as well as for any accidental occurrence and its clean-up operation.
9. The record of consumption and fate of the imported hazardous and other wastes shall be maintained.
10. The hazardous and other waste which gets generated during recycling or reuse or recovery or pre-processing or utilisation of imported hazardous or other wastes shall be treated and disposed of as per specific conditions of authorisation.
11. The importer or exporter shall bear the cost of import or export and mitigation of damages if any.
12. An application for the renewal of an authorisation shall be made as laid down under these Rules.
13. Any other conditions for compliance as per the Guidelines issued by the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board from time to time.
14. Annual return shall be filed by June 30th for the period ensuring 31st March of the year.

B. SPECIFIC CONDITIONS

The industry will ensure to get its hazardous waste of category 18.2 lifted to the authorized re-cycler at the earliest.



21/03/2024

(Ruby Sidhu)
Environmental Engineer

For & on behalf

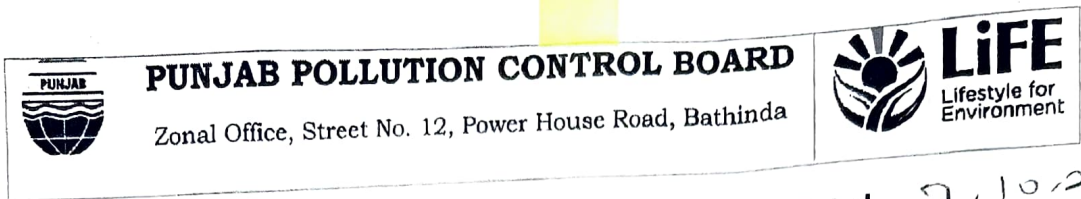
of

(Punjab Pollution Control Board)


Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

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M/s national fertilizers ltd, Sibian road, Bathinda, Bathinda, 151003

**PUNJAB POLLUTION CONTROL BOARD**

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



No. 4257

Through e-mail only

Dated 7, 10, 2024

To,

The Member Secretary,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
New Delhi - 110032.

Subject: Information regarding Nitrogenous & Complex Fertilizer units-In the matter of O.A. 620/2022 Kaushal Kishore Vishwakarma Vs State of Punjab & Ors. - reg.

Reference: CPCB letter dated 12.09.2024.

Please refer to the subject cited above and the directions issued by Central Pollution Control Board (CPCB) dated 01.02.2024 u/s 18 (1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 18 (1)(b) of the Air (Prevention and Control of Pollution) Act, 1981 to all the State Pollution Control Board / Pollution Control Committees w.r.t. the order dated 08.01.2024 passed by Hon'ble National Green Tribunal (NGT) in O.A. No.620/2022.

2. The Central Pollution Control Board (CPCB) issued following directions in the matter:
 - i. The factual position regarding storage and disposal of carbon slurry by nitrogenous and complex fertilizers producing industries or any other industry shall be verified by the State Pollution Control Boards/ Pollution Control Committees in their jurisdiction.
 - ii. The action taken report along with status of storage and disposal of carbon slurry w.r.t. above direction shall be submitted to CPCB within 10 days of issuance of this direction.
3. It is submitted that there are 2 no. of Nitrogenous & Complex Fertilizer units in the State of Punjab namely M/s National Fertilizers Limited, Sivian Road, Bathinda and M/s National Fertilizers Limited, Naya Nangal, District Rupnagar and the factual position regarding storage and disposal of carbon slurry is as under:
 - i. **M/s National Fertilizers Limited, Sivian Road, Bathinda**

Carbon residue i.e. hazardous waste of category 18.2 of schedule-I of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 used to be generated from the manufacturing process of the industry, however the same has not

Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

been generated since 2013 after changeover of fuel from fuel oil to natural gas and the convertors/columns of ammonia plant.

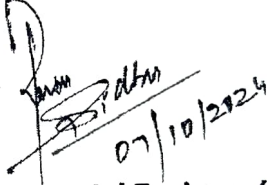
Industry used to have 39,600 MT of hazardous waste of category 18.2 stored in its dykes, out of which 4,900.2 MT has been got lifted to M/s Shubham Sales Corporation, Rohtak, Haryana (re-processor of hazardous waste). At present 34,699.8 MT of hazardous waste is still lying in the dykes of the industry.

ii. M/s National Fertilizers Limited, Naya Nangal, District Rupnagar

There is no storage of the carbon residue i.e. hazardous waste of category 18.2 of schedule-I of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 in the industry.

4. It is further submitted that the in the matter in O.A. no. 620/2022 titled as Kaushal Kishore Vishwakarma Vs State of Punjab & Ors., the Punjab Pollution Control Board and M/s National Fertilizers Limited, Bathinda as well as M/s National Fertilizers Limited, Naya Nangal, District Rupnagar are already respondent parties.

5. This is for your kind information, please.


Environmental Engineer (ZB)
For Chairman, PPCB


Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.


PUNJAB POLLUTION CONTROL BOARD

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



No. 4893

Registered

Dated 20/12/2024

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 05.09.2024.

Whereas, notice u/s 5 of Environment (Protection) Act, 1986 was issued to the industry for violation of the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 alongwith an opportunity of personal hearing before the Chairman of the Board on 05.09.2024, wherein it was decided that :-

1. Environmental Engineer, Regional Office, Bathinda shall process the matter regarding calculation carried out for imposition of Environmental Compensation 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 in the matter. Subsequently, the Board shall issue orders for Imposition of Environmental Compensation to the industry for causing environmental damage.
2. 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
3. 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 03 days.

And whereas, Environmental Compensation amounting to Rs. 11.88 Crores was imposed upon the industry for violation of the HOWM Rules, 2016 vide Board's order no. 412 dated 09.10.2024 and the same were conveyed to the Industry vide Board's letter no. 4315 dated 09.10.2024 alongwith the direction to deposit the environmental compensation within 15 days from receipt of the order, however, the industry has failed to deposit the said amount of environmental compensation imposed upon it, till date.

And whereas, the industry has also failed to give the names of the defaulting officers/officials responsible for unjustified continued storage of carbon slurry by the industry and has also failed to dispose off its entire hazardous waste of category 18.2 of schedule-I of the said rules as 33960.9 MT of said hazardous waste is stilling lying in the dykes of the industry as on 31.10.2024.


And whereas, the industry has failed to ensure the compliance of the decisions of the personal hearing dated 05.09.2024 and is also violating the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

[Signature]
Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

823

And whereas, the matter has been considered by the Competent Authority and decided to issue an advisory to the Industry to ensure the compliance of the decisions of personal hearing dated 05.09.2024 and submit the report in the matter, within 10 days.

It is, therefore, requested to submit the compliance w.r.t. the decisions of the personal hearing dated 05.09.2024, within 10 days to the Regional Office, Bathinda of the Board.


Environmental Engineer (ZB)
For Chairman, PPCB
Dated 20/12/24

Endst. No. 4894

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda for information and necessary action.


Environmental Engineer (ZB)
For Chairman, PPCB



Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.


PUNJAB POLLUTION CONTROL BOARD

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


LIFE
 Lifestyle for
 Environment

No.

4895

Registered

Dated

20/12/2024

To

 M/s National Fertilizers Ltd.,
 Corporate Office, A-11, District Sector 24, Noida,
 Uttar Pradesh - 201301.

Subject:

**Imposition of Environmental Compensation for violation of
 Hazardous and Other Wastes (Management and Transboundary
 Movement) Rules, 2016 upon M/s National Fertilizers Ltd., Sivian
 Road, Bathinda.**

Ref:

**Board's order no. 412 dated 09.10.2024 conveyed through letter no.
 4315 dated 09.10.2024.**

It is intimated that the Competent Authority of the Board has passed an order bearing no. 412 dated 09.10.2024 (copy attached), thereby imposing environmental compensation amounting to Rs. 11.88 Crores (Eleven Crores Eighty-Eight Lakhs only) upon the subject cited industry for degrading & damaging the environment and violating the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 alongwith the direction to deposit the said environmental compensation with the office of the Board, within 15 days from the date of receipt of the order, however the industry has failed to deposit the said amount of environmental compensation imposed upon it, till date.

The matter was considered by the Competent Authority and it has been desired that the Corporate Office of the industry be intimated regarding non-compliance of the Board's order bearing no. 412 dated 09.10.2024, till date alongwith the direction to deposit the amount of Rs. 11.88 Crore imposed as Environmental Compensation upon the industry at the earliest.

It is, therefore, requested to ensure the compliance of the Board's order no. 412 dated 09.10.2024 at the earliest.

DA/-as above

Endst. No.

4896

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda for information and necessary action.

[Signature]
 19/12/2024
 Environmental Engineer (ZB)
 For Chairman, PPCB
 Dated 20/12/2024

Endst. No.

4897

A copy of the above is forwarded to M/s National Fertilizers Ltd., Sivian Road, Bathinda for information and compliance of the Board's order no. 412 dated 09.10.2024 at the earliest.

[Signature]
 19/12/2024
 Environmental Engineer (ZB)
 For Chairman, PPCB
 Dated 20/12/2024

[Signature]
 19/12/2024
 Environmental Engineer (ZB)
 For Chairman, PPCB

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI

Appeal No. 47 of 2024

National Fertilizers Limited

--Applicant

Versus

Punjab Pollution Control Board and Others

--Respondents

In Re: Appeal under section 16(g) read with section 18 of the National Green Tribunal Act, 2010 assailing the order bearing no.412 dated 09.10.2024 passed by the Punjab Pollution Control Board.

Reply by way of affidavit of Er. Ramandeep Sidhu, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda, in compliance of order dated 05.12.2024.

I, the above-named deponent, do hereby, solemnly affirm and state as under:

Respectfully Showeth:

1. That briefly submitted, the Appellant has filed the present appeal under Section 16(g) read with Section 18 of the National Green Tribunal Act, 2010 challenging order no. 412 dated 09.10.2024 passed by the Punjab Pollution Control Board whereby environmental compensation of Rs.11,88,00,000/- has been imposed on the appellant for violating the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and degrading and damaging the environment.


Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.


Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.

2. Along with the Appeal the appellant has also filed I.A. No. 605/2024 for stay of operation of impugned order.
3. That vide order dated 05.12.2024 the Hon'ble National Green Tribunal has issued notice to the respondents to file their response in the case. The pointwise reply of the Punjab Pollution Control Board to the appeal case may kindly be read in the following paragraphs.

- I. That the contents of paragraph I) relating to the address of the counsel of the appellant for service of notices need no reply.
- II. That the contents of paragraph II) relating to the address of the respondents for the services of the notices need no reply.
- III. That the contents of paragraph III) relating to the filing of the present appeal u/s 16(g) read with section 18 of the National Green Tribunal Act, 2010 challenging the order no. 412 dated 9.10.2024 of the respondent Punjab Pollution Control Board whereby, Environmental Compensation of Rs. 11,88,00,000 (Eleven Crore Eighty-Eight Lakh Only) has been imposed upon the appellant are a matter of record.

However, the contents of this para mentioned in point no. (i) to (iv) are denied being incorrect. The reply to the contentions raised by the appellant in these points may kindly be read as under:

- (i) It is wrong hence denied that the respondent Punjab Pollution Control Board has issued the order in the complete absent of the power to impose such compensation and complete non-application of mind.
- (ii) The grant of authorization on 03.10.2023 valid upto 31.03.2024 to the appellant by the Board cannot absolve the appellant of the non-compliances and liability for penalty. The authorization under the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 from 3.10.2023 to 31.03.2024 and on other occasions was granted by the Board with conditions and one of the specific conditions was that in case, the industry fails to comply with the above conditions of authorization as well as provisions of the Hazardous

and Other Wastes (Management and Transboundary Movement) Rules, 2016 and / or any other environmental law applicable to the industry and Rules, Circulars and Directions issued by the Board from time to time, the Board shall be constrained to take action against the industry under the provisions of the Pollution Control Laws.

- (iii) Further contention of the appellant that the appellant's unit is non-polluting unit is devoid of merit as the unit of the appellant is red category unit falling under the 17 categories of highly polluting industries. The carbon slurry which has been stored by the appellant has been declared as hazardous under category 18.2 of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- (iv) The further contention of the appellant that the Environmental Compensation has been imposed without mentioning the violation is also devoid of merit as the storage of hazardous waste namely carbon slurry of category 18.2 of the said rules is a grave violation for which Environmental Compensation has been imposed by the Punjab Pollution Control Board.

The Board has rightly passed the order bearing no.412 dated 09.10.2024 after considering all the facts and circumstances of the case.

- IV. That the contents of paragraph IV) of the appeal are denied being incorrect that the order passed by the Board is liable to set aside as it is wholly arbitrary passed without any application of mind and it does not indicate under which provision of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, the order has been passed. It is also not mentioned as to what particular damage to air, water or land has been caused, what is the basis on which penalty is imposed and how the quantification of penalty imposed has been done.


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In reply, it is submitted that no ground is made out to set aside the order dated 09.10.2024 passed by the respondent Punjab Pollution Control Board for imposition of Environmental Compensation upon the appellant. It is clarified as under:

- i) relevant to mention here that it is relevant to mention here that in exercise of the powers conferred under the Environment (Protection) Act, 1986, the Ministry of Environment, Forest and Climate Change, Government of India has notified the Hazardous Waste (Management and Transboundary Movement) Rules, 2016 vide notification no. GSR no. 395 (E) dated 04.04.2016. Under the said rules, the carbon residue in production of nitrogenous and complex fertilizers has been categorized as "Hazardous Waste" under Category 18.2 of Schedule - I.
- ii) The Hon'ble National Green Tribunal has noticed in its order dated 08.01.2024 that despite unjustified continued storage of carbon slurry by NFL, Bathinda and also inaction/delay on their part in disposal thereof in accordance with mandatory statutory provisions, no action has been taken by the State Pollution Control Board for imposition of environmental compensation and also prosecution of the defaulting officers/officials.
- iii) The Hon'ble National Green Tribunal has further directed the Punjab Pollution Control Board vide order dated 28.08.2024 to take further action for imposition of Environmental Compensation on NFL, Bathinda for past violations and recovery thereof in accordance with Law.
- iv) An opportunity of hearing was given on 05.09.2024 to the appellant by the Board for violation of the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, with issuance of notice u/s 5 of the Environment (Protection) Act, 1986 vide letter no. 3876 dated 22.08.2024.


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- v) The industry has failed to dispose of the hazardous category 18.2 carbon slurry and hence made itself liable to be proceeded against.
 - vi) The industry has failed to reply for unjustified continued storage of carbon slurry and also in action / delay on their part in disposal thereof. Subsequently the Board has issued orders for imposition of Environmental Compensation.
- V. That the contents of paragraph V) are wrong hence that manifest errors have been committed by the Board and the impugned order proceeds to ignore certain basic and vital facts which, in terms of the HWM Rules, 2016 themselves, limit the ability of the Appellant to freely deal with or dispose of the hazardous material under consideration. In this regard, it is submitted that the appellant has to act for the disposal of the hazardous waste in accordance with the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and not as per his own discretion.

Array of Parties

1. That the contents of paragraph 1. of the appeal relating to the status of M/s National Fertilizers Limited are a matter of record.
2. That the contents of paragraph 2. of the appeal are a matter of record. The Punjab Pollution Control Board being the prescribed authority is implementing the provisions of the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981, Environment (Protection) Act, 1986 and the rules made thereunder in the State of Punjab.
3. That the contents of paragraph 3. of the appeal are a matter of record. However, the State of Punjab has no role to perform in the case and the main contesting party is the Punjab Pollution Control Board. Hence the state of Punjab is only a proforma party.
4. That the contents of paragraph 4. relating to the Central Pollution Control Board are a matter of record.


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5. That in reply to the contents of paragraph 5. of the appeal it is submitted that M/s Shubham Sales Company has not been authorized by the Punjab Pollution Control Board to deal, distribute, lift carbon slurry as alleged in this para. However, as per the knowledge and record available with the office of the Punjab Pollution Control Board, the company has been authorized by the Haryana State Pollution Control Board to deal with the carbon slurry.
6. That the contents of paragraph 6. of the appeal may be considered as matter of record as no such record is available with the office of the answering respondent relating to M/s Metal Scrap Trading Corporation Limited.

Facts in Brief for Filing the Present Appeal: Reply thereof:

1. That the contents of paragraph 1. of the appeal are a matter of record.
2. That the contents of paragraph 2. of the appeal are a matter of record. However, it is submitted that as per the record available with the Board the leftover carbon slurry amounting to approximately 39600 MT was stored in appellat unit of National Fertilizers Limited, Bathinda in the designated carbon slurry ponds. The carbon slurry which was earlier considered to be a byproduct of manufacturing of fertilizer by National Fertilizers Limited, Bathinda, now falls under the definition of hazardous waste under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and as such hazardous waste in the form of carbon slurry has been stored by National Fertilizers Limited, Bathinda.
3. That the contents of paragraph 3. of the appeal are a matter of record that before the year 2016, the carbon slurry did not attract the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
4. That the contents of paragraph 4. of the appeal are a matter of record. However, it is submitted that the case no. 72 of 2019 mentioned in this para by the appellat relates to disposal of carbon slurry by M/s NFL, Bathinda to the firm M/s Carbo Chem Industries which was not having any authorization of the Board. The NFL, Bhatinda was asked by the Punjab Pollution Control Board


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vide letter no. 6891 dt. 14.11.2018 not to sell the remaining carbon slurry of 3 ash ponds to any traders and shall dispose of the same with the prior approval /authorization of Punjab Pollution Control Board only to those recyclers who are having valid permission from the concerned SPCB to reprocess this hazardous waste. M/s. NFL, Bhatinda was also asked simultaneously to explain as to how they have given tender to the firm who has not any permission for reprocessing of this kind of hazardous waste from PPCB. It is in this background that the M/s Carbo Chem Industries was imposed Environmental Compensation by the Board. A copy of relevant order dated 03.07.2019 of the Hon'ble National Green Tribunal passed in Original Application No. 72 of 2019 is enclosed herewith as **Annexure-A** for kind perusal of the Hon'ble Tribunal. The liability of the appellant for unjustified storage of carbon slurry for a long period of time is separate case and cannot be connected with the matter (OA No.72 of 2019) mentioned in this para.

5. That the contents of paragraph 5 of the appeal relating to the filing of Original Application no.620 of 2022 before the Hon'ble National Green Tribunal by Kaushal Kishore Vishwakarma are a matter of record. However, after the consideration of the matter and the averments made in the application, the Hon'ble National Green Tribunal has also impleaded M/s National Fertilizers Limited Plant, Bathinda as one of the respondents and during the proceedings of the case in Original Application No. 620 of 2022 before the Hon'ble National Green Tribunal, the violations being committed by M/s National Fertilizers Limited, Bathinda under the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 were also unfolded. Action has accordingly been taken against M/s National Fertilizers Limited, Bathinda.

SHOW CAUSE NOTICES

6. That the contents of paragraph 6 of the appeal issuance of the notices by the Board on 29.07.2021 (no.2834 dated 29.07.2021) and 14.11.2023 (No. 3521 dated 14.11.2023) are a matter of record. However, it is relevant to mention here that the Board is issuing notices to the appellant since the year 2016 for


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the disposal of carbon slurry lying in the carbon slurry ponds in the premises of the appellant unit.

7. That the contents of paragraph 7 of the appeal relating to the issuance of notices u/s 5 of Environment (Protection) Act, 1986 by the Board to the appellant on 22.12.2023 (no. 3809 dated 22.12.2023), dated 12.02.2024 (no. 816 dated 12.02.2024) and 22.08.2024 (no. 3876 dated 22.08.2024) are a matter of record. However, it is relevant to mention here that the notices issued to the appellant clearly state and mention the violations committed by the appellant under the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. The facts of this para are denied being incorrect that the above-mentioned notices issued by the Board lacked clarity regarding the grounds of the violations, were unsustainable and non-indicative in nature. As such the contents of this para are wrong hence denied that the notices issued by the Board are arbitrary, illegal, null, void and bad in law.
8. That the contents of paragraph 8 of the appeal regarding a request letter dated 24.10.2024 submitted by the appellant to withdraw the order dated 09.10.2024 issued by the respondent Punjab Pollution Control Board are a matter of record. The order bearing no.412 dated 9.10.2024 for imposition of Environmental Compensation amounting to Rs. 11,88,00,000/- was issued by the Board after due consideration of the matter relating to the violations of the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and in the background of the orders dated 08.01.2024 and 28.08.2024 passed by the Hon'ble National Green Tribunal after affording due opportunity of hearing to the appellant. The request of the appellant for withdrawal of the order of imposition of Environmental Compensation cannot be allowed by the Board, hence no reply was given.

RELEVANT PROVISIONS OF LAW

9. That the contents of paragraph 9 of the appeal relating to the reproduction of the provisions of Section 5 of the Environment (Protection) Act, 1986 are a



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matter of record. The remaining contents of this para are correct hence admitted that the main issue involved in the present case relates to the management of hazardous waste which is covered under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 framed under the Environment (Protection) Act, 1986.

10. That the contents of paragraph 10 of the appeal relating to the reproduction of Rule 4 relating to the responsibilities of the occupier for management of hazardous and other wastes; Rule 5 relating to responsibilities of State Government for environmentally sound management of hazardous and other wastes; Rule 6 relating to grant of authorization for managing hazardous and other waste; Rules 8 relating to the storage of hazardous and other wastes and Rules 9 relating to utilization of hazardous and other wastes are a matter of record.
11. That the contents of paragraph 11 of the appeal are correct hence admitted being matter of record relating to the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
12. That in reply to the contents of paragraph 12 of the appeal, it is submitted that respondent no. 4 is not the only authorized contractor dealing in carbon slurry. If the appellant cannot find some company for the disposal of carbon slurry in a scientific manner in the domestic market in India, the appellant is at liberty to float an International Tender so that the carbon slurry is disposed of in a sound environmental manner. In the State of Punjab, Common Treatment, Storage and Disposal Facility (CTSDF) for hazardous waste is in existence at Village Nimbuan, Tehsil Dera Bassi, District SAS Nagar. Hence, the contention raised in this para that the appellant is left with no other choice, but to recourse and depend on respondent no.4 to lift the entire quantity of carbon slurry lying in the appellant's unit is denied being incorrect.

RENEWAL OF AUTHORIZATION GRANTED TO THE APPELLANT

13. That the contents of paragraph 13 of the appeal are a matter of record. That the appellant was granted authorization by the Board from time to time for



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generation, collection, storage and disposal of hazardous waste with the condition that the appellant shall ensure to get the carbon slurry lifted to the authorized recycler at the earliest. It is relevant to mention here that the authorization was granted with certain conditions and one of the condition was that in case, the industry fails to comply with the above conditions of authorization as well as provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and / or any other environmental law applicable to the industry and Rules, Circulars and Directions issued by the Board from time to time, the Board shall be constrained to take action against the industry under the provisions of the Pollution Control Laws.

14. That the contents of paragraph 14 of the appeal are denied being incorrect that the Respondent cannot on one hand grant extension of the authorisation and during the continuance of such authorisation impose compensation on the Appellant for alleged violation on the basis of which such extension was granted on the first place. The authorization from time to time was granted by the Board to the appellant with conditions and one of the condition was that in case, the industry fails to comply with the above conditions of authorization as well as provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and / or any other environmental law applicable to the industry and Rules, Circulars and Directions issued by the Board from time to time, the Board shall be constrained to take action against the industry under the provisions of the Pollution Control Laws. As the appellant has failed to comply with the conditions of the authorization and the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, the Board has imposed Environmental Compensation in accordance with the scale of compensation determined by the Central Pollution Control Board as mentioned herein below.

In the matter of Original Application No. 804/2017 (Earlier O.A. No. 36/2012) With M.A. No. 1302/2018 in Interlocutory Application No. 63 in W. P. (C) No. 657/199; Rajiv Narayan & another Versus Union of India & others With the Research


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Foundation for Science, Technology and Natural Resource Policy Versus Union of India and others, the Hon'ble National Green Tribunal, Principal Bench, New Delhi directed the Central Pollution Control Board, vide orders dated 12.04.2019, to determine the scale of compensation to be recovered for violation of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. The Central Pollution Control Board has accordingly prepared the methodology for calculating financial penalty and compensation for various violations of the provisions of the HOWM Rules, 2016, in cases of the facilities requiring authorization under the said Rules, 2016.

POLLUTER PAY'S PRINCIPLE

15. That in reply to the contents of paragraph 15 of the appeal, it is relevant to mention here that the Hon'ble Supreme Court of India has considered the Principles of Precaution, Sustainable development and Polluter Pay's and decided to strictly implement the same. The decisions so taken by the Hon'ble Supreme Court of India are summarized herein below:

- a) The concept of precautionary principle was considered in M.C Mehta versus Union of India and others and vide judgment dated 11.10.1996 and the Hon'ble Supreme Court of India held that the Precautionary Principle has been accepted as a part of the Law of the land.
- b) The concept of sustainable development was considered in M.C Mehta versus Union of India and others (1997) 2 SCC 353 and it was decided by the Hon'ble Supreme Court of India that the development is essential for the economy of the country but at the same time the environment and eco systems have to be protected.
- c) The Hon'ble Supreme Court of India has also considered the concept of Polluter Pay's Principle in Indian Council for Enviro


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Legal Action and others v/s Union of India and others (1996) 3 SCC 212 para 16, Vellore Citizens Welfare Forum v/s Union of India (1996) 5 SCC 647 para 12-18 and held that Polluter Pay's Principle is accepted principle and part of environmental law of the country without even specific statute.


It is further relevant to mention here that the Hon'ble National Green Tribunal has also issued directions in several cases to impose environmental compensation on non-complying units and has been directing the Central Pollution Control Board, all the State Pollution Control Boards including the Punjab Pollution Control Board to implement Polluter Pay's Principle. The Hon'ble National Green Tribunal has also issued directions in OA No. 620 of 2022 for imposition of Environmental Compensation upon the unit of the appellant.

16. That the contents of paragraph 16 of the appeal are a matter of record. However, the appellant has not undertaken the earnest efforts for the lifting and disposal of carbon slurry, which is category 18.2 hazardous waste under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

17. That the contents of paragraph 17 of the appeal are wrong hence denied that the action of respondent Board to impose Environmental Compensation on the appellant unit in the terms of Polluter Pay's Principle is arbitrary and illegal.

TESTING CONDUCTED, NON-HAZARDOUS

18. That the contents of paragraph 18 of the appeal may be considered as matter of record. However, it is submitted that in exercise of the powers conferred under the Environment (Protection) Act, 1986, the Ministry of Environment, Forest and Climate Change, Government of India has notified the Hazardous Waste (Management and Transboundary Movement) Rules, 2016 vide notification no. GSR no. 395 (E) dated 04.04.2016. Under the said rules, the carbon residue in production of nitrogenous and complex fertilizers has been


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categorized as "Hazardous Waste" under Category 18.2 of Schedule - I. In view of these facts of the case, it is irrelevant to contend that as per the test analysis the samples collected from the ponds indicated the carbon slurry lying in the ponds is non-hazardous as the hazardous contents are below the detectable limits as per the Schedule-II of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

19. That in reply to the contents of paragraph 19 of the appeal, it is submitted that the word "Environment" according to Section 2 (a) of the Environment (Protection) Act, 1986 includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property; "environmental pollutant" according to Section 2 (b) means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment and "environmental pollution" according to Section 2 (c) means the presence in the environment of any environmental pollutant. Though the appellants have got a study conducted of the ground water and carbon slurry pond, but there is no study relating the other aspects of the environment as mentioned in the definitions under the Environment (Protection) Act, 1986 as explained above.
20. That the contents of paragraph 20 of the appeal are denied being incorrect that the order passed by the Board is completely silent on actual violation and does not provide the methodology or the facts for calculating the compensation amount. In this regard, it is submitted that the Board has imposed the Environmental Compensation upon the appellants taking into consideration the Principles of Precaution, Sustainable Development and Polluter Pays which according to the methodology and scale involved by the Central Pollution Control Board in Original Application No.804 of 2017 and adopted by the Punjab Pollution Control Board has been calculated to be Rs.11,88,00,000/-. Hence, the appellants were directed vide order no.412 dated 09.10.2024 to deposit the amount of Rs. 11,88,00,000/- towards Environmental Compensation with the office of the Board.



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21. That the contents of paragraph 21 of the appeal are wrong hence denied that there is no application of mind, no calculation and methodology adopted by the Board, Computation of environmental compensation is without any basis, illogical and based on no rational principle and there is violation of the Principles of Natural Justice. No ground is made out to set aside the orders passed by the Board for imposition of Environmental Compensation upon the appellant.
22. That the contents of paragraph 22 of the appeal are not related to the office of Punjab Pollution Control Board and it is an internal matter of the appellant with the respondent no.4. The appellant cannot rely upon such defense to escape liability of Environmental Compensation. The Board has passed a detailed order bearing no.412 dated 09.10.2024 for imposition of Environmental Compensation upon the appellant after affording due opportunity of hearing.
23. That the contents of paragraph 23 of the appeal may be considered as matter of record. However, the same do not relate to the office of the answering respondent no.1.
24. That the contents of paragraph 24 of the appeal may be considered as matter of record. However, the same do not relate to the office of the answering respondent no.1.
25. That the contents of paragraph 25 of the appeal may be considered as matter of record. However, the same do not relate to the office of the answering respondent no.1.
26. That the contents of paragraph 26 of the appeal may be considered as matter of record. However, the same do not relate to the office of the answering respondent no.1.
27. That in reply to the contents of paragraph 27 of the appeal, it is submitted the respondent Punjab Pollution Control Board has given reply to the appellant and the copy of the same is enclosed as Annexure-B.
28. That the contents of paragraph 28 of the appeal may be considered as matter of record. However, the same do not relate to the office of the answering respondent no.1.



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29. That the contents of paragraph 29 of the appeal may be considered as matter of record. However, the same do not relate to the office of the answering respondent no.1.

30. That in reply to the contents of paragraph 30 of the appeal, it is submitted that it is the responsibility of the appellant to dispose of the carbon slurry in a scientific manner. The appellant should have contacted Common Treatment, Storage and Disposal Facility (CTSDF) for hazardous waste is in existence at Village Nimbuan, Tehsil Dera Bassi, District SAS Nagar. If the appellant cannot find some company for the disposal of carbon slurry in a scientific manner in the domestic market in India, the appellant is at liberty to float an International Tender so that the carbon slurry is disposed of in a sound environmental manner.

GROUND'S (reply thereof)

- A) That the contents of paragraphs A) are denied being incorrect that the order passed by the respondent Punjab Pollution Control Board for imposition of Environmental Compensation is void, arbitrary and bad in law and is liable to be dismissed. In this regard, it is submitted that the Board has drawn powers to impose Environmental Compensation upon the defaulters of pollution from various judicial pronouncements of the Hon'ble Supreme Court of India and the Hon'ble National Green Tribunal and this aspect has already been clarified in reply the preceding paragraphs and the facts in this regard have also been incorporated in the detailed order bearing no.412 dated 09.10.2024 passed by the Board for imposition of Environmental Compensation upon the appellant.
- B) That in reply to the contents of paragraph B) of the grounds, it is submitted that it is the responsibility of the appellant to dispose of the carbon slurry in a scientific manner. The appellant should have contacted Common Treatment, Storage and Disposal Facility (CTSDF) for hazardous waste is in existence at Village Nimbuan, Tehsil Dera Bassi, District SAS Nagar. If the appellant cannot find some company for the disposal of carbon slurry in a scientific manner in the domestic market in India, the appellant is at liberty to float an International Tender so that the carbon slurry is disposed of in a sound environmental manner



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- C) That in reply to the contents of paragraphs C), it is relevant to mention here that the authorization was granted with certain conditions and one of the condition was that in case, the industry fails to comply with the above conditions of authorization as well as provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and / or any other environmental law applicable to the industry and Rules, Circulars and Directions issued by the Board from time to time, the Board shall be constrained to take action against the industry under the provisions of the Pollution Control Laws. Hence, the order passed by the Board cannot be said to be bad in law.
- D) That the contents of paragraphs D) of the grounds of the appeal are wrong hence denied that there was no application of mind by the respondent Punjab Pollution Control Board in arriving at the figure of 11,88,00,000/- as Environmental Compensation. The facts have already been clarified in preceding paragraphs and in this regard the contents of reply given in paragraph 20 may kindly be read.
- E) That the contents of paragraphs E) of the grounds of appeal are repetition of the facts already mentioned in the appeal. In this regard, the reply in the preceding paragraphs including the reply given in paragraph 19 above may kindly be read.
- F) That in reply to the contents of paragraphs F) of the grounds of the appeal the reply given in paragraph 14 and 20 above may kindly be read.
- G) That the contents of paragraphs G) of the grounds of the appeal are wrong hence denied. The reply given in paragraph 14 and above may kindly be read.
- H) That the contents of paragraphs H) of the grounds, the reply given in paragraph 15 above may kindly be read.
- I) That in reply to the contents of paragraph I), the following facts are mentioned

$$\text{Environmental Compensation (EC)} = Q \times \text{ERF} \times R$$

Where, Q is noticed or observed quantity (in tonne) of hazardous or other wastes which have not been managed in compliance with various provisions of the Acts/Rules/Guidelines/conditions of the authorisation/ directions issued by CPCB/SPCB/PCC/MoEF&CC (barring procedural violations which have not caused environmental damage)



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ERF = Environmental Risk Factor which is a number (as given in Table 1 below) denoting the increasing degree of risk to the environment and human health due to the scenarios as given in the Table 1 of the guidelines.

Wastes found stored beyond the stipulated period (refer Rule 8 of the HOWM Rules, 2008) = 0.1

R = Environmental Compensation factor, which may be taken as Rs. 30,000.

- (i) For facility engaged in generation/ recycling/ utilizing/ disposing of hazardous or other waste and such wastes have never been handed over to common TSDF/ actual user:

$$\text{Environmental Compensation (EC)} = Q \times \text{ERF} \times R$$

$$= 39600 \times 0.1 \times 30,000$$

$$= \text{Rs. } 11,88,00,000/-$$

- J) That the contents of paragraphs J) of the grounds are wrong hence denied. The unit of the appellant is red category unit falling under the 17 categories of highly polluting industries. The carbon slurry which has been stored by the appellant for a long period of time has been declared as hazardous under category 18.2 of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- K) That the reply given in paragraphs J) above and also the reply given in preceding paragraphs may kindly be read as reply to the contents of paragraph K).
- L) That the reply given in paragraph 19) above may kindly be read as reply to the contents of paragraphs L) of the grounds.
- M) That in reply to the contents of paragraphs M) of the grounds, it is submitted the appellant is duty bound to safely dispose of the carbon slurry lying in its ponds, which has been declared as hazardous waste of category 18.2 under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- N) That in reply to the contents of paragraphs N) of the grounds, it is submitted that the office of the respondent Punjab Pollution Control Board is not concerned with respondent no.4 in any manner. The reply given in the


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preceding paragraphs may kindly be read as reply to the contents of this para of the grounds of appeal.

LIMITATION

That the contents of the appeal mentioned under the heading limitation are a matter of record, hence need no reply.

PRAYER

It is, therefore, prayed that the appeal filed by the appellant for quashing of order bearing no. 412 dated 09.10.2024 passed by the respondent Punjab Pollution Control Board for imposition of Environmental Compensation may kindly be dismissed being devoid of merits in view of the submissions made herein above.

Date: 03-01-2025

Place: Bathinda

Deponent

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

Verification: |

I, the deponent above named, do hereby verify and state that the contents of the above affidavit are true and correct to the best of my knowledge and belief, as derived from the official record. No part of the above affidavit is false and nothing material has been concealed there from.

Date: 03-01-2025

Place: Bathinda

Deponent

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

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Item No.06

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.72/2019

Rakesh Singh

Applicant(s)

Versus

State of Punjab

Respondent(s)

Date of hearing: 03.07.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

For Respondent (s): Mr. Naginder Benipal, Advocate for PPCB

ORDER

1. The issue for consideration is the remedial action against storing of hazardous waste by M/s. Carbon Chemical Industries at Bhatinda, Punjab in violation of the Hazardous Waste Management Rules, 2016.
2. Vide order dated 26.02.2019, this Tribunal directed Punjab State Pollution Control Board to furnish a factual and action taken report. Accordingly, a report has been furnished vide the e-mail dated 05.04.2019 to the effect that huge quantity of carbon slurry was lying stored at the site and tentative quantity appears to be 3470 tones.
3. The relevant part of report is as follows:



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Punjab Pollution Control Board**



**Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda.**

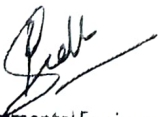
“6. That the carbon slurry is covered at category no. 18.2 of HWM Rules, 2016. The firms i.e. M/s. Carbo Chem Industries had lifted this carbon slurry from M/s. NFL, Bhatinda through a tender in the year 2017. M/s. NFL, Bhatinda was bound to sell this carbon slurry only to those industries which are actual users to reprocess such waste and are having valid permission from the concerned State Pollution Control Board and the same cannot be disposed off to the traders for trading purpose. So, the NFL, Bhatinda was asked vide letter no. 6891 dt. 14.11.2018 (Annexure-B) not to sell the remaining carbon slurry of 3 ash ponds to any traders and shall disposed off the same with the prior approval /authorization of Punjab Pollution Control Board only to those recyclers who are having valid permission from the concerned SPCB to reprocess this hazardous waste. M/s. NFL, Bhatinda was also asked simultaneously to explain as to how they have given tender to the firm who has not any permission for reprocessing of this kind of hazardous waste from PPCB.

9. That the said representation of the industry was considered by the Competent Authority of the Board and it was decided as under:

a) The industry may be asked to make necessary arrangements for the storage of already stored carbon slurry in an environmentally sound manner as per HWM Rules, 2016..

b) The seal of the godown may be opened to take action on point no.1 above only after the industry disclose/intimate the approximate quantity of carbon slurry lying in the godown as already asked vide letter no. 4363 dt. 12.11.2018 so that the same may not be sold after opening the seal.

c) The industry may be directed not to sell/trading/transport the already stored carbon slurry without the prior



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authorization/permission of the Board under the Provision of HWM Rules, 2016.

d) The industry may be asked to submit the information/documents already asked vide letter no. 4363 dt. 12.11.2018 and no. 6891 dt. 14.11.2018.

10. That the seal of the industry was opened and the industry was asked vide letter no. 2230-31 dt. 17.01.2019 (Annexure-E) to comply with the following decisions as well as to apply for authorization under HWM Rules, 2016:

- a) The industry will make necessary arrangements for the storage of already stored carbon slurry in an environmentally sound manner as per HWM Rules, 2016.
- b) The industry shall not sell/trade /transport the already stored carbon slurry without the prior authorization/ permission of the Board under the provisions of HWM Rules, 2016..
- c) The industry will submit the information /documents already asked vide letter no. 4363 dt. 12.11.2018 and no. 6891 dt. 14.11.2018."

4. Thus, the report clearly shows violation of Hazardous Waste Management Rules, 2016.

5. In view of the above, we constitute of a Joint Committee comprising the representative of the CPCB and the State PCB to assess the compensation to be recovered from the industry in question for violation of the Hazardous Waste Management Rules, 2016. The nodal agency for compliance and coordination will be the State Pollution Control Board. The Committee may give its report within one month by e-mail at judicial-ugt@gov.in. Pending furnishing of such report, in view of facts emerging from the report



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given after due notice to the concerned unit, the Punjab State PCB may require the industry to deposit interim compensation of Rs. 10 lakhs with the CPCB and also take steps to have the waste in question disposed of in accordance with the Hazardous Waste Management Rules, 2016, at the cost of the industry in question.

6. A copy of this order be sent to the CPCB and the State PCB by email.

List for further consideration on 13th September, 2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 03, 2019
Original Application No.72/2019
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