

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A. NO. 536/2019

IN THE MATTER OF:-

ASHOK KUMAR PATJOSHI

APPLICANT(S)

VERSUS

MoEF & CC & ORS.

RESPONDENT(S)

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(ABHAY SINGH SONI)

SCIENTIST 'E'

CENTRAL POLLUTION CONTROL BOARD

PARIVESH BHAWAN, EAST ARJUN NAGAR,

DELHI- 110032

PLACE: - DELHI

DATED: - 17.02.2020

Report on Spent Pot Lining generators and objections filed by the Applicant.

**(in the matter of O. A. No. 536/2019 titled
Ashok Kumar Patjoshi V/s MOEF&CC and Ors.)**



February, 2020

CENTRAL POLLUTION CONTROL BOARD

Ministry of Environment, Forest and Climate Change

Govt. of India.

Background:

The scientific disposal of Spent Pot Lining (SPL) which is produced by the Smelting plants operated by the Aluminum industries, contains high level of Cyanide and Fluoride which are carcinogenic and needs to be scientifically utilized/detoxified. Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi, in the matter of O. A. No. 536/2019 titled Ashok Kumar Pat Joshi V/s MoEF&CC and Ors., passed an order on 16/12/2019, regarding the recommendations made by the Central Pollution Control Board (CPCB) in the report submitted to Hon'ble NGT on 15.11.2019 given as follows:

1. The State Boards have provided information of the facilities which are authorized for utilizing/re-processing the Spent Pot Lining waste. No information was provided at the generator end. SPCBs may therefore verify records of generation, transfer, sale or disposal of SPL at the place of generator that is Aluminium Smelter plants. Quantity of SPL sent or transferred from the premises of Smelters units needs to be verified as per manifest document.
2. SPCB may verify records of SPL generation, storage, handling, transfer and disposal at the place of generation as well as at utilizer/re-processor end so as to assess leakages or unaccounted waste if any.
3. SPL re-processing units located at MP and Chhattisgarh were found not complying with the SoPs for utilisation. SPCBs may therefore shall not allow operation of those facilities till they are augmented to comply with SoPs.
4. SPCBs in the States of Odisha, Chhattisgarh and UP are required to assess over-all management of SPL waste generated by Aluminium smelter plants
5. SPCBs shall ensure proper accounting of inter-state movement of SPL as per the manifest and conditions of authorization so as to eliminate the possibilities of illegal re-processing or sale as fuel.
6. Hon'ble NGT vide its order dated 26.08.2019 in the matter of O.A. No. 804/2017 (Rajiv Narayan & Anr. Vs. Union of India & Ors.), directed all the States which have not set up TSDF may do so and the States which fail to set up the same up to 31.03.2020, will be liable to pay environmental compensation of Rs. 10 lakh per month. Therefore, it is humbly prayed that Hon'ble NGT may further direct the concerned States and SPCB for expediting the process of setting up of TSDF in Chhattisgarh State."

Hon'ble National Green Tribunal (NGT) vide order dated 16.12.2019 in the matter of O. A. No. 536/2019 titled Ashok Kumar Pat Joshi V/s MoEF&CC and Ors. also directed as:

"...4. let further steps be taken in the light of the above recommendations by all concerned.

5. the applicant has filed his objections to the report making further suggestions. The said objections may be first looked into by the CPCB and a further report filed before next dated..."

Actions taken by CPCB as per Hon'ble NGT vide order dated 16.12.2019 were as follows:

- A. CPCB vide letter dated 23.12.2019 asked the State Pollution Control Boards (SPCBs) of Chhattisgarh, Madhya Pradesh, Odisha and Uttar Pradesh to ensure compliance of above mentioned recommendations and submit an assessment report of over-all management of SPL waste generated by Aluminium smelters plants in their states.

The above said 04 SPCBs has submitted status regarding over-all management of SPL waste generated by Aluminium smelters plants in their respective states, which is tabulated as below:

Compliance status as provided by Chhattisgarh Environment Conservation Board (CECB):

S. No.	Recommendations of Hon'ble NGT	Compliance status and details of SPL generation and its management with status of TSDF
1.	The State Boards have provided information of the facilities which are authorized for utilizing/re-processing the Spent Pot Lining	CECB informed that in Chhattisgarh, SPL waste is being generated by M/s Bharat Aluminium Company Ltd., Korba. The records and manifest (form 10) for generation of SPL has been verified and submitted for last three years by CECB as below:

waste. No information was provided at the generator end. SPCBs may therefore verify records of generation, transfer, sale or disposal of SPL at the place of generator that is Aluminium Smelter plants. Quantity of SPL sent or transferred from the premises of Smelters units needs to be verified as per manifest document	S. No.	Financial Year	Quantity of SPL generated (MT)																		
	1.	Closing stock FY 2015-16	33498.67																		
	2.	2016-2017	11507.33																		
	3.	2017-2018	8670																		
	4.	2018-2019	6915																		
	5.	2019-2020 (Upto December 2019)	3870																		
Total			64,461																		
2.	SPCB may verify records of SPL generation, storage, handling, transfer and disposal at the place of generation as well as at utilizer/re-processor end so as to assess leakages or unaccounted waste if any	<p>As per records, as on 31st December, 2019, a total of 64,461 MT (including closing stock FY 2015-16) of SPL has been stored in SLF and covered shed within the plant premises.</p> <p>Out of total stock of SPL, 6982.69 MT of SPL has been given to the following actual utilizers/co-processors during the last three years. Details are as below:</p> <table border="1"> <thead> <tr> <th>Financial Year</th> <th>Quantity of SPL sold (MT)</th> <th>Authorized actual utilizers/co-processors</th> </tr> </thead> <tbody> <tr> <td>2016-17</td> <td>625.21</td> <td>M/s Ambuja Cement-289.14 MT M/s Ultratech cement-336.07 MT</td> </tr> <tr> <td>2017-18</td> <td>506.02</td> <td>M/s Ambuja Cement</td> </tr> <tr> <td>2018-19</td> <td>2627.52</td> <td>M/s Greenmac Technologies</td> </tr> <tr> <td>2019-20 (Dec-2019)</td> <td>3223.94</td> <td></td> </tr> <tr> <td>Total</td> <td>6982.69</td> <td></td> </tr> </tbody> </table> <p>Manifest generated by the generator and manifest copy of receiver (actual utilizers/co-processors) are matching and found correct. Therefore, there is no leakage/unauthorized dumping of SPL found.</p>		Financial Year	Quantity of SPL sold (MT)	Authorized actual utilizers/co-processors	2016-17	625.21	M/s Ambuja Cement-289.14 MT M/s Ultratech cement-336.07 MT	2017-18	506.02	M/s Ambuja Cement	2018-19	2627.52	M/s Greenmac Technologies	2019-20 (Dec-2019)	3223.94		Total	6982.69	
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3.	SPL re-processing units located at MP and Chhattisgarh were found not complying with the SoPs for utilization. SPCBs may therefore shall not allow operation of those facilities till they are augmented to comply with SoPs.	<p>CPCB has imposed Environmental Compensation of Rs, 28,80,000/- for non-compliance of SoP for utilization of SPL and HOWM Rules, 2016 on M/s Greenmac Technologies (actual utilizer), Raipur.</p> <p>Therefore, in compliance of CPCB direction under section 5 of Environment (Protection) Act, 1986 dated 02.08.2019, unit has deposited Environmental Compensation of Rs, 28,80,000/- to CPCB on 27.12.2019. Unit also claimed that they are complied with SoP and HOWM Rules, 2016.</p>																			
4.	SPCBs in the States of Odisha, Chhattisgarh and UP are required to assess over-all management of SPL waste generated by Aluminium smelter plants.	<p>CECB informed that over-all management of SPL waste generated by Aluminium smelter plant is being complied in accordance to HOWM Rules, 2016 in the State. CPCB also cross checked the status as reported by the CECB and found correct which was examine on the basis of documents like manifest and annual returns submitted by the SPL generator as well as SPL receiver (actual utilizer).</p>																			
5.	SPCBs shall ensure proper accounting of inter-state movement of SPL as per the manifest and conditions of authorization so as to eliminate the possibilities of illegal re-processing or sale as fuel.	<p>As informed, CECB is already monitoring the proper accounting of intra-state movement of SPL as per conditions stipulated in authorization and verifying manifest issued by generator and manifest copy of receiver to eliminate the possibilities of illegal reprocessing or sale. Regular instructions and directions are being given to the industries for proper accounting of generation, storage, handling, transportation and disposal of hazardous wastes. Currently, inter-state movement of SPL and other hazardous wastes are not being allowed in Chhattisgarh.</p>																			
6.	Hon'ble NGT vide its order dated 26.08.2019 in the matter of O.A. No.	<p>CECB has informed that 50 acres of land has been identified near Village-Kesda, Simga, Raipur (C.G.) for the establishment of TSDF. CSIDC of Chhattisgarh received 03 proposals from</p>																			

<p>804/2017 (Rajiv Narayan & Anr. Vs. Union of India & Ors.), directed all the States which have not set up TSDF may do so and the States which fail to set up the same up to 31.03.2020, will be liable to pay environmental compensation of Rs. 10 lakh per month. Therefore, it is humbly prayed that Hon'ble NGT may further direct the concerned States and SPCB for expediting the process of setting up of TSDF in Chhattisgarh State."</p>	<p>the various firms to develop TSDF, which are under evaluation for selection of the bidder to award of work.</p>
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Compliance status as provided by Madhya Pradesh Pollution Control Board (MPPCB):

S. No.	Recommendations of Hon'ble NGT	Compliance status and details of SPL generation and its management																																								
1.	<p>The State Boards have provided information of the facilities which are authorized for utilizing/re-processing the Spent Pot Lining waste. No information was provided at the generator end. SPCBs may therefore verify records of generation, transfer, sale or disposal of SPL at the place of generator that is Aluminium Smelter plants. Quantity of SPL sent or transferred from the premises of Smelters units needs to be verified as per manifest document</p>	<p>AS informed by MPPCB, in Madhya Pradesh SPL waste is being generated by M/s Hindalco Industries Limited (Unit-Mahan Aluminium), Singrauli. The records and manifest (form 10) for generation of SPL has been verified and submitted by Regional Officer, Singrauli, MPPCB, as below:</p> <p>Quantity of SPL generation and its management:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Financial Year</th> <th style="width: 15%;">Opening Stock (MT)</th> <th style="width: 15%;">Generation (MT)</th> <th style="width: 15%;">Disposal (MT)</th> <th style="width: 15%;">Closing Stock (MT)</th> </tr> </thead> <tbody> <tr> <td>2017-18</td> <td style="text-align: right;">864.24</td> <td style="text-align: right;">2404.87</td> <td style="text-align: right;">1848.16</td> <td style="text-align: right;">1420.95</td> </tr> <tr> <td>2018-19</td> <td style="text-align: right;">1420.95</td> <td style="text-align: right;">6645.88</td> <td style="text-align: right;">3491.47</td> <td style="text-align: right;">4575.36</td> </tr> <tr> <td>2019-20 (Dec.2019)</td> <td style="text-align: right;">4575.36</td> <td style="text-align: right;">6362.02</td> <td style="text-align: right;">10345.24</td> <td style="text-align: right;">592.14</td> </tr> </tbody> </table> <p>Details of SPL disposed (MT) :</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Financial Year</th> <th style="width: 15%;">M/s Green Energy Resources Odisha</th> <th style="width: 15%;">M/s Krishna Calcination & Refractories Pvt. Ltd. M.P.</th> <th style="width: 15%;">M/s Ramky Environ Engineers Pvt. Ltd. M.P.</th> <th style="width: 15%;">M/s Ultra Tech, Gujarat</th> </tr> </thead> <tbody> <tr> <td>2017-18</td> <td style="text-align: right;">1848.16</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>2018-19</td> <td style="text-align: right;">802.08</td> <td style="text-align: right;">579.59</td> <td style="text-align: right;">2104.17</td> <td style="text-align: right;">5.63</td> </tr> <tr> <td>2019-20 (upto Dec.19)</td> <td style="text-align: right;">4342.58</td> <td style="text-align: center;">0</td> <td style="text-align: right;">6002.660</td> <td style="text-align: center;">0</td> </tr> </tbody> </table> <p>Manifest generated by the generator and manifest copy of receiver (actual utilizers/co-processors) are matching and found correct. Therefore, there is no leakage/unauthorized dumping of SPL found.</p>	Financial Year	Opening Stock (MT)	Generation (MT)	Disposal (MT)	Closing Stock (MT)	2017-18	864.24	2404.87	1848.16	1420.95	2018-19	1420.95	6645.88	3491.47	4575.36	2019-20 (Dec.2019)	4575.36	6362.02	10345.24	592.14	Financial Year	M/s Green Energy Resources Odisha	M/s Krishna Calcination & Refractories Pvt. Ltd. M.P.	M/s Ramky Environ Engineers Pvt. Ltd. M.P.	M/s Ultra Tech, Gujarat	2017-18	1848.16	0	0	0	2018-19	802.08	579.59	2104.17	5.63	2019-20 (upto Dec.19)	4342.58	0	6002.660	0
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3.	SPL re-processing units located at MP and Chhattisgarh were found not complying with the SoPs for utilization. SPCBs may therefore shall not allow operation of those facilities till they are augmented to comply with SoPs.	CPCB has directed MPPCB vide letter dated 05.12.2018 for closure of the unit and imposition of financial penalty & Environmental Compensation regarding non-compliance of SoP for utilization of SPL and HOWM Rules, 2016 by M/s Krishna Calcination & Refractories Pvt. Ltd., Katni, M.P. Presently the unit is closed and not operational.
4.	SPCBs in the States of Odisha, Chhattisgarh and UP are required to assess over-all management of SPL waste generated by Aluminium smelter plants.	MPPCB has informed that over-all management of SPL waste generated by Aluminium smelter plant is being complied in accordance to HOWM Rules, 2016 in the State. MPPCB cross checked the status on the basis of documents like manifest and annual returns submitted by the SPL generator as well as SPL receiver (actual utilizer) and found correct.
5.	SPCBs shall ensure proper accounting of inter-state movement of SPL as per the manifest and conditions of authorization so as to eliminate the possibilities of illegal re-processing or sale as fuel.	As informed by MPPCB, for tracking of hazardous waste movement within the state and outside is done through online GPS based transport tracking system, which ensure proper accounting of hazardous wastes being generated by generator and received by actual utilizer/co-processors.

Compliance status as provided by Odisha State Pollution Control Board (OSPCB):

S. No.	Recommendations of Hon'ble NGT	Compliance status and details of SPL generation and its management and status of TSDF
1.	The State Boards have provided information of the facilities which are authorized for utilizing/re-processing the Spent Pot Lining waste. No information was provided at the generator end. SPCBs may therefore verify records of generation, transfer, sale or disposal of SPL at the place of generator that is Aluminium Smelter plants. Quantity of SPL sent or transferred from the premises of Smelters units needs to be verified as per manifest document	As informed by OSPCB, there are 04 SPL generating industries (Aluminium Smelter Plants) in State namely: (i) M/s Hindalco Industries Limited, Hirakud, Sambalpur, (ii) M/s Aditya Aluminium (Hindalco Industries Ltd.), Lapanga, Sambalpur, (iii) M/s Vedanta Limited, Bhurkamunda, Kalimandir, Jharsuguda and (iv) M/s National Aluminium Company Limited (NALCO), Smelter Plant, NALCO Nagar, Angul. After verification of annual returns and manifest documents submitted by the Aluminium Smelter Plants located in Odisha and also verification of records during inspection by inspecting officers of OSPCB for the financial year 2018-2019, the records of the SPL as submitted by OSPCB are as follows: i. Generation: 38,752 MT (Carbon + Refractory) ii. Previous Stock: 1,72,833 MT (Carbon + Refractory) iii. Disposal: 19,198 MT (Carbon Portion) iv. Closing Stock: 1,92,387 MT (Carbon + Refractory)
2.	SPCB may verify records of SPL generation, storage, handling, transfer and disposal at the place of generation as well as at utilizer/re-processor end so as to assess leakages or unaccounted waste, if any.	
3.	SPL re-processing units located at MP and Chhattisgarh were found	As informed by OSPCB, there is one SPL (Carbon) re-processing unit namely M/s Green Energy Resources, Sambalpur, Odisha has been granted Consent to Establish,

	not complying with the SoPs for utilisation. SPCBs may therefore shall not allow operation of those facilities till they are augmented to comply with SoPs.	Consent to Operate and authorization under HOWM Rules, 2016 from OSPCB. Another SPL (Carbon) re-processing unit namely M/s Regrow Pvt. Ltd., Jharsuguda has obtained Consent to Establish form OSPCB.
4.	SPCBs in the States of Odisha, Chhattisgarh and UP are required to assess over-all management of SPL waste generated by Aluminium smelter plants.	Assessment of management of SPL generated from Aluminium Smelter Plants is done by OSPCB from time to time. SPL (Refractory Portion) has been stored under covered shed inside the smelter premises.
5.	SPCBs shall ensure proper accounting of inter-state movement of SPL as per the manifest and conditions of authorization so as to eliminate the possibilities of illegal re-processing or sale as fuel.	As informed by OSPCB, SPL (Carbon) generated from the Aluminium Smelter Plants of Odisha is being reused inside the state only, therefore, there is no any inter-state movement of SPL.
6.	Hon'ble NGT vide its order dated 26.08.2019 in the matter of O.A. No. 804/2017 (Rajiv Narayan & Anr. Vs. Union of India & Ors.), directed all the States which have not set up TSDF may do so and the States which fail to set up the same up to 31.03.2020, will be liable to pay environmental compensation of Rs. 10 lakh per month. Therefore, it is humbly prayed that Hon'ble NGT may further direct the concerned States and SPCB for expediting the process of setting up of TSDF in Chhattisgarh State."	As informed by OSPCB, CHWTSDF has been established at Odisha Waste Management Project, at Kanchichuan, Tal-Sukinda, Dist- Jajpur, Odisha and operated by M/s Ramky Enviro Engineers Ltd. for treatment, storage and disposal of land-fillable disposal of Hazardous Wastes. The TSDF does not have any incineration facility. However, EC has been granted by MoEF&CC and CTE application for its expansion including establishment of incineration facility is under consideration of OSPCB.

Compliance status as provided by Uttar Pradesh Pollution Control Board (UPPCB):

S. No.	Recommendations of Hon'ble NGT	Compliance status and details of SPL generation and its management										
1.	The State Boards have provided information of the facilities which are authorized for utilizing/re-processing the Spent Pot Lining waste. No information was provided at the generator end. SPCBs may therefore	As informed by UPPCB, SPL waste in being generated by M/s Hindalco Industries Ltd., Renukoot. The details of SPL generated in the premises of the unit are as follows: <table border="1" data-bbox="662 2206 1443 2373"> <thead> <tr> <th>Period</th> <th>SPL generated (MT)</th> <th>Storage method</th> <th>Treatment method</th> </tr> </thead> <tbody> <tr> <td>2017</td> <td>2443.58</td> <td rowspan="2">Stored under covered shed with concrete</td> <td rowspan="2">Reprocessed in Cryolite Recovery</td> </tr> <tr> <td>2018</td> <td>2404.91</td> </tr> </tbody> </table>	Period	SPL generated (MT)	Storage method	Treatment method	2017	2443.58	Stored under covered shed with concrete	Reprocessed in Cryolite Recovery	2018	2404.91
Period	SPL generated (MT)	Storage method	Treatment method									
2017	2443.58	Stored under covered shed with concrete	Reprocessed in Cryolite Recovery									
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	verify records of generation, transfer, sale or disposal of SPL at the place of generator that is Aluminium Smelter plants. Quantity of SPL sent or transferred from the premises of Smelters units needs to be verified as per manifest document	2019	2300.70	floor to prevent any contamination to land.	Plant to recover cryolite. Carbon residue is being burnt in boilers in the premises. No disposal.
		Total	7419.19		
2.	SPCB may verify records of SPL generation, storage, handling, transfer and disposal at the place of generation as well as at utilizer/re-processor end so as to assess leakages or unaccounted waste, if any.	The unit has authorization under HOWM Rules, 2016 from UPPCB for reprocessing of SPL in-house for recovery of fluorine values to produce cryolite and carbon residue being burned in boiler which is valid till 29.06.2021 for quantity of 3601 MT/Annum.			
3.	SPL re-processing units located at MP and Chhattisgarh were found not complying with the SoPs for utilisation. SPCBs may therefore shall not allow operation of those facilities till they are augmented to comply with SoPs.	As informed by UPPCB, there has been no authorization granted for utilization/co-processing of SPL.			
4.	SPCBs in the States of Odisha, Chhattisgarh and UP are required to assess over-all management of SPL waste generated by Aluminium smelter plants.	As informed by UPPCB, M/s Hindalco Industries Ltd., Renukoot is the only generating unit which also has authorization under HOWM Rules, 2016 from UPPCB for reprocessing of SPL in-house for recovery of fluorine values to produce cryolite and carbon residue being burned in boiler which is valid till 29.06.2021 for quantity of 3601 MT/annum.			
5.	SPCBs shall ensure proper accounting of inter-state movement of SPL as per the manifest and conditions of authorization so as to eliminate the possibilities of illegal re-processing or sale as fuel.				

B. The applicant has filed following objections and recommendations on the CPCB report which was filed on 15.11.2019, the reply to the objections and recommendations of applicant are tabulated as below: -

S. No	Objections and recommendations of the applicant	CPCB reply
1.	As such without the help of R&D center or well experienced & established technology developer setting up detoxification facility for the critically hazardous waste (SPL) is very difficult. There is urgent need for CPCB to update its SoP for detoxification of SPL by vetting through JNARDDC or similar govt. R&D centre is	As per notified Rule 9 (2) of HOWM Rules, 2016, CPCB is responsible to develop SoP/guideline for utilization of particular hazardous waste in accordance to following provisions; <i>“Where standard operating procedures or guidelines are not available for specific utilisation, the approval has to be sought from Central Pollution Control Board which shall be granting approval on the basis of trial runs and thereafter, standard operating procedures or guidelines shall be prepared by Central Pollution Control Board:</i> <i>Provided, if trial run has been conducted for particular waste</i>

	required.	<p><i>with respect to particular utilisation and compliance to the environmental standards has been demonstrated, authorization may be granted by the State Pollution Control Board with respect to the same waste and utilisation, without need of separate trial run by Central Pollution Control Board and such cases of successful trial run, Central Pollution Control Board shall intimate all the State Pollution Control Board regarding the same”.</i></p> <p>SoP has developed by CPCB for utilization of SPL, after carrying out Scientific & Technical study and trial run in presence of CPCB and SPCB and/or recommendations of Technical Experts Committee which comprise 10 experts having in depth knowledge of Hazardous waste handling & management including laboratory experts.</p>
2.	<p>Complete non-compliance of SoP & HOWM Rules, 2016 by M/s Krishna Calcination and Refractories Pvt. Ltd., M.P. and M/s Greenmac Technologies, C.G. have been observed by CPCB during their inspection and verification. The proponent has misguided MPPCB officials in the name of SoP, that they have the minimum requisite facility as per SoP and obtained authorization from MPPCB.</p>	<p>In accordance to the SoP & HOWM Rules, 2016 MPPCB and CECB has granted authorization to these units after verification of the utilization process and checklist of minimal requisites facilities.</p> <p>MPPCB issued closure direction to the M/s Krishna Calcination & Refractories Pvt. Ltd., Katni, M.P. in compliance of CPCB direction under section 5 of Environment (Protection) Act, 1986 dated 05.12.2018 for non-compliance of SoP and HOWM Rules, 2016 (presently unit is closed and not operational).</p> <p>CPCB has imposed Environmental Compensation of Rs, 28,80,000/- for non-compliance of SoP for utilization of SPL and HOWM Rules, 2016 on M/s Greenmac Technologies (actual utilizer), Raipur.</p> <p>In compliance of CPCB direction under section 5 of Environment (Protection) Act, 1986 dated 02.08.2019, unit has deposited Environmental Compensation of Rs, 28,80,000/- to CPCB on 27.12.2019.</p>
3.	<p>Due to non-compliance of SoP & HOWM Rules, 2016 for misutilization of hazardous waste SPL penalty should be imposed for the quantity procured by the party.</p>	<p>CPCB has imposed Environmental Compensation of Rs, 28,80,000/- for non-compliance of SoP for utilization of SPL and HOWM Rules, 2016 on M/s Greenmac Technologies (actual utilizer), Raipur.</p> <p>In compliance of CPCB direction under section 5 of Environment (Protection) Act, 1986 dated 02.08.2019, unit has deposited Environmental Compensation of Rs, 28,80,000/- to CPCB on 27.12.2019.</p> <p>Further, MPPCB also issued closure direction to the M/s Krishna Calcination & Refractories Pvt. Ltd., Katni, M.P. in compliance of CPCB direction under section 5 of Environment (Protection) Act, 1986 dated 05.12.2018 for non-compliance of SoP and HOWM Rules, 2016 (presently unit is closed and not operational).</p>
4.	<p>Excepting for Odisha, none of the other states (M.P., U.P., Chhattisgarh) have HOWM Rules, 2016 compliance re-processing units. This leads to large scale misutilization of HW SPL in Madhya Pradesh, Chhattisgarh & Uttar Pradesh.</p>	<p>Yes, non-compliance of SoP and HOWM Rules, 2016 found in the State of M.P. and Chhattisgarh for which following actions taken by the CPCB, MPPCB and CECB.</p> <p>MPPCB issued closure direction to the M/s Krishna Calcination & Refractories Pvt. Ltd., Katni, M.P. in compliance of CPCB direction under section 5 of Environment (Protection) Act, 1986 dated 05.12.2018 for non-compliance of SoP and HOWM Rules, 2016 (presently unit is closed and not operational).</p>

		<p>CPCB has imposed Environmental Compensation of Rs, 28,80,000/- for non-compliance of SoP for utilization of SPL and HOWM Rules, 2016 on M/s Greenmac Technologies (actual utilizer), Raipur.</p> <p>In compliance of CPCB direction under section 5 of Environment (Protection) Act, 1986 dated 02.08.2019, unit has deposited Environmental Compensation of Rs, 28,80,000/- to CPCB on 27.12.2019.</p> <p>As informed by UPPCB, in U.P. M/s Hindalco Industries Ltd., Renukoot is generating SPL and authorized to reprocess it in-house for recovery of fluorine values to produce cryolite and carbon residue being burned in boiler.</p>
5.	There is urgent need for time-bound setting up of an integrated TSDF unit in the state to cater to the ever increase HW generation and resultant environmental pollution.	<p>CECB informed that 50 acres of land has been identified near Village-Kesda, Simga, Raipur (C.G.) for the establishment of TSDF. CSIDC of Chhattisgarh received 03 proposals from the various firms to develop TSDF, which are under evaluation for selection of the bidder to award of work.</p> <p>As informed by OSPCB, CHWTSDF has been established at Odisha Waste Management Project, at Kanchichuan, Tal- Sukinda, Dist- Jajpur, Odisha and operated by M/s Ramky Enviro Engineers Ltd. for treatment, storage and disposal of land-fillable disposal of Hazardous Wastes. The TSDF does not have any incineration facility. However, EC has been granted by MoEF&CC and CTE application for its expansion including establishment of incineration facility is under consideration of OSPCB.</p> <p>Moreover, Hon'ble NGT vide its order dated 26.08.2019 in the matter of O.A. No. 804/2017 (Rajiv Narayan & Anr. Vs. Union of India & Ors.), directed all the States which have not set up TSDF may do so and the States which fail to set up the same up to 31.03.2020, will be liable to pay environmental compensation of Rs. 10 lakh per month. Therefore, it is humbly prayed that Hon'ble NGT may further direct the concerned States and SPCB for expediting the process of setting up of TSDF in Chhattisgarh State."</p>
6.	The MPPCB and UPPCB have not given any status report w.r.t. the TSDF units.	As per annual inventory submitted by MPPCB and UPPCB, there is 01 integrated facility (Secured landfill and incinerator) in the State of M.P. and 04 facilities in the State of U.P. out of which 02 are integrated facilities (Both secured landfill and incinerator).
7.	Real time monitoring and tracking of all Spent Pot Lining (SPL) carrying transportation vehicles through GPS system, to track & monitor the movement of the vehicles to avoid illegal trans-border transportation/ trading/ disposal of Spent Pot Linings (SPLs) to neighboring States which do not have HOWM Rules, 2016 compliant SPL re-processing units nor TSDF facilities.	CPCB has already in process to develop National Hazardous Waste Tracking System software.

Item No. 09

Court No. 1

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

Original Application No. 536/2019

(With report dated 15.11.2019)

Ashok Kumar Patjoshi

Applicant(s)

Versus

Ministry of Environment, Forest &
Climate Change & Ors

Respondent(s)

Date of hearing: 16.12.2019

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

For Applicant(s): Mr. Prushottam Sharma Tripathi, Mr. Amit,
Advocates

For Respondent(s): Ms. Vipra Bhardwaj, Advocate for CPCB

ORDER

1. The issue for consideration is the scientific disposal of Spent Pot Lining (SPL) which is produced by the smelting plants operated by the aluminum industries which contains high level of Cyanide and Fluoride which are carcinogenic and needs to be scientifically utilized/detoxified. The SPL is classified as hazardous waste under the Schedule to the Hazardous Waste Management Rules, 2016.
2. The matter was considered on 04.09.2019 in the light of report dated 23.08.2019 furnished by the CPCB. The Tribunal observed:

"2. The Tribunal sought a response from the CPCB by way of a report which has been furnished on 23.08.2019 to the effect that SOP for scientific disposal and utilization of SPL has been issued

in July, 2019. With regard to the discrepancies in the permissions granted by the State Boards to various facilities in West Bengal, Jharkhand, Chhattisgarh, Odisha and Madhya Pradesh, it is stated that the CPCB has issued letter dated 23.08.2019 requiring inspection and verification of such facilities, verification of SPL procured and verification of standards stipulated in the SOP.

3. The report does not mention about the result of such inspection and verification by the State Boards which may be done within one month and a status report furnished before the next date. The States of Chhattisgarh and Odisha may expedite setting up of integrated TSDFs which may be overseen by the CPCB.”

3. Thereafter further report has been filed by the CPCB on 15.11.2019 making following recommendations:

“Recommendations:

- The State Boards have provided information of the facilities which are authorized for utilizing/re-processing the Spent Pot Lining waste. No information was provided at the generator end. SPCBs may therefore verify records of generation, transfer, sale or disposal of SPL at the place of generator that is Aluminium Smelter plants. Quantity of SPL sent or transferred from the premises of Smelters units needs to be verified as per manifest document.
- SPCB may verify records of SPL generation, storage, handling, transfer and disposal at the place of generation as well as at utilizer/re-processor end so as to assess leakages or unaccounted waste if any.
- SPL re-processing units located at MP and Chhattisgarh were found not complying with the SoPs for utilisation. SPCBs may therefore shall not allow operation of those facilities till they are augmented to comply with SoPs.
- SPCBs in the States of Odisha, Chhattisgarh and UP are required to assess over-all management of SPL waste generated by Aluminium smelter plants
- SPCBs shall ensure proper accounting of inter-state movement of SPL as per the manifest and conditions of authorization so as to eliminate the possibilities of illegal re-processing or sale as fuel.
- Hon'ble NGT vide its order dated 26.08.2019 in the matter of O.A. No. 804/2017 (Rajiv Narayan & Anr. Vs. Union of India & Ors.), directed all the States which have not set up TSDF may do so and the States which fail to set up the same up to 31.03.2020, will be liable to pay environmental compensation of Rs. 10 lakh per month. Therefore, it is humbly prayed that Hon'ble NGT may further direct the concerned States and SPCB for expediting the process of setting up of TSDF in Chhattisgarh State.”

4. Let further steps be taken in the light of the above recommendations by all concerned.
5. The applicant has filed his objections to the report making further suggestions. The said objections may be first looked into by the CPCB and a further report filed before the next dated.

List again on 27.02.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

December 16, 2019
Original Application No. 536/2019
DV

