



TAMILNADU POLLUTION CONTROL BOARD

Proceedings No.:T2/ TNPCB / F.05696 / HWM Rules / SPR / 2019 – dt:28.06.2019

Sub.: TNPCB – M/s. Aiyasha Enterprises – SF No 222/3&4 (Part) and 214/1 (Part) Neeervallur Village Kancheepuram Taluk and District- non compliance of the provisions of Hazardous and Other Waste (Management & Transboundary) Rules 2016- Assessment of damage caused to the surrounding environment – Assessment Liability imposed under Rule 23-1 of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules, 2016 – **Directions issued under provisions of Section 5 of Environment (Protection) Act, 1986**– Regarding.

- Ref.:**
1. The Environment (Protection) Act, 1986
 2. The Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016
 3. Complaint Letter dated 07.02.2019 recived from Tmt G.Priya Naidu
 4. Show cause Notice issued vide Proc No F.SPR 0453 /RS/DEE/SPR/W &A/2019 dated 21.02.2019 issued by DEE-Sriperumbudur
 5. Your Reply dated 25.02.2019
 6. T.O Proceedings No.: T2 / TNPCB / F.5696/SPR/W &A / 2019 dated: 11.03.2019
 7. LR.No F.No.0453/DEE/TNPCB/SPR/2019-1 dated 23.05.2019

Whereas, as per Section 5 of the Act first cited reads as “Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

Whereas, the Ministry of Environment, Forest and Climate Change, Government of India, vide its Notification GSR No. 23 (E) dated 08.01.1997, in exercise of the powers conferred by Section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government delegated the powers vested in it under Section 5 of the said Act to the Chairman, State Pollution Control Boards / Committees (including TNPCB) to issue directions to any industry or any local or other authority for the violations of the standards and rules relating to **Hazardous Wastes** notified under the Environment (Protection) Act, 1986 subject to the conditions that the Central Government may revoke such delegation of powers or may itself invoke the provisions of Section 5 of the said Act, if in the opinion of the Central Government such a course of action is necessary in the public interests.



TAMILNADU POLLUTION CONTROL BOARD

Whereas, the powers conferred under Section 23 of the Environment (Protection) Act, 1986 has been delegated to the Chairman, State Pollution Control Boards / Committees (including TNPCB) to issue directions to any industry or any local or other authority for the violations of the standards and rules relating to **Hazardous Wastes & Chemicals** notified under the Environment (Protection) Act, 1986 subject to the conditions that the Central Government may revoke such delegation of powers or may itself invoke the provisions of Section 5 of the said Act, if in the opinion of the Central Government such a course of action is necessary in the public interests.

Whereas a complaint was received from Tmt G.Priya Naidu vide the reference 3rd cited alleging that your unit is not having authorization to collect spent solvents as specified in the MoEF & CC, Government of India rules for the past three years. In the complaint it was also alleged that M/s Asian Paints PPG, Asian Paints Limited & Akzo Nobel India Pvt Limited have disposed around 20,000 Tons of Paint Wastes to your facility. And that around 2800 Tons of wastes are land filled within your unit. Besides it is also alleged that you have disposed hazardous wastes near kancheepuram and caused contamination of fertile lands causing cattle death.

Whereas, the DEE (Sriperumbudur), vide the reference 4th cited has issued show cause notice under the provisions of Water (P&CP) Act 1974 as amended in 1988 and under Air (P&CP) Act 1981 as amended in 1987 placing on record various violations made by the unit including the non compliance with the following provisions of the Hazardous and Other (Management & Transboundary Movement) Rules, 2016.

- i. The unit has not maintained records in Form 3 for collecting, generation, treatment and disposal of hazardous wastes.
- ii. The unit has not furnished Annual Returns in Form 4.
- iii. The unit has not provided peizometric wels to monitor the ground water quality.
- iv. Solvent is stored in open areas in barrels and no hazardous waste was found in the unit's premises.

Whereas, the unit vide the reference 5th cited has furnished reply to the show cause notice and informed that that the earlier process of using the vessel cleaning back in paint production was being continued and the feasibility of providing peizo metric well was being studied.

Whereas the reply furnished by your unit was not satisfactory, the closure order was issued to your unit vide the proceeding 6th cited on various grounds including non compliance of the following provisions of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules, 2016.



119

TAMILNADU POLLUTION CONTROL BOARD

The unit has not maintained records in Form 3 for collecting, generation, treatment and disposal of hazardous wastes.

- i. The unit has not furnished Annual Returns in Form 4.
- ii. The unit has not provided peizometric wels to monitor the ground water quality.
- iii. Solvent is stored in open areas in barrels and no hazardous waste was found in the unit's premises.

Whereas, the DEE (Sriperumbudur) vide the reference 7th cited, the has reported that the unit was under operation without valid authorization under the said rule, and requested the Board to take necessary action against the unit under the Rule 23 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. The DEE recommended for imposing risk and assessment liability on the unit based on "CPCB Guidelines on implementing Liabilities for Environmental Damages due to handling and Disposal of Hazardous Waste and Penalty, January 2016".

Whereas, Rule 23(1) of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules, 2016 states that the occupier, importer or exporter and operator of the disposal facility shall be liable for all damages caused to the environment or third party due to improper handling and management of the hazardous and other wastes.

Whereas, the TNPCB is fixing the liability on you invoking the **Clause No 5.1: Liability of Assessment of contamination, wherein the State Pollution Control Boards** can hold the responsible party financially accountable.

Whereas, as per the guidelines the lower cost is applicable for small impacts. As this unit was in operation without valid authorization under Hazardous and other waste (M&TBM) Rule 2016, and as the unit has not maintained records in Form three for receipt, treatment and as there is an allegation that hazardous wastes were landfilled within your premises disposal of Hazardous Wastes and the Scenario of Improper handling and storage of, hazardous waste specified in the above guideline is being considered and the Board hereby levies a site/ risk assessment liability of Rs 10,00,000 on your unit. It is also pointed out that the TNPCB may impose remediation liability if any based on the site/ risk assessment. Any further penalty for non implementation of the assessment liability and further remediation penalty, if any would be imposed by considering the procedures prescribed in the said document.



TAMILNADU POLLUTION CONTROL BOARD

Hence in the exercise of powers conferred under Section 5 of the Environment (Protection) Act, 1986 read with Rule 23 of Hazardous Waste (MT) Rules 2016 the following directions are issued to Unit of M/s. Aiysha Enterprises – SF No 222/3&4 (Part) and 214/1 (Part) Neeervallur Village Kancheepuram Taluk and District at this juncture to comply with the following:

- To deposit Rs 10 Lakhs towards assessment liability to assess the damage caused to environment due to improper handling of Hazardous Wastes and having handled hazardous waste in contravention to the Hazardous & Other Wastes (Management & Transboundary Movement) Rules, 2016.

Whereas, as per the Section 15 of the Act read with Penalty for contravention of the provisions of the Act and the rules, orders and directions “whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued there under, shall in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees or with both and incase the failure or contravention continues with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

It is informed that non-receipt of any reply within 7 days will be construed that you have no satisfactory explanation and legal action will be taken against all concerned on merits in accordance with law.

The receipt of this proceeding may be acknowledged


Sd/-
CHAIRMAN (FAC)

To

The Partner,
M/s. Aiysha Enterprises
SF No 222/3&4 (Part) and 214/1 (Part) Neeervallur Village
Kancheepuram Taluk
Kancheepuram District- 631561

Copy to

1. The Joint Chief Environmental Engineer (Monitoring),
Tamil Nadu Pollution Control Board,
Chennai – for necessary action
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Sriperumbudur. – for necessary action at once.


For Chairman
29/6/19