



REVIEW OF THE CHAIRMAN, TNPCB ON 24.11.2020 OVER THE STATUS OF HAZARDOUS WASTE MANAGEMENT IN THE STATE AND THE COMPLIANCE OF DIRECTIONS ISSUED BY THE HON'BLE SUPREME COURT OF INDIA AND THE HON'BLE NATIONAL GREEN TRIBUNAL (PB) – DETAILED INSTRUCTIONS TO BE FOLLOWED UP – REG.

Review Note : TNPCB/CMN/F.27092/HWM/2020, dated 09.12.2020

- Ref:
1. Hon'ble Supreme Court of India orders dated 14.10.2003 in W.P(C) No. 657 of 1995.
 2. Memo No. AM1/TNPCB/HWM/Own Vehicle/2014 dated 24.12.2014
 3. Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016
 4. Hon'ble NGT(PB) orders dated 12.04.2019, 26.08.2019 and 07.07.2020 in OA No. 804/2017 regarding hazardous waste management.
 5. Proc No. T2/TNPCB/HWM/NGT/Team Monitoring/2020 dated 24.8.2020
 6. Memo T2/TNPCB/HWM/NGT/Monitoring/2020 dated 01.09.2020
 7. Memo No. T2/TNPCB/HWM/F.Annual Inventory 2019-20/2020-4 dated 02.12.2020.

In view of the significance and the potential threat to the water quality intern the life support systems the issue of proper handling and disposal of hazardous waste, the status of management of hazardous wastes and the compliance of Hon'ble Supreme Court directions and Hon'ble NGT directions was reviewed by the Chairman.

At the outset he narrated that the Hazardous and Other Wastes (Management & Transbounday Movement) Rules, 2016 (HOWM Rules, 2016) has been notified by the MoEF&CC, Gol for the safe and environmentally sound management of hazardous and other wastes. **The SPCBs have been entrusted with duty to ensure compliance of the various provisions stipulated under the HOWM Rules, 2016** through monitoring and taking of actions against defaulters as per Rule 21 of the HOWM Rules, 2016.

He further elucidated that the Hon'ble Supreme Court of India in its order dated 14.10.2003 in W.P (C) No. 657 of 1995 issued various directions for effective management of hazardous waste in the country. In the recent past, the Hon'ble National Green Tribunal considered the issue of non-compliance of HOWM Rules, 2016 in OA No. 804/2017 and issued various directions in orders dated 12.04.2019, 26.08.2019 and 07.07.2020 for strict

compliance of action points by various stakeholders including SPCBs. The directions issued related to effective monitoring on compliance of HOWM Rules, 2016 are highlighted below:-

"... All occupiers who have authorizations shall submit the Annual report in time and in case of non-compliance, action needs to be taken by SPCBs..."

"... The pre-processing and recycling / utilization facilities need to be treated as critical environmental infrastructure facilities for sound environmental management of hazardous waste so as to ensure enhanced level and frequency of enforcement and environmental monitoring. Elaborate protocols are needed to be developed...."

"...SPCBs shall ensure that all solvent recovery units have mandatory Authorization in compliance with the SOP and checklist issued by CPCB for solvent recovery units within one month..."

"... The verification of the up-dation of display board should be an integral part of any inspection carried out by CPCB/SPCBs without exception. In case of noncompliance the concerned officer should be subjected to departmental actions..."

"...SPCBs need to take steps to ensure closing of the manifests received and reconcile the HW handling data..."

"...SPCBs shall update of concerned websites with respect to all enforcement actions along with details of industries and action taken...."

"...SPCBs need to have at least one laboratory where all HW parameters as required under HOWM Rules 2016 can be analyzed..."

In view of all the above, he distinguished that, there is a need for regular monitoring for the effective implementation of the HOWM Rules, 2016. In order to have enhanced level and frequency of enforcement and environmental monitoring under HOWM Rules, 2016, Monitoring Protocols are developed for "Inspection – Verification – Reporting" and Monitoring Teams are also formed at zonal level exclusively for carrying out random/surprise inspections & reporting under HOWM Rules, 2016 on continuous basis.

Further, he reiterated the Board memo dated 24.12.2014, illustrating the guidelines for transport, disposal of hazardous waste at TSDF and to the Cement Factories for co-processing. The guidelines are reproduced in consistent with the HOWM Rules 2016, as follows.

- (i). The Occupier and Operator of the facility have to obtain Authorization for the handling of hazardous waste following the procedures laid down in the Chapter-IV of

HOWM Rules 2016 dealt with 'Treatment, Storage, and Disposal facilities for Hazardous and Other Wastes'.

- (ii). The Occupier and Operator of the facility have to make a valid agreement between them for lifting the quantity of hazardous waste from the premises of the Occupier.
- (iii). The Transporter either Occupier or Operator of the facility has to follow the procedure laid down in Chapter-V of the HOWM Rules 2016 dealt with 'Packaging, Labeling, and Transport of Hazardous and Other Wastes'.
- (iv). The Rule 22 dealt with 'Accident Reporting' and Rule 23 dealt with 'Liability of occupier, importer or exporter and operator of a disposal facility' shall be complied with
- (v). The unit shall send the Transport Emergency (TERM) card (Form 9) with the transporter during the transportation of hazardous wastes.
- (vi). The unit shall ensure that the transport container shall be marked and labeled as prescribed in Form 10.
- (vii). The unit shall follow up the procedures prescribed in respect of hazardous wastes manifest in Rule 19.
- (viii). The unit shall ensure that there shall be no leakage or spillage of effluent or waste from the container during transportation of waste.
- (ix). The unit shall not send any waste carrying container from its premises without the prior intimation to the District Environmental Engineer.
- (x). The unit shall intimate each trip movement programme to the Board in advance.
- (xi). The loaded truck shall leave the premises only during the day time. Loading of truck and moving from the premises during the night time shall be strictly avoided.
- (xii). If the Hazardous waste is found disposed off in any other means necessary penal action will be initiated against the industries under Environment (Protection) Act 1986. Further liabilities for environmental damages will be imposed as per the CPCB 'Guidelines on Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty'.
- (xiii). The vehicle shall have the following documents during the transportation.
 - (i). Form - 9 Transport Emergency (TREM) Card
 - (ii). Form - 8 Marking of hazardous and other waste container label with background colour of fluorescent yellow.

- (iii). Form - 10 Hazardous and other waste manifest six copies
- (iv). Form - 11 Format of Accident Report
- (xiv). Vehicle used for transportation shall be in accordance with the provisions under the Motor Vehicles Act, 1988, and rules made thereunder.
- (xv). Transporter (either Occupier or Operator) shall possess valid authorization from State Pollution Control Board for transportation of hazardous and other wastes.
- (xvi). The dedicated vehicle should have 15 Tonnes to 16 Tonnes capacity
- (xvii). The trucks shall be dedicated for transportation of hazardous wastes and they shall not be used for any other purposes.
- (xviii). The design of the trucks should be such that it should prevent spillages during transportations
- (xix). Vehicles holding and transporting the hazardous waste shall be kept in good condition and made of materials which can withstand under working condition
- (xx). PUC (Pollution Under Control Certificate) shall be properly displayed.
- (xxi). Vehicles should be painted preferably in blue colour with white strip of 15 to 30 cm width running centrally all over the body. This is to facilitate easy identification.
- (xxii). The words "HAZARDOUS WASTE" shall be displayed on all sides of the vehicle.
- (xxiii). Each vehicle shall carry first aid kit and fire extinguisher.
- (xxiv). Driver shall possess valid Driving Licence for transporting the Hazardous Waste.
- (xxv). The truck will be fitting with GPRS vehicle tracking system for easy online tracking for the Board officials and also for Administration Control.

Further, the Chairman has reviewed in detail on the data of the Annual Report of HWM 2019-20 and observed the following.

- (a) As per the state HW-Annual Inventory [2019-20], the total number of HW generating industries is 3961 wherein 3919 industries possessing Authorisation under HOWM Rules, 2016. There are 42 industries operating without valid Authorisation under HOWM Rules, 2016.
- (b) From the details of submission of Annual Returns [2019-2020], 3234 industries submitted Annual Returns in time, 548 industries submitted after 30th June, 2020 (late submission) and 96 operating industries not yet submitted Annual Returns.
- (c) Regarding verification of Annual Returns [2019-20] for the period April, 2020 – September, 2020, random verification is reported to be done for 1244 industries. But,

report on the actual facts including violations based on verification has not been furnished by district offices to the Board Office for subsequent action.

- (d) Up-dation of information related to HW details in the display board installed at factory entrance gate has not been reported by district offices.
- (e) From the complied report, three spent solvent recovery units have not followed Standard Operating Procedure (SOP) issued by CPCB. But, inspection report in this regard has not been furnished for enforcement action.
- (f) Waste reception facilities have not been provided in the Ports for handling HW generated from ships.

After the review, the Chairman has issued the following instructions for strict compliance by the field Engineers as well as Engineers in the Board Office.

1. All occupiers who have authorization under HOWM Rules, 2016 shall submit the Annual Returns in time and in case of non-compliance, action shall be taken against the default industries.
2. The Annual Returns submitted by the occupiers of HW generators/recyclers/ pre-processor/utilizers/coprocessor and operator of disposal facilities shall be verified and validated.
3. Verification and reconciliation for closing of manifest document (FORM-10) for all the cases of transport of hazardous waste by generating/handling units shall be carried out.
4. Compliance report of CPCB directions dated 30.01.2019 for all spent solvent recovery units shall be submitted to the Board within one month.
5. Uniform Format as prescribed by the CPCB shall be adopted for inspections of HW generating, handling and utilizing industries/facilities.
6. Violations under HOWM Rules, 2016 such as (i) operation without valid Authorisation under HOWM Rules, 2016, (ii) operating industries not submitted Annual Returns, (iii) non-compliance of SOP by HW Recyclers/Utilisers and non-regular updation of display board, (iv) non-compliance of conditions of Authorisation granted and (v) improper long time storage and illegal disposal causing environmental damage shall be reported by DEEs in Uniform Format IR regularly to Board for enforcement action.
7. The verification of the updation of display board should be an integral part of any inspection carried out without exception. In case of noncompliance the concerned officer should be subjected to departmental actions.

8. All Ports including Minor Ports, Inland Container Depots (ICDs)/Container Freight Stations (CFSs) shall have mandatory authorization for its activity as well as waste reception facilities for wastes from ships as per HOWM Rules, 2016 and any non-compliance in this regard shall be reported by DEEs.
9. HWM - Monitoring Teams formed at zonal level specifically for effective monitoring of industries/facilities adopting pre-processing, recycling, utilizing, co-processing of hazardous and other wastes and common HWTSDFs/captive HW-SLFs shall carryout random/surprise inspections on continuous basis and furnish report to Board as per the protocols without any lapse on mandatory inspection norms.
10. All enforcement actions along with details of industries and action taken shall be updated in the Board website periodically.
11. **Online manifest submission and online Hazardous waste tracking system** which is being developed through Centre for Good Governance, Hyderabad should be completed and put into implementation before the end of December 2020.
12. The **Waste Management Cell** which is proposed to be established at the Board Office, shall monitor the movement of hazardous waste on 24x7 basis. Action shall be expedited to establish the Cell.
13. Online Manifest in Form-10 shall be compiled and reconciled on monthly basis. A consolidated statement shall be submitted to the Chairman on 5th of every month.
14. Quarterly review shall be done by the concerned HOD in the Head Office on waste handling by the Recyclers, Pre-processors, TSDF and Cement companies including the mass balance, (i.e) Quantity of waste received, processed / disposed and the balance. The Recyclers, Pre-processors, TSDF operator and Cement Company shall submit their record and make presentation.
15. Landfill facilities at Gummidipoondi and Virudhunagar shall be audited to identify any illegal disposal of organic waste into landfill and generation of leachate and contamination of ground water.
16. Any pending enquiries or cases of illegal hazardous waste disposal must be acted upon immediately and judiciously.
17. All pending hazardous wastes disposal matter like bio sludge and mixed salts in the Textile and Tannery IETPs/CETPs must be acted judiciously.
18. It shall be followed up with the AISHTMA for establishment of pilot plant for purifying the mixed salt to industrial grade salt as per the treatment methods given by the

CSMCRI, Bhavnagar, Gujarat. Similarly, action shall be taken for textile units mixed salt.


19. CETPs generate hazardous wastes. Non functional or partially functional CETPs must be monitored with respect to their sludge generation and disposal.
20. Non complying units shall be issued with closure direction and environmental compensation shall be levied as per the guidelines issued by the CPCB in May 2019 titled 'Determination of Environmental Compensation to be recovered for violation of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 May 2019'.
21. Complaints are received that the cement plants have indulged in coprocessing of hazardous wastes without complying with the CPCB guideline issued in July 2017. Many of them don't have valid authorization, don't have feeding or storage infrastructure. They have huge stockpile of hazardous wastes. They don't submit any return to TNPCB on monthly and quarterly basis. This needs to be reviewed regularly by the JCEEs (Monitoring).
22. Details of Authorisation granted under HOWM Rules, 2016 every month at district offices and zonal offices, Monthly returns of pre-processing of HW, co-processing of HW and recycling and utilization of HW in the state obtained from industries/facilities shall be consolidated and furnished in a tabulated format to Board Office by JCEEs(Monitoring) before 10th of every month
23. All DEEs must report hazardous waste generation and disposal status in the monthly review meeting of the Chairman.
24. Preliminary investigation of 11 probable contaminated sites as identified by CPCB in the state shall be conducted, following procedures elaborated in the "Document on Identification, Inspection and Assessment of Contaminated Sites" issued by CPCB during June, 2020 and furnish investigation report in the prescribed format with complete details in compliance of Tribunal Order dated 7.7.2020 in OA No. 804/2017.
25. TNPCB - AEL at Corporate Office, Guindy shall be upgraded to have facility for analyze of all HW parameters as required under HOWM Rules, 2016
26. Online provision in OCMMS for submission of Annual Returns by industries/facilities under HWM shall be updated to have additional provisions to upload manifest of each transport of hazardous waste, authorization issued document etc

27. Capacity building programme shall be arranged for TNPCB officials on Hazardous waste rules. The TNPCB officials must be trained on various aspects of Hazardous Waste Handling and Management Rules, 2016.

The Chairman has mentioned that due to alarming situation created by generation and unscientific dumping of hazardous waste resulting in serious and irreversible damage to the environment and public health, the issue was considered by the Hon'ble Supreme Court of India in W.P (C) No. 657/1995. Following this, the Hon'ble NGT has taken up the matter in O.A. No. 804/2017 and passed various orders. The Chief Secretary to Government shall appear in person and submit the action taken report before the Tribunal.

In view of the importance of the safe and environmentally sound management of hazardous waste in the state, the instructions issued above shall be followed without any lapse.

Sd/-
Chairman


9/12/2020
For Chairman
