



TAMILNADU POLLUTION CONTROL BOARD



Proc No: T2/TNPCB/HWM/NGT/Team Monitoring/2020 dated: 24.8.2020

Sub: TNPCB – HWM Section – Monitoring of Industries/Facilities for the effective implementation of HOWM Rules, 2016 – Development of ‘Monitoring Protocol’ specifically for industries adopting pre-processing, recycling, utilising, co-processing of hazardous and other wastes and Captive HW_SLFs/Common HWTSDFs – Formation of ‘Monitoring Teams’ for random/surprise inspection and reporting as per the protocol - Regarding.

Ref: 1. Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 as amended.
2. Hon’ble NGT(PB), New Delhi orders dated 12.04.2019, 26.08.2019 and 07.07.2020 in OA No. 804/2017 regarding hazardous waste management.

The Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 (HOWM Rules, 2016) has been notified by the Ministry of Environment, Forest and Climate Change, Government of India, New Delhi for the management of hazardous and other wastes in environmentally safe manner.

The State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) 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.

The Hon’ble NGT(PB), New Delhi 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 (MoEF&CC, CPCB, SPCBs/PCCs, State/UT Govt, TSDFs, Customs, Port Authorities, DGFT).

The directions issued related to effective monitoring on compliance of HOWM Rules, 2016 are highlighted below:-

“.....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....”

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".....Uniform format for visits and inspections of HW handling facilities is necessary to adopt to ensure comprehensive inspections as per the provisions of the Rules..."

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

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

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

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

".....SPCBs/PCCs shall invoke the powers conferred under clause 23 (1) and (2) of the Rules, related to all damages caused to the environment or thirdparty due to improper handling and management of thehazardous and other wastes, and non-compliance respectively...."

".....Urgent up-dation of concerned websites of SPCBs/PCCs/CPCB with respect to all enforcement actions along with details of industries and action taken....."

Hence, there is a need for continuous random monitoring of such industries handling hazardous wastes for its process activities and also for action against defaulters for the violations under HOWM Rules, 2016.

In the recent years, few such industries attracted complaints regarding improper utilisation of hazardous waste as resource, non-regular disposal of hazardous process waste to authorized common disposal facility resulting in accumulation & environmental pollution and illegal disposal of hazardous waste outside the premises etc.

There are also violation cases (procedural violations of HOWM Rules, 2016) such as (i) industrial operations without valid Authorization under HOWM Rules, 2016, (ii) non-maintenance of records in FORM-3 for receipt, utilization & disposal of hazardous waste, (iii) non-submission of Annual Returns in FORM-4 in time and (iv) not following manifest system in FORM-10 for transport of hazardous waste etc, as per District Office HW Annual Inventory 2019-20. Therefore, it is mandatory to have periodical inspection, monitoring on various provisions of the Rules and reporting on the compliance status/violations.

In order to have effective monitoring on compliance of HOWM Rules, 2016, 'Monitoring Protocol' is developed specifically for the industries adopting pre-processing, recycling, utilizing, co-processing of hazardous and other wastes and the facilities of Common HWTSDFs/captive HW_SLFs for random/surprise inspections on continuous basis and the same is attached as ANNEXURE-1. "Monitoring Teams" are formed exclusively for carrying out random/surprise inspections & reporting on continuous basis, following the monitoring protocol to have enhanced level and frequency of enforcement and environmental monitoring and the details are attached as ANNEXURE-2.

This is issued in compliance of the Hon'ble NGT order dated 07.07.2020 and 12.04.2019 in OA No. 804/2017.

Enclosures:-

1. Monitoring Protocol (Annexure-1)
2. Monitoring Team Members (Annexure-2)
3. Inspection Format (CPCB prescribed).

To

All Monitoring Team Members/TNPCB

Copy to

All DEEs of TNPCB
All JCEE(M) of TNPCB
PS Technical to Chairman
PA to Member Secretary

for Chairman
3/9/2020
dy
3/9/20

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ANNEXURE -1

MONITORING PROTOCOL for "INSPECTION - VERIFICATION -REPORTING"

UNDER HOWM RULES, 2016

Sl. No	Activities	Monitoring Protocol
1	Industries/Facilities cover under monitoring scope.	<ul style="list-style-type: none">(i) Industries adopting pre-processing of HW to convert as resource/fuel (Alternate Fuel Mix) for co-processing in cement kiln.(ii) Industries adopting recycling of HW as listed under Schedule-IV of HOWM Rules, 2016.(iii) Cement industries authorised & practising co-processing of hazardous and other wastes in cement kiln.(iv) Industries adopting captive utilisation of HW & OW as per Schedule III, Part-A, Part-B and Part-D of HOWM Rules, 2016.(v) Industries adopting non-captive utilisation of HW based on guidelines/SOPs issued by CPCB.(vi) Industries/CETPs having captive HW_SLFs and Common HWTSDFs.
2	Inspection & Reporting	Industries/Facilities cover under monitoring scope shall be inspected on random/surprise basis as per Norms & Frequency of Inspection [as at Sl.Nos (3) & (4)] and furnish Inspection Report in the enclosed CPCB -IR FORMAT.
3	Norms for Inspection	<ul style="list-style-type: none">▪ There should be of minimum three inspections per month.(mandatory)▪ Inspection report shall be furnished so as to reach the Board Office within 7 days from the date of inspection in the name cover of 'Member Secretary/TNPCB' titling HWM Section.
4	Frequency of Inspection & Sampling	'Once in 6 months' irrespective of type and scale of the industries/facilities under monitoring scope
5	Monitoring & Reporting	<ul style="list-style-type: none">a) Verification of display board installed at factory entrance with updated information on HW & other details.b) Method of storage of HW in the storage facility within the premises, verifying the accumulated stock with FORM-3 maintained.c) Verification of FORM-3, FORM-4 and FORM-10 with respect to Authorisation granted under HOWM Rules, 2016 and Consent granted under Water & Air Acts.

		<ul style="list-style-type: none"> d) Verification with respect to guidelines and SOPs issued by CPCB for HW pre-processing, recycling, utilising and co-processing facilities and captive/common HW SLFs. e) Verification of Annual Returns with respect to receipt of HW & OW (domestic/inter-state/imported), utilisation, products produced, category & quantity of waste generated and disposed etc. f) Status of compliance on conditions of Authorisation granted under HOWM Rules, 2016. g) Sampling of hazardous waste (solid/leachate), ground water within and outside the premises etc shall be undertaken during inspection in case of improper storage causing environmental pollution. h) Verification of pollution control measures for its adequacy and regular operations. i) Reporting on violations with respect to various rule provisions of HOWM Rules, 2016.
6	CPCB Guidelines & Documents to be followed	<ul style="list-style-type: none"> A. Guidelines for Environmentally Sound Recycling of Hazardous Wastes as per Schedule - IV of HWM Rules. (January, 2010). B. Guidelines for Pre-Processing and Co-Processing of Hazardous and Other Wastes in Cement Plant as per Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. (July, 2017). C. Standard Operating Procedures (SOPs) issued for utilisation of Hazardous Wastes as per Rule (9) of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 from time to time. D. Document on Enforcement Framework for Effective Implementation of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. (July, 2019). E. Document on Determination of Environmental Compensation to be recovered for violation of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. (May, 2019) F. Guidelines on Implementing Liabilities for Environmental Damages due to handling and disposal of hazardous waste and penalty.


 3/9/2020
 for Chairman

ANNEXURE -2

MONITORING TEAMS for 'INSPECTION-VERIFICATION-REPORTING'

UNDER HOWM RULES, 2016

Team ID	Team Head	Team Member	Jurisdiction Areas
Team : HWM-1	Er R.Vijayarajan EE, O/o JCEE(M) Chennai Zone	Er G.Senthil Kumar AE, O/o DEE Vaniyambadi	Chennai Zone Vellore Zone
Team : HWM-2	Er A.Alvin J Anand AEE, O/o JCEE(M) Trichy Zone	Er G.Usha Rani AE, O/o DEE, Madurai	Trichy Zone Madurai Zone
Team : HWM-3	Er D.Ragupathi EE, O/o JCEE(M) Salem Zone	Er K.Murali, AEE, O/o DEE Tiruppur (North)	Salem Zone Coimbatore Zone
Team : HWM-4	Er T.Kannan EE, O/o JCEE(M) Tirunelveli Zone	Er K.Nakkeeran AEE, O/o DEE Tirunelveli	Tirunelveli Zone

Sd/xx
Chairman