

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

Original Application No. 400/2019
(I.A. No. 403/2019, I.A. No. 611/2019 & I.A. No. 615/2019)

(With report dated 31.07.2019)

Social Action for Forest & Environment (SAFE)

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 19.09.2019

**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): Mr. Sanjay Upadhyay with Mr. V. Misra,
Advocates

For Respondent(s): Mr. Divya Prakash Pande, Advocate for CPCB
Mr. Akshay Bhan, Senior Advocate with Mr.
Saurabh Kulkarni, Advocate in I.A. No.
403/2019

ORDER

1. The issue for consideration is the absence of proper management of End-of-Life Tyres/Waste Tyres (ELTs) in accordance with the Environment (Protection) Act, 1986, Environment (Protection) Rules, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, CPCB Guidelines for Environmentally Sound Management of End of Life Vehicles, 2016 and Standard Operating Procedure (SOP) issued by the MoEF&CC.

2. According to the applicant, use of waste tyres by the Pyrolysis industry operating in the country which are engaged in producing inferior quality 'pyrolysis oil', pyrolysis gas (pyro gas), solid residue (char), carbon black and steel through the pyrolysis process needs to be banned to prevent environmental damage. The activity emits highly carcinogenic/cancer-causing pollutants such as polycyclic Aromatic Hydrocarbons (PAH), Dioxin, Furans and Oxides of Nitrogen which are extremely harmful to the respiratory system.

3. Vide order dated 25.04.2019, the Tribunal sought a report from the Central Pollution Control Board (CPCB) about the status of compliance of Rules on the subject and remedial measures required.

The Tribunal noted the following prayers in the matter:

“ a. There should be a complete ban of ELTs in Pyrolysis Industries due to non-implementation of the existing laws by the Pyrolysis Plants resulting in adverse environmental impact;

b. A comprehensive performance assessment of pyrolysis industries should be ordered to be done through the SPCBs or an independent agency in order to gauge the magnitude of the problem at hand;

c. The principle of Extended Producer Responsibility (EPR) must be made mandatory for tyre manufacturers as well as tyre importers;

d. A set of Guidelines for alternative environment friendly uses of ELTs must be immediately framed based on global best practices;

e. A comprehensive time bound implementation plan be put in place for ELTs in conformity with various laws, Rules and Guidelines on Waste Tyres, to be executed by a Task Force.”

4. Accordingly, a report has been filed by the CPCB on 31.07.2019 to the effect that there are 637 tyre pyrolysis units in 19 states of the country. Out of 637 tyre pyrolysis units, 251 units are complying, 270 units are not complying and 116 units are closed. In most of the cases, it was observed that the reason of non-compliance is not meeting the criteria of SOP of MoEF & CC and the consent conditions issued by the SPCBs/PCCs. In case of non-compliances actions have been initiated in the form of closure directions or time specific directions for improvement or notices for compliance. The remedial measures suggested are as follows:

“Remedial Measures:

The following remedial measures are suggested for addressing the environmental concerns in the tyre pyrolysis units:

- 1) *Only continuous tyre pyrolysis units be allowed and all the units having batch process be asked to switch over to continuous process within a given time frame of one year and till the time of conversion their operation be stopped;*
- 2) *The feed to the continuous reactors should be in the form of tyre chips and mechanical feeding system with air lock arrangements so that no air enters in the reactors.*
- 3) *The unit should install packed bed scrubber for control of gaseous emission and reduction of odour;*
- 4) *The tyre pyrolysis units should strictly follow the Standard Operating Procedures (SOPs) issued by MoEF& CC for continuous process and the consent conditions issued by SPCBs/PCCs.”*

5. The report has also annexed Standard Operating Procedure (SOP) issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) dated 24.11.2015 to the effect that ‘batch process’ leads to carbon spillage and exposure of workers. Some explosions have

also been reported. Such process has major shortcomings. The recommendation is that the batch process should be switched over to 'continuous process' within one year. We are informed that that CPCB is going to issue a direction under Section 5 of the Environment (Protection) Act, 1986 directing switchover to 'continuous process' within one year.

6. Our attention has also been drawn to SOP on 'import and recycling of waste pneumatic tyres' to the effect that said tyres fall in Hazardous Waste Rules. Import thereof needs to be restricted to the actual users having requisite consent. It is also pointed out during the hearing that the State of Punjab issued order dated 15.11.2014 for the Location and Siting for Waste-tyre based Pyrolysis Plants and Pollution Prevention/Safety measures to be adopted by such units.
7. In view of above, it is clear that Pyrolysis process involves high level of pollution and also adversely affects the health of the workers involved in the process. The matter being covered by the Hazardous Waste Management Rules, there is need for restrictions on import and to regulate location of such units in the light of the carrying capacity of the area.
8. Accordingly, CPCB may issue appropriate directions on the subject after due consideration of the issue. The directions should also deal with the restrictions on import so as to ensure that India does not become a dump yard for highly polluting hazardous waste material from other countries and also to ensure that health of the workers involved in the process is duly safeguarded.

9. The States wherein such 270 non-complying units are located need to take remedial action including levy of Environmental Compensation to ensure that such units comply with air, water and hazardous waste pollution norms within a reasonable time span. Let CPCB monitor the compliance and file the status and compliance report on or before 30.11.2019 by e-mail at judicial-ngt@gov.in.

List for further consideration on 06.01.2020.

