

<p>Item No. 14</p> <p>July 13, 2018</p> <p>ss</p>	<p><i>rich residue (milled black powder) on the bank of Ramganga River.</i></p> <p><i>The Central Pollution Control Board has made the following recommendations:-</i></p> <ol style="list-style-type: none"> 1. <i>“Directions may be given to the local administration and the Uttar Pradesh Pollution Control Board for the followings:</i> <ol style="list-style-type: none"> a. <i>To stop activities of processing of milled black powder on the bank of river Ramganga</i> b. <i>To stop unauthorized processing of e-waste including milling activities being carried out in the houses located in the vicinity of river Ramganga.</i> c. <i>To check all the entry points into Muradabad to stop infow of E-waste into Moradabad by involving excise, sales and police department.</i> 2. <i>All the unauthorized units should be formalized by providing a common processing facility having environmentally sound technology for processing the e-waste. District Administration may allot land for this purpose.”</i> <p><i>River Ramganga is tributary of River Ganga and therefore, this Tribunal has also taken cognizance of environmental degradation that the unauthorized e-waste processing caused therein in M.C. Mehta’ case vide order dated 03rd May, 2017 passed in Original Application No. 200 of 2014 – M.C. Mehta Vs. Union of India & Ors. We constituted a Committee headed by District Magistrate, Muradabad and comprising of nominees of Secretary of Uttar Pradesh, Member Secretary, Uttar Pradesh Pollution Control Board, Irrigation Department, Govt. of Uttar Pradesh, Jal Nigam, Muradabad, Muradabad Municipal Corporation, Nagar Nigam Muradabad and DSP of the concerned area to ensure removal of hazardous waste generated due to e-waste from the banks of river Ram Ganga and had further directed such waste to be transported and disposed of strictly in accordance with Hazardous Waste Rules within two weeks. Till this date it appears that nothing on the ground has been achieved.</i></p> <p><i>Learned counsel appearing on behalf of the Uttar Pradesh Pollution Control Board submits that there is no common e-waste processing facility at Muradabad and all activities of handling and processing of e-waste presently at District Muradabad is illegal.</i></p> <p><i>Learned counsel appearing on behalf of State of Uttar Pradesh invited our attention to the Reply – Affidavit dated 11th May, 2017 of Mr. Ashok Kumar, DSP, Muradabad, State of Uttar Pradesh which testifies that FIR have been lodged against the persons dealing with the processing of e-waste as per Charts at Annexures R-10/1 (pages 234 to 251) . Interestingly, nowhere we find that the</i></p>
----------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Item No. 14</p> <p>July 13, 2018</p> <p>ss</p>	<p><i>provisions of Section 15 of the Environment (Protection) Act, 1986 have been invoked. The State of Uttar Pradesh has not placed before us any Office order by which the constitution of Committee is spelled out. Nothing has yet been done as regards compliance of the order dated 03rd May, 2017 except bald statement made on behalf of the Learned counsel appearing for the State of Uttar Pradesh that all black powder and such other electronic waste/ hazardous waste has been totally removed from the banks of river Ram Ganga and properly disposed of as directed by order dated 03rd May, 2017. We, therefore, impose environmental compensation of Rs. 10 lacs on the State of Uttar Pradesh and Rs. 50,000/- on District Magistrate of District Moradabad – the 25% of the amount to be deposited with Central Pollution Control Board and 75% of the amount to be deposited with the Uttar Pradesh Pollution Control Board for the purposes of environmental relief.”</i></p> <p>3. The Central Pollution Control Board was directed to prepare Action Plan for remedial measures. Accordingly further joint inspection was carried out by the Central Pollution Control Board and Uttar Pradesh Pollution Control Board on 26th June, 2018.</p> <p>4. The Central Pollution Control Board was given liberty to take assistance of the Experts from different fields. Thereafter the suggestion was that the hazardous waste can be utilized for over bridges by the National Highways Authority of India. It was directed to be considered by the Central Pollution Control Board in consultation with the National Highways Authority of India.</p> <p>5. The recommendations of Central Pollution Control Board are as follows:-</p> <p><i>“The following observations are made based on the analysis of samples collected/drawn during the aforesaid visit. The values obtained from analysis results are compared with screening levels taken from Canadian</i></p>
--------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Item No. 14</p> <p>July 13, 2018</p> <p>ss</p>	<p>screening Standards, Dutch intervention values (DIVs) and applicable Indian standards (the results are given in Annexure-II).</p> <ol style="list-style-type: none"> 1) The surface water sample collected from the banks of River Ramganga shows presence of heavy metals like Iron (Fe), Zinc (Zn), Copper (Cu) and mercury (Hg). The level of mercury was found above the screening levels (i.e. Indian Drinking Water standard), whereas Manganese, Zinc, and Copper were not exceeding the screening levels. 2) Soil and sediment sample shows presence of heavy metals like Iron (Fe), Zinc (Zn), Manganese (Mn), Nickel (Ni), Lead (Pb) and Copper (Cu) Chromium (Cr.), Antimony (Sb) and Vanadium (V). Heavy metals such as Nickel, Lead, Zinc, Copper and Chromium were found exceeding the screening values by many folds. 3) Reconnaissance carried out by Central Pollution Control Board indicates that soil, sediments, groundwater and surface water along the banks of Ramganga River are contaminated with heavy metals including mercury with concentrations above the Indian drinking water standards and Canadian screening standards (residential areas). The contamination is attributed that illegal processing of E-Waste by local population. 4) Since the investigation is carried out in a limited area, it is required to carry out detailed site investigation in the areas to ascertain the extent of contamination. In case of widespread contamination, exceeding the screening values and intervention values, it may warrant remediation of these contaminated areas. 5) It is required to direct the local administration and the Uttar Pradesh Pollution Control Board to stop illegal processing of E-Waste in Moradabad. The excise and sales tax departments may be directed to check all the entry points into Moradabad to stop inflow of E-waste into Moradabad. <p>6. The Learned Counsel for Uttar Pradesh Pollution Control Board states that there is difficulty in locating the site for construction of the secured landfill site as</p>
--------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Item No. 14</p> <p>July 13, 2018</p> <p>ss</p>	<p>recommended by Central Pollution Control Board.</p> <p>7. The waste may be used for construction of roads and bridges. The Learned Counsel for Uttar Pradesh Pollution Control Board suggests that hazardous waste can be mixed with the powder and thereafter can be used for construction of road beddings. On this aspect the Learned Counsel for the Central Pollution Control Board does not have any specific instruction.</p> <p>8. We are of the view that all safety measures have to be adopted for using of such hazardous waste and either suitable site has to be secured for keeping such waste or for temporary storage of such waste or the waste has to be disposed of in a safe and scientific manner. It will be appropriate that Central Pollution Control Board suggest further measures in this regard in consultation with the Experts from specialized field in the subject matter.</p> <p>9. We dispose of this matter with directions that the District Magistrate may forthwith take steps for the temporary storage of such hazardous waste in consultation with Central Pollution Control Board. Until unless any other viable solution is found, properly designed protection of embankments may be constructed around the landfill, as suggested by the Central Pollution Control Board. The steps in this direction may be completed within one month. The Central Pollution Control Board must take its decision in the matter within two week from today.</p> <p>10. Before parting in this matter, we also noticed in the affidavit dated 11th July, 2017 filed on behalf of</p>
--------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Item No. 14</p> <p>July 13, 2018</p> <p>ss</p>	<p>Superintendent of Police, Moradabad stating as follows:-</p> <p>“6. That in reference of the said illegal e-waste processing, it is submitted that the Police of district Moradabad has been taking continuous action against the said illegal activities of e-waste processing. Tabular charts detailing therein FIR lodged and such police action taken against illegal e-waste processing in District Moradabad more particularly by the Police station Bhojpur, Mugalpura and Nagfani respectively are being jointly annexed herewith and marked as Annexure no. R10/1 (Colly).</p> <p>7. That the above mentioned tabular charts are of the year 2015, 2016 and 2017 and cases so lodged are either pending trial or pending investigation.</p> <p>8. That the Station House Officer Police Station Bhojpur, Moradabad conducted an inspection of M/s. JAO E-Waste Recycling Company regarding processing of e-waste by the said company and causing pollution to the environment. He submitted report of the same to the answering respondent on 08.05.2017. An English translation of the said report along with its vernacular copy is annexed herewith and marked as Annexure No.10/2.</p> <p>9. That on the perusal of the above mentioned report, it would be evident that M/s. JAO E-Waste Recycling Company is causing unbridled pollution in the environment and no measures were found in place to control or curb the pollution. The report recommends closure of the said unit.</p> <p>10. That the abovementioned report has been forwarded to the DM by the answering respondent for further action.</p> <p>11. That the Original Application also avers inflow of E-waste into Moradabad. In this regard, it is submitted that during the action taken against persons involved in illegal carriage and processing of E-waste, it has come to the knowledge of the police authorities that major portion of such E-waste is coming from the National Capital Territory of Delhi. Therefore, it is requested that this Hon’ble Tribunal may be pleased to direct the concerned authorities in Delhi and in the bordering districts of the State of Uttar Pradesh that the E-waste is transported strictly in accordance with the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. Strict vigilance be made in this respect at the border entry points itself. It is furthermore requested that the authorized transporters of E-Waste may be directed to mandatorily affix some kind of sticker on their vehicles which conveys that it is</p>
----------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Item No. 14</p> <p>July 13, 2018</p> <p>ss</p>	<p><i>authorized to and is carrying E-Waste. Any other vehicle transporting E-waste may be directed to be impounded.”</i></p> <p>11. We direct the District Magistrate, Moradabad to assess damage and impose environmental compensation on the principle of Polluters Pays.</p> <p>12. We further direct the concerned Municipal Corporation to deal with pollution and take appropriate action against the persons illegally carrying and transporting the electronic wastes so that such e-waste should not be transported from NCT Delhi in contravention of the Hazardous and other Waste (Management and Transboundary Movement) Rules, 2016</p> <p>13. The compliance affidavit be filed within six weeks from today.</p> <p>List again for consideration of compliance report on 10th September, 2018.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p> <p>....., JM (Raghuvendra S. Rathore)</p> <p>....., EM (Dr. Satyawan Singh Garbyal)</p> <p>13.07.2018</p>
--------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------