

**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 & I.A. No.
08/2020)

(With reports dated 18.12.2019 & 03.01.2020)

Social Action for Forest & Environment (SAFE)

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 06.01.2020

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s):

Mr. Sanjay Upadhyay and Mr. Salik Shafique,
Advocates

Mr. Raj Panjwani, Senior Advocate for I.A. No.
403/2019

Mr. Ankit Lodaya, Advocate for I.A. No. 08/2019

For Respondent(s):

Mr. Daleep Dhyani, Advocate for UPPCB

Mr. Divya Prakash Pande, Advocate for CPCB and
MoEF&CC

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.

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.”

4. Accordingly, CPCB has filed status and compliance report on 18.12.2019 and additional supplementary status and compliance report on 03.01.2020. As per report dated 18.12.2019, information furnished by the 19 SPCBs and PCCs has been compiled which has been updated in the additional supplementary report dated 03.01.2020. The State wise status of compliance has been mentioned as follows:-

S. No.	States	Total number of units	Number of complying units	Non-complying units	Number of closed units	Remarks
1	Andhra Pradesh	39	06	15	18	The Board has issued closure order on 21.12.2019 to 15 number of non-complying Tyre pyrolysis units.
2.	Assam	08	05	0	03	-
3.	Bihar	18	0	2	18	All the 18 tyre pyrolysis units in the state are closed.
4.	Chhattisgarh	27	24	03	00	03 units disconnected

5. The statistics has been summed up as follows:-

“As per the action taken report as received from the SPCBs in compliance with the direction dated 04-12-2019, there are now 678 tyre pyrolysis units in 19 states of the country, an increase of 06 units over the last reported figure of 672. Out of 678 tyre pyrolysis units, 270 units are complying, 250 units are not complying and 155 units are closed/not in operation. CTO of 02 units are under renewal. Out of these two units one unit is operational and another unit is closed. 01 unit has applied for on line consent and the case is under process.

The increase in number of compliance units is mainly due to monitoring by CPCB and SPCBs. SPCBs based on direction of CPCB has started process of closing the non-compliance units. Maharashtra Pollution Control Board (MPCB) has recovered environmental compensation of Rs. 77,500/- from 3 units.”

6. Copies of directions issued by CPCB on 04.12.2019 and 30.12.2019 have been annexed which are as follows:-
04.12.2019

*“Now, THEREFORE, in exercise of the powers vested under the Section 5 of the Environment (Protection) Act, 1986, **directions are hereby issued to you to close down all such pyrolysis units in your State/UT which are not complying as on date with consent conditions and SOP of the MoEF&CC.** You are also directed to carry out strict vigilance and monitoring in complying industries to ensure continued compliance of consent conditions and SOP of MoEF&CC. You are further directed that import of polluting hazardous waste material shall be strictly regulated as per Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and amendment thereof.*

Action Taken Report (ATR) shall be submitted to the Central Pollution Control Board by 25.12.2019. Failing to comply with these directions, shall attract appropriate action under law.”

30.12.2019

“Now, THEREFORE, in exercise of the powers vested under the Section 5 of the Environment (Protection) Act, 1986, directions are hereby issued for regulating location of tyre pyrolysis industries in light of the carrying capacity of the area. Henceforth, any new/expansion of existing tyre pyrolysis industry be granted consent to establish or amendment in consent to establish only after assessing the carrying capacity of the area. You are also directed to ensure that health of workers involved in the tyre pyrolysis industries is safeguarded.

Action Taken Report (ATR) shall be submitted to the Central Pollution Control Board by 15.01.2020. Failing to comply with these directions, shall attract appropriate action under law.”

7. The CPCB has sought four months time to carry out further studies as follows:-

“In view of the representations from the All India Rubber & Tyre Recyclers Association, Mumbai (AIRTRA), where they have claimed that Advance Automated Plants addresses all the environmental concerns as raised by the CPCB and in view of the claim of Pyrolysis Industries Association, Punjab where they have claimed that existing batch plants are meeting the norms and SOPs, it has been decided that CPCB will carry out study of the advance batch automated plants as well as existing batch plants vis-a-vis continuous plant to ascertain whether existing would be able to meet environmental concerns or advance batch automated plants are required to address the environmental concerns. As per outcome of the study, further decision would be taken that whether existing batch/or advance batch automated plant is required or only continuous plants be allowed. CPCB has

planned to complete the said study within a period of four months starting from January 2020.”

8. Let the above study be carried out with the involvement of NEERI and IIT, Delhi. Compliance of directions already issued be overseen by the CPCB.

A further report in the matter be filed on or before 30.06.2020 by e-mail at judicial-ngt@gov.in. The report may also indicate the details of the environmental compensation assessed and recovered.

List for further consideration on 14.07.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

January 06, 2020
Original Application No. 400/2019
A