

Item No. 06

Court No. 1

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

(By Video Conferencing)

Original Application No. 08/2022

Varun Sheokand

Applicant

Versus

Central Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 07.11.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Mansi Chahal, Advocate

Respondent(s): Mr. Rahul Khurana, Advocate with Mr. Dinesh Kumar, RO
and Mr. Ujjawal Kumar, AEE, HSPCB, Ballabgarh

ORDER

1. Grievance in this application is against burning of E-waste in Sarurpur Industrial Area, Faridabad, Haryana by Respondent Nos. 6 to 18 - Amrit Udyog, Alifa Enterprises, Rajendra Singh Mohonia, Shree Vardhman Casting, Apson Engineers, Deep Printers, Jagdamba Metal and Elite Industry, Durga Works, Shri Sidhi Vinayak Engineers, Radiant Engineers, Neelkamal Enterprises Pvt. Ltd, Satnam Engineering Works and S.S. Tools, Faridabad, Haryana.

2. Case of the applicant is that the Sarurpur Industrial area in Faridabad is unauthorized and non-conforming area in which about 100 - 200 "Red category" and highly polluting units are illegally operating.

These units are engaged in the illegal activity of burning E-waste in and out of their units on everyday basis. The units operating in Sarurpur Industrial area burn approximately 40-50 tons of E-Waste daily which has made the environment of the region toxic. The magnitude of air pollution is such that the visibility upto 2-3 kilometres is affected. These units collect the leftover ash from the E-waste after it is burnt and load them in the tractors and tippers which take this ash and dump unscientifically in the open area & landfills, which proves to be a threat to the environment. People residing in nearby colonies and areas are facing devastating impact on their health and on the city's environment. Around 10-15 people residing in the close proximity of Sarurpur Industrial Area have also lost their eye vision due to the toxic air pollutants released in the air by burning of E-waste. E-waste contains lead, cadmium, mercury, polyvinyl chloride (PVC), brominated flame retardants (BFRs), chromium, beryllium etc Long term exposure to these substances damages the nervous system, kidney, bones and the reproductive and endocrine systems. Some of them are carcinogenic. E-Waste is of little monetary value but it is often burnt in huge quantities by the respondent units to recover metal. After the metal is recovered from the electronic devices by burning it, the leftover toxic ash is dumped on the ground, resulting in ground water contamination in the area. Chronic diseases and cancer are taking place at higher rates in adjoining area because of the burning of E-waste releasing fine particles, which travel thousands of miles, creating numerous negative health risks to humans and animals. The local authorities are in hand in gloves with these illegal units operating in the Sarurpur Industrial Area for their personal benefits. No action is taken against this hazardous activity. The applicant has referred to order of this Tribunal dated 15.01.2021 in *O.A. No. 512 of 2018, Shailesh Singh versus State of U.P & Ors.* dealing with the issue of burning of E-waste in the

context of Delhi and Ghaziabad and also directing other States/UTs to take similar action but no action has been taken for compliance of directions of this Tribunal at Faridabad.

3. Vide order dated 04.02.2022, considering the grievance of the applicant and earlier order of this Tribunal dated 15.01.2021 in O.A. No. 512 of 2018, *Shailesh Singh versus State of U.P & Ors.*, the Tribunal constituted four-member joint Committee comprising Member Secretary, State PCB, CPCB, District Magistrate, Faridabad and Commissioner, Municipal Corporation to ascertain the factual position and to furnish a factual and action taken report. The order was also directed to be sent to all PCBs/PCCs for necessary action in their respective jurisdictions, requiring them to give compliance status to CPCB based on which a status report was directed to be by CPCB.

4. Accordingly, the State PCB has filed its 'interim' report dated 23.09.2022 and CPCB has filed its report dated 03.11.2022. We have considered the same.

5. Report of the Haryana State PCB mentions that inspection of 100 units has been conducted and action taken against non-compliant units.

Relevant extracts from the report are as follows:-

“xxxxxx.....xxx

*(ii). In furtherance of meeting dated 22.02.2022, at first instance, respondent Units No.6 to 18 were inspected. Out of these thirteen (13) Respondent Units, four (04) number of units falls under the white category which do not require consent from the HSPCB, five (05) number of Units were not traceable as per particulars given in the O.A. and **four (04) number of Units were covered under the Consent Management Policy of the HSPCB were found established without consent from the HSPCB. Hence, Closure action has been taken by the HSPCB including disconnection of electricity supply. The action of prosecution and imposition of environment compensation against these four (04) number of non-complying respondent***

Units is in progress, as land records are being procured from the Revenue Authority to ascertain the Owner of the land. None of inspected Unit was found engaged in dealing with or burning of e-waste. The details of respondent units, their compliance status of environmental norms and action taken is being enclosed herewith as ANNEXURE R-2.

(iii). In addition to Respondent Units mentioned in O.A., other Units i.e. 100 number of units in area in question have also been inspected. This inspection was initiated by the HSPCB before passing of order dated 04.02.2022 i.e. since December, 2021.

Out of these 100 Units inspected, 10 number of units falls under the white category which do not require consent from the HSPCB, **90 number of Units covered under the Consent Management Policy of the HSPCB were found established without consent from the HSPCB. Hence, Closure action has been taken by the HSPCB including disconnection of electricity supply against 68 number of units. Closure action against 22 units have been recommended by Regional office and those are under consideration and closure action shall be taken expeditiously.** The action of prosecution and imposition of environment compensation against these non-complying units is in progress, as land records are being procured from the Revenue Authority to ascertain the Owner of the land. None of inspected Unit was found engaged in dealing with or burning of e-waste. The details of 100 units inspected, their compliance status of environmental norms and action taken is being enclosed herewith as ANNEXURE R-3.

(iv). On 03.08.2022, the Member Secretary, Central Pollution Control Board took meeting to review the status of action taken by the Joint Committee. The meeting was attended by Member Secretary, Haryana State Pollution Control Board (SPCB), District Magistrate, Faridabad, Commissioner, Municipal Corporation, Faridabad and Scientist 'F' and Head, WM-Ill Division, CPCB along with Officials of CPCB and Haryana SPCB. It was decided that Joint Committee shall visit the area in question with the Petitioner/Applicant to reaffirm the factual position. Copy of minutes of meeting held on 03.08.2022 is being enclosed herewith as ANNEXURE R-4.

(v). In furtherance of meeting dated 03.08.2022, the area in question was inspected on 06.08.2022 by the Joint Committee consisting of Senior Environmental Engineer of HSPCB, Commissioner of Municipal Corporation of Faridabad, Scientist 'F' from CPCB and the Dy. Commissioner of District Faridabad.

During inspection following observations were made:-

- a. *Four (04) number of respondent Units sealed by the Board were found to be sealed/ dismantled.*
- b. *Two (02) dumping sites were visited along with petitioner. At one plot (GPS coordinates-28.3443665, 77.2504038) grinded/crushed/shredded scrap was found stored. By physical appearance the grinded/crushed/shredded scrap appears scrap was identified to be crushed plastic, packaging material, shredded automobile components with metals ingrained into it. The ownership of the shredded scrap was unknown. It appears that the material was stored for further burning for recovery of metals. At another plot (GPS coordinates-28.3453314, 77.2616677) large dump of ash was found which appears to be of recent origin as in some places surface of the ash was hot and the source of ash was appears to be from burning of scrap for recovery of metals. It appears that in the night unauthorised dumping and burning operations are being carried out regularly.*
- c. *During the course of inspection with petitioner, the Joint committee did not find dumped e-waste such as waste printed circuit board or waste electrical or electronic equipment or their burning. The Joint Committee did find unauthorised and illegal dumping of shredded scrap and evidence of burning of scrap from non-electronic source in the open plots. It appears that the material are being shredded in areas in and around Sarurpur and burned in open plots in the night for recovery of metals which is illegal and constitute a law and order problem.*

Report of Joint Committee visit on 06.08.2022 is being enclosed herewith as ANNEXURE R-5.

3. Further inspection of the remaining units in the area in question is on progress.

4. CONCLUSION:-

After considering information and documents received, the following facts have been concluded:

- (i) *No E-waste dumping or burning was found in any of the inspected units including respondent Units and in the area in question.*
- (ii) *Unauthorised dumping of shredded scrap and evidence of burning of scrap from non-electronic source in the open plots were observed.*
- (iii) *Most of the Units in the Sarurpur are engaged in the manufacturing of metal ingots mainly of aluminum by melting metal scrap.*

5. RECOMMENDATIONS:-

- (i) *Regular Police patrolling in Sarurpur area and its vicinity is mandated to check and stop illegal burning of scrap and dumping of ash in open plots/lands.*
- (ii) *Regular vigil by the concerned authorities i.e. Town & Country Planning Department or Municipal Corporation Faridabad should be done to check the illegal construction of sheds in Sarurpur area and its vicinity followed by suitable action as and where required in accordance with their governing Acts.*
- (iv) *The Department of Power, Haryana through Dakshin Haryana Bijli Vitran Nigam may consider for regulatory mechanism to be adopted before grant of industrial connection of electricity supply to entities which may involve in polluting activity.”*

6. It is seen from the report that even after nine months, complete information has not been collected and furnished. It is not clear as to what is the correct number of industries operating in Surpur Industrial area and what is the status of compliance. It is not clear as to what infrastructure facilities exist for management of ash/slag or other industrial waste. Though it is stated that no electronic waste burning is taking place close to Surpur Industrial area, report of CPCB in Annexure – II indicates that some informal activities are taking place which does not rule out violations alleged. It is necessary to ensure compliance of E Waste Management Rules, 2016 on continuous basis. It is necessary to prevent burning of e-waste and scientific disposal of e-waste as per norms.

7. Accordingly, further action may be taken in the light of conclusion and the recommendations which may be monitored by the State PCB and other statutory regulators.

8. Coming to the consolidated status report of the CPCB, it gives summary of action taken as follows:-

“Compliance Status

- *There are 530 authorized E-Waste dismantling /recycling units in the country which are located in 20 states/UTs namely Andhra Pradesh, Assam, Chhattisgarh, Delhi, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Punjab, Rajasthan, Tamil Nadu, Telangana, Uttarakhand, Uttar Pradesh, West Bengal.*
- *Out of existing 530 units there are 437 operational units, 32 non-operational units, 47 closed units and 14 units whose status of operation is not clear from the reports.*
- *Out of 530 units, there are 375 complying units, 29 non-complying units and for 126 units compliance status is not provided.*
- *Four (04) SPCBs have reported non-complying dismantling/recycling units in their States. These states are Jharkhand (02 units), Maharashtra (03 units), Rajasthan (05 units) & Uttarakhand (03 units).*
- *Out of 35 States/UTs only Haryana has reported on other such polluting categories of industries operating in clusters causing environmental degradation and health hazards.*

Informal Activities Status

- *Thirteen (13) States/UTs namely Assam, DD&DNH, Delhi, Himachal Pradesh, Haryana, Jammu & Kashmir, Kerala, Meghalaya, Puducherry, Punjab, Rajasthan, Telangana & West Bengal have reported that drives for checking informal/un-scientific processing of e-waste have been carried out. Out of 13 States/UTs informal/un-scientific processing of activities have been identified in seven (07) States namely Delhi, Haryana, Himachal Pradesh, Jammu & Kashmir, Meghalaya, Puducherry, & West Bengal. The concerned SPCBs/PCCs have taken actions against such informal activities.*
- *Haryana inspected one hundred (100) units operating under polluting categories other than e-waste processing in the areas of Balabgarh and Faridabad in addition to respondent units. Out of one hundred (100) units, ten (10) units were found to be under white category and ninety (90) units were found operating illegally without mandatory CTE/CTO. Sixty-eight (68) units were closed/sealed and process of closure has been initiated against the rest of twenty-two (22) units.*
- *Punjab SPCB has reported receipt of one complaint regarding informal e-waste processing. However, as per the Punjab SPCB, the complaint was found false.*

Recommendations

- a. *State governments to set up a robust mechanism of surveillance for addressing the issue of illegal/informal processing of e-waste in their State.*
- b. *The leakage of e-waste from authorized dismantlers/recyclers is one of the major attribute for e-waste to reach*

- to informal sector. It has been observed that dismantlers/recycler have been given processing capacity beyond their actual processing capacity and the same leads to leakages. SPCBs/PCCs to ensure capacity of the dismantlers and recycler as per the guidelines of CPCB*
- c. SPCBs/PCCs to plan and execute random inspection and audit of authorized E-Waste dismantling and recycling units for assessing the material balance in terms of quantity of e-waste collected, quantity of e-waste dismantled/recycled vis a vis quantity reported so as to ascertain and prevent leakage of e-waste to informal sector. The inspections and audit should focus on checking quantities of different materials produced such as precious/semi-precious and useful metal from E-Waste. SPCBs/PCCs to ensure that the dismantling and recycling unit are having adequate dismantling and recycling facilities in line with guidelines of CPCB.*
 - d. SPCBs/PCCs to carry out random monitoring and compliance of Extended Producer Responsibility (EPR) Authorisation of EPR Authorized Producers with focus on verification of collection targets.*
 - e. Bulk Consumers as defined in the rules should channelize their e-waste only to Producer's system of collection or authorised recyclers/dismantler.*
 - f. All SPCBs/PCCs to implement Action Plan for enforcement of E-Waste (Management) Rules, 2016 with focus on action points related to informal trading, dismantling, and recycling of e-waste, Producer's systems for collection & channelization, quantity of e-waste collected towards fulfilment of collection target and submit reports quarterly on the outcome.”*

9. We see no reasons not to accept the recommendations in the report of CPCB quoted above. We direct that the same be strictly followed by all the State PCBs/PCCs. CPCB may further monitor compliance atleast twice a year by holding VC with the Member Secretaries of all PCBs/PCCs.

The application is disposed of.

A copy of this order be forwarded to the CPCB and all the State PCBs/PCCs by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

November 07, 2022

O.A. No. 08/2022

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