

Item No.2

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No. 373/2022
(I.A. No. 165/2022)

Sumit Saini

...Applicant

Versus

Haryana State Pollution Control Board & Ors.

...Respondents

Order reserved on: 04.12.2023

Order pronounced on: 18.04.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the applicant.

Respondents: Mr. Rahul Khurana, Advocate for Respondents No. 1 to 4
and 6.
Mr. Virender Puniya, RO, HSPCB, Panchkula (Through
VC)
Ms. Anubha Agrawal Advocate for Respondent No. 5.
Mr. A.R. Takkar Advocate for Respondents No. 7 to 10
(Through VC).

Application is registered based on a complaint received by Email.

ORDER

1. Mr. Sumit Saini resident of village Damla, District Yamuna Nagar, Haryana has sent the present letter petition raising substantial questions relating to environment and seeking intervention by this Tribunal for issuance of directions for protection of environment.

2. In the letter petition the applicant has raised following four grievances:-

- i) there are about 25 plywood industries and 5 brick kilns which are being run in village Damla. Pollution Control Systems have not been installed in the said industries which are discharging untreated effluents and emitting fly ash and smoke causing air pollution and contamination of ground water;
- ii) one 2000 TPT CNG Plant is being set up by M/s SPS Bio Chem Pvt. Ltd., in the said village for generating CNG by compressing Bio-gas by using sugar mill molasses. The above said company has stored excessive quantity of sugar molasses more than its requirement of 72,000 tons per year which is emitting foul smell and methane gas causing serious health hazards to the inhabitants;
- iii) Yamuna Nagar Municipal Corporation has started dumping municipal solid waste in the vicinity of the village causing serious environmental problems in the area; and
- iv) there is a drain running alongside the village wherein the industries are discharging untreated waste water which finally goes to the Yamuna River.

3. In view of the grievances made in the letter petition, this Tribunal constituted a Joint Committee of representatives of SEIAA, State PCB, Yamuna Nagar Municipal Corporation, and Deputy Commissioner, Yamuna Nagar and directed the same to verify the factual position, look into the grievances of the villagers and take remedial action in accordance with law by following due process and file Factual and action taken report within two months.

4. In compliance thereof, Regional Officer, HSPCB, Yamuna Nagar filed the report of the Joint Committee vide email dated 28.09.2022. The relevant part of the report reads as under:-

“INTERIM REPORT IN COMPLIANCE OF ORDERS DATED 24.05.2022.

X X X X X X

4 Status of M/s SPS Bio Chem Pvt. Ltd. :

a) *The complainant Sh. Sumit Saini filed a complaint against pollution and public nuisance caused by the unit in question which was received to the board through CM Window grievance portal of State of Haryana vide Grievance No CMOFF/N/2022/ 037666 dated 08.04.2022. Also another complaint received through District Level Grievance Monitoring Committee, Yamuna Nagar.*

b) *It is submitted that said unit was planned to install the compressed Bio-Gas Manufacturing Plant. As per Consent Management of Haryana State Pollution Control Board issued vide order dated 04.12.2020, such type of units falls at Serial No. 110 of Orange Category. Copy of policy orders dated 04-12-2020 is enclosed as Annexure-R-1.*

c) *The site of the unit was initially visited by the field officer of HSPCB on 23.04.2022 but Sh. S.A David, Manager of the unit, restrained the field officer from inspection and did not allow the officer to do the inspection on that day. Thereafter, the Board had requested to the Deputy Commissioner, Yamuna Nagar vide letter no HSPCB/YR/2022/3303 dated 12.05.2022 to appoint the Duty Magistrate alongwith police protection for the inspection of the unit. In response to the request of HSPCB, the Deputy Commissioner, Yamuna Nagar vide order dated 13.05.2022 appointed Sh. Deepak, Municipal Engineer, Municipal Corporation, Yamuna Nagar as Duty Magistrate for the inspection of the unit on 13.05.2022. Then the site of unit was again inspected by the field officer of the board on 13.05.2022 alongwith the Duty Magistrate appointed by the Deputy Commissioner, Yamuna Nagar.*

d) *During the inspection on 13.05.2022, it has been found at site of the unit that the proposed plant of "Compressed/refined bio-gas production for bio- degradable wastes" was under installation. However, at site of the unit, the huge quantity of press mud of sugar mill was found stored un-scientifically in shape of big heaps and without any Pollution Control Arrangement and without any permission from Haryana State Pollution Control Board. The such press mud of sugar mill is the raw material for such kind of units. As the press mud of sugar mill is highly bio-degradable product and if not used timely causes huge seepage effluent from the heaps of press mud and also causes huge air pollution in sense of foul smell due to bio-degradation of the press mud. The such effluent generated due to bio-degradation or otherwise have high water pollution load and if not handled properly causes land and water pollution. Similarly, such bio-degradation also causes huge air pollution in sense of foul smell. At site it was observed that effluent generated and coming from big heaps of press mud and causing land pollution and underground water pollution as such effluent ultimately percolate into ground water and pollute the*

underground water. On site as per provisions of water Act, 1974, the legal sample of such stagnant effluent was collected from the site and the sample was sent to the HSPCB laboratory at Panchkula for analysis. Moreover, the bio-degradation of such press mud of sugar mill was causing the huge air pollution at site which was affecting the surrounding area upto distance of 3 K.M. or more, in sense of foul smell. The analysis report for the effluent delivered to the laboratory at Panchkula was released vide AR No. 5450 dated 27.05.2022 and the parameters (BOD, COD, TSS and Oil & Grease) were exceeding the prescribed limits as under:-

Sr. No.	Parameter	Results	Prescribed Limit General Discharge Standard
1	pH	6.48	5.5-9.0
2	BOD	22000	30.0
3	COD	168000	250.0
4	TSS	3480	100.0
5	Oil and Grease	22.5	10.0
6	Conductivity	3507	---

The copy of analysis report dated 27.05.2022 is enclosed as Annexure-R-2. Accordingly, Show Cause notice for prosecution under section 43/44/45/45-A/47 of Water (Prevention & Control of Pollution) Act, 1974 & under section 37/38/39/40 of Air (Prevention & Control of Pollution) Act, 1981 and show cause for closure under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of Air (Prevention & Control of Pollution) Act, 1981 alongwith imposition of Environmental Compensation was issued to the unit on 15.05.2022. The unit has submitted the reply of the show cause notice vide his letter dated 02.06.2022. After considering the reply of the unit, closure action against the unit was recommended to Competent Authority vide Regional Office letter no. 3482 dated 08.06.2022 under section 33-A of Water Act and under section 31-A of Air Act.

e) Thereafter, closure orders were issued by Competent Authority of the Board on dated 13.06.2022 and the same has also been complied/ done by Board on dated 15.06.2022. The prosecution action against the unit has also been filed in the special Environment Court at Kurukshetra and the next date is fixed for 30.09.2022. The recommendation for levying of Environment Compensation has been sent to the head office vide letter dated 26.09.2022. The copy of Closure order issued against the unit is attached herewith Annexure-R-3. The copy of compliance report of closure order is attached herewith as Annexure-R-4. Further, as per unit letter dated 18.07.2022, the unit informed that they have lifted/disposed of the Press Mud stored outside completely. The unit's letter dated 18.07.2022 and photographs of the site are also attached herewith as Annexure-R-5.

5. Status of compliance of SWM Rules, 2016:

a) The complainant Sh. Sumit Saini informed that Municipal Corporation has started dumping municipal solid waste in the vicinity of the village causing serious environmental problems in the area. Accordingly, the joint team was visited the illegal and unscientific dumping of solid waste at Village-Aurangabad on dated 27.07.2022 and found that the illegal and unscientific dumping of solid waste is still continuing at Village-Aurangabad.

b) The Municipal Corporation, Yamuna Nagar is bound to be complying with the provisions of Solid Waste Management Rules, 2016, but same is not being complied. Therefore, direction regarding compliance on the land fill site at Village Aurangabad under section 4 of the Municipal Solid Waste (Management & Handling) Rules, 2016 has been issued by the HSPCB and Action plan for compliance of said Rules has been sought. Further, Show Cause Notice to pay the Environmental Compensation has been issued to the District Municipal Commissioner, Municipal Corporation, Yamuna Nagar- jagadhri vide office letter no. HSPCB/YR/2022/4386 dated 27.09.2022.

Further action in the matter will be taken as per law.

6. STATUS OF DITCH DRAIN:

a) That the grievance of the complainant is about the discharge of the Ditch Drain carrying waste water of District Yamuna Nagar into River Yamuna via Dhanaura Escape and hence causing the contamination of underground water.

b) It is humbly submitted that said issue has already been considered filed by this Hon'ble Tribunal in OA No. 212 of 2020 (Chaudhary Ompal & Ors. V/s State of Haryana). Copy of detailed order dated 06.04.2022 is annexed herewith as Annexure- R-6.

c) In compliance of order dated 6.4.2022, compliance report has been filed on behalf of the Chief Secretary, Haryana to the Registrar General, NGT.

7. STATUS OF PLYWOOD MANUFACTURING UNITS AND BRICK KILNS

a) The complainant Sh. Sumit Saini alleged that plywood manufacturing units and brick kiln are being run in village Damla without having Pollution Control Systems and he has also informed that these units are discharging untreated effluents into ground water and also emitting smoke/ fly ash.

b) The status of plywood manufacturing units and brick kilns as per record maintained with the HSPCB are herewith as Annexure-R- 7 & Annexure-R-8.

c) Further, it is submitted that these units are running in compliance of the provisions of Water Act/Air Act and having valid CTO. There is no source of trade effluent in the plyboard manufacturing unit as well as brick kiln except domestic effluent. These units are having own septic tank in the premises. Moreover, these units are having Adequate APCM. The monitoring of each industry has been carried out as and when required. However, fresh sampling of air emissions shall be taken and placed on record in due course.

d) That brick kiln units are lying closed in rainy period and

probability of their operation is after month of October/November. When these units will come into operation, compliance status of environmental norms shall be verified.”

5. In view of the averments in the application and observations/recommendations in the report of the Joint Committee regarding grievance number (ii) mentioned above -**Status of M/s SPS Bio Chem Pvt. Ltd.** (1) State of Haryana through Chief Secretary, Government of Haryana, (2) State PCB, (3) SEIAA, (4) Deputy Commissioner, Yamuna Nagar, and (5) Project Proponent- M/s SPS Bio Chem Pvt. Ltd. were impleaded as respondents No. 1 to 5 vide order dated **29.09.2022** and the Joint Committee was directed to make further inspections/visits, look into grievances number (i) and (iii) mentioned above and submit its further Action Taken Report within two months.

6. In compliance of order dated 29.09.2022, report was filed by Mr. Nitin Mehta, Regional Officer, HSPCB, Yamuna Nagar vide email dated 16.01.2023. The relevant part of the report is reproduced below:-

“REPORT ON BEHALF OF HARYANA STATE POLLUTION CONTROL BOARD IN COMPLIANCE OF ORDERS DATED 29.09.2022

X X X X

2. That pointwise status of grievances are as under:

a) Status of plywood manufacturing units and brick kiln: In this regard, it is informed that in compliance of the order of Hon'ble NGT, the Regional Office Yamuna Nagar requested to the Head Office to conduct the inspections of the plyboard manufacturing units and Brick kilns, which is the mentioned in this O.A. and accordingly Mr. Shivender Singh, Scientist-B posted in Head office, HSPCB, Panchkula has been deputed to conduct inspections of these units. Thereafter, he has conducted inspections of 16 no. units. Out of 16 units inspected/ visited, 12 units were found compliant. 3 units were found non-operational and 1 unit was without adequate facility of sampling. These 4 units shall be inspected again along with other non-inspected units. A tabulated chart about inspection of Plywood Manufacturing units is attached herewith as Annexure-

R/1. Rest of the inspections will be completed in next one month and complete report w.r.t compliance and non-compliance and Action Taken against non-compliance units shall be submitted in two months time

The Brick Kilns in question are still not in operation. Those shall be inspected after they are in operation and report shall be submitted accordingly.

b) M/s SPS Bio Chem Pvt. Ltd., Dudhla Road, Village Damla, District Yamuna Nagar:

In this regard, it is informed that in compliance of the order of Hon'ble NGT, the Regional Office, Yamuna Nagar has served Notice to the Project Proponent- M/s SPS Bio-Chem Pvt. Ltd to appear in the Hon'ble NGT on the next date of hearing. Further, it is also submitted that above said unit has deposited the Environment Compensation amounting to Rs. 15,31,250/- as per order issued by the Board vide No. HSPCB-080002(0018)/3/2022-COORDINATION CELL-HSPCB 1/136580/2022 dated 07.10.2022. Copy of this order issued by HSPCB on 07.10.2022 is attached herewith as Annexure-R/12. Thereafter, the unit has obtained consent to Establish from the Board vide No. HSPCB/Consent/: 843073522YAMCTE30407408 dated 22.12.2022. The copy of CTE granted to the unit is attached herewith as Annexure-R/3.

c) Illegal and unscientific dumping of solid waste at Village-Aurangabad:

The directions regarding compliance on the land fill site at Village Aurangabad under section 4 of the Municipal Solid Waste (Management & Handling) Rules, 2016 were issued to the District Municipal Commissioner, Municipal Corporation, Yamuna Nagar-Jagadhri vide letter no. HSPCB/YR/2022/4386 dated 27.09.2022 and letter no. HSPCB/YR/2022/4750 dated 26.12.2022. The copy of letter dated 27.09.2022 & reminder letter dated 26.12.2022 are attached herewith as Annexure-R/4 & Annexure-R/5 respectively. However, no compliance report has been received from Municipal Corporation, Yamuna Nagar in this matter. Further action in the matter will be taken as per law."

7. This Tribunal observed in its order dated 17.01.2023 that in the report of the HSPCB all the grievances had not been looked into and vague and incomplete report had been submitted. Only 16 out of 25 plywood units had been inspected and in the report the aspects regarding compliance with consent conditions by individual ply wood industries had not been looked into. The brick kilns had not been inspected even

regarding existing infrastructure/technology used/development of green belts etc. apart from operational aspects which could not be looked into due to the brick kilns being closed. The relevant aspects of impact of storing unscientifically the press mud and molasses by M/s SPS Bio Chem Pvt. Ltd. on the surface and groundwater and public health had also not been addressed by the Joint Committee. The Joint Committee was directed to visit the spot and submit its report in respect of all the grievances raised in the application with all relevant documents and all relevant details and HSPCB was directed to take appropriate remedial action and file their reports within one month.

8. In compliance thereof report of the Joint Committee was filed vide email dated 18.02.2023. The relevant part of the report is reproduced below:-

“Report on Behalf of Haryana State Pollution Control Board in Compliance of Orders dated 17.01.2023.

X X X X

2. *That pointwise status of grievances are as under:-*

a) Status of plywood manufacturing units and brick kiln:- *In this regard, it is informed that in compliance of the order of Hon'ble NGT, there are 28 nos. of plywood manufacturing units and 05 nos. of Brick Kilns mentioned in the complaint filed by Sh. Sumit Saini. As per directions by Hon'ble NGT, all the units (Plywood manufacturing units and Brick Kilns) are inspected and the compiled status is attached as Annexure-R/1 and Annexure-R/2 respectively. The copies of Analysis Reports of 24 Nos. Plywood Units and 02 Nos. of Brick Kilns are attached as Annexure-R/3 and **Annexure-R/4** respectively.*

b) M/s SPS Bio Chem Pvt. Ltd., Dudhla Road, Village Damla, District Yamuna Nagar:- *In this regard, it is informed that the said unit has been established after obtaining Consent to Establish from the Board vide No. HSPCB/Consent/: 843073522YAMCTE30407408 dated 22.12.2022. The copy of CTE granted to the unit is attached herewith as **Annexure-R/5**. The unit has also applied for Consent to Operate and the same*

is under process. The latest inspection of the unit has been carried out on dated 15.02.2023 and it has been observed that unit has not started any operation. Copy of CTO application dated 31.01.2023 is attached as **Annexure-R/6**. The sample of ground water from the tube well installed in the premises of this unit has been collected on dated 03.02.2023 and analysis report issued vide No. 340 dated 15.02.2023 of the same is attached herewith as **Annexure-R/7**. Also, no press mud or any other raw material was found in the unit.

c) **Illegal and unscientific dumping of solid waste at Village-Aurangabad:** - The Municipal Corporation, Yamuna Nagar- Jagadhri has submitted the compliance report in this matter vide letter Memo no. EE-II/1415 dated 07.02.2023 Annexure-R/8. Thereafter, the site has been verified on dated 15.02.2023 jointly by the officers of HSPCB and Municipal Corporation, Yamuna Nagar. During inspection the Municipal Solid Waste Processing site at village Aurangabad was found complying. The copy of joint inspection report along with photographs are attached as Annexure- R/9.

d) **Ditch Drain:-**It is humbly submitted that detailed report has been filed on behalf of Chief Secretary, Haryana in OA No.212/2020 (Chaudhary Ompal Vs St of Haryana) which is pending for consideration. Detailed report filed in OA No.562/2022 (Ishika Vs GNCT) also includes status of this drain.

Copy of order dated 16.02.2023 passed in OA No. 562/2022 is annexed herewith as **Annexure-R/10**.

Action by the Public Health & Engg. Department for the finalization of the installation of new CETP having capacity of 18 MLD at Parwaloo and installation of new STPs having capacity of 70 MLD at Radaur Road are under process. The copy of report submitted by PHED dated 25.01.2023 is annexed herewith as Annexure-**R/11**.

Comments on the response dated 03.01.2023 filed by Sh. Sumit Saini resident of village Damla, District Yamuna Nagar, Haryana. In this regard, it is submitted that Joint Committee Report dated 28.09.2022 was filed before the Hon'ble National Green Tribunal on the basis of facts and records.

Case No.1-Status of plywood manufacturing units and brick kiln:-In this connection, it is submitted that the compiled status of compliance may also read as already annexed as **Annexure-R 1 and Annexure-R2**. The units mentioned in the complaint were established since 1997 to 2004. These units are operating after obtaining CTO from the Board after verifying the compliance made by these units.

As per Standards for Emission or Discharge of Environmental Pollutants as per **Schedule — I (See rule 3)**, issued under The Environment (Protection) Rules, 1986, the parameters for Industrial Stack Monitoring for the boilers is reproduced as under:-

Steam generation Capacity (tph)	Pollutant	Emission limit (mg/Nm ³)
Less than 2	Particulate Matter	1200*
2 to less than 10	Particulate Matter	800*
10 to less than 15	Particulate Matter	600*
15 and above	Particulate Matter	150**

* To meet the respective standards, cyclone/ multi-cyclone is recommended as control equipment with the boiler.

** To meet the standard, bag filter/ ESP is recommended as control equipment with the boiler.

As per the criteria fixed, all these units mentioned in the complaint are having boilers of capacity less than 15 TPH and have installed adequate pollution control device i.e. Cyclone/Multi-cyclone.

All these units have provided septic tank for disposal of domestic effluent and no industrial effluent is generated from these units.

The complainant has mentioned name of 05 no. brick kilns in his complaint. All of these brick kilns have been inspected and it has been observed that only 02 no. brick kilns are in operation from which samples of air emissions were collected. Remaining 03 no. brick kilns are presently not in operation. The detailed status of brick kilns is attached as **Annexure-R/2**.

Case No.2- Status of SPS Bio Chem Pvt. Ltd.:- In this regard, it is informed that the said unit has been established after obtaining consent to Establish from the Board vide No. HSPCB/Consent/:843073522YAMCTE30407408 dated 22.12.2022.

The copy of CTE granted to the unit is attached herewith as **Annexure-R/5**. The unit has obtained permission for change of

land use from Directorate of Town and Country Planning. The unit has also applied for Consent to Operate and the same is under process. The inspection of the unit has been carried out and it has been observed that unit has not started any operation till date. Copy of CTO application dated 31.01.2023 is attached as Annexure-R/6. The sample of ground water from the tube well installed in the premises of this unit has been collected on dated 03.02.2023 and analysis report of the same is awaited. Also, no press mud or any other raw material was found in the unit. Further no siting parameters for such type of units have been prescribed. During inspection unit has informed that they will control odor by following measures:-

- a) The heaps of press mud will be covered by one layer of ligno-cellulocis biomass. Rice straw will be used to cover the heaps of press mud.
 - b) Heaps will be covered by one layer of Tarpaulin.
 - c) Sprayer system is being installed in RMS area for spraying chemical for making the environment odor less.
 - d) Plantation of trees which are eco-friendly to this kind of environment of press mud storage will be done.
- Action will be taken as per law against the unit if found violating the norms at any stage.

Case No.3- Status of Municipal Solid Waste:-The Municipal Corporation, Yamuna Nagar-Jagadhri has submitted the compliance report in this matter vide letter Memo no. EE-II/1415 dated 07.02.2023 **Annexure-R/8**. Thereafter, the site has been verified on dated 15.02.2023 jointly by the officers of HSPCB and Municipal Corporation, Yamuna Nagar. During the inspection the Municipal Solid Waste Processing site at village Aurangabad is now found complying. The copy of joint inspection report alongwith photographs are attached as Annexure-R/9

Case No.4- Status of Ditch Drain:-The action from the Public Health & Engg. Department for the finalization of the installation of new CETP having capacity of 18 MLD at Parwaloo and installation of new STPs having capacity of 70 MLD at Radaur Road are under process.”

9. Reply was filed by respondent no. 5 vide email dated 13.02.2023 and.
The relevant part of the reply of respondent no. 5 is reproduced as under:-

“Short Reply On Behalf Of Respondent No.5 Project Proponent M/S. Sps Bio-Chem Private Limited

- X X X X
2. That the answering respondent, a responsible entity, is working towards the protection of environment, sustainable development, generation of alternate source for energy for reducing dependence on fossil fuels and reducing carbon footprint. In furtherance of vision of the Government of India, for Sustainable Alternative Towards Affordable Transportation (hereinafter referred to as "SATAT Scheme") launched by the Ministry of Petroleum and Natural Gas, Government of India in October 2018, the answering respondent- Project Proponent is setting up a plant for effective disposal and conversion of residue of sugar producing industry (i.e. Press Mud) into Compressed Bio Gas (CBG) alongwith production of Fermentation Organic Manure (FOM) and LFOM to be entirely utilized as manure in organic farming and not discharging any water. Answering respondent is setting up the plant in collaboration with Hindustan Petroleum Corporation Limited (HPCL) wherein the latter has agreed to retail the CBG produced.
3. The Compressed Bio Gas (CBG) plant is being set up at Village Damla, District Yamuna Nagar, Haryana. Bio-gas output of 16000 cubic meter per day is sought to be generated, which can be used to run commercial vehicles for 1,80,000 kms and produce 100 Ton of FOM manure per day. The plant, when commissioned, will save 82,000 tons of Carbon dioxide emissions per year.
4. As per the process being followed by the answering respondent, Press Mud and Cow Dung (raw material) will be treated in the Mixing Tank whereafter Gas will be collected, compressed and transported. Simultaneously, (FOM) Fertilizer will be produced for use as manure in organic farming and the liquid remaining thereafter would again be used in the mixing tank and there would be no discharge of water effluent. Entire remaining liquid would be used in the process itself. Hence, there would be no discharge of effluent. A copy of Biogas Process Flow is attached as Annexure R-1.
5. Storage of raw material has been designed in a scientific manner. Two layers of 1500 Micron (1.5mm) pond liner will be laid on the prepared ground. Area has been divided into multiple sub areas and slopes are given to the Centre of each area. At center of each sub area perforated pipes are laid with mesh filter. These pipes are interconnected, and leachate collected is transferred to main header which is connected to sump from where it is connected to a mixing tank to feed into digester. To avoid the smell raw material will be stored in multiple layers of Press Mud, Paddy Straw and Tarpaulin. Further, regular spray would be done to making the

environment odourless. This storage design is appreciated and recognized by United Nations. Answering respondent would also undertake plantation of trees.

6. It is relevant to mention that the raw material being used and stored by the answering respondent is 'Press Mud'. It is the residue of filtration of sugarcane juice. In its unprocessed form, it is directly used as manure by farmers and has the capability to improve yield. It is also taken by the briquette manufacturers. It is submitted that the raw material is natural and does not create any environmental pollution or hazard. Molasses is not used as a raw material by the answering respondent.

7. Setting up of CBG Plant has been facilitated under the SATAT scheme, wherein entrepreneurs setting up Compressed Bio Gas plant are encouraged to produce and supply compressed bio-gas to oil related public sector companies for sale in automotive and industrial field. This initiative undertaken by Government of India is with a view to benefit the vehicle users who would utilize this clean fuel instead of petrol or diesel thereby reducing air pollution and carbon emission; reduce dependency on crude oil imports and help the farmers by supplying them organic manure for farming for producing better quality farm produce. Compressed Bio Gas plant (CBG) would serve dual purposes in as much as it would be an efficient way for disposal of Press Mud and on the other hand it would generate clean fuel, which can be used for running of automobiles and Fermentation Organic Manure (FOM), which can be used for organic farming thereby having tremendous health benefits for the consumers of such agricultural products. Further, it is relevant to mention that CBG will be produced in controlled environment and immediately stored in cascades. Carbon dioxide would also not be released and stored for further use in the industry.

8. Under the scheme, Priority Sector lending has been expanded to give loans for setting up the CBG projects. Central Financial Assistance in the form of capital subsidy and grants-in-aid is sought to be given for installation of such plants. Setting up about 5000 CBG plants, at the earliest, is the need of the hour and the vision of the Government under the scheme so as to achieve target production of 15 million ton of CBG by 2023.

9. That State of Haryana also, vide notification dated 09.03.2018, formulated Haryana Bio-Energy Policy, 2018 with an objective to promote generation of energy from the surplus biomass in the State, to create conducive environment to attract private investment in biomass project and to harness bio-mass power as it has huge potential of energy with sustainable environmental benefits. The State Government gives incentives for setting up such units in as much these units can be set up on agricultural land, do not require any Change of Land Use (CLU) or approval from Town & Country Planning Department; are

exempted from payment of External Development Charges; are given 100% exemption from payment of fees on stamp duty charges for registration of land required for setting up such projects etc. A copy of Haryana Bio-Energy Policy, 2018 notified on 09.03.2018 by Department of New & Renewable Energy, Haryana Government, is attached as Annexure R-2. Haryana State Pollution Control Board also issued Office Order dated 04.12.2020 stating procedure for obtaining Consent to Establish and Consent to Operate for different categories of projects, a copy of which is attached as Annexure R-3.

10. That it is relevant to mention that a unit for production of Compressed Bio Gas (CBG) alongwith FOM and LFOM, with no wastewater discharge, as is being established by the answering respondent falls under the "White Category", as stated by the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change, Government of India, vide letter dated 22.09.2021. A copy of letter dated 22.09.2021 issued by Central Pollution Control Board, Ministry of Environment, Forest and Climate Change, Government of India categorizing the project of the answering respondent under "White Category", is attached as Annexure R-4. Consequently, as per Office order dated 04.12.2020 issued by Haryana Pollution Control Board, no Consent was required to be taken. It is further relevant to mention that setting up of CBG plant does not require Environmental Clearance under the 2006 EIA Notification.

11. However, the Project proponent, before start of construction, diligently submitted Online Application for obtaining Consent to Establish in August 2021 vide Online Application No. 15398691. The said application was rejected on 28.10.2021 majorly due to non- submission of Change of Land Use permission from the Department of Town and Country Planning, Haryana. Thereafter, the Department of Town and Country Planning, Haryana granted CLU permission on 05.05.2022 (though the same had been applied for in October 2021). Pursuant thereto, Project proponent re-submitted the application physically on 02.06.2022 and online on 22.06.2022 vide Application No. 24289056.

12. In the meanwhile, present O.A. No. 373 of 2022 was filed before this Hon'ble Tribunal without any notice to the answering respondent. This Hon'ble Tribunal, vide order dated 24.05.2022, was pleased to constitute a Joint Committee to verify the factual position and look into the grievances of the villagers. A copy of order dated 24.05.2022, passed by this Tribunal in OA No.373 of 2022, is attached as Annexure R-5.

13. That pursuant to the said order, it is alleged that one field officer of HSPCB visited the unit on 23.04.2022 but was restrained from inspection. It is submitted that no notice was given to the answering respondent for inspection of the unit. It is not a case where the answering respondent willful denied entry

to an officer, without any reasons whatsoever. No person without a valid ID card or authority is allowed inside the unit for security purposes. However, subsequently, the unit was duly inspected by the authorities on 13.05.2022.

14. That pursuant to inspection, Show Cause Notice dated 15.05.2022, was issued by the officers of respondent, a copy of which, is attached as Annexure R-6. Thereafter, reply to the said Show Cause Notice was filed by the answering respondent on 25.05.2022/ 02.06.2022, a copy of which, is attached as Annexure R-7. It was categorically stated that establishing and operating of the plant shall commence only after getting all the approvals.

15. However, still the Competent Authority, issued Closure Order dated 13/10.06.2022, served on 15.06.2022, a copy of which, is attached as Annexure R-8. It is relevant to mention that in compliance of the said orders, the unit was closed from 15.06.2022 itself. Answering respondent, vide letter dated 04.07.2022, submitted a response to the closure order, a copy of which, is attached as Annexure R-9. It was stated that the unit in question falls under the 'White Category' and meets all the requirements and hence requested that the Closure Order be withdrawn. The answering respondent also diligently lifted and disposed of all the Press mud urgently and intimated the same to the authorities, vide letter dated 18.07.2022, a copy of which, is attached as Annexure R- 10. Here it is relevant to mention that Pressed Mud is a biodegradable product which is as such used in the fields as manure. The stored material was removed without any environmental after effects.

16. Answering respondent, vide letter dated 07.10.2022, requested for Suspension of Closure Order in view of constrain to lift the Press Mud generated by the mills, delay of the plant due to Covid-19 restrictions and for ensuring that the construction work and commissioning of the plant does not get further delayed. A copy of letter dated 07.10.2022/ 14.11.2022, requesting for Suspension of Closure Order, is attached as Annexure R-11. Haryana State Pollution Control Board levied a fine of Rs. 15,31,250, which was diligently deposited by the answering respondent. Haryana State Pollution Control Board (HSPCB), vide letter dated 02.12.2022, issued Suspension of Closure Order in view deposit of performance security and payment of compensation, a copy of which is attached as Annexure R-12.

17. That Haryana State Pollution Control Board (HSPCB), vide letter dated 22.12.2022, has also been pleased to grant "Consent to Establish" to the answering respondent for a period of five years. A copy of "Consent to Establish" letter issued by HSPCB, is attached as Annexure R-13.

18. It is therefore respectfully submitted that the Project

Proponent is a non-polluting unit, and infact is helping in tackling the problem of environment pollution by using biomass for generation of clean fuel for automobiles and organic manure for farmers. It falls under the 'White' category project. Raw material being used and stored is organic and in its unprocessed form is used by farmers as manure. Answering respondent has been diligent in its actions during the process of setting up the plant. The plant is likely to commission from end of February, 2023 and would be a huge support to the cause of environment."

10. Reply was filed by respondent no. 6 vide email dated 17.02.2023 and.

The relevant part of the reply of respondent no. 6 is reproduced as under:-

***"REPLY OF RESPONDENT No. 6 i.e. COMMISSIONER,
MUNICIPAL CORPORATION YAMUNANAGAR-JAGADHRI***

X X X X

3. That the Municipal Corporation Yamunanagar-Jagadhri allotted the work to M/s Classic manpower vide this office no MCY/2021/260 dated 22/03/2021 for Door to Door Collection, Solid Waste Lifting, Segregation, Transportation and Disposal of Solid Waste as per Municipal Solid Waste Rules 2016. This work order was issued for execution of above said work from 22/03/2021 to 21/03/2022. M/s Classic Manpower executed the work initially in a proper way but after some time this agency did not process the solid waste as per Municipal Solid Waste Rules, 2016. Due to this reason notices were issued to the agency to complete the processing but agency did not respond and finally agency was blacklisted by Municipal Corporation Yamunanagar-Jagadhri on dated 27/10/2022 alongwith withholding the payment amounting to Rs 5,26,60,426/-. After that agency on dated 13/12/2022 filed an appeal in Hon'ble Petition Committee of Haryana Vidhan Sabha and assured to execute the work within one month. Accordingly, Hon'ble Petition Committee of Haryana Vidhan Sabha allowed him to execute the work within one month and directed to submit the report. In compliance of order dated 13/12/2022 of Hon'ble Petition Committee of Haryana Vidhan Sabha, M/s Classic Manpower started the work and as on today the agency has lifted all the solid waste which was collected by the agency for processing at this site, the blacklisting of agency will only be withdrawn after submitting the proof of scientific disposal of

this waste. Now Municipal Corporation Yamunanagar-Jagadhri has allotted this work of door to door collection, lifting, segregation and processing work of ward no 12 to 22 to M/s IND Sanitation Solution vide this office memo no 13449 dated 11/10/2022. This agency is transporting waste to this site and processing this waste in compliance of Solid Waste Management Rule 2016.

4. That, Complainant in his complaint dated 03.01.2023 has agreed that solid waste lying at Aurangabad has been lifted.

5. That, it is also submitted that Municipal Corporation has allotted the work of door-to-door collection, lifting, segregation and processing work of waste from ward no 12 to 22 to M/s IND Sanitation Solution vide this office memo no 13449 dated 11/10/2022. Now agency is doing door to door, segregation and processing of fresh solid waste at this site in a scientific manner. Now, there is no foul smell because the agency is executing the work by making windrows, spraying culture over it (the photograph is annexed as R-1). After spraying culture proper turning of windrows is being done. When windrows reach to maturity level then bio mining is being done through trommels to receive different fractions as Compost, RDF, inert and C&D, Which are in the scope of the agency to be disposed off in scientific manner as per SWM Rules, 2016. It is further submitted that agency has lifted RDF from this site after bio mining (approx 120 MT). Weighing slips and photograph of loaded truck with GPS Co-ordinates are annexed as R-2.

6. That, it also submitted that solid waste collected from ward no 12 to 22 is being transported to this site which is estimated approx 135 tons per day, but the plant installed at site is of capacity 300 tons per day. If plant works in two shifts the capacity goes up to approx. 500 Tons per day. Which is more than sufficient to process the transported waste at this site after doing Bio remediation for 24 to 28 days and then bio mining is being done (Photographs is annexed as R-3).

7. That, weighing bridge has been installed at site which has been duly calibrated by the authorized body (Photograph is annexed as R-4) all waste received is being weighed properly before receiving at site. Weighing slips of solid waste from the day when door to door collection has started is annexed as R-5.

8. That, the boundary wall at plant is constructed by tin shed (photograph is annexed as R-6).

9. That, the team of Regional Officer, Pollution Control Board Yamunanagar-Jagadhri has visited the site and has checked and verified the facts presented by answering respondent. The report is annexed as R-7 ”

11. Rejoinder was filed by the applicant vide email dated 17.02.2023.

12. This Tribunal observed in order dated 21.02.2023 that in the report it has been mentioned that in compliance of order dated 17.01.2023 28 numbers of Plywood manufacturing units and 5 numbers of brick kilns were inspected and status report annexure R-1 and annexure R-2 have been submitted in respect thereof. In annexure R-1, it has been mentioned that out of 28 Plywood manufacturing units, 24 units were compliant and 3 units were lying closed due to reasons mentioned and one unit was lying closed under order of the board. However, there is no mention whether the above said units have obtained licenses from the Competent Authorities. Individual compliance status of all the units has not been mentioned despite the specific order to this effect passed by this Tribunal. Similarly, in annexure R-2, 2 brick kilns are stated to be compliant while other 3 brick kilns are stated to be non-operational. The aspect regarding compliance with the consent conditions by individual brick kilns has not been looked into. The plywood manufacturing units are using wood as fuel while the brick kilns are using coal as fuel. In its report the Joint Committee has not mentioned anything about disposal of fly ash generated by above said units. The Joint Committee was directed to look into the aspects of compliance with the consent conditions and disposal of fly ash by the units individually and submit the report in this regard within two months.

13. This Tribunal further observed that in the report dated 16.01.2023, the Regional Officer, HSPCB, Yamuna Nagar had mentioned that environmental compensation of Rs. 15,31,250/- was imposed by HSPCB on M/s SPS Bio Chem Pvt. Ltd which was deposited by the above said unit. The amount of environmental compensation deposited by M/s SPS Bio

Chem Pvt. was ordered to be utilized for restoration of the environment in the area and respondent no. 2-HSPCB and respondent no. 4-Deputy Commissioner, Yamuna Nagar were directed to submit Action Plan for utilization of the amount of environmental compensation for restoration of the environment in the area with specific timelines within one month.

14. This Tribunal further observed that in the report dated 16.01.2023, the Regional Officer, HSPCB, Yamuna Nagar has mentioned that the directions regarding compliance on the land fill site at village Aurangabad under section 4 of the Municipal Solid Waste (Management and Handling) Rules, 2016 had been issued to the Commissioner, Municipal Corporation, Yamuna Nagar-Jagadhri vide letter No. HSPCB/YR/2022/4386 dated 27.09.2022 and letter no. HSPCB/YR/2022/4750 dated 26.12.2022 but no compliance report had been received. In its report, the Joint Committee has mentioned that Commissioner, Municipal Corporation, Yamuna Nagar-Jagadhri has submitted compliance report dated 07.02.2023 and thereafter the site was verified on 15.02.2023 and during inspection the Municipal Solid Waste processing site at village Aurangabad was found compliant. In its reply, the respondent no. 6- Municipal Corporation, Yamuna Nagar has submitted that Municipal Corporation, Yamuna Nagar-Jagadhri had allotted the work to M/s Classic Manpower which initially worked in proper way but subsequently did not process the solid waste as per Solid Waste Management Rules 2016. The agency was blacklisted by the Municipal Corporation Yamuna Nagar-Jagadhri on 27.10.2022 and payment of amounting to Rs. 5,26,60,426/- was withheld but the Hon'ble Petition Committee of Haryana Vidhan Sabha allowed him to execute the work within one month and directed to submit the report. M/s Classic Manpower

started the work and lifted all the solid waste but the same is yet to submit the proof of scientific disposal of the waste. Municipal Corporation Yamuna Nagar- Jagadhri has now allotted the work to M/s IND Sanitation Solution which is processing the waste in compliance of the Solid Waste Management Rules 2016. The HSPCB was directed to audit status of compliance by Municipal Corporation Yamuna Nagar-Jagadhri with Solid Waste Management Rules, 2016 and the Water (Prevention And Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 in respect of solid waste and sewage management as well as preventing discharge of untreated sewage/industrial effluent in river Yamuna through the drain in question in compliance of directions issued by this Tribunal and also to initiate proceedings for imposition of the environmental compensation on respondent no.6- Municipal Corporation Yamuna Nagar-Jagadhri for the past violations in accordance with law and submit its report mentioning in detail action taken in this regard within two months.

15. In compliance thereof report was filed by HSPCB vide email dated 17.04.2023. The relevant part of the report is reproduced below:-

“REPORT ON BEHALF OF JOINT COMMITTEE IN COMPLIANCE OF ORDERS DATED 21.02.2023

X

X

X

X

2. Detailed report of Brick Kilns regarding licenses obtained from the Competent Authorities, Compliance of Consent to Operate Conditions and disposal of fly ash:-

a M/s Pooja Brick Industries, Village Damla, District Yamuna Nagar:- The unit is Brick Kiln and engaged in the manufacturing of bricks/tiles. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2020 to 31.03.2025 (Annexure-R/1). Further, the unit has obtained license from concerned departments i.e. Mines and Geology Department, District Town and Country Planning Department and District Food, Civil Supplies and Consumer Affairs Controller Department. The

copies of licenses are attached herewith as Annexure-R/2, Annexure-R/3 & Annexure-R/4 respectively. The sample of air emission was collected and analysis report issued vide no. 473 dated 13.04.2023 shows results within prescribed limits. Copy of the same is attached as Annexure-R/5. The compliance conditions of Consent to Operate is also attached as Annexure-R/6. The fly ash is being re-used in the manufacturing of brick/tiles.

b M/s Jawla Bricks Company, Dhudhla Road, Damla, Yamuna Nagar:- The unit is Brick Kiln and engaged in the manufacturing of bricks/tiles. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2016 to 31.03.2026 (Annexure-R/7). Further, the unit has obtained license from concerned departments i.e. Mines and Geology Department, District Town and Country Planning Department and District Food, Civil Supplies and Consumer Affairs Controller Department. The copies of licenses are attached as Annexure-R/8, Annexure-R/9 & Annexure-R/10 respectively. The sample of air emission was collected and analysis report issued vide no. 474 dated 13.04.2023 shows results within prescribed limits. Copy of the same is attached as Annexure-R/11. The compliances of conditions of Consent to Operate is also attached herewith as Annexure-R/12. The fly ash is being re-used in the manufacturing of brick/tiles.

c M/s Ambey Bricks Co, Village Damla Dhudhla Road Yamuna Nagar:- The unit is Brick Kiln and engaged in the manufacturing of bricks/tiles. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2018 to 31.03.2028 (Annexure-R/13). Further, the unit has obtained license from concerned departments i.e. Mines and Geology Department, District Town and Country Planning Department and District Food, Civil Supplies and Consumer Affairs Controller Department. The copies of licenses are attached as Annexure-R/14, Annexure-R/15 & Annexure-R/16 respectively. The sample of air emission was collected and analysis report issued vide no. 118 dated 14.02.2023 shows results within prescribed limits. Copy of the same is attached as Annexure-R/17. The compliances of conditions of Consent to Operate is also attached herewith as Annexure-R/18. The fly ash is being re-used in the manufacturing of brick/tiles.

d M/s Zimidara Bricks Kiln, VPO Damla, District Yamuna Nagar:- The unit is Brick Kiln and engaged in the manufacturing of bricks/tiles. The said unit has obtained Consent to Operate from the board for the period from 01.04.2020 to 31.03.2027 (Annexure-R/19). Further, the unit has obtained license from concerned departments i.e. Mines and Geology Department, District Town and Country Planning Department and District Food, Civil Supplies and Consumer Affairs Controller Department. The copies of licenses are attached as Annexure-R/20, Annexure-R/21 & Annexure-R/22 respectively. The sample of air emission was collected and analysis report issued vide no. 187 dated 14.02.2023 shows results within prescribed limits. Copy of the same is attached as Annexure-R/23. The compliances of

conditions of Consent to Operate is also attached herewith as Annexure-R/24. The fly ash is being used in the manufacturing of brick/tiles and also re-used.

e M/s Goel Brick Industries, Village and PO Damla, District Yamuna Nagar:- The unit is Brick Kiln and engaged in the manufacturing of bricks/tiles. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2018 to 31.03.2023 (Annexure-R/25). Further, the unit has obtained license from concerned departments i.e. Mines and Geology Department, District Town and Country Planning Department and District Food, Civil Supplies and Consumer Affairs Controller Department. The copies of licenses are attached as Annexure-R/26, Annexure-R/27 & Annexure-R/28 respectively. The compliances of conditions of Consent to Operate is also attached as Annexure-R/29. The fly ash is being re-used in the manufacturing of brick/tiles. The unit has informed vide letter dated 08.02.2023 regarding temporary shutdown of the operation of the unit. Copy of the same is attached as Annexure-R/30.

3 M/s SPS Bio Chem. Pvt Ltd., Dudhla Road, Village Damla, District Yamuna Nagar:- The unit has obtained Consent to Operate for the period from 21.03.2023 to 31.03.2027 vide no.HSPCB/Consent/:843073523YAMCTO32056067 dated 21.03.2023. The copy of CTO granted to the unit is attached as Annexure-R/31. The compliance of conditions of Consent to Operate is attached as Annexure-R/32. The action plan for utilization of the amount of environmental compensation for restoration of the environment in the area has been prepared. Copy of the same is attached as Annexure-R/33. All the sites have been visited by the members nominated by SEIAA on dated 15.04.2023..”

16. This Tribunal observed in order dated 18.04.2023 that the Joint Committee has not looked into the following material aspects

- (i) location of the brick kilns in question as to whether the same are established at appropriate distance from habitation, fruit orchards, water bodies etc. and appropriate distance from other brick kilns;
- (ii) whether location of the same involves any violation of the environmental norms;
- (iii) the technology adopted, requirement of switching over to use of PNG as fuel instead of coal, mining of soil to meet the

requirements of raw material and use of fly ash generated by the brick kilns in making of the bricks;

- (iv) whether the brick kilns are required to obtain any fly ash from nearby thermal power plant or other industries using coal as fuel;
- (v) compliance by the brick kilns with the Environment Protection Rules 1986 as amended vide MoEF&CC notification dated 22.02.2022; and
- (vi) whether the vehicles used for transportation of raw material/bricks are appropriately covered.

17. This Tribunal noticed that HSPCB has not imposed any condition on the brick kilns regarding carrying out of any plantation, paving and strengthening of the approach roads etc. for protection against air pollution caused by smoke and fugitive dust emission. This Tribunal referred to Rule 6 of the Uttar Pradesh Brick Kilns (Siting Criteria For Establishment) Rules, 2012 on brick kilns which is reproduced as under:

“6.1 Multi layer and multi storey green belt of 10 meters width shall be constructed along the periphery of brick kiln leaving two 10 meters wide gaps in the boundary for entry and exit of material and vehicles. A wall of 3 meters height shall be constructed on the sides where land is not available for green belt development to prevent fugitive dust emission. For installation of brick Kiln with green belt development, the minimum area required is 2.0 acre.

2. Lighting arrestor as per the PWD norms or any other standard design shall be installed for brick Kiln to avoid the damage to stacks/chimney caused due to lighting attack.

3. In Brick Kiln besides the above Good House keeping practices including disposal of coal, ash, provision of double wall around the Kiln, proper layout Brick lining of passage use of properly grades coal, proper firing practices, protection from noise pollution and other measures should be followed by all Brick Kiln Owners.

4. While digging the earth for making bricks in the area ear marked for the same, the straight cutting of earth should be avoided; instead the cutting should be done in a slanted manner in the proportion of 1:3, so that there should be minimum soil erosion of the agricultural land.”

18. This Tribunal observed that these environmental aspects need to be considered by the HSPCB at the time of grant of CTE/CTO to the brick kilns and directed HSPCB to consider desirability of revision of consent conditions imposed on the brick kilns on the present case regarding these environmental aspects for ensuring protection and improvement of environment and abatement of air and water pollution and soil degradation.

19. In view of these facts and circumstances of the case and these environmental aspects all the five brick kilns were impleaded as respondents no. 7 to 11. However, Replies/responses by the brick kilns are yet to be filed.

20. This Tribunal observed that M/s SPS Bio Chem Pvt. was granted CTE on 22.12.2022 and CTO (valid from 21.03.2023 to 31.03.2027) on 21.03.2023 by HSPCB. No conditions regarding development of any green belt or carrying out of any plantation and pavement of the roads and incurring of any expenses under Corporate Social Responsibility have been imposed. The raw material details have been given showing that the industry requires press mud 200 metric tons/day and paddy straw 16 metric tons/day and the industry is stated to have 1 stack but details of the storage site are not given and no conditions have been imposed for ensuring scientific storage of the raw material in compliance with requisite environmental norms for ensuring abatement of environmental pollution caused by emission of foul smell and pollution of surface and ground water and soil. Since storage of press mud emits foul smell, plantation of aromatic plants and broad leaved indigenous plants will also be necessary. This Tribunal also noticed that the action plan filed by HSPCB and Deputy Commissioner, Yamuna Nagar was vague and does not contain the

requisite details. The amount of environmental compensation recovered has to be utilized exclusively for the purpose of restoring environment in the area by appropriate remedial measures including carrying out of the plantation in and around the area of the industrial unit in question for protecting against foul smell and environmental pollution. Respondent no. 2 HSPCB was directed to file its response to the environmental aspects noticed above and respondent no. 2- HSPCB and respondent no. 4-Deputy Commissioner, Yamuna Nagar were directed to file additional action plan with better particulars giving requisite details regarding budgetary allocations, identification and demarcation of the land where plantation is to be carried out, the species to be planted and head wise cost to be incurred on carrying out such plantation for the utilization of amount of Rs. 15.31 lakh environmental compensation realized from M/s SPS Bio Chem Pvt. for restoration and management of environment. HSPCB was also directed to file additional report as to whether any additional measures are required to be taken and any additional conditions are required to be incorporated by revision of the consent conditions imposed on all the five brick kilns in the present case and also on M/s SPS Bio Chem Pvt. for carrying out plantation or taking other remedial measures for protection and improvement of environment and to file additional report in this regard.

21. In compliance of order dated 18.04.2023 report of the Joint Committee was filed by respondent no. 2-HSPCB vide email dated **17.05.2023**. The relevant part of the report is reproduced below:-

***“REPORT ON BEHALF OF JOINT COMMITTEE IN COMPLIANCE
OF ORDERS DATED 21.02.2023***

X

X

X

2. Detailed report of Plywood Units regarding licenses obtained from the Competent Authorities, Compliance of Consent to Operate Conditions and disposal of fly ash:

(i) M/s Wishwanath Plywood Industries, Kishanpura Village & P.O. Damla, Yamuna Nagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 04.01.2022 to 31.03.2026 (Annexure-R/1). The copy of license obtained from Forest Department is attached herewith as Annexure-R/2. The compliance of conditions of Consent to Operate is also attached as Annexure-R/3. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

ii M/s Jamuna Wood Tech Industries, Village and PO Damla, Dudhla Road, Yamunanagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2017 to 31.03.2027 (Annexure-R/4). The copy of license obtained from Forest Department is attached herewith as Annexure-R/5. The compliance of conditions of Consent to Operate is also attached as Annexure-R/6. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

iii M/s Heera Products, Village Damla Distt Yamuna Nagar:-The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 28.11.2018 to 31.03.2028 Annexure-R/7). The copy of license obtained from Forest Department is attached herewith as Annexure-R/8. The compliance of conditions of Consent to Operate is also attached as Annexure-R/9. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

iv M/s Kunjan Wood Industries, Village & PO Damla, District Yamuna Nagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2017 to 31.03.2027 (Annexure-R/10). The copy of license obtained from Forest Department is attached herewith as Annexure-R/11. The compliance of conditions of Consent to Operate is also attached as Annexure-

R/12. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

v M/s Burma Boards, Village & P.O. Damla, Yamuna Nagar:-The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2017 to 31.03.2027 (Annexure-R/13). The copy of license obtained from Forest Department is attached herewith as Annexure-R/14. The compliance of conditions of Consent to Operate is also attached as Annexure-R/15. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

vi M/s Duna Panels Pvt Ltd., V.P.O. Damla, Yamuna Nagar:-The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2017 to 31.03.2027 (Annexure-R/16). The copy of license obtained from Forest Department is attached herewith as Annexure-R/17. The compliance of conditions of Consent to Operate is also attached as Annexure-R/18. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

vii M/s Pragati Industries, V.P.O. Damla, Yamuna Nagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2017 to 31.03.2027 (Anpexure-R/19). The copy of license obtained from Forest Department is attached herewith as Annexure-R/20. The compliance of conditions of Consent to Operate is also attached as Annexure-R/21. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

viii M/s Haploos Plyboards Pvt Ltd, Village and PO Damla, Yamuna Nagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2023 to 31.03.2028 (Annexure-R/22). The copy of license obtained from Forest Department is attached herewith as Annexure-R/23. The compliance of

conditions of Consent to Operate is also attached as Annexure-R/24. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

ix M/s Haryana Joinery Mills, Village Damla, Yamuna Nagar:-

The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2017 to 31.03.2027 (Annexure-R/25). The copy of license obtained from Forest Department is attached herewith as Annexure-R/26. The compliance of conditions of Consent to Operate is also attached as Annexure-R/27. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

x M/s Gokul Enterprises, Khurdi Road, Village Damla,

Yamuna Nagar:- The unit is engaged In the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2022 to 31.03.2027 (Annexure-R/28). The copy of license obtained from Forest Department Is attached herewith as Annexure-R/29. The compliance of conditions of Consent to Operate is also attached as Annexure-R/30. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

xi M/s Nagpal Wood Industries, Village and P.O. Damla, Yamuna Nagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2017 to 31.03.2027 (Annexure-R/31). The copy of license obtained from Forest Department is attached herewith as Annexure-R/32. The compliance of conditions of Consent to Operate is also attached as Annexure-R/33. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023,

xii M/s Bhagwati Udyog, Village Damla, Radaur Road, Yamuna

Nagar:- The unit is engaged in the manufacturing of Plywood. The

said unit has obtained Consent to Operate from the Board for the period from 03.09.2021 to 31.03.2031 (Annexure-R/34). The copy of license obtained from Forest Department is attached herewith. as Annexure-R/35. The compliance of conditions of Consent to Operate is also attached as Annexure-R/36. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

xiii M/s Baba Plywood Pvt. Ltd., VPO Damla, Yamuna Nagar:-The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2017 to 31.03.2027 (Annexure-R/37). The copy of license obtained from Forest Department is attached herewith as Annexure-R/38. The compliance of conditions of Consent to Operate is also attached as Annexure-R/39. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent The latest analysis report of air emissions has been submitted before the lion'ble NGT alongwith report dated 18.02.2023.

xiv M/s A R Wood Crafts Private Limited, Village Damla District Yamuna Nagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 16.09.2020 to 31.03.2025 (Annexure-R/40). The copy of license obtained from Forest Department is attached herewith as Annexure-R/41. The compliance of conditions of Consent to Operate is also attached as Annexure-R/42. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

xv M/s Luxmi Timbers, V.P.O. Damla, Yamuna Nagar:- The unitis engaged In the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 26.08.2022 to 31.03.2027 (Annexure-R/43). The copy of license obtained from Forest Department is attached herewith as Annexure-R/44. The compliance of conditions of Consent to Operate is also attached as Annexure-R/45, The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

xvi M/s Classic Plywood Industries, . VPO Damla, Yamuna Nagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2017 to 31.03.2027 (Annexure-R/46). The copy of license obtained from Forest Department is attached herewith as Annexure-R/47. The compliance of conditions of Consent to Operate is also attached as Annexure-R/48. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

xvii M/s Burma Wood Products, Village & P.O. Damla, Yamuna Nagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2017 to 31.03.2027 (Annexure-R/49). The copy of license obtained from Forest Department is attached herewith as Annexure-R/50.. The compliance of conditions of Consent to Operate is also attached as Annexure-R/51. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

xviii M/s Metro Plywood Pvt Ltd., VPO Damla, Yamuna Nagar:-The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2017 to 31.03.2027 (Annexure-11/52). The copy of license obtained from Forest Department is attached herewith as Annexure-R/53. The .compliance of conditions of Consent to Operate is also attached as Annexure-R/54. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

xix M/s Alloy Steel and Castings, Village and PO Damla, Yamuna Nagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2023 to 31.03.2028 (Annexure-R/55). The copy of license obtained from Forest Department is attached herewith as Annexure-R/56. The compliance of conditions of Consent to Operate is also attached as Annexure-R/57. The unit is disposing its' fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

xx M/s Vidhata Plywood Industries, VPO Damla (Kamboj Majra), Yamuna Nagar:- The unit is engaged In the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 16,07.2018 to 31.03.2028 (Annexure-R/58). The copy of license obtained from Forest Department Is attached herewith as Annexure-R/59. The compliance of conditions of Consent to Operate is also attached as Annexure-R/60. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

xxi M/s Suryodaya Wood Products, Village and Post Office Damla, Yamuna Nagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01,04.2023 to 31.03.2028 (Annexure-R/61). The copy of license obtained from Forest Department is attached herewith as Annexure-R/62. The compliance of conditions of Consent to Operate is also attached as Annexure-R/63. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

xxii M/s Aggarwal Plywood Industries, Village Kunjal Damla, Yamuna Nagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 03.06.2021 to 31.03.2026 (Annexure-R/64). The copy of license obtained from Forest Department is attached herewith as Annexure-R/65. The compliance of conditions of Consent to Operate is also attached as Annexure-R/66. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

xxiii M/s Jagdamba Dwellings Pvt Ltd., Village Hafizpur, Delhi Road, Damla, Yamuna Nagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 23.10.2020 to 31.03.2025 (Annexure-R/67). The copy of license obtained from Forest Department is attached herewith as Annexure-R/68. The compliance of conditions of Consent to Operate is also attached as Annexure-R/69, The unit is disposing its fly ash In the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith

report dated 18.02.2023.

xxiv M/s Krishna Panels, Village Kunjal Janttān, Tehsil Radaur, Yamuna Nagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 28.10.2020 to 31.03.2030 (Annexure-R/70). The copy of license obtained from Forest Department is attached herewith as Annexure-R/71. The compliance of conditions of Consent to Operate is also attached as Annexure-R/72. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent. The latest analysis report of air emissions has been submitted before the Hon'ble NGT alongwith report dated 18.02.2023.

xxv M/s Best Panel industries, Village Hafizpur, Tehsil Mustafabad, Yamuna Nagar:- The unit Is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2023 to 31.03.2028 (Annexure-R/73). The copy of license obtained from Forest Department Is attached herewith as Annexure-R/74. The compliance of conditions of Consent to Operate is also attached as Annexure-R/75. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent.

xxvi M/s Shree Ram Steel Industries, Village & P.O. Damla, District Yamuna Nagar:- The . unit is engaged in the manufacturing of Plywood.. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2017 to 31.03.2027 (Annexure-R/76). The copy of license obtained from Forest Department is attached herewith as Annexure-R/77. The compliance of conditions of Consent to Operate is also attached as Annexure-R/78. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent.

xxvii M/s Global India Wood Industries, S.l< Road, Village Damla, Yamuna Nagar:- The unit is engaged in the manufacturing of Plywood. The said unit has obtained Consent to Operate from the Board for the period from 01.04.2021 to 31.03.2026 (Annexure-R/79). The copy of license obtained from Forest Department is attached herewith as Annexure-R/80. The compliance of conditions of Consent to Operate is also attached as Annexure-R/81. The unit is disposing its fly ash in the low lying area of nearby fields through farmers as per their requirements. No trade effluent is being generated by the unit from manufacturing process and unit has provided septic tank for disposal of domestic effluent.

xxviii M/s Krishna Enterprises, Dudhla Road Village Damla

District Yamuna Nagar:- The said unit was closed by board in compliance of the head office order no. HSPCB-070001/259/2021-HAZARDOUS WASTE MANAGEMENT CELL-HSPCB I/60059/2021 dt. 19.08.2021. The copy of closure order is attached herewith as Annexure-R/82. The unit is still lying closed.

3 Status of Illegal and unscientific dumping of solid waste at Village-Aurangabad:- The Municipal Corporation, Yamuna Nagar-Jagadhri has submitted the compliance report in this matter vide letter Memo no. EE-11/1415 dated 07.02.2023 Annexure-R/83. Thereafter, the site has been verified on dated 15.02.2023 Jointly by the officers of HSPCB and Municipal Corporation, Yamuna Nagar. During the inspection the Municipal Solid Waste Processing site at village Aurangabad is now found complying. The copy of Joint inspection report along with photographs is attached as Annexure-R/84. The Environment Compensation of Rs. 908.48 lacs for past violation has been recommended to be Imposed upon Municipal Corporation, Yamuna Nagar-Jagadhri to the higher authorities of HSPCB. The copy of same is attached as Annexure-R/85. The audit of Solid Waste site at Aurangabad has been done and attached herewith as Annexure-R/86 wherein Solid Waste Management Rules has been found to be. complying by Municipal Corporation, Yamuna Nagar-Jagadhri. The latest Photographs dated 16.05.2023 of Municipal Solid waste site are attached herewith as Annexure-R/87. The sewerage management in the Municipal Corporation area of District Yamuna Nagar is under the jurisdiction of Public Health Engineering Department (PHED) and for effective handling of sewage/industrial effluent PHED has installed Sewerage Treatment Plants of capacity 25 MLD at Jammu colony, 20 MLD at Jammu Colony, 10 MLD Unit-1 at Baddi Majra, 10 MLD Unit-2 at Baddi Majra, 3 MLD at Chhachhrauli, 3.5 MLD at Radaur, & 24 MLD at Parwaloo to treat the sewage effluent generating from Municipal Corporation area of District: Yamuna Nagar. The latest analysis reports of all above STPs are attached as Annexure R/88 and as per these analysis reports, the parameters are found within prescribed limits. HSIIDC, Yamuna Nagar has also Installed CETP of capacity 3 MLD in the Industrial Estate of Manakpur and the same is under stabilization stage. Further additional CETP of 18 MLD capacity has been proposed at Jagadhri and STP having capacity of 70 MLD has been proposed at Radaur Road by the Public Health Engineering Department to enhance the treatment capacity so that entire sewerage generated i.e. 66 MLD can be treated All the industries generating industrial effluent have installed their own Effluent Treatment Plants (ETP).

4. Status of M/s SPS Bio Chem Pvt Ltd. in compliance of order dated 18.04.2023:- In this connection it is submitted that request for re-opening of consent to operate application for amendment in consent certificates has been sent to the head office. The additional action plan for utilization of amount of Rs. 15.31 lacs Environment Compensation realized from this unit is under preparation. The latest photographs dated 16.05.2023 of press mud storage area are attached as Annexure R/89. The analysis report of sample of ground water collected from the premises of this unit is attached as Annexure R/90.

Comments on the response dated 14.02.2023 filed by Sh. Sumit Saini resident of village Damla, District Yamuna Nagar, Haryana. In this regard, the point wise comments upon the representation on the basis of facts and records are as under.

Case No.1-Status of plywood manufacturing units and brick kiln:-*In this connection, it is submitted that compliance status of ply board manufacturing units has already been submitted in report dated 18.02.2023. However, it is submitted that all the units mentioned In the complaint have installed multi cyclone to meet the prescribed standards.*

Case No.2- Status of SPS Bio Chem Pvt Ltd.:-*In this connection, It is submitted that the said unit has obtained consent to Establish from the Board vide No. HSPCB/Consent/: 843073522YAMCTE30407408 dated 22.12.2022. The unit has obtained permission for change of land use from Directorate of Town and Country Planning. Unit has submitted all the documents as per prescribed check list of HSPCB at the time of obtaining CTE. Rests of permission as mentioned in Annexure-2 filed by applicant are not the part of the checklist of HSPCB.*

Case No.3- Status of Municipal Solid Waste:-*The status of Municipal Solid Waste processing site has already been given in this report.*

Case No.4- Status of Ditch Drain:-*The action from the Public Health & Engg. Department for the finalization of the installation of new CETP having **capacity** of 18 MLD at Parwaloo and installation of new STPs having capacity of 70 MLD at Radaur Road are under approval.*

Comments on the response dated 10.04.2023 filed by Sh. Sumit Saini resident of village Damla, District Yamuna Nagar, Haryana. In this regard, the point wise comments upon the representation on the basis of facts and records are as under.

Status of SPS Bio Chem Pvt. Ltd.:-*In this connection, it Is submitted that no press mud is stored by the unit at nearby Municipal Solid Waste site, Aurangabad. No sitting parameters have been defined by HSPCB for such types of units. The previous report dated 17.04.2023 submitted before the Hon'ble NGT was duly signed by all Committee members. The said unit is covered under orange category of consent management. Unit has submitted all the documents as per prescribed check list of HSPCB at the time of obtaining CTE. The closure order against this unit was issued vide letter dated 13.06.2022 and was complied on dated 15.06.2022 (copies attached as Annexure-R/91). There was no Electricity connection at the time of compliance of closure order. No trade effluent is generated from the process. Consent to established/operate have been granted for nil KLD discharged of trade effluent. Copies of CTE and CTO have already been placed on record along with report dated 21.02.2023 for CTE and report dated 18.04.2023 for CTO. Unit has adopted following measures for control of odour:-*

a) *The heaps of press mud covered by one layer of ligno-cellulocis biomass. Rice straw to cover the heaps of press mud.*

b) *Heaps covered by one layer of Tarpaulin.*

c) *Sprayer system installed in RMS area for spraying chemical for making the environment odor less.*

The Environmental Compensation was imposed upon the unit for establishment without consent to establish from the board."

22. Report was filed by HSPCB vide email dated 12.09.2023. The relevant part of the report is reproduced below:-

"REPORT ON BEHALF OF JOINT COMMITTEE IN COMPLIANCE OF ORDERS DATED 18.04.2023

X

X

X

X

2. Varied Consent to Operate u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974 & u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981 to M/s SPS BIO CHEM PRIVATE LIMITED, Village Damla, Tehsil Radaur, Yamuna Nagar has been granted vide no. HSPCB/YR/2023/510 dated 22.08.2023 (Copy of varied CTO is attached as Annexure-R1) and following conditions has been incorporated:-

Conditions of CTO

1. The varied consent to operate is issued in continuation to the consent to operate already granted vide no. HSPCB/Consent/843073523YAMCTO 32056067 Dated 21/03/2023 and is only for the imposing conditions as per order of Hon'ble National Green Tribunal, New Delhi vide its order dated 18.04.2023 in the matter of OA No. 373 of 2022 titled as Stunk Saini Versus Haryana State Pollution Control Board & Ors

2. The other specifications/terms and conditions specified in the consent to operate already granted vide no. HSPCB/Consent/843073523YAMCTO 32056067 Dated:21/03/2023 will remain same.

Specific Conditions:-

1. That the unit will provide the buffer green belt along with the periphery of the premises of the unit including plantation of aromatic plants and broad leaved indigenous plants to control odour pollution/foul smell. The unit shall also adopt the conservative measures to control the smell/odour problem in the vicinity.

2. That the unit will provide pucca roads w.r.t. leading to the storage site of press mud for the transportation of trucks who have lifted press mud. The pollution due to transportation load on the environment will be effectively controlled & water sprinkling will also be done regularly and efficiently. The press mud transportation shall be carried out through covered trucks only and the vehicles carrying the press mud shall not be overloaded.

3. The storage site of press mud should be impervious and leak proof and the leachate generated if any shall be scientifically managed without any disposal of same into open environment in order to avoid pollution of surface water; ground water and soil contamination and storage site shall adopt conservative measures for storing the press mud in the premises of the unit.

4. That the unit shall earmarked a amounting to Rs. 3.0 Lac to Rs. 5.0 Lac and invest the same for implementing various environmental protection measures like as socio economic upliftment activities of the area particularly in the, field of habitation, health or education, training programme of rural women & man for employment generation and medical health check up camps, distributions of medicines and improvement in educational facilities in the nearby schools as per Corporate Social Responsibility (CSR) mandate.

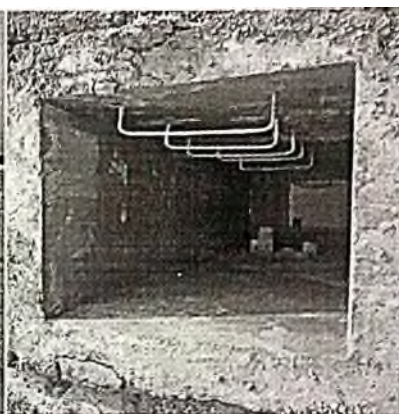
5. The said unit M/s SPS BIO CHEM PRIVATE LIMITED, Village Damla, Tehsil Radaur, Yamuna Nagar has submitted details of storage site of raw material, plantation and action taken to control odour problem vide their letter no. SPSBIO-CHEM/DIR/2023-24/64 dated 09.09.2023 (Copy of letter .attached as Annexure-R2). Relevant portion of unit's reply with reference to management of raw material and odour control as below:-

i. raw material i.e. press mud will be stored and measures will be adopted to collect the leachate, for avoiding percolation of the leachate in sub soil strata etc.

We have designed the Ram Material Storage Section(RMS Area). This is around 90,000 Sq Ft Area. This place has capacity to store 36000 tons of press mud. Soil Preparation is done, and two layers of thick pond liners are laid on the prepared soil. Slopes are given for free flow of leachate and moisture. The perforated pipes covered with filter cloth are laid in the entire RMS area, so that leachate is collected and get transferred to Mixing tank through trench/drain. The flushing system is also provided for maintenance.



Perforated Pipes at RMS Area



Trench and Drain for Leachate



RMS Area with Overhead Crane Actual Image

The Leachate has high potential for generation of Bio Gas and thus it will be fed to the digestion system. After biodegradation in the digester its BOD and COD also gets into the desirable range and overall liquid slurry is turned into fermented liquid manure as defined in Fertilizer Control Order 1985.

Provisions our unit has taken/takin to control odor problem The raw material (press mud) is going to be handled using Goliath crane. The odor is going to be controlled by three measures as below:

- a) We have covered heaps by one layer of Tarpaulin.*
- b) We are installing sprayer system on Gantry crane for spraying in RMS area. These Sprayers will be spraying chemical for making the environment odourless.*
- c) We have planted trees which are eco-friendly to this kind of environment of press mud storage. These trees are helpful in absorbing odour and keeping environment clean.*

4. Forest Department District Yamuna Nagar has submitted a restoration plan along with budgetary allocations, identification and demarcation of the land where plantation is to be carried out, the species to be planted and head wise cost to be incurred on carrying out such plantation for the utilization of amount of Rs. 15.31 lakh environmental compensation realized from M/s SPS Bio Chem Pvt. The copy of report is attached as Annexure-R3.

23. Copy of reply sent by respondent no. 5 to HSPCB has been attached with the above said report. In the reply respondent no. 5 has submitted with respect to the query regarding the raw material i.e. press mud will be stored and measures will be adopted to collect the leachate, for avoiding percolation of the leachate in sub soil strata etc. that respondent no. 5 has designed the Raw Material Storage Section (RMS Area). This is around 90,000 Sq Ft Area. This place has capacity to store 36000 tons of press mud. Soil Preparation is done, and two layers of thick pond liners are laid on the prepared soil. Slopes are given for free flow of leachate and moisture. The perforated pipes covered with filter cloth are laid in the entire RMS area, so that leachate is collected and get transferred to Mixing tank through trench/drain. The flushing system is also provided for maintenance. The Leachate has high potential for generation of Bio Gas and thus it will be fed to the digestion system. After biodegradation in the digester its BOD and COD also gets into the desirable range and overall liquid slurry is turned into fermented liquid manure as defined in Fertilizer Control Order 1985. In the reply respondent no. 5 has submitted with respect to the query regarding provisions which the unit has taken/is taking to control odor problem that the raw material (press mud) is going to be handled using Goliath crane. The odour is going to be controlled by three measures as below:

- a) Covering heaps by one layer of Tarpaulin.
- b) Installing sprayer system on Gantry crane for spraying in RMS area. These Sprayers will be spraying chemical for making the environment odour less.
- c) Trees have been planted which are eco-friendly to this kind of

environment of press mud storage. These trees are helpful in absorbing odour and keeping environment clean. Respondent no. 5 has also enclosed list of 4040 trees which have been planted by it.

24. HSPCB has to verify these claims made by respondent no. 5 and ensure due implementation of the same by making periodical inspections of the unit of respondent no. 5.

25. In the above said report it has been mentioned that Forest Department District Yamuna Nagar has submitted a restoration plan along with budgetary allocations identification and demarcation of the land where plantation is to be carried out the species to be planted and head wise cost to be incurred on carrying out such plantation for the utilization of amount of Rs. 15.31 lakh environmental compensation realized from M/s. SPS Bio Chem Pvt. The copy of report has been attached as annexure R-3. In report annexure R-3 it has been mentioned that site WJC RD 81 to 90 and species Jammun, Jamua, Arjun, Amla and Sheesham have been selected for plantation.

26. We find that the action plan completely ignores the environmental pollution caused in the area by the industries and proposes afforestation in area of Western Yamuna Canal where there may be no such environmental pollution. Such remedial plantation has to be done in the area affected by environmental pollution caused by the industries and respondent no. 1 is directed to file response as to whether Shamlat land (land reserved for common purposes) in the adjoining villages affected by environmental pollution can be made available for community afforestation on long term basis and as to whether any additional plantation can be made on the road sides in the area.

Further interim directions

27. The HSPCB is directed to inspect all the 5 brick kilns and submit its report with reference to the following material points:-

- (i) location of the brick kilns in question as to whether the same are established at appropriate distance from habitation, fruit orchards, water bodies etc. and appropriate distance from other brick kilns;
- (ii) whether location of the same involves any violation of the environmental norms;
- (iii) the technology adopted, requirement of switching over to use of PNG as fuel instead of coal, mining of soil to meet the requirements of raw material and management and disposal of fly ash generated by the brick kilns;
- (iv) whether the brick kilns are required to obtain any fly ash from nearby thermal power plant or other industries using coal as fuel for use in making of bricks;
- (v) compliance by the brick kilns with the Environment Protection Rules 1986, as amended vide MoEF&CC notification dated 22.02.2022;
- (vi) whether the vehicles used for transportation of raw material/bricks are appropriately covered; and
- (vii) Whether any condition has been imposed/is proposed to be imposed on the brick kilns regarding carrying out of any plantation, paving and strengthening of the approach roads etc. for protection against air pollution caused by smoke and fugitive dust emission.

Separate five reports in respect of each of the brick kilns be filed by HSPCB by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF at least one week before **07.08.2024** which is fixed as the next date of hearing of OAs registered in respect of the Brick Kilns.

Re: Municipal Corporation Yamauna Nagar

- (i) The HSPCB is directed to audit status of compliance by Municipal Corporation Yamuna Nagar-Jagadhri with Solid Waste Management Rules, 2016 and the Water (Prevention And Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 in respect of solid waste and sewage management as well as preventing discharge of untreated sewage/industrial effluent in river Yamuna through the drain in question in compliance of directions issued by this Tribunal in O.A. No. 606/2018 and also to initiate proceedings for imposition of the environmental compensation on respondent no.6- Municipal Corporation Yamuna Nagar-Jagadhri for the past violations in accordance with law and submit its report by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF at least one week before **01.08.2024** which is fixed as the next date of hearing of OA registered in respect of the Municipal Corporation Yamauna Nagar.

Re: SPS Bio Chem Pvt. Ltd.

- (ii) HSPCB is directed to inspect M/s SPS Bio Chem Pvt. and submit its report with regard to development of green belt/carrying out of plantation, pavement of road, expenses incurred/to be incurred under Corporate Social Responsibility, compliance with environmental norms for storage of raw material for ensuring abatement of environmental pollution caused by emission of foul smell and pollution of surface and ground water and soil specifically mentioning as to (a) whether the heaps of press mud are covered by one layer of lingo-cellulocis biomass (Rice straw) and one layer of Tarpaulin, (b) whether sprayer system has been installed in RMS area for spraying chemical for making the environment odor less and (c) whether plantation of trees which are eco-friendly to this kind of environment of press mud storage has been done.
- (iii) Report by HSPCB and Action Plan by District Magistrate and DFO, Yamuna Nagar for utilization of environmental compensation amount deposited by respondent no. 5 be filed by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF at least one week before **22.07.2024** which is fixed as the next date of hearing of OA registered in respect of the M/s S.P. S. Bio Chem Pvt. Ltd..

Re: Plywood Industries

- (iv) We have gone through report dated 17.05.2023 in respect of all the 28 ply wood industries and we find that the approach adopted by HSPCB for verification of factual position in respect thereof to be

complacent and materially deficient. While granting consent to operate to the project proponents no specific conditions were imposed by UPPCB on the project proponents regarding plantation in the premises/on the periphery/boundaries and devices for control of air and water pollution were not specified. At the time of inspection factual position regarding such plantation if any carried out and installation of devices for prevention of air and water pollution was not verified. The report has been prepared on the basis of collection of documents. No photographs of the concerned units have been attached with the report. The aspects as to nature and quantity of fuel used, quantum of fly ash generated and management and disposal of fly ash have not been looked into for verification of factual position regarding the same.

- (v) HSPCB is directed to inspect all the 28 Plywood industries and to verify factual position regarding their compliance status qua all relevant aspects including the following:-
- i) sources from which the raw material is procured by each of the plywood industries;
 - ii) nature and quantity of fuel used, quantum of fly ash generated and management and disposal of fly ash generated by each of the plywood industries;
 - iii) nature and adequacy of plantation carried out/required to be carried out in the premises/on the periphery/boundaries of each of the plywood industrial;

- iv) nature, number and adequacy of devices for prevention and control of water and air pollution installed/required to be installed by each of the plywood industries;
- v) whether there is any bore well and ground water is being extracted;
- vi) whether permission for the same has been obtained from State Ground Water Authority by each of the plywood industries;
- vii) whether there is any provision for rain water harvesting in any of the plywood industries;
- viii) whether there is discharge of any effluent from any of the plywood industries; and
- ix) whether any of the plywood industries is connected to any drain.

28. In the report it has been mentioned that the plywood industries are disposing of the fly ash generated by them in low lying areas. This Tribunal has in number of cases considered disposal of fly ash in low lying areas to be improper. Reference in this regard may be made to order dated 22.03.2023 passed by this Tribunal in O.A No. 744/2022 with O.A No. 277/2021 titled as Moharram Ali Vs. State of U.P. and Liyakat Ali Vs. State of U.P.

29. This Tribunal has also noticed that that the project proponents enter into agreements with the third parties for disposal of fly-ash which are reporting compliance by submitting that the fly-ash is being disposed of in low lying areas. Since fly-ash generated by coal based industries contains harmful heavy metals, it is appropriate that the same is not utilized for filling of any agricultural areas and is utilized by cement or brick making

industry.

30. In OA no, 369/2022 titled as Sachin Tomar vs, State of Haryana and others vide order dated 06.10.2023 this Tribunal directed the Member Secretary, UPPCB to file an affidavit mentioning the mechanism evolved for verifying disposal of fly-ash by the project proponents in accordance with the EC/consent conditions.

31. In compliance thereof Affidavit dated 15.01.2024 of Mr. Sanjeev Kumar Singh, Member Secretary UPPCB was filed by Chief Environmental Officer, Circle-3, UPPCB vide email dated 16.01.2024. The draft mechanism for proper utilization of fly ash generated by coal based industry was enclosed with the affidavit as Annexure-II which reads as under :-

***“Draft Mechanism for proper utilization of fly ash generated by coal based industries in compliance to directions issues by Hon'ble NGT in OA No. 369/2022 Sachin Tomar Vs State of U.P.*”**

Issues relating to disposal of fly ash from coal based industries in State of U.P.

I. It has been a general practice by several industries using coal as fuel in boilers, to dispose the fly ash by filling in low lying areas. However, as a general practice adopted by the industries, collection and disposal of the fly ash from the industries is carried out through local contractors.

II. Industries/Contractors some time execute an agreement with the owners of lands for disposal of the fly ash. However, instead of usage of fly ash for filling up the low lying areas, the land is used as an open storage/dumping site for fly ash.

III. The lands, being an open area with no adequate cover at the boundaries and water sprinkling systems, the dispersion of fly ash causes air pollution in the nearby areas.

IV. Further, there are possibilities of degradation of top soil by storage/dumping of coal based fly ash on lands.

V. Hon'ble NGT has also considered the disposal of fly ash in low lying areas as an unscientific mechanism and have passed directions for proper disposal of the fly ash. In the matter of O.A. No. 744/2022 with OA No. 277/2021 Moharram Ali Vs State of UP and Liyakat Ali Vs State of UP, Hon'ble NGT has issued directions dated 22.03.2023as below:

”

.....7. It is established that plastic waste and fly ash are being unscientifically stored and disposed of in violation of Rules and to the detriment of environment. Such storage and use of landfill through contractor is not legally permissible. Stand that waste is being used for cement plants does not appear to be factually correct as no name of cement plant has been given and needs to be verified by manifest system. Compensation determined does not take into account financial capacity of the units to determine the deterrent element nor the value of the extent of damage and the cost of restoration

Draft Mechanism for proper disposal of Fly ash by Lime air polluting industries:-

Practice of disposal of fly ash through contractors at nearby low lying areas is not an effective and environmental friendly mechanism for disposal of fly ash because generally it is observed that the fly ash is usually being dumped on the agriculture land without having sprinklers and covering the agriculture land boundary by green covers for arresting the fly ash from traversing in nearby residential areas.

1. With respect to effective disposal of fly ash, MoEF&CC vide notification dated 31.12.2021 has issued guidelines for utilization of fly ash generated in coal based Thermal Plants. Similar directions/mechanisms can also be adopted by other coal based industries. Further, CPCB has Issued OM dated 06.03.2023 authorizing auditors from recognized institutions for regular auditing of disposal of fly ash as per the guidelines. Hence, taking in consideration the general on site mechanism adopted by coal based industries, the following mechanisms can be adopted by other industries in line with the notifications issued by MoEF&CC and OM issued by CPCB for coal based Thermal Plants, to ensure that industries are disposing all the fly ash generated by environmental friendly mechanism :

i) There should be no involvement of a third party/contractor for collection and disposal of fly ash generated by the industries to ensure proper disposal of the fly ash being done by industries as per the agreements. Instead of disposing/dumping the fly ash on land at several agriculture land/low lying areas on day to day basis, every coal based large units may install dedicated silos for storage of dry fly ash silos for at least sixteen hours of ash based on installed capacity and it shall be reported upon to the UPPCB from time to time.

ii) Proper agreements / MOU needs to be signed between industries directly with the Cement industry/brick kilns/fly ash manufacturing units etc. The industry shall also submit the total quantity of fly ash being sent to users which shall then be verified by U.P. Pollution Control Board cross verifying the quantity utilized by the users.

iii) As per CPCB OM date 6 March 2023, CPCB has authorized auditors from various technical and recognized institutions for carrying out fly ash audits and submission of reports to CPCB and UPPCB. Industries may involve the authorized auditors for carrying out fly ash audit and submit the audit report to CPCB and UPPCB on regular basis

(Quarterly/Half yearly/ Yearly) Scope of Work to carry out the audit may contain the following important mechanism: -

a. Verification of ash generation data pertaining to the financial year based on inspection of records of coal receipt/consumption and average ash content in coal and comparison of this data with the information provided by the industries.

b. Verification of fly ash and bottom ash utilization data pertaining to the financial year based on inspection of records of ash supplied to the user agencies covered under permitted uses/avenues, and comparison of this data with the information provided by the industries

c. The compliance audit for ash disposal by the industry and the user agency shall be conducted by auditors, authorised by Central Pollution Control Board (CPCB) and audit report shall be submitted to Central Pollution Control Board (CPCB) and UPPCB on regular basis. UPPCB shall initiate action against non-compliant industries within fifteen days of receipt of audit report.

iv) UPPCB after scrutiny of auditor's reports may, if required re-verify the quantity of fly ash being generated by the generators and quantity being utilized by the users under agreement with the generators.

v) On the mechanism of filling of low lying areas with ash, shall be only be carried out only on the construction sites, Road Laying etc. (Govt, Semi Govt, Private) which have been approved by UPPCB, CPCB or other authorized departments.

vi) Non-compliant industries shall be imposed with an environmental compensation on per ton basis on unutilized ash during the end of financial year based on the annual reports submitted

vii) Major responsibilities of industries to dispose fly ash and bottom ash.-

The ash generated from coal shall be utilized only for the following eco-friendly purposes, namely:-

a) Fly ash based products viz. bricks, blocks, tiles, fibre cement sheets, pipes, boards, panels;

b) Cement manufacturing, ready mix concrete;

c) Construction of road and fly over embankment, Ash and Geo-polymer based construction material;

d) Construction of dam;

e) Filling up of low lying area on the construction sites, Road Laying etc (Govt, Semi Govt, Private) after the approval by UPPCB, CPCB or other authorized departments

f) Filling of mine voids;

g) Manufacturing of sintered or cold bonded ash aggregate;

h) Agriculture in a controlled manner based on soil testing;

i) Export of ash to other countries;

viii) The compliance audit for ash disposal by industries and the user agency shall be conducted by auditors, authorized by Central Pollution Control Board (CPCB) and audit report shall be submitted to Central Pollution Control Board (CPCB) and UPPCB

on regular intervals. Central Pollution Control Board (CPCB) and UPPCB shall initiate action against non-compliant industries within fifteen days of receipt of audit report.

(ix) The above mechanism shall be uploaded on the website of UPPCB seeking responses from the stakeholders, after which the mechanism shall be finalized and directions shall be issued to all coal based industries in the State of U.P/ Specific conditions shall be included in the CTO issued by UPPCB.

The above draft report is put up for perusal and necessary action please."

32. In that case UPPCB was directed to finalize the mechanism for proper disposal of Fly ash by all air polluting industries within six months and thereafter ensure compliance by the industries with the same.

33. These aspects have to be looked into and the monitoring mechanism needs to be evolved to ensure proper disposal of fly-ash by HSPCB also.

34. Accordingly, HSPCB is directed to (i) prepare and implement SOP and evolve mechanism for verifying proper disposal of fly-ash by the project proponents in accordance with environmental norms/directions by Hon'ble Supreme Court and this Tribunal and the EC/consent conditions and (ii) to verify the facts regarding disposal of fly ash by the plywood industries in low lying areas and compliance of the conditions regarding storage and transportation of fly ash in accordance with environmental norms/directions by Hon'ble Supreme Court and this Tribunal.

35. Separate 28 Action Taken Reports be filed by HSPCB in each of 28 cases preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF at least one week before **21.08.2024** which is fixed as the next date of hearing of OAs registered in respect of Plywood Industries.

36. Rule 14 of the National Green Tribunal (Practice and Procedure)

Rules, 2011 provides that an application or appeal, as the case may be, shall be based upon a single cause of action and may seek one or more relief provided that they are consequential to one another.

37. The above referred provision needs to be taken into consideration and complied with even while proceeding on applications registered on the basis of letter petitions. Accordingly, appropriate number of applications have to be registered in view of reliefs claimed against different Project Proponent in such letter petitions.

38. It may also be added here that in cases where the Project Proponents are large in number, it becomes difficult to properly correlate the averments made in the application, observations made in the report of the Joint Committee regarding environmental violations, the submissions made by the official respondents and the responses filed by the concerned Project Proponents.

39. In these facts and circumstances, we consider it to be appropriate as well as convenient that the cases against each of the Project Proponents are separated and are separately registered as original applications and separate proceedings are conducted for considering the question of environmental violations, verifying compliance and taking remedial measures against each of the Project Proponents separately.

40. In view of the above the Registry is directed to separate case against each of the Project Proponents impleaded as respondents no. 5 to 39 by preparing Photostat copies of the relevant records and registering separate original applications by treating the present original application as case against respondent no. 5 and preparing and registering 34 other cases against remaining 34 Project Proponents.

41. In order to avoid duplicacy of names in the cause titles of the cases so separated, it is directed that in cases so separated name of the Project Proponent be kept at serial no.1 while preparing the memo of parties and names of other respondents be mentioned at serial no. 2 onwards.

42. Notices be issued to respondents no. 12 to 39 and be served on them through the District Magistrate, Yamuna Nagar for this purpose notice issued to the respondents no. 12 to 39 be sent to the District Magistrate, Yamuna Nagar by E-mail for getting service of the same effected on them and sending his report in this regard.

43. O.A. No. 373/2022 be listed for hearing on 22.07.2024, OA registered against Municipal Corporation, Yamuna Nagar be listed for hearing on 01.08.2024. OAs registered against 05 Brick Kilns be listed for hearing on 07.08.2024 and OAs registered against 28 Plywood industries be listed for hearing on 21.08.2024.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 18th 2024
AG