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TAMIL NADU POLLUTION CONTROL BOARD

Proc No. T2/TNPCB/F.11196/TRY/HW –TEAM-2/2022 dated: 09.03.2022

Sub: TNPCB – HWM – M/s. Trichy Metals and Alloys, SF No. 536/2A, Thathamangalam Village, Manachanallur Taluk, Thiruchirapalli District – Direction under Section 5 of the Environment (Protection) Act, 1986 issued for the violation of provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended - Regarding.

- Ref:**
1. Proc No.: T2/TNPCB/F.0673TRY/HWA/RS/TRY/2018 dt: 01.11.2018
 2. Proc No.: T2/TNPCB/F.11196/TRY/HW-TEAM-2/2021 dated: 31.08.2021.
 3. Unit's reply for show cause notice dated 16.09.2021
 4. Inspection of the unit on 29.12.2021 by HWM: Monitoring Team-2/TRY.
 5. Lr No.: T2/TNPCB/F.11196/TRY/HWM-01/2022 dt: 02.02.2022
 6. CPCB Lr No.: CP-21/10/2021-WM-II-HO-CPCB-HO dt: 24.02.2022

WHEREAS, under Section 6, 8 and 25 of the Environment (Protection) Act, 1986 , the Central Government has notified the Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016.

WHEREAS, as per the Schedule VII of the Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016, one of the responsibilities of the State Pollution Control Board is monitoring of compliance of various provisions and conditions of permission, including conditions of permission issued by Ministry of Environment, Forest, Climate Change for exports and imports.

WHEREAS, under Section 5 of the Environment (Protection) Act, 1986, the Central Government may, in exercise of its powers and performance of its functions under this Act, issue direction in written to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

WHEREAS, under Section 23 of the Environment (Protection) Act, 1986, the Central Government has delegated the powers vested in it under Section 5 of the said Act to the Chairman, State Pollution Control Boards/ Committees to issue directions to any industry or any local or other authority for the violations of the standards and rules relating to the Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016.

WHEREAS, you are operating a recycling unit of used lead acid batteries unit in the name of M/s. Trichy Metals and Alloys, SF No. 536/2A, Thathamangalam Village, Manachanallur Taluk, Thiruchirapalli District.

WHEREAS, Authorization under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 has been issued to your unit vide reference first cited for generation & handling of hazardous waste items 9.1, 9.2 & 35.3 under Schedule-I of the said Rules subject to compliance of certain conditions mentioned therein.

WHEREAS, during inspection of the unit on 23.03.2021 by TNPCB- HWM: Monitoring Team-2/TRY, certain violations/non-compliances with respect to hazardous waste management were observed and based on the inspection report of Monitoring Team, Show Cause Notice (SCN) under section 5 of E(P)Act, 1986 was issued to the unit vide reference second cited for the violation of provisions of HOWM Rules, 2016.

WHEREAS, you have furnished reply to the show cause notice vide reference third cited to the show cause notice.

WHEREAS, DEE, Trichy has furnished a report vide reference fourth cited on the action taken by the unit on the violation points mentioned in show cause notice and recommended to issue directions under Section 5 of E(P)Act, 1986 to pay financial penalty.

WHEREAS, the occupier of the unit/operator of the disposal facility shall be liable to pay financial penalties as levied for any violation of the provisions under these rules by SPCB with prior approval of CPCB as per the provision of the Rule 23(2) of HOWM Rules, 2016.

WHEREAS, the violations/non-compliance with respect to hazardous waste management which were observed and based on the inspection report of Monitoring Team are coming under Category – A only procedural violations as per the CPCB issued guidelines during July, 2019 for Enforcement Framework for effective Implementation of HOWM Rules, 2016.

WHEREAS, Environment Tool for Category A violations is mentioned as (i) issuance of SCN u/s 5 of EPA about why financial penalty be not levied outlining various procedural violations observed and thereafter (ii) issuance of directions to pay financial penalty on each such violations & directions for improvements.

WHEREAS, the Show Cause Notice under Section 5 of E(P) Act 1986 was issued to the unit for eight non-compliances/violations under HOWM Rules, 2016 for which financial penalty shall be levied. As per the CPCB *Guidelines on "Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty"*, financial penalty has to be levied by concerned SPCB/PCC for one violation which may be limited to maximum of one lakh rupees per provision violated



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so as to ensure that levying of financial penalty remain within the brief of the EP Act, 1986. Depending upon magnitude of violations, financial penalty for each violation is arrived and proposal was submitted to CPCB for approval vide reference fifth cited.

WHEREAS, the CPCB has accorded approval for imposing financial penalty on the unit for violation of Rules 4(2), 4(6)(a), 6(2), 13, 19, 20 (1) and 20 (2) of HOWM Rules, 2016 as proposed by TNPCB.

NOW, THEREFORE, in exercise of the powers delegated to TNPCB, under Section 5 of the Environment (Protection) Act 1986, TNPCB issues following direction to the unit of M/s. Trichy Metals and Alloys, SF No. 536/2A, Thathamangalam Village, Manachanallur Taluk, Thiruchirapalli District for strict compliance:

1. The unit shall remit the financial penalty of 4.5 Lakhs (Rupees Four Lakhs and Fifty Thousand only) for the procedural violations under HOWM Rules, 2016 as mentioned in the SCN issued vide Proc No. T2/TNPCB/F.11196/TRY/HW-TEAM-2/2021 dated 31.08.2021 within 20 days. The penalty shall be remitted in the form of Demand Draft in favor of "TNPCB, Environment Compensation Fund" payable at Chennai.
2. The unit shall follow guidelines issued by CPCB during January, 2010 for environmentally sound recycling of lead bearing wastes.
3. The unit shall comply with the Standard Operating Procedure (SoP) issued by MoEF&CC vide OM dated 24.11.2015 regarding minimum requirement facility, operating practices and standards for secondary lead recycling units.
4. The unit shall comply with all provisions of the Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016.
5. The unit shall store the hazardous wastes on impervious floor under closed shed within the premises for a period not exceeding ninety days as per the Rule 8 of HOWM Rules, 2016.
6. The unit shall periodically dispose the process generated HWs (9.1) & (35.3) under Schedule-1 to common TSDF of TNWML, Virudhunagar without storage/accumulation beyond 90 days.
7. The unit shall maintain records in FORM-3 for hazardous waste generation, storage within the premises including disposal and furnish Annual Returns in FORM – 4 for every financial year before 30th June to TNPCB.

8. The unit shall generate manifest document in Form-10 online available facility in OCMMS portal for transport of hazardous waste as per provisions of HOWM Rules, 2016 & maintain the records & submit to TNPCB.
9. The unit shall obtain necessary permission of MoEF&CC for import of waste lead batteries under Basel No. A1160 of Schedule-III as per Authorisation issued vide Proc dated 01.11.2018 & furnish to TNPCB.
10. The unit shall update information on HW details in the Display Board installed at the factory entrance gate regularly.
11. The unit shall carryout periodic medical examination to the employees and necessary precautionary measures shall be taken to minimize occupational exposure of lead.
12. The unit shall maintain log book with the details of the procured quantity of raw material, segregated parts, lead recovered, lead ingot produced, lead dust collected from dust collection system and lead slag produced every day and available for checking by inspecting officer.
13. The unit shall comply with conditions of Authorization issued vide Proc No. T2/TNPCB/F.0673TRY/HWA/RS/2018 dt 01.11.2018
14. The unit shall operate with valid Consent under Water Act & Air Act & Authorization under HOWM Rules, 2016 at all times.


11/3/22
For Chairman
11/3/22

To

The Managing Partner,
M/s. Trichy Metals and Alloys,
96, Main Road, Palakkarai,
Trichy – 620 001.

Copy to:

1. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Trichy.
2. The Joint Chief Environmental Engineer (M),
Tamil Nadu Pollution Control Board,
Trichy.
3. HWM-Monitoring Team-2



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Proc No. T2/TNPCB/F.11196/TRY/HW-TEAM-2/2021 dated: 31.08.2021

Sub: TNPCB - HWM - M/s. Trichy Metals and Alloys, SF No. 536/2A, Thathamangalam Village, Manachanallur Taluk, Thiruchirapalli District - Show Cause Notice under Section 5 of the Environment (Protection) Act, 1986 issued for the violation of provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended -Regarding.

Ref: 1. Proc. No. T2/ TNPCB/F.0673TRY/HWA/RS/TRY/2018 dt 01.11.2018
2. Inspection of the unit on 23.03.2021 by HWM: Monitoring Team-2/TRY

WHEREAS, you are operating a recycling unit of used lead acid batteries in the name of M/s. Trichy Metals and Alloys located at SF No. 536/2A, Thathamangalam Village, Manachanallur Taluk, Thiruchirapalli District.

WHEREAS, Authorization under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 was issued to your unit vide reference first cited for generation & handling of hazardous waste items 9.1- Lead bearing residues, 9.2- Lead ash or particulate from flue gas & 35.3- chemical sludge from waste water treatment under Schedule-I of the said Rules and import of used lead acid batteries for captive use under Part-A of Schedule-III subject to compliance of certain conditions mentioned therein.

WHEREAS, during inspection of the unit on 23.03.2021 by TNPCB - HWM: Monitoring Team-2/TRY, the following violations/non compliances with respect to hazardous waste management were observed:-

1. The unit was found stored railway batteries on open ground and carried out dismantling. A portion of the raw materials was also stored in open yard. This is a non-compliance of additional special conditions (19) & (20) of Authorization granted under HOWM Rules, 2016 vide Proc dated: 01.11.2018.
2. The unit has not provided required APC measures for control of emissions/fumes in the battery breaking section as per CPCB Guidelines issued for lead recycling. This is a non-compliance of additional special conditions (12) of Authorization granted under HOWM Rules, 2016 vide Proc dated: 01.11.2018.

3. The unit has not provided required APC measures for control of emissions from pot furnaces as per CPCB Guidelines issued for lead recycling. Heavy dust accumulation was noticed in the furnace area/scrubber area. This is a non-compliance of additional special conditions (12), (24) & (25) of Authorization granted under HOWM Rules, 2016 vide Proc dated: 01.11.2018.
4. The unit purchases re-melted lead either imported or locally as jumbo block, for which necessary NOC from MOEF&CC has not obtained. This is a non-compliance of additional special conditions (15) of Authorization granted under HOWM Rules, 2016 vide Proc dated: 01.11.2018
5. The unit has not maintained daily records of recycle of used lead acid batteries, generation of process hazardous waste & its disposal. Form -III (Records Maintenance) is not maintained which is a non-compliance of additional special conditions (6) & (10) of Authorization granted under HOWM Rules, 2016 vide Proc dated: 01.11.2018
6. The unit has furnished Annual Returns (FORM-IV) for the period 2019-20 on 30.09.2020 which is not in prescribed time. This is a non-compliance of additional special conditions (10) of Authorization granted under HOWM Rules, 2016 vide Proc dated: 01.11.2018
7. The unit has not furnished manifest in FORM-10 for the transport of hazardous waste for disposal for the period 2020-2021. This shows that there is no regular disposal of hazardous waste and storage of hazardous waste beyond 90 days within the premises. This is a non-compliance of additional special conditions (11) of Authorization granted under HOWM Rules, 2016 vide Proc dated: 01.11.2018
8. The unit has not complied with guidelines issued by CPCB for lead recycling and SOP issued by MOEF&CC vide OM dated 24.11.2015 for recycling of lead scrap/used lead batteries. This is a non-compliance of additional special conditions (4) & (12) of Authorization granted under HOWM Rules, 2016 vide Proc dated: 01.11.2018

NOW, therefore, in view of the above facts and in exercise of the powers delegated to TNPCB, under Section 5 of the Environment (Protection) Act 1986, you are hereby directed to show cause why financial penalty should not be levied as per Rule 23(2) of HOWM Rules, 2016 for the violations committed by the unit as mentioned above and on the non-compliance of conditions in Authorization granted under HOWM Rules, 2016 vide Proc dt: 01.11.2018. A reply to the show cause notice shall be furnished so as to reach to this office **within 15 days** from the date of receipt of this notice, failing which TNPCB will be constrained to imposed penalty and to initiate legal action as deemed necessary and appropriate in the circumstances under the Environment (Protection) Act 1986, as amended.

The receipt of the proceedings shall be acknowledged.


19/1/2021
for CHAIRMAN


To

The Managing Partner,
M/s. Trichy Metals and Alloys,
96, Main Road, Palakkarai,
Trichy - 620 001.

Copy to

DEE/TRY, JCEE(M), TRY & HWM - Monitoring team - 2