



TAMILNADU POLLUTION CONTROL BOARD



Proceedings No.:T2/ TNPCB / F.019377 / HWM Rules / LEAD/VLR-1 / 2019 –

dated: 30.07.2019

Sub.: TNPCB – **M/s. Universal Lead Alloys** is located in SF.No.587, Sathuvachari Village, Vellore Taluk, Vellore District (No.161, Senganatham road, Rengapuram, Vellore-632009)- Violation of the provisions of Hazardous and Other Waste (Management & Transboundary) Rules 2016- Improper handling of Hazardous Waste and indiscriminate disposal of lead slag/residues by the unit causing damage to land, soil, ground water & surface water and other parameters in the surrounding Environment – **Closure directions issued under provisions of Section 5 of Environment (Protection) Act, 1986–** Regarding.

Ref.: 1. The Environment (Protection) Act, 1986
2. The Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016
3. Authorization Proc.No. T2/TNPCB/F.0967VLR/RS/2019 Dt:23.5.2019

Whereas, Section 5 of the Act first cited reads as “Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

Whereas, the Ministry of Environment, Forest and Climate Change, Government of India, vide its Notification GSR No. 23 (E) dated 08.01.1997, in exercise of the powers conferred by Section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government delegated the powers vested in it under Section 5 of the said Act to the Chairman, State Pollution Control Boards / Committees (including TNPCB) to issue directions to any industry or any local or other authority for the violations of the standards and rules relating to **Hazardous Wastes** notified under the Environment (Protection) Act, 1986 subject to the conditions that the Central Government may revoke such delegation of powers or may itself invoke the provisions of Section 5 of the said Act, if in the opinion of the Central Government such a course of action is necessary in the public interests.

Whereas, the powers conferred under Section 23 of the Environment (Protection) Act, 1986 has been delegated to the Chairman, State Pollution Control Boards / Committees (including TNPCB) to issue directions to any industry or any local or other authority for the violations of the standards and rules relating to **Hazardous Wastes** notified under the Environment (Protection) Act, 1986 subject to the conditions that the Central Government may revoke such delegation of powers or may itself invoke the provisions of Section 5 of the said Act, if in the opinion of the Central Government such a course of action is necessary in the public interests.



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Whereas the surprise inspection of the unit was carried out by officials of TNPCB on 23.7.2019 & 25.7.2019 and following observations were made and the unit was found to violate the provisions of Hazardous and Other (Management & Transboundary Movement) Rules, 2016.

1. Lead slags was found to be spilled on the ground in the plant area. The unit is handling lead slags and residues in open area with to an extent of 6435m² adjacent to the plant from the year 1978 onwards. 2 number of roofed sheds with concrete platform constructed during 2010. Huge quantity of leads slag and residues are deposited in open area and substantial quantity of lead slags are stored in adjacent premises owned by the unit. The unit has improperly stored lead slag and residue of quantity 1700 MT in two roofed sheds beyond 90 days in violation of Rule 8 of said Rules. Also the unit has illegally dumped the waste containing lead slag in the south west corner of the sludge storage yard.
2. The roofs of the shed were in dilapidated condition and due to improper handling of lead slag in HW sludge storage yard, during rains, lead slags were found washed away causing percolation of lead in to soil and ground water, resulting in lead contamination in soil and ground water.
3. As per the records obtained from the Tami Nadu Waste Management Limited, Gummidipoondi (TSDF facility) for the period from June 2013 to November 18, it was ascertained that the unit has disposed the Lead slag & Lead residue of 346.27 T.
4. The unit has illegally dumped around 1200T of lead slag & residue in an area of about 900 m² causing contamination of river bed , surface water and soil with lead content.
5. Also during inspection it was noticed that nearly 50 T of lead slag was dumped at nearby hill which is located in Vedyangadu Village, Tiruvallur District (the dumped is exactly located at the culvert where water flows from hill). The leachate from dumped site is flowing along with culvert water from hill and finally reaches the lake which is located at Pudoormodu.
6. It was also found that the lead slag and lead contaminated soil has been deposited around the primary school which is located nearby the unit due to the improper handling of lead slag and washing away of the same. The Lead content in open land soil sample collected between the road and school by TNPCB on 22.4.2013 was observed as 403 mg/kg. Similarly the lead content in soil samples collected by TNPCB on 15.5.2013 was observed as 515,703 and 590 mg/kg respectively. The unit has removed the contaminated soil of 33.97 MT in and around primary school during August 2014 and disposed it to TSDF facility, Gummiodipoondi.
7. In the Hazardous Waste sludge storage yard, sub surface soil samples were collected in different locations at various depths from the slag yard owned by the unit.



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8. The unit has provided HW display board in the front of unit premises and it has not updated the details in the display board so as to reflect the actual quantity of Hazardous waste details.

Whereas, during the inspection on 23.7.2019 & 25.7.2019 it was noticed that the unit has not complied with the following provisions of the Hazardous and other Waste (MTM) Rules 2016 and conditions imposed in the Authorization order issued vide proceedings 3rd cited.

A. Management of Hazardous and other waste:

1) Not managing hazardous and other wastes in safe and environmentally sound manner. ...[Rule 4(2)]

2) Occupier not sending hazardous and other wastes or selling to an authorized actual user or disposing in an authorized disposal facility. ...[Rule 4(3)]

3) Occupier not transporting hazardous and other wastes to an authorized actual user or to an authorized disposal facility in accordance with the provisions of HOWM Rules, 2016. ...[Rule 4(4)]

4) Occupier not giving specific information (as may be needed for safe storage and disposal of hazardous and other waste) to the operator of treatment, storage and disposal facility. ...[Rule 4(5)]

5) Occupier not taking all the steps while managing hazardous and other wastes to:
a. contain contaminants and prevent accidents and limit their consequences on human beings and the environment; and ...[Rule 4(6)(a)]

b. provide persons working in the site with appropriate training, equipment and the information necessary to ensure their safety. ...[Rule 4(6)(b)]

(B) Violations of conditions of authorization

...[Rule 6(2) read with items listed in Form 2]

(i) Non-compliance of each of the other conditions under head "Specific Conditions" laid down under the authorization, as applicable. (Each such violation to be considered as one violation)

...[Items under B of the Form 2]

(As per Authorization vide Proc. Dated 23.05.2019, specific condition violations such as Spl. Conditions (generator) No. 1,2,3,4,6,7,8,9,10,11,15,17,18,20, specific condition violations such as Spl. Conditions (Recycler/pre – processors) No. 2,4,5,6,8,13 & Additional Specific conditions. No. 2,7,9,11,12,17 &18) – Total – 27



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(C) The authorised actual user of hazardous and other wastes not maintaining records of hazardous and other wastes purchased in passbook issued by SPCB/PCC along with the authorisation.

...[Rule 6(7)]

(D) Occupier not handing over the hazardous and other wastes to the authorised actual user by making the entry into the passbook of the actual user.

...[Rule 6(8)]

K. Manifest system

41) The sender has not sent copy 1 (white) to SPCB after signing (requirement of copy 1 (white) manifest as laid down under Rule 19).

...[Rule 19(1a)]

42) The sender has not retained copy 2 (yellow) after taking signature on it from transporter (requirement of copy 2 (yellow) manifest as laid down under Rule 19).

...[Rule 19(1b)]

43) The receiver (actual user or treatment storage and disposal facility operator) has not retained copy 3 (pink) after receiving the waste (requirement of copy 3 (pink) manifest as laid down under Rule 19)

...[Rule 19(1c)]

44) The receiver has not given copy 4 (orange) to transporter after receiving the waste (requirement of copy 4 (orange) manifest as laid down under Rule 19)

...[Rule 19(1d)]

45) The receiver has not sent copy 5 (green) to SPCB (requirement of copy 5 (green) manifest as laid down under Rule 19).

...[Rule 19(1e)]

46) The receiver has not sent copy 6 (blue) to sender (requirement of copy 6 (blue) manifest as laid down under Rule 19).

...[Rule 19(1e)]

47) Transporter accepted waste from the sender for transport without signed copies 3 to 7 of the manifest.

...[Rule 19(3)]

48) The transporter has not submitted copies 3 to 7 of the manifest duly signed with date to the receiver along with the waste consignment.

...[Rule 19(4)]

L. Records and returns.-

49) The occupier handling hazardous or other wastes and operator of disposal facility not maintain records of such operations in Form 3.

...[Rule 20(1) or 16(5) or 13(7) or 6(5)]

50) The occupier handling hazardous and other wastes and operator of disposal facility not submitted annual returns to SPCB in Form 4.

...[Rule 20(2) or 16(6) or 13(8) or 6 (5)]



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Whereas it is further informed that the Hon'ble High Court of Judicature at Madras in its order dt. **29.04.2019** for **W.P.13648 of 2016** has stated that " xvii) *The Tamil Nadu Prevention and Control of Water Pollution Board is directed to inspect all the Industries situated in the State and ensure that no waste water released from the Plant is mixed into the rivers, ponds, lakes, oceans, etc., and in the event of any such release of contaminated water, the Board shall at first take photograph of the same and immediately request the Electricity Board to disconnect the supply and on such request, the Electricity Board shall act thereon. The Water Pollution Board shall also take all possible steps to close down such Industries till such time proper outlet is fixed by them and the said Board shall also introduce drone*"...

Whereas, the Hon'ble Supreme Court of India in its order Dt 14.10.2003 in the matter of WP NO. 657/1995; Research Foundation for Science Technology and National Resource Policy Versus Union of India & Anr) passed order the effect that the occupiers not displaying relevant information about hazardous waste outside their factory gate shall be Issued with show cause or be closed down under section 5 of the Environment (Protection) Act, 1986.

Whereas the order also stated that, the occupier handling significant quantity of hazardous waste and has not applied for authorization for such wastes- Issue closure directions along with environmental compensation for damages caused to the environment. In case such unit does not close its unit or does not deposit the environmental compensation, as directed, proceedings under section 15 of the Environment (Protection) Act, 1986, be initiated.

Hence in the exercise of powers conferred under Section 5 of the Environment (Protection) Act, 1986 the closure directions are issued to Unit of **M/s. Universal Lead Alloys, SF.No.587, Sathuvachari Village, Vellore Taluk, Vellore District (No.161, Senganatham road, Rengapuram, Vellore-632009).**

Whereas, as per the Section 15 of the Act read with Penalty for contravention of the provisions of the Act and the rules, orders and directions "whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued there under, shall in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees or with both and incase the failure or contravention continues with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

The receipt of this proceeding may be acknowledged

CHAIRMAN (FAC)



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To

The Authorized Signatory
M/s. Universal Lead Alloys
No.181, Senganatham road,
Rengapuram, Vellore-632009.
E- Mail- universal.alloys@yahoo.com

Copy to

1. The Joint Chief Environmental Engineer (Monitoring),
Tamil Nadu Pollution Control Board,
Vellore
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Vellore

Handwritten signature
30/7/19

For Chairman

Handwritten initials
30/7/19