

Item No. 03

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 67/2020  
(I.A. No. 309/2020)

(With report dated 05.03.2021)

Nathan Chaudhary

Applicant

Versus

State of GNCTD & Ors.

Respondent(s)

IOCL

.....

Applicant in I.A.

Date of hearing: 09.04.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant:

Mr. R.L. Goel, Advocate

Respondent(s):

Mr. Balendu Shekhar, Advocate for CPCB

Mr. Rahul Khurana, Advocate for HSPCB

Mr. Gigi C. George, Advocate for MoEF & CC

**ORDER**

1. Grievance in this application is against unscientific disposal of spent catalysts (Oxide), which is under the category of hazardous waste within the range of item no. 1.1 to 4.5 of the Schedule 1 of the Hazardous and other Waste Rules, 2016, by Panipat and Digboi refineries. The violation takes place in selling, handling, storing and transporting the said waste illegally. The applicant has relied upon an earlier order of the Tribunal dated 02.11.2015 in *Original Application No. 284/2015, Jugal Kishore v. Union of India & Ors.*, directing as follows:

**"1. There shall be no transfer/sale of Spent Catalysts (Alumina Containing) to any bidder/persons who plans to dispose of the spent catalyst by using it as a raw material**

***without having approval from the CPCB as envisaged under Rule 11 of the HW Rules.***

***2. The respondent no. 3 is restrained from entering into or executing any such deal with the bidder/persons who plans to dispose of the spent catalyst by using it as a raw material without having approval from the CPCB as envisaged under Rule 11 of the HW Rules.”***

2. On 20.03.2020, considering the above, a factual and action taken report was sought from the CPCB, Punjab State PCB, Haryana State PCB, West Bengal State PCB, Assam State PCB and the DPCC with reference to compliance of direction of this Tribunal by the concerned entities in the said States. CPCB was to be the nodal agency for the purpose.

3. The matter was last considered on 11.09.2020 in the light of the report of the CPCB dated 08.09.2020 to the effect that all the State PCBs and PCCs were required to give necessary information. Meetings were held and violations were pointed out. The Committee recommended further remedial measures. The Tribunal directed further action in terms of the recommendations of the Committee. The operative part of the order is as follows:-

*“1&2...xxx.....xxx.....xxx*

*3. Accordingly, CPCB has filed its action taken report on 08.09.2020. CPCB asked the concerned State PCBs/PCCs where oil refineries were operational to provide information about generation, storing, handling and selling of spent catalyst in the oil refineries. A six-member Committee was constituted which included CPCB, DPCC, WBPCB, PPCB, HSPCB and ASPCB to conduct inspection for furnishing the factual and action taken report to this Tribunal. The report mentions the data compiled from 19 State PCBs/PCCs and 23 oil refineries. The Committee held three meetings and conducted random inspection of some refineries. The observations and recommendations of the Committee are as follows:*

***“Observations:***

- 1. It was found that category of spent catalyst, quantity and disposal method is not defined clearly in the authorization granted by the concerned SPCB in case of IOCL Panipat and some other oil refineries.***

2. IOCL Panipat, Haryana, IOCL Mathura Refinery, Uttar Pradesh, IOCL Barauni, Bihar, Reliance Jamnagar, Gujarat are generating Spent catalyst 8505.215 MT, 518.82 MT, 5202 MT and 407 MT respectively, **which are exceeding the authorised quantity of spent catalyst given in the authorization by the concerned SPCB during the last 3 years, which is violations of HOWM Rules, 2016.**
3. During the inspection of the committee, it was found that approximately 400 MT of spent catalyst was stored in the storage yard of IOCL Panipat. Upon verification of Form-3 and Form-10, it was found that **IOCL Panipat has stored 1950 MT of spent catalyst more than 90 days which is violation of Rule 8 of HOWM Rules, 2016.**
4. IOCL Digboi, Assam not maintaining the manifest records for assessing the actual quantity of generation and disposal of spent catalyst for last 3 years. But we found one manifest entry that **they have sold 68.332 MT of spent catalyst to unauthorized utilizer namely Ganesh Steel and Alloys Ltd., West Bengal in August 2016. In this case, IOCL Digboi, Assam and Ganesh Steel and Alloys Ltd., West Bengal are violating HOWM Rules, 2016.**
5. Similarly, IOCL Vadodara and IOCL Haldia are generating 1506.2 MT and 4482.37 MT of spent catalyst respectively in last 3 years. **Out of it IOCL Vadodara and IOCL Haldia have sold 28.835 MT and 13 MT respectively to illegal utilizers namely, Ganesh Steel and Alloys Ltd., West Bengal, who is not authorized to process this spent catalyst.**
6. It was also observed the fertilizer industry-**IFFCO, Bareilly, UP. sold their spent catalyst to the unauthorized utilizer namely, Lakhdata Petrochem, Bhatinda (Punjab), who is not authorized to process this spent catalyst. Therefore, both units violating HOWM Rules, 2016.**
7. **All the 23 oil refineries are not maintaining generation of spent catalyst (Form-3) and manifest (Form-IO) as per HOWM Rules, 2016. In result of that we are not able to verify actual quantity of generation and disposal of spent catalyst.**
8. During the inspection of joint committee, it was found that, the **IOCL Panipat, HPCL Bhatinda and IOCL Digboi, are not maintaining packaging and labelling of hazardous and other waste as per Rule 17 of HOWM Rules, 2016. In addition to that these units (except HPCL-Mittal refinery, Bhatinda Punjab) also not having adequate storage facility for safe and environmentally sound management of hazardous and other wastes as per Rule 4 of HOWM Rules, 2016.**
9. **Generally, oil refineries do not examine the eligibility of recyclers/utilizers of spent catalyst as per HOWM Rules, 2016 before E-auctioning through MSTC.**

10. No information received from Andhra Pollution Control Board regarding generation and utilization of spent catalyst in the state.
11. No information received from Rajasthan Pollution Control Board, Chhattisgarh Environment Conservation Board and Telangana State Pollution Control Board, regarding re-processor/ utilizers of spent catalyst in the state.

**Recommendations:**

1. **SPCBs/PCCs shall be directed to issue proper authorization for handling and management of hazardous and other waste in accordance of HOWM Rules, 2016 to generators/utilizers/recyclers, clearly mentioning the category, quantity and disposal method.**
2. **All oil refineries generating hazardous waste including spent catalyst shall ensure to dispose off their hazardous and other waste in scientific manner or to the authorized utilizers/recyclers in accordance of HOWM Rules, 2016.**
3. **Recyclers/utilizers shall be directed to ensure that procurement of hazardous and other waste including spent catalyst as per authorization granted to them.**
4. **All oil refineries generating hazardous waste including spent catalyst shall ensure proper packaging and labelling of hazardous and other waste as per Rule 17 of HOWM Rules, 2016 and also ensure adequate storage facility for safe and environmentally sound management of hazardous and other wastes as per Rule 4 of HOWM Rules, 2016.**
5. **All generators/utilizers/recyclers of hazardous waste including spent catalyst shall maintain mandatory records like Form-3, Form-4 and Form-IO as prescribed in HOWM Rules, 2016.**
6. **Financial Penalty shall be imposed on all the defaulting units (generators/utilizers/recyclers) for procedural violations listed in CPCB "Guidelines on Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Wastes and Penalty" and as per Rule 23 of HOWM Rules, 2016.**
7. **Environmental Compensation shall be imposed on defaulting units (generators/utilizers/recyclers) for violating HOWM Rules, 2016 as per CPCB guideline "Enforcement Framework for Effective Implementation of HOWM Rules, 2016" as listed below:**
  - i. **IOCL Panipat, Haryana for excess quantity of 8505.215 MT of spent catalyst as against authorized quantity in last 3 financial years and**

**storing 1950 MT of spent catalyst for more than 90 days within the premises;**

- ii. IOCL Mathura Refinery, Uttar Pradesh for excess quantity of 518.82 MT of spent catalyst as against authorized quantity in the year 2018-19;**
- iii. IOCL Barauni, Bihar for excess quantity of 5252 MT of spent catalyst as against authorized quantity in the year 2018-19;**
- iv. Reliance Jamnagar, Gujarat for excess quantity of 407 MT of spent catalyst as against authorized quantity in the year 2018-19;**
- v. IFFCO, Bareilly, UP. for illegal sold of 27.39 MT of spent catalyst to unauthorized recycler/utilizer i.e. Mis Lakhdata Petrochem, Bhatinda, Punjab;**
- vi. IOCL Digboi for illegal sold of 68.332 MT of spent catalyst to unauthorized recycler/utilizer i.e. Ganesh Steel and Alloys Pvt. Ltd. (West Bengal);**
- vii. IOCL Haldia for illegal sold of 13 MT of spent catalyst to unauthorized recycler/utilizer i.e. Ganesh Steel and Alloys Pvt. Ltd. (West Bengal);**
- viii. IOCL Vadodara for illegal sold of 28.835 MT of spent catalyst to unauthorized recycler/utilizer i.e. Ganesh Steel and Alloys Pvt. Ltd. (West Bengal);**
- ix. M/s Lakhdata Petrochem (Bhatinda) for procuring and processing 27.39 MT of spent catalyst of category 18.1 of Schedule-I of HOWM, Rules 2016 without authorization in the year 2019-20;**
- x. M/s Ganesh Steel and Alloys Pvt. Ltd. (West Bengal) for procuring and processing 110.167 MT of spent catalyst without authorization.**

**8. All the spent catalyst generator i.e., Oil refineries shall be directed to prepare uniform Standard Operating Procedure (SoP) for E-auctioning of hazardous and other waste including spent catalyst across the country.”**

4. We are of the opinion that the recommendations of the Committee need to be followed. There is no objection to the report from any quarters. All concerned entities may take follow up action. The State PCBs/PCCs may take action to stop continuation violation of law and remedial action for the past violations, following due process of law. The compliance of the recommendations may be overseen by the concerned State PCBs/PCCs and CPCB jointly. **CPCB may furnish further action taken report after collecting information from all the concerned oil refineries/State PCBs/PCCs before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support**

PDF and not in the form of Image PDF. It is not necessary for individual State PCB/PCCs/Oil refinery or other entities to appear unless they are aggrieved by the order of the State PCB/PCC/CPCB in which case, they are at liberty to take remedies in accordance with law.”

4. Accordingly, further report has been filed by the CPCB on 05.03.2021 giving the action taken report in a tabular form as follows:-

**“Table – 1: Action Taken Report (ATR) received from PCBs/PCCs**

Sr. No.	SPCBs/PCCs	Actions taken/Compliances
1.	Assam Pollution Control Board (APCB) submitted the ATR vide letter dated 28.10.2020	<ul style="list-style-type: none"> <li>i. The Board had directed all the petroleum refineries located in the State to handle / manage spent catalyst generated by each of the unit in accordance with the HOWM Rules, 2016 and transfer/sale such waste only to agencies having valid authorization for utilization of the same.</li> <li>ii. Records of hazardous waste generation, storage and disposal have been verified and reports submitted to CPCB.</li> <li>iii. As follow up action the Board has subsequently directed all the refineries to submit detailed compliance status in accordance with Hon’ble NGT vide its order dated 11.09.2020.</li> <li>iv. M/s IOCL, Digboi Refinery has been directed to stop activities which do not conform with HOWM Rules, 2016 specifically with respect to sale and transfer of spent catalyst.</li> <li>v. APCB submitted that further follow up action shall be initiated accordingly.</li> </ul>
2.	Andhra Pradesh Pollution Control Board (APPCB) submitted ATR vide letter dated 28.10.2020	<ul style="list-style-type: none"> <li>i. APPCB informed that they have issued proper hazardous waste Authorization under Rule 6 of HOWM Rules, 2016 to M/s. Hindustan Petroleum Corporation Limited: HPCL (Visakha refinery), Visakhapatnam, for handling and management of spent catalyst clearly mentioning the category (4.2 of Schedule I), quantity (1202 MT/Year) and disposal method (to authorized re-processors, Recyclers &amp; TSDF).</li> <li>ii. In case of recyclers/utilizers of spent catalyst, APPCB informed that no such facilities are existing in the jurisdiction of Andhra Pradesh.</li> <li>iii. It was also informed that another unit namely; M/s Andhra Petrochemicals, Vishakhapatnam is generating spent catalyst and disposing the same to authorized recyclers/utilizers situated outside the State.</li> <li>iv. APPCB has verified the Form 3, Form 4 and Form 10 of the above said spent catalyst generators. APPCB also verified and submitted the authorization granted by concerned State where the spent catalyst is sold or transferred.</li> </ul>
3.	Bihar Pollution Control Board (BPCB) submitted ATR vide letter dated 12.11.2020	<ul style="list-style-type: none"> <li>i. BSPCB issued authorization in accordance with HOWM Rules, 2016 in Form-2. <ul style="list-style-type: none"> <li>a. The authorization includes category of hazardous waste, quantity and mode of disposal or recycling or utilization or co-processing, etc.</li> <li>b. The previous authorization granted by the Board under the Hazardous Waste (Management, Handling &amp; Trans-boundary Movement) Rules, 2008 vide Board’s letter dated-15.07.2014 was valid for a period of five years and based on unit’s application for quantity of spent catalyst generation 6201 TPA.</li> <li>c. Board has granted/renewed authorization vide letter dated-01.02.2019 (Amended vide ref. no.B-2787, dated-16.06.2020) for the generation of spent catalyst: 1980 TPA (RFCCU &amp; recyclable process spent catalyst).</li> </ul> </li> <li>ii. BSPCB informed that they are committed for its compliance/imposing financial penalty on all the defaulting units (generators/utilizers/recyclers) for procedural violations in</li> </ul>

		<p>accordance with the “Guidelines on Implementing Liabilities for Environmental Damages due to Handling &amp; Disposal of Hazardous Wastes and Penalty” and as per Rule 23 of HOWM Rules, 2016”. Presently, there is no observation/record for damage caused to the environment or third party due to improper handling and management of hazardous and other wastes.</p> <p>iii. BSPCB has verified Form-3, Form-4 and Form-10 of the IOCL Barauni Refinery and informed that unit has generated spent catalyst in the range of 969 to 1980 MTA which is within the authorized quantity i.e. spent catalyst generation =&lt;1980 TPA as per authorization granted. Therefore, M/s IOCL Barauni Refinery, Barauni, Begusarai has channelized all generated RFCCU spent catalyst including its backlog quantity within 90 days hence imposition of Environmental Compensation (EC) is not applicable for the period of 2018-19 &amp; 2019-20. However, the unit has stored the hazardous waste (spent catalyst) more than 90 days during 2017-18 and hence may be liable for Environmental Compensation (EC) against the procedural violation in nature and do not cause damage to environment and third party.</p> <p>iv. BSPCB informed that 2513 MT of generated spent catalyst was kept more than 90 days and hence unit is liable to pay financial penalty and EC in accordance of HOWM Rules, 2016.</p>															
4.	<p>Chhattisgarh Environment Conservation Board (CECB) submitted ATR vide letter dated 02.11.2020</p>	<p>i. CECB informed that there are no oil refineries established in Chhattisgarh.</p> <p>ii. Action will be taken if any unauthorized recycler found to procure spent catalyst from oil refineries or fertilizer units.</p> <p>iii. CECB vide letter dated 16.09.2020 provided response of CPCB letter dated 23.07.2020. The information regarding inspection and verification of industries procuring spent catalyst is as below:</p> <table border="1" data-bbox="586 1284 1438 2381"> <thead> <tr> <th data-bbox="586 1284 802 1413">Name of Industry</th> <th data-bbox="802 1284 1040 1413">Authorization details, Category and Quantity of HW</th> <th data-bbox="1040 1284 1438 1413">Compliance status during inspection</th> </tr> </thead> <tbody> <tr> <td data-bbox="586 1413 802 1602">M/s Refracast Metallurgicals Pvt. Ltd., Unit I, Raipur</td> <td data-bbox="802 1413 1040 1602">Valid up to 03.10.2024 Spent Catalyst (Schedule IV, Sr. No. 10) 3000 MT/Yr</td> <td data-bbox="1040 1413 1438 1602">During 2019-20 the industry has not procured any spent catalyst from oil refineries.</td> </tr> <tr> <td data-bbox="586 1602 802 1849">M/s Refracast Metallurgicals Pvt. Ltd., Unit II, Raipur</td> <td data-bbox="802 1602 1040 1849">Valid up to 06.04.2025 Spent Catalyst (Schedule IV, Sr. No. 10) 3000 MT/Yr</td> <td data-bbox="1040 1602 1438 1849">During inspection unit was found to procure 419.315 MT of spent catalyst. Out of 419.315, 113.485 MT had been procured from fertilizer industries and remaining 305.83 MT procured from oil refineries.</td> </tr> <tr> <td data-bbox="586 1849 802 2225">M/s Refmet Technology Pvt.; Ltd., Raipur</td> <td data-bbox="802 1849 1040 2225">Valid up to 30.08.2024 Spent Catalyst containing copper, nickel and zinc of 1000 MT, 3000 MT and 500 MT per year respectively (Schedule IV, Sr. no. 10)</td> <td data-bbox="1040 1849 1438 2225">No spent catalyst generated from oil refineries has been procured during year 2019-20.</td> </tr> <tr> <td data-bbox="586 2225 802 2381">M/s Arth Metallurgicals Pvt. Ltd., Raipur</td> <td data-bbox="802 2225 1040 2381">Spent Catalyst containing cobalt and nickel of 900 MT and 1500 MT</td> <td data-bbox="1040 2225 1438 2381">As per inspection of Form 4 and Form 10 469 MT of spent catalyst was found to be procured from oil refineries.</td> </tr> </tbody> </table>	Name of Industry	Authorization details, Category and Quantity of HW	Compliance status during inspection	M/s Refracast Metallurgicals Pvt. Ltd., Unit I, Raipur	Valid up to 03.10.2024 Spent Catalyst (Schedule IV, Sr. No. 10) 3000 MT/Yr	During 2019-20 the industry has not procured any spent catalyst from oil refineries.	M/s Refracast Metallurgicals Pvt. Ltd., Unit II, Raipur	Valid up to 06.04.2025 Spent Catalyst (Schedule IV, Sr. No. 10) 3000 MT/Yr	During inspection unit was found to procure 419.315 MT of spent catalyst. Out of 419.315, 113.485 MT had been procured from fertilizer industries and remaining 305.83 MT procured from oil refineries.	M/s Refmet Technology Pvt.; Ltd., Raipur	Valid up to 30.08.2024 Spent Catalyst containing copper, nickel and zinc of 1000 MT, 3000 MT and 500 MT per year respectively (Schedule IV, Sr. no. 10)	No spent catalyst generated from oil refineries has been procured during year 2019-20.	M/s Arth Metallurgicals Pvt. Ltd., Raipur	Spent Catalyst containing cobalt and nickel of 900 MT and 1500 MT	As per inspection of Form 4 and Form 10 469 MT of spent catalyst was found to be procured from oil refineries.
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				<i>per year respectively (Schedule IV, Sr. no. 10)</i>	
			<i>M/s Ashtdhatu Ferro Metals Pvt. Ltd., Raipur</i>	<i>Valid up to 09.12.2023 Spent Catalyst containing cobalt and nickel of 1080 MT and 1500 MT per year respectively (Schedule IV, Sr. no. 10)</i>	<i>No spent catalyst generated from oil refineries has been procured during year 2019-20.</i>
5.	<i>Delhi Pollution Control Committee (DPCC)</i>	<i>DPCC has not provided any response of CPCB letter dated 22.09.2020. However, DPCC already informed that in absence of spent catalyst generating and recycling/re-processing units it shall be considered nil in Delhi vide letter dated 23.06.2020.</i>			
6.	<i>Gujarat Pollution Control Board (GPCB) submitted ATR vide mail dated 03.12.2020</i>	<p><i>i. GPCB has issued letter dated 19.10.2020 to all Unit Heads and Regional Officers to issue proper authorization to all generator/utilizers/ recyclers and to clearly mention category, quantity and disposal method of waste in authorization.</i></p> <p><i>ii. GPCB submitted that Gujarat is having 42 authorized spent catalyst utilizer/recyclers authorized under Schedule-IV of HOWM Rules, 2016. GPCB has issued letter vide no. GPCB/HAZ-GEN-705/570366 dated 19/10/2020 to 42 authorized utilizers/ recyclers to ensure management, handling and procurement of hazardous and other waste including spent catalyst as per authorization granted to them.</i></p> <p><i>iii. In regards to imposition of Financial Penalty, GPCB has proposed to levy Financial Penalty of Rs. 1 lakh only per violation from each defaulting units. GPCB vide mail dated 02.12.2020 sought approval from CPCB for imposition of Financial Penalty as per provisions of Rule -23(2) of HOWM Rules, 2016. In response CPCB vide letter dated 04.12.2020 granted approval for imposition of the same.</i></p> <p><i>iv. GPCB also issued show cause notice under Environment (Protection) Act, 1986 to M/s IOCL, Vadodara and M/s Reliance Industries Limited, Jamnagar based on principle of natural justice prior levying Environmental Compensation vide their letter dated 02.12.2020 and 03.12.2020 respectively.</i></p>			
7.	<i>Haryana State Pollution Control Board (HSPCB) vide mail dated 11.01.2021</i>	<p><i>i. As per recommendation of Hon'ble NGT order dated 11.09.2020, Panipat RO, HSPCB issued a show cause notice to IOCL, Panipat Refinery vide letter dated 25.09.2020.</i></p> <p><i>ii. Panipat RO, HSPCB calculated Financial Penalty of Rs. 4 lakh and Environmental Compensation of Rs. 58,56,000/- and vide letter dated 20.10.2020 submitted the proposal of imposing a total EC of Rs. 62,56,000/- (Rupees Sixty-two lakh fifty-six thousand only) to HSPCB-Head Office Panchkula for approval of competent authority.</i></p> <p><i>iii. HSPCB vide its order dated 18.01.2021 directed M/s IOCL, Panipat Refinery to deposit Rs. 62,56,000/- (Rupees Sixty-two lakh fifty-six thousand only) as Environmental Compensation.</i></p>			
8.	<i>Jammu Kashmir Pollution Control Board (JKPCB) submitted ATR vide letter dated 28.10.2020</i>	<p><i>i. JKPCB submitted that there is only one unit i.e. M/s Shree Sita Ram Industries Pvt. Ltd., which is using spent catalyst in the manufacturing process, who has been issued proper authorization and pass book valid up to September, 2024 for handling and management of hazardous and other wastes in accordance of HOWM Rules, 2016.</i></p> <p><i>ii. The said unit has been issued authorization with conditions to ensure that procurement of hazardous and other wastes including spent catalyst as per authorization granted to him.</i></p>			
9.	<i>Karnataka State Pollution Control Board (KSPCB) submitted ATR vide letter dated</i>	<i>i. KSPCB submitted that M/s Mangalore Refineries and Petrochemicals (MRPL) located at Mangalore, Karnataka is the only oil refinery generating spent catalyst of categories 4.1, 4.2 and 4.5. The industry is disposing the spent catalyst for recycling to authorized recyclers and regularly submitting the manifest and Annual reports</i>			

	22.12.2020	<p>to the Board.</p> <p>ii. There are no other spent catalyst recycling/re-processing/recovery facilities in Karnataka State.</p>																											
10.	Kerala State Pollution Control Board (Kerala SPCB) submitted ATR vide letter dated 04.11.2020	<p>i. Kerala SPCB submitted that BPCL, Kochi Refinery is the only oil refinery generating spent catalyst in the State and having valid authorization for generation of spent catalyst. The industry is either disposing the spent catalyst through the secured landfill of common hazardous waste TSDF at Ambalamedu of KEIL which is a facility having authorization from Board or selling the spent catalyst to the recyclers through Metal Scrap Trading Company (MSTC) site only. MSTC ensures that only authorized vendors are taking part in the auction.</p> <p>ii. Kerala SPCB verified the detail of recyclers to which spent catalyst is sold from the manifest and annual reports submitted. The disposal is as per authorization under HOWM Rules, 2016 issued to BPCL, Kochi Refinery.</p> <p>iii. Kerala SPCB also submitted that there are no recyclers/utilizers of spent catalyst existing in the State and if any defaulting unit is found, financial penalty/environmental compensation shall be imposed by the Board.</p>																											
11	Madhya Pradesh Pollution Control Board (MPPCB) submitted ATR vide letter dated 03.11.2020	<p>i. MPPCB submitted that they have issued authorization with duly mentioned category, quantity and disposal method of wastes.</p> <p>ii. Details of spent catalyst generation, procurement and disposal verified by MPPCB is as follows:</p> <table border="1"> <thead> <tr> <th rowspan="2">Name of unit</th> <th rowspan="2">HW Category</th> <th rowspan="2">Auth. Qty. (MTA)</th> <th colspan="2">Quantity (MT)</th> </tr> <tr> <th>Procured</th> <th>Disposed</th> </tr> </thead> <tbody> <tr> <td>M/s Bharat Oman Refineries Ltd. (generator)</td> <td>4.2 (Sch-I)</td> <td>1500</td> <td>--</td> <td>425.37</td> </tr> <tr> <td>M/s Premier Refractories India Pvt. Ltd. (utilizer)</td> <td>4.2 (Sch-I)</td> <td>15000</td> <td>3173</td> <td>Nil</td> </tr> <tr> <td>M/s Vyankatesh Metals &amp; Alloys Pvt. Ltd. (utilizer)</td> <td>S. No. 10 (Sch-IV)</td> <td>2000</td> <td>964</td> <td>Nil</td> </tr> <tr> <td>M/s Calderys Refractories Ltd. (utilizer)</td> <td>4.2 (Sch-I)</td> <td>5000</td> <td>Nil</td> <td>Nil</td> </tr> </tbody> </table> <p>iii. MPPCB submitted that no defaulting unit exist in Madhya Pradesh.</p>	Name of unit	HW Category	Auth. Qty. (MTA)	Quantity (MT)		Procured	Disposed	M/s Bharat Oman Refineries Ltd. (generator)	4.2 (Sch-I)	1500	--	425.37	M/s Premier Refractories India Pvt. Ltd. (utilizer)	4.2 (Sch-I)	15000	3173	Nil	M/s Vyankatesh Metals & Alloys Pvt. Ltd. (utilizer)	S. No. 10 (Sch-IV)	2000	964	Nil	M/s Calderys Refractories Ltd. (utilizer)	4.2 (Sch-I)	5000	Nil	Nil
Name of unit	HW Category	Auth. Qty. (MTA)				Quantity (MT)																							
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M/s Calderys Refractories Ltd. (utilizer)	4.2 (Sch-I)	5000	Nil	Nil																									
12.	Maharashtra Pollution Control Board (MPCB) submitted ATR vide letter dated 08.01.2020	<p>i. MPCB has submitted only information regarding generation of spent catalyst in the state of Maharashtra.</p> <p>ii. However, Compliance status have not been received in compliance of Hon'ble NGT order dated 11.09.2020.</p>																											
13.	Odisha State Pollution Control Board (OSPCB)	OSPCB submitted ATR vide mail dated 01.12.2020 and as action taken OSPCB vide letter dated 27.11.2020 directed the IOCL, Paradip Refinery to comply with the directions of Hon'ble NGT order dated 11.09.2020.																											
14.	Punjab Pollution Control Board (PPCB) submitted ATR vide letter dated 06.01.2021	<p>i. PPCB informed that there are 02 units in Punjab, which are involved in generation/recycling/reprocessing/utilization of spent catalyst.</p> <p>ii. Details of action taken report is given as below:</p> <table border="1"> <thead> <tr> <th>Name of unit</th> <th>Actions taken</th> </tr> </thead> <tbody> <tr> <td>M/s HPCL-Mittal Energy Ltd., Bhatinda (Generator)</td> <td> <p>a. PPCB vide letter dated 23.11.2020 imposed an Environmental Compensation of Rs. 3.0 lakhs (Rupees Three Lakhs) only against the industry for various violations mentioned in Hon'ble NGT order dated 11.09.2020.</p> <p>b. PPCB vide letter dated 26.11.2020 issued</p> </td> </tr> </tbody> </table>	Name of unit	Actions taken	M/s HPCL-Mittal Energy Ltd., Bhatinda (Generator)	<p>a. PPCB vide letter dated 23.11.2020 imposed an Environmental Compensation of Rs. 3.0 lakhs (Rupees Three Lakhs) only against the industry for various violations mentioned in Hon'ble NGT order dated 11.09.2020.</p> <p>b. PPCB vide letter dated 26.11.2020 issued</p>																							
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				<p>directions to the unit for compliance of Hon'ble NGT order dated 11.09.2020.</p> <p>c. So far, industry has not deposited EC however, filed an appeal on 03.12.2020 against PPCB order dated 23.11.2020 before Competent Authority of Board, which is under consideration of the Board.</p>																																																						
		M/s Lakhdatta Petrochemicals, Bhatinda (Recycler)		<p>a. PPCB vide letter dated 05.01.2021 imposed an Environmental Compensation of Rs. 6.0 lakhs (Rupees Six Lakhs) only against the industry for various violations mentioned in Hon'ble NGT order dated 11.09.2020.</p> <p>b. Also, PPCB vide letter dated 26.11.2020 directed the unit to ensure procurement of spent catalyst may be done in future as per authorization granted to the industry i.e. category 4.2 only, failing which appropriate action will be taken as per HOWM Rules, 2016.</p>																																																						
15.	Rajasthan Pollution Control Board (RPCB) submitted ATR vide letter dated 28.12.2020	<p>i. RSPCB submitted details of units given as below:</p> <table border="1"> <thead> <tr> <th rowspan="2">Name of unit</th> <th colspan="4">Spent catalyst Authorization</th> </tr> <tr> <th>Operation</th> <th>Category</th> <th>Qty.</th> <th>Validity</th> </tr> </thead> <tbody> <tr> <td>M/s Mittal Pigments Pvt. Ltd., Kota</td> <td>Recovery of metal</td> <td>1.6, 3.1, 4.2 and 4.5 of Schedule I</td> <td>4500 MTA</td> <td>29.02.2024</td> </tr> <tr> <td>M/s Ravindra Heraeus Pvt. Ltd., Udaipur</td> <td>Recycling/ Processing</td> <td>1.6 and 4.2 of Schedule I</td> <td>2887.50 MTA</td> <td>31.12.2022</td> </tr> <tr> <td>M/s Choksi Heraeus Pvt. Ltd., Udaipur</td> <td>Recycling/ Processing</td> <td>1.6 of Schedule I</td> <td>1800 MTA</td> <td>31.08.2023</td> </tr> <tr> <td>M/s Arham Industries, Bharatpur</td> <td>Recycling/ Processing</td> <td>4.2 of Schedule I</td> <td>1800 MTA</td> <td>31.08.2025</td> </tr> </tbody> </table> <p>ii. Along-with letter, RSPCB has submitted inspection report of above mentioned industries and it was observed that these inspection has been carried out for grant of authorization.</p> <p>iii. The inspection reports are included with air quality monitoring, process and stack observation, APCD assessment, etc.</p> <p>iv. Annual Returns submitted by RSPCB were tabulated as below:</p> <table border="1"> <thead> <tr> <th>Unit</th> <th>Year</th> <th>Procured Quantity (MT)</th> <th>Utilized Quantity (MT)</th> <th>Stock Stored (MT)</th> </tr> </thead> <tbody> <tr> <td>M/s Mittal Pigments Pvt. Ltd., Kota</td> <td>2018-19</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>M/s Ravindra Heraeus Pvt. Ltd., Udaipur</td> <td>2019-20</td> <td>64.20 &amp; 43.04 (previous stock)</td> <td>66.86</td> <td>40.38</td> </tr> <tr> <td>M/s Choksi Heraeus Pvt. Ltd., Udaipur</td> <td>2019-20</td> <td>69.08 &amp; 9.25 (previous stock)</td> <td>78.33</td> <td>00</td> </tr> <tr> <td>M/s Arham Industries, Bharatpur</td> <td>2019-20</td> <td>647.02 &amp; 406.32 (previous stock)</td> <td>780.19</td> <td>273.15</td> </tr> </tbody> </table>			Name of unit	Spent catalyst Authorization				Operation	Category	Qty.	Validity	M/s Mittal Pigments Pvt. Ltd., Kota	Recovery of metal	1.6, 3.1, 4.2 and 4.5 of Schedule I	4500 MTA	29.02.2024	M/s Ravindra Heraeus Pvt. Ltd., Udaipur	Recycling/ Processing	1.6 and 4.2 of Schedule I	2887.50 MTA	31.12.2022	M/s Choksi Heraeus Pvt. Ltd., Udaipur	Recycling/ Processing	1.6 of Schedule I	1800 MTA	31.08.2023	M/s Arham Industries, Bharatpur	Recycling/ Processing	4.2 of Schedule I	1800 MTA	31.08.2025	Unit	Year	Procured Quantity (MT)	Utilized Quantity (MT)	Stock Stored (MT)	M/s Mittal Pigments Pvt. Ltd., Kota	2018-19	0	0	0	M/s Ravindra Heraeus Pvt. Ltd., Udaipur	2019-20	64.20 & 43.04 (previous stock)	66.86	40.38	M/s Choksi Heraeus Pvt. Ltd., Udaipur	2019-20	69.08 & 9.25 (previous stock)	78.33	00	M/s Arham Industries, Bharatpur	2019-20	647.02 & 406.32 (previous stock)	780.19	273.15
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16.	Tamil Nadu Pollution Control Board (TNPCB)	Compliance status have not been received in compliance of Hon'ble NGT order dated 11.09.2020.														
17.	Telangana State Pollution Control Board (TSPCB) submitted ATR vide letter dated 13.10.2020	<p>i. TSPCB submitted that there are no oil refineries and spent catalyst utilizers/recyclers exist in State of Telangana.</p> <p>ii. TSPCB is issuing hazardous waste authorization along with CFO clearly mentioning the type of waste generated, category of the waste (Schedule no.) as per HOWM Rule, 2016, quantity of waste generated and disposal option for the waste generated.</p> <p>iii. All hazardous waste recyclers are directed that procurement of hazardous and other waste shall be in accordance with the authorization granted to them duly following the manifest copies.</p> <p>iv. As there are no utilizers/recyclers in Telangana which are using spent catalyst and no oil refineries, no such penalty is being imposed.</p>														
18.	Uttar Pradesh Pollution Control Board	Compliance status have not been received in compliance of Hon'ble NGT order dated 11.09.2020														
19.	West Bengal Pollution Control Board (WBPCB) submitted ATR vide letter dated 12.11.2020	<p>i. WBPCB submitted that they have already issued authorization to M/s IOCL, Haldia Refinery and M/s Ganesh Steel &amp; Alloys Ltd. in accordance of HOWM Rules, 2016.</p> <p>ii. Actions have been taken in accordance of recommendation vide Hon'ble NGT order dated 11.09.2020 for imposition of Financial Penalty and Environmental Compensation. Necessary directions issued to both defaulting units and both units have deposited Financial Penalty and Environmental Compensation amount to WBPCB. Details are given below:</p> <table border="1"> <thead> <tr> <th rowspan="2">Name of unit</th> <th rowspan="2">Direction issued</th> <th colspan="2">Amount deposited (in Rs.)</th> </tr> <tr> <th>Fin. Pen.</th> <th>EC</th> </tr> </thead> <tbody> <tr> <td>M/s IOCL, Haldia Refinery</td> <td>WBPCB letter dated 13.10.2020</td> <td>1,00,000/- (One lakh only)</td> <td>3,90,000/- (Three lakh ninety thousand only)</td> </tr> <tr> <td>M/s Ganesh Steel &amp; Alloys Ltd.</td> <td>WBPCB letter dated 13.10.2020</td> <td>3,00,000/- (Three lakh only)</td> <td>33,05,010/- (Thirty Three lakh five thousand ten only)</td> </tr> </tbody> </table>	Name of unit	Direction issued	Amount deposited (in Rs.)		Fin. Pen.	EC	M/s IOCL, Haldia Refinery	WBPCB letter dated 13.10.2020	1,00,000/- (One lakh only)	3,90,000/- (Three lakh ninety thousand only)	M/s Ganesh Steel & Alloys Ltd.	WBPCB letter dated 13.10.2020	3,00,000/- (Three lakh only)	33,05,010/- (Thirty Three lakh five thousand ten only)
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**Table -2: Compliance of recommendations of Hon'ble NGT order dated 11/09/2020 pertaining to oil refineries**

Sr. No.	Name & Address Refinery	Recommendation no. and its compliance submitted by the unit
1.	M/s Hindustan Petroleum Corporation Limited (HPCL), Visakha Refinery, Malkapuram, Visakhapatnam,	<p><b>2.</b> Disposing hazardous wastes including spent catalyst to the authorized utilizers/recyclers in accordance with HOWM Rules, 2016.</p> <p><b>4.</b> HPCL-Visakha Refinery is ensuring proper packaging and labeling of hazardous and other waste as per Rule 17 of HOWM Rules, 2016.</p> <p>Further, a dedicated hazardous waste transit storage facility with adequate space for safe storage of hazardous wastes is available at HPCL-Visakha Refinery.</p> <p><b>5.</b> Maintaining the records of hazardous wastes in the prescribed formats viz., Form-3, Form-4 and Form10 as per HOWM Rules, 2016.</p> <p>Form-4 &amp; Form-10 are submitted to SPCB in line with HOWM Rules, 2016.</p> <p><b>8.</b> With regards to formulating (SOP), HPCL-Visakha Refinery humbly submits that the same shall be done under the guidance and leadership</p>

		<i>of either CPCB or SPCB. HPCL-Visakha Refinery will extend wholehearted support in the process of developing uniform SOP.</i>
2.	<i>M/s Oil &amp; Natural Gas Corporation (ONGC), Tatiphaka Refinery, East Godavari District PIN-533249, Andhra Pradesh</i>	<p><i>The industry had already informed that there is no use/generation of spent catalyst in the premises. However, in compliance of NGT recommendations, the unit again submitted following:</i></p> <p><b>2.</b><i>No catalytic process in the refinery and so there is no generation of spent catalyst.</i></p> <p><b>4 &amp;5.</b> <i>Waste oil generated in the Refinery is transported to centralized location at Narsapur and E-auctioned. Spent/Used Batteries are returned to the suppliers under buyback policy. Accordingly, Form-4 has submitted to APPCB every year.</i></p> <p><b>8.</b> <i>Not applicable as we have no generation of spent catalyst.</i></p>
3.	<i>M/s Indian Oil Corporation Limited, Digboi Refinery, Digboi-786171</i>	<p><b>2.</b> <i>Shall be complied as recommended.</i></p> <p><b>4.</b> <i>Proper packaging and labeling as per Rule 4 of HOWM Rules, 2016 is being complied.</i></p> <p><b>5.</b> <i>Shall be complied as recommended.</i></p> <p><b>8.</b> <i>A committee has been constituted by IOCL, Refineries Headquarters, New Delhi, for the development of a Uniform Standard Operating Procedure (SoP) for implementation across the refineries of IOCL. Accordingly, the common SoP will be submitted to CPCB in Nov, 2020.</i></p>
4.	<i>M/s Indian Oil Corporation Limited Guwahati Refinery, Noonmati Guwahati-781020, Assam</i>	<p><b>2.</b> <i>The spent catalysts generated are disposed to authorized agency through e-auction, facilitated by Metal Scrap Trade Corporation Limited (MSTC), Kolkata.</i></p> <p><i>The oily sludge generated is centrifuged for oil recovery and residual cake is bio remediated with microbes supplied by IOCL, R&amp;D.</i></p> <p><i>It is ensured that hazardous and other wastes are disposed in scientific manner or to the authorized utilizers/recyclers in accordance of HOWM Rules, 2016.</i></p> <p><b>4.</b><i>Spent catalysts generated at Guwahati Refinery are packed in sealed CS drums and stored in a designated location.</i></p> <p><i>All the drums are labeled to identify the type of spent catalyst stored in the drum. However labeling of the drum shall be ensured in the Form 8 as per Rule 17 of HOWM Rules, 2016 in future.</i></p> <p><b>5.</b> <i>Maintains the records of generation of hazardous wastes including spent catalysts in Form-3 and Form-4 annually and submits to Pollution Control Board, Assam (PCBA) with the Annual Return under HOWM Rules, 2016.</i></p> <p><i>Copies of manifest for the spent catalysts disposed are maintained in Form-10 and a copy of the same has submitted to Pollution Control Board, Assam, as and when spent catalysts are disposed</i></p> <p><b>8.</b> <i>A committee has been constituted at Refinery Head Quarters of Indian Oil Corporation Limited, New Delhi to develop a Standard Operating Procedure (SoP) for E-auctioning of Hazardous and other wastes including spent catalysts. The SoP shall be uniformly implemented across all the refineries of IOCL.</i></p>
5.	<i>M/s Numaligarh Refinery P.O. Numaligarh Refinery Project Dist. Golaghat, Assam</i>	<p><b>2.</b> <i>Hazardous waste being disposed off to the authorized recycler only by e-auction. Spent catalyst unloaded from reactors during the RTA-2015 was sold to Refracast Metallurgicals (P) Ltd. Raipur, who are authorized recycler/ re-processor approved by State Pollution Control Board of Chhattisgarh.</i></p> <p><b>4.</b> <i>Drums are properly labelled with type of catalyst, drum no. etc. on</i></p>

		<p>the drum. Labelling shall be done as per Rule 17 of HOWM Rules, 2016 in future. Noted for compliance.</p> <p><b>5.</b> Mandatory records of hazardous waste including spent catalyst generation, annual return and disposing are maintained as per Form-3, Form-4 and Form-10. As per guidelines Form-4 is submitted every year to SPCB.</p> <p><b>8.</b> Generates mainly oily sludge &amp; spent catalyst as hazardous waste. Bioremediation has been done to oily sludge and spent catalyst sold to authorized recyclers only.</p>
6.	<p>M/s Indian Oil Corporation Limited Bongaigaon refinery, Dhaligaon, PO Chirang, Dist- Pin-783385, Assam</p>	<p><b>2, 4 &amp; 5.</b> Being Complied</p> <p><b>8.</b> SOP is presently being prepared by IOCL, Refinery Head Quarter, Delhi for all Indian Oil Refineries. The same will be followed at BGR.</p>
7.	<p>M/s Indian Oil Corporation, Barauni Oil Refinery, Begusari-85114, Bihar</p>	<p><b>2.</b> Spent catalyst has disposed off through authorized utilizers/recyclers in accordance of HOWM Rules, 2016.</p> <p><b>4.</b> RFCC spent catalyst is stored in water proof jumbo poly bags. Others spent catalysts are stored in closed metallic drums. All spent catalysts are stored at designated covered storage area with proper labeling clearly indicating source of generation, technical name of HW etc. as per Rule 4 of HOWM Rules, 2016.</p> <p><b>5.</b> Records of hazardous and other wastes including spent catalyst are being maintained in Form-3, Form-4 and Form-10 already submitted to BSPCB.</p> <p><b>8.</b> Barauni refinery is disposing hazardous waste as per Standard Operating Procedure, however for uniformity among all IOCL Refineries, development of uniform SoP w.r.t disposal of hazardous waste is under preparation.</p>
8.	<p>M/s Reliance Industries Ltd., Meghpar, Dist. Jamnagar, Gujarat-361142</p>	<p>Both units of Reliance Industries limited submitted following:</p> <p><b>2.</b> All the hazardous wastes generated from the refinery have been approved by GPCB for their collection, storage, transportation and disposal. It has endeavoured to utilize the hazardous waste generated to the maximum extent possible in a scientific manner. Accordingly, procedures have been set for utilizing the wastes for re-refining, metal extraction and alternate fuel &amp; raw material (AFR) as per the potential. Some wastes which do not have potential for reuse/utilization, are disposed in a scientific manner through approved secured landfill or incineration facility. All the HW generated at site is disposed strictly in accordance with HOWM Rules 2016 and necessary records are maintained.</p>
9.	<p>M/s Reliance Industries Limited, "A Unit-Reliance Jamnagar SEZ" P.O. Reliance Greens, Motikhavadi, Jamnagar-361142,</p>	<p><b>4.</b> The requirements of HOWM Rules 2016 are complied with during collection, storage, transportation and disposal of HW at the refinery site. The HW is stored in dedicated areas with suitable packaging scientifically based on the characteristics of the waste. The wastes generated in the refinery are typically stored in tanks, sealed drums, jumbo bags etc. The storage of the collected HW is done in dedicated storage facilities created for the purpose of storage of those wastes. All the packaging is properly labeled for identification of the wastes.</p> <p><b>5.</b> Maintains all the records as per the requirements of HOWM Rules, 2016. The records of the generation of HW and its disposal are maintained on a daily, monthly and annual basis as per the requirements. These records can be made available to the authorities for inspection/scrutiny whenever asked for. As per requirements, the forms are submitted to the GPCB in a timely manner.</p>

		<p><b>8.</b> For the disposal of HW we have entered in to agreement with authorized TSDF facility which is also a prerequisite for grant of consent by GPCB. The disposal of HW to potential re-users/utilizers is done through an established procedure for E-auctioning. All the procedures implemented at the refinery are robust and sufficiently matured.</p>
10.	<p>M/s Essar Oil Limited, Vadinar Refinery, Po. Khambhaliya, Dist. Jamnagar, Gujarat-361305</p>	<p><b>2.</b> M/s Nayara Energy Limited is disposing off Spent Catalyst in scientific manner by selling them only to Pollution Control Board authorized actual recyclers.</p> <p>We will continue to follow the same practice in future also in compliance with HOWM Rules, 2016.</p> <p><b>4.</b> Refinery has dedicated hazardous waste storage sheds with 11600 m<sup>2</sup> area with HDPE linear facility at the bottom for storage facility. Spent catalyst is properly packed in MS Drums/Jumbo bags and labelled properly in the units itself and then only shifted to the central storage facility.</p> <p>The same practice will be followed in future strictly in compliance with HOWM Rules, 2016</p> <p><b>5.</b> Nayara Energy is maintaining all records as per HOWM Rules, 2016 and timely submitted to the respective regulatory authorities.</p> <p><b>8.</b> Nayara Energy has their own SoP for disposal of all types of hazardous and other wastes which is being followed for E-auctioning.</p>
11.	<p>M/s Indian Oil Corporation Limited , Gujarat Refinery, P.O. Jawaharnagar Vadodara-391320, Gujarat</p>	<p><b>2.</b> It is being ensured by checking HW passbook as well as Authorization/consent copy of each and every vendor participating in E-auction process.</p> <p><b>4.</b> Proper packaging and labeling of hazardous wastes as per Rule 17 of HOWM Rules, 2016 is being ensured for all upcoming generating lot of hazardous wastes. Presently, a storage facility for around 5000 drums of spent catalyst at refinery premises which is being maintained as per Rule 4 of HOWM rules, 2016 for safe and environmentally sound management of hazardous and other wastes.</p> <p><b>5.</b> All mandatory records like Form-3, Form-4 and Form-10 as prescribed in HOWM Rules, 2016 are being maintained for all categories of hazardous wastes.</p> <p><b>8.</b> Presently, SoP for E-auctioning of spent catalyst is available and being followed at Gujarat refinery. However, uniform SoPs for E-auctioning of all hazardous wastes including spent catalyst is under preparation centrally by a committee formed by Refinery Headquarter-HSE.</p>
12.	<p>M/s Indian Oil Corporation Limited, Panipat Refinery, Village Baholi ,Refinery Road, Panipat-132410, Haryana</p>	<p><b>2.</b> Hazardous and other wastes generated from Panipat Refinery and Panipat Naptha Cracker has given to authorized utilizers/ recyclers for disposal in scientific manner in accordance of HOWM Rules, 2016.</p> <p>Only authorized recycles/utilizers having the prequalification documents (Authorization, CTO &amp; Passbook) are allowed to participate for the auction. To ensure the same, all the documents submitted by the bidders towards pre-qualification criteria are checked before placement of the sale order. In addition to above, PRPC also has a Captive Secured land Fill (SLF) facility for disposal of Hazardous Waste wherein the disposal of Hazardous Waste is done in accordance with HOWM Rules, 2016.</p> <p><b>4.</b> IOCL, Panipat Refinery is in compliance with Rule 4 of HOWM Rules 2016 and ensures the packaging and labeling of hazardous and other wastes as prescribed.</p> <p><b>5.</b> All the required forms are properly maintained and filled by Panipat Refinery and Petrochemical Complex on regular basis without any</p>

		<p><i>lapse.</i></p> <p><b>8.</b> <i>Standing Operating Procedure (SOP) for e-auctioning of hazardous and other waste, including spent catalyst is available and maintained at Panipat Refinery and Petrochemical Complex on regular basis. Copy of the SOP was also shared with the Joint Committee during their site inspection on 18.08.2020.</i></p>
13.	<p><i>M/s Mangalore Refineries and Petroleum Ltd., Kuthethur, Mangalore Taluk, DK District, Karnataka</i></p>	<p><b>2.</b> <i>The refinery ensures the disposal of hazardous and other waste in scientific manner to authorized utilizers/ recyclers in accordance of HOWM Rules, 2016.</i></p> <p><b>4.</b> <i>MRPL adheres to Rule 17 for proper packaging and labelling and Rule 4 for safe and environmentally sound management of hazardous and other wastes as per HOWM Rules, 2016. A dedicated hazardous waste shed of adequate storage for storage of hazardous and other wastes has provided.</i></p> <p><b>5.</b> <i>Form-3, Form-4 and Form-10 as prescribed in HOWM Rules-2016 has been maintained and followed at MRPL.</i></p> <p><b>8.</b> <i>MRPL has a well-established procedure for E-auctioning which covers spent catalysts disposal meeting all the requirements of HOWM Rules, 2016.</i></p>
14.	<p><i>M/s BPCL Kochi Refinery, PB No. 2, Ambalamugal, Kochi, Ernakulam – 682 302 Kerala</i></p>	<p><i>BPCL Kochi has not submitted compliance of recommendation of Hon'ble NGT as directed vide CPCB letter dated 22.09.2019.</i></p>
15.	<p><i>M/s Bharat Oman Refineries Limited (BORL), Administrative building Refinery complex, Post BORL Residential complex, BINA, Dist : Sagar - 470124, Madhya Pradesh</i></p>	<p><b>2.</b> <i>Disposing hazardous and other waste including spent catalyst to authorized recyclers in accordance with HOWM Rules, 2016.</i></p> <p><b>4.</b> <i>Packing and labelling the hazardous and other wastes including spent catalyst as per the rule 17 of HOWM Rules, 2016. A designated hazardous waste storage facility having adequate storage has already provided for the safe and environmentally sound management of the Hazardous and other wastes as per Rule 4 of HOWM Rules, 2016.</i></p> <p><b>5.</b> <i>Form-3, Form-4 and Form-10 as prescribed in HOWM Rules-2016 has been maintained in the prescribed format in HOWM Rules, 2016.</i></p> <p><b>8.</b> <i>Standard operating Procedure for E- auctioning of Hazardous and Other Waste including spent catalyst has prepared and followed.</i></p>
16.	<p><i>M/s Hindustan Petroleum Corporation Ltd., Mahul, Chembur, Mumbai -400074, Maharashtra</i></p>	<p><b>2.</b> <i>The spent catalyst is disposed off to the authorized utilizers/recyclers in accordance with HOWM Rules, 2016.</i></p> <p><b>4.</b> <i>Ensures proper packaging and labelling of hazardous and other waste including spent catalyst as provided in HOWM Rules, 2016. Provided storage facility for safe and environmentally sound management of hazardous and other wastes as per HOWM Rules, 2016.</i></p> <p><b>5.</b> <i>Maintained the record of hazardous waste including spent catalyst viz., Form-3, Form-4 and Form-10 as prescribed in HOWM Rules, 2016. Form-4 &amp; Form-10 are filed with SPCB periodically as per HOWM Rules, 2016.</i></p> <p><b>8.</b> <i>Disposes the hazardous waste including spent catalyst to the recyclers/re-processors through MSTC platform by e-auctioning. During the process, the parties who have been registered with CPCB/SPCB as recyclers/re-processors and having valid authorization by SPCBs are only allowed to participate for bidding. Also, ensures verification of SPCB authorization document of recycler/re-processor before lifting the catalyst. Thus, sufficient precaution is taken to ensure that the</i></p>

		<p>hazardous waste is handed over to authorized recyclers/re-processors only. As regards to formulating Standard Operating Procedure, it is humble submission that the same shall be done under the guidance and leadership of either SPCB or CPCB. HPCL-Mumbai will cooperate in this initiative.</p>
17.	<p>M/s Bharat Petroleum Corporation Limited Mumbai Refinery, Mahul, Mumbai 400074, Maharashtra</p>	<p><b>2, 4 &amp;5.</b> Complied.</p> <p><b>8.</b> BPCL submitted copy of SoP for E-auctioning of hazardous and other waste including spent catalyst.</p>
18.	<p>M/s Indian Oil Corporation, IOCL Paradip Refinery, P.O. Jhimani, Via-Kujang, Jagatsinghpur-754141,</p>	<p><b>2.</b> All hazardous waste generated at Paradip Refinery are disposed as per the methodology defined in HW authorization granted by the SPCB, Odisha and to the authorised utilisers/ recyclers in accordance of HOWM Rules, 2016.</p> <p><b>4.</b> Packaging and labelling of hazardous and other waste as per Rule 17 of HOWM Rules. Packaging of hazardous waste is done in properly (e.g. Drums/ Jumbo bags). Labelling of hazardous waste is done in accordance to Form-8 of HOWM Rules, 2016.</p> <p>Spent catalyst is stored in the intermediate storage facility warehouse (well ventilated shed with impervious floor) before final disposal through co-processor/ recyclers or disposal in captive secured landfill facility.</p> <p><b>5.</b> Mandatory records of hazardous waste are maintained in Form-3, Form-4 and Form-10 and submitted annually to SPCB, Odisha along with annual return.</p> <p><b>8.</b> A committee has been constituted by HSE IOCL-Refineries Headquarters, New Delhi for the development of the Uniform SOP to implement across all the refineries of IOCL.</p>
19.	<p>M/s HPCL-Mittal Energy Limited, (Guru Gobind Singh Refinery), Village Phullo Khari, Taluka: Talwandiaboo, Distt. Bathinda, PIN-151301, Punjab</p>	<p><b>2.</b> Spent catalyst is disposed off only to the authorized recyclers.</p> <p><b>4.</b> Stickers have been provided at site for labeling of hazardous waste containers after proper packaging, Adequate storage sheds have been provided in SLF area for storage of hazardous waste.</p> <p><b>5.</b> Records of hazardous waste generation was updated in Form-3 whenever hazardous waste was generated, However as advised by CPCB team during site visit on 22/10/2020, Form 3 is updated on daily basis. Annual return is being submitted to PPCB in Form-4 as per frequency mentioned in HOWM Rules, 2016. Record of hazardous waste disposal is updated in Form 10 as per HOWM Rules, 2016.</p> <p><b>8.</b> SoP submitted for disposal of hazardous waste by the unit ensuring safe disposal within time frame.</p>
20.	<p>M/s Chennai Petroleum Corporation Ltd, ManaliMaanali village, Madhavaram Taluk, Tiruvallur District, Tiruvallur -600068, Tamil Nadu</p>	<p><b>2.</b> Spent catalyst generated are disposed either to authorized recyclers through e-auctioning or to Tamil Nadu Waste Management Limited (TNWML), TSDF the only authorized site by SPCB in accordance with HOWM Rules, 2016.</p> <p><b>4.</b> After unloading, spent catalyst are kept in sealed containers with proper labelling as per Rule no.17 of HOWM, Rules 2016.</p> <p>CPCL is having dedicated hazardous storage shed for storing disposable spent catalyst before transferring to TNWML site.</p> <p>Recyclable spent catalysts are shifted to warehouse immediately after unloading.</p> <p><b>5.</b> Form-3 is being maintained based on the daily stock of spent catalyst and Form-4 has filled &amp; submitted to SPCB before 30<sup>th</sup> June of</p>

		<p>every year.</p> <p>Form-10 is maintained as and when the hazardous waste is sent outside in line with HOWM Rules, 2016.</p> <p><b>8.</b> A committee has been constituted by CPCL for the development of a Uniform Standard Operating Procedure (SoP) for e-auctioning of hazardous waste and other waste including spent catalyst.</p>
21.	M/s Chennai Petroleum Corporation Ltd, Cauvery Basin Refinery, Panangudi, Nagapattinam District-611002, Tamil Nadu	<p>CPCL, Nagapattinam informed vide mail dated 05.01.2021 that CPCL-CBR production was stopped since 01.04.2019 for the purpose of installing new gross root refinery from 1.0 MMTPA to 9.0 MMTPA.</p> <p>We have disposed 7.83 MT of spent resin on 30.10.2014 to TNWML (TSDF), Gummidipoondi, Chennai during the financial year 2014-15, after that no resin has been generated and disposed.</p> <p>Catalyst was not used for CBR operations.</p> <p>Form 3 and Form 4 submitted also doesn't mention generation or disposal of spent catalyst.</p>
22.	M/s Indian Oil Corporation Limited, P.O. Mathura Refineries, Mathura-281006, Uttar Pradesh	<p><b>2.</b> Disposes off hazardous waste scientifically in accordance with HOWM Rules 2016. Spent catalyst is disposed off through authorized TSDF/ recyclers and oily sludge is disposed of through bioremediation. We also take this opportunity to clarify that generation of spent catalyst depends on the catalyst life and severity of process. Therefore, life of catalyst and hence generation of spent catalyst varies from year to year depending on process severity. Spent catalyst generation in 2017-18 was nil and in 2015-16 &amp; 2016-17 was also minimum. However, spent catalyst generated in 2018-19 was on higher side.</p> <p><b>4.</b> Have adequate and dedicated storage space for hazardous wastes which are stored in properly sealed drums.</p> <p><b>5.</b> Maintains all mandatory records.</p> <p><b>8.</b> Disposes off hazardous spent catalyst by e-auctioning only through e-auctioning platform of Material &amp; Scrap Trading Corporation, a PSU of Govt. of India as per procedure given in our material manual. In the light of NGT order, a committee has been constituted by HSE, IOCL, Refineries Headquarters, New Delhi, for the development of a uniform Standard Operating Procedure (SoP) for implementation across the refineries of IOCL.</p>
23.	M/s Indian Oil Corporation Limited- P.O. Haldia Refinery, Dist, Medinipore (E). Pin 721606 , West Bengal	<p><b>2.</b> Hazardous waste such as Spent Catalyst, Spent Adsorbent, Waste or residues containing oil, Spent Ion Exchange resins, Residual oil sludge are disposed from Haldia Refinery through authorized Common Hazardous Waste Treatment, Storage and Disposal Facility (CHWTSDF) in scientific manner.</p> <p>Only Spent Catalyst generated from Hydro processing units is disposed off through SPCB authorized recyclers through e-auctioning. It is being ensured by checking HW passbook as well as Authorization/ consent copy of each and every vendor participating in E-auction process</p> <p><b>4.</b> Proper packaging and labelling of drums of hazardous waste is being followed. For all upcoming lots of hazardous spent catalyst, labelling shall be ensured as per Rule-17 of HOWM Rules 2016.</p> <p>Spent catalyst from Hydro-processing units are generated during M&amp;I shutdown of respective units and these materials, in inner lined seal drums, are stored in designated area for their safe disposal within in permissible period.</p> <p>Uniform SoP being finalized to comply disposal within permissible period of 90 days from the date of generation of hazardous waste.</p> <p><b>5.</b> All mandatory records such as Form-3 and Form-10 are maintained</p>

		<p>on a regular basis. Form-4 - "Form for filling Annual Returns" is submitted to WBPCB before 30<sup>th</sup> June of every year</p> <p><b>8.</b> SoP for E-auctioning of hazardous and other waste including spent catalyst is in progress centrally by IOCL Refineries Headquarter - Health, Safety &amp; Environment (HSE) and shall be finalized by Nov, 20. This uniform SoP shall be followed uniform across IOCL Refineries.</p>
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5. With regard to individual industries, the status is reported as follows:-

**“Table 3: Joint Inspection carried out of spent catalyst recyclers/re-processors/utilizers located in the state of Chhattisgarh**

<b>Sr. No.</b>	<b>Name &amp; address of unit</b>	<b>Observations</b>
(1)	M/s Refracast Metallurgical (P.) Ltd. (Unit-I & Unit-II) 22 Industrial Area Bhanpuri, PO: Birgaon, Raipur, Chhattisgarh	<p>The unit was inspected on 17.12.2020 by Anil C. Ranveer (Additional Director, CPCB), Ms. Chandrika Kanwan, (Scientist, CECB, Raipur) and Sanjay Singh (Lab Assistant, CECB, Raipur).</p> <p>i. The unit has obtained CTO and Authorization under HOWM Rules, 2016 from CECB for recycling of spent catalyst.</p> <p>ii. The unit has installed Environmental Data display board but the information regarding hazardous waste generation was not updated.</p> <p>iii. The Unit-I was observed non-operational and under maintenance. Unit-II is operational at the time of inspection.</p> <p>iv. The unit has submitted Form-3 which is maintained on procurement basis of spent catalyst.</p> <p>v. The process of metal recycling through spent catalyst involves roasting and pyro-metallurgical process and finished product in alloy form.</p> <p>vi. The unit has passbook issued by CECB for procurement and recycling of hazardous waste.</p> <p>vii. The unit does not have a dedicated hazardous waste storage area for hazardous waste storage and for finished product.</p> <p>viii. Detail inspection report of M/s Refracast Metallurgical (P.) Ltd. (Unit-I &amp; Unit-II) is attached as <b>Annexure-IV</b>.</p>
(2)	M/s Refmet Technologies (P.) Ltd Village- Pacheda, Arang, District Raipur, Chhattisgarh	<p>The unit was inspected on 17.12.2020 by Anil C. Ranveer (Additional Director, CPCB), Ms. Chandrika Kanwan, (Scientist, CECB, Raipur) and Sanjay Singh (Lab Assistant, CECB, Raipur).</p> <p>i. The unit has obtained CTO and Authorization under HOWM Rules, 2016 from CECB for recycling of spent catalyst.</p> <p>ii. The unit was not in operation at the time of inspection.</p> <p>iii. The unit had installed Environmental Data at entry gate but the information regarding hazardous waste generation was not updated.</p> <p>iv. The unit has not submitted Form-3 and Form-10 as the unit representative inform that they are not procuring spent catalyst since 2014.</p> <p>v. However, the unit is recycling vanadium concentrate for recovery of vanadium penta-oxide without authorization.</p> <p>vi. Form 4 submitted for 2019-20 verified that no procurement of spent catalyst for that year.</p> <p>vii. The process of metal recycling is pyro-metallurgical.</p> <p>viii. The unit does not have a dedicated hazardous waste storage area for hazardous waste storage.</p> <p>ix. Detail inspection report of M/s Refmet Technologies (P.) Ltd. is attached as <b>Annexure-V</b>.</p>
(3)	M/s ArthMetallurgicals Pvt Ltd.	<p>The unit was inspected on 18.12.2020 by Anil C. Ranveer (Additional Director, CPCB), Ms. Chandrika Kanwan, (Scientist, CECB, Raipur) and Sanjay Singh (Lab Assistant, CECB, Raipur).</p>

	Plot No 95/2, Khasra No. 226/1, Village-Lalpur, District Raipur, Chhattisgarh	<p>i. The unit has obtained CTO and Authorization under HOWM Rules, 2016 from CECB for recycling of spent catalyst.</p> <p>ii. The unit has installed Environmental Data display board but the information regarding hazardous waste generation was not updated.</p> <p>iii. The unit was in operation at the time of inspection.</p> <p>iv. The unit has submitted Form-3 which is maintained on procurement basis of spent catalyst. Record was maintained as per Form-3 of HOWM Rules, 2016.</p> <p>v. The spent catalyst (raw material) was found stored in MS Drums during inspection. The storage area was not properly marked.</p> <p>vi. The process of metal reclamation through spent catalyst involves Hydro-metallurgical process.</p> <p>vii. It was observed that there is gap of around 260 MT spent catalyst being reflected in annual return submitted by unit for year 2018-19.</p> <p>viii. The unit has maintained passbook issued by CECB for procurement and recycling of hazardous waste.</p> <p>ix. Detail inspection report of M/s ArthMetallurgicals Pvt Ltd. is attached as <b>Annexure-VI</b>.</p>
(4)	M/s Ashtadhatu Ferro Metals Pvt. Ltd. Village Tarasiw, Gaitra Road, Tehsil-Tilda, District Raipur, Chhattisgarh	<p>The unit was inspected on 18.12.2020 by Anil C. Ranveer (Additional Director, CPCB), Ms. Chandrika Kanwan, (Scientist, CECB, Raipur) and Sanjay Singh (Lab Assistant, CECB, Raipur).</p> <p>i. The unit has obtained CTO and Authorization under HOWM Rules, 2016 from CECB for recycling of spent catalyst.</p> <p>ii. The unit has installed Environmental Data display board but the information regarding hazardous waste generation was not updated.</p> <p>iii. The unit was in operation at the time of inspection.</p> <p>iv. The unit has submitted Form-3 which is maintained on procurement basis of spent catalyst. Record was maintained as per Form-3 of HOWM Rules, 2016.</p> <p>v. The spent catalyst (raw material) was found stored in MS Drums during inspection. The storage area was not properly marked.</p> <p>vi. The process of metal reclamation is Pyro-metallurgical process.</p> <p>vii. As per Annual Return (Form – 4) submitted by unit for year 2019-20 it was observed that the unit has not procured &amp; utilized any Spent Catalyst. However, 1939.83 MT of Spent Aluminum Dross Residue and 500.11 MT of Dross &amp; Waste from salts sludge have been utilized for manufacturing Aluminum Ingot &amp; Synthetic Slag respectively, as per authorization.</p> <p>viii. The unit has maintained passbook issued by CECB for procurement and recycling of hazardous waste.</p> <p>ix. Detail inspection report of M/s Ashtadhatu Ferro Metals Pvt. Ltd. is attached as <b>Annexure-VII</b>.</p>

6. Finally, the observations and recommendations in the report are as follows:-

**“Observations:**

1. As informed by SPCBs/PCCs, they have issued proper authorization in accordance of HOWM Rules, 2016, clearly mentioning the category, quantity and disposal method of hazardous waste.
2. As informed by oil refineries they are disposing off their hazardous and other waste including spent catalyst in scientific manner or to the authorized utilizers/recyclers in accordance of HOWM Rules, 2016.

3. *As informed by SPCBs they have directed Recyclers/utilizers in concerned state to ensure that procurement of hazardous and other waste including spent catalyst shall be as per authorization granted to them.*
4. *As informed by oil refineries they are ensuring proper packaging and labelling of hazardous and other waste as per Rule 17 of HOWM Rules, 2016 and also providing adequate storage facility for safe and environmentally sound management of hazardous and other wastes as per Rule 4 of HOWM Rules, 2016.*
5. *As informed by SPCBs/PCCs, they have directed generators/utilizers/recyclers of hazardous waste including spent catalyst to maintain records like Form-3, Form-4 and Form-10 as prescribed in HOWM Rules, 2016. As per the information submitted by Oil Refineries to CPCB, they are complying with the Hon'ble NGT order dated 11.09.2020 and HOWM Rules, 2016.*
6. *Compliance status submitted to CPCB by oil refineries has been verified by the APPCB, BSPCB, GPCB, KSPCB, Kerala SPCB, MPPCB and WBPCB where oil refineries are operational and found complied, but 04 SPCBs namely APCB, HSPCB, OSPCB and PPCB have not verified the compliance status of Oil refineries and 03 SPCBs namely MPCB, TNPCB and UPPCB have not submitted any compliance status of Hon'ble NGT order dated 11.09.2020 and HOWM Rules, 2016.*
7. *In regards to imposition of Financial Penalty and Environmental Compensation as recommended in Hon'ble NGT order dated 11.09.2020, status on action taken by concerned SPCBs are as below:*
  - i. *HSPCB has imposed Financial Penalty and Environmental Compensation on IOCL-Panipat Refinery for violation of HOWM Rules, 2016.  
However, IOCL-Panipat Refinery have not yet deposited Financial Penalty and Environmental Compensation as imposed by HSPCB.*
  - ii. *UPPCB has not yet imposed any Financial Penalty and Environmental Compensation on IOCL-Mathura Refinery and IFFCO Bareilly for violation of HOWM Rules, 2016.*
  - iii. *BSPCB has verified quantity of hazardous waste (spent catalyst) stored more than 90 days in the premises of BPCL, Barauni Refinery during 2017-18 as 2513 MT instead of 5252 MT as informed by the unit earlier. However, BSPCB has not yet imposed any Financial Penalty and Environmental Compensation for violation of Rule 8 of HOWM Rules, 2016.*
  - iv. *GPCB has imposed Financial Penalty on Reliance, Jamnagar, Gujarat for procedural violations of HOWM Rules, 2016. However, Reliance, Jamnagar, Gujarat have not yet deposited Financial Penalty as imposed by GPCB.  
GPCB has not yet imposed any Environmental Compensation on IOCL, Vadodara, Gujarat for illegal disposal of 28.835 MT of spent catalyst to unauthorized utilizer but Financial Penalty has been imposed for procedural violations of HOWM Rules, 2016.*
  - v. *APCB has not yet imposed any Financial Penalty and Environmental Compensation on IOCL-Digboi Refinery for violation of HOWM Rules, 2016*

- vi. PPCB has imposed Environmental Compensation on HPCL, Bhatinda and M/s Lakhdata Petrochem, Bhatinda for violation of HOWM Rules, 2016. However, HPCL, Bhatinda and M/s Lakhdata Petrochem, Bhatinda have not yet deposited Environmental Compensation as imposed by PPCB. Thus HPCL, Bhatinda and M/s Lakhdata Petrochem, Bhatinda have not complied with Hon'ble NGT order dated 11.09.2020.
- vii. WBPCB has imposed Financial Penalty and Environmental Compensation on IOCL, Haldia Refinery and M/s Ganesh Steel & Alloys Ltd. for violation of HOWM Rules, 2016. Both the units have deposited the Financial Penalty and Environmental Compensation as imposed by WBPCB, thus both the units have complied with Hon'ble NGT order dated 11.09.2020.
8. All the Oil Refineries of IOCL, HPCL, BPCL, Reliance, CPCL, Essar, NRL, MRPL and BORL have submitted different types of Standard Operating Procedure (SoP) for E-auctioning of hazardous and other waste including spent catalyst for finalization of uniform SoP across the country.
9. In addition to the above, CPCB found 04 recyclers namely M/s Refracast Metallurgical (P.) Ltd. (Unit-I & Unit-II), M/s Arth Metallurgicals Pvt Ltd. and M/s Ashtadhatu Ferro Metals Pvt. Ltd., who are violating Rule 4 and Rule 17 of HOWM Rules, 2016 and M/s Refmet Technologies (P.) Ltd, Raipur is found operational and processing vanadium concentrate/sludge illegally without authorization from CECB.

**Recommendations:**

1. SPCBs/PCCs shall be directed to ensure regular compliance of HOWM Rules, 2016 for handling, management and disposal of spent catalyst in their State. In case of inter-state movement, SPCBs/PCCs shall ensure that reconciliation of Manifest (Form-10) submitted by unit shall clearly mention category and quantity of hazardous waste including spent catalyst.
2. Financial Penalty and Environmental Compensation shall be imposed on defaulting Oil Refineries/recyclers/utilizers operating in the State of U.P., Bihar, Gujarat, Assam and Chhattisgarh by concerned SPCBs/PCCs in compliance of Hon'ble NGT order dated 11.09.2020 and violation of HOWM Rules, 2016
3. PPCB shall be directed to ensure deposition of Financial Penalty and Environmental Compensation as imposed on HPCL, Bhatinda and M/s Lakhdata Petrochem, Bhatinda for violation of HOWM Rules, 2016 in compliance of Hon'ble NGT order dated 11.09.2020.
4. HSPCB shall be directed to ensure deposition of Financial Penalty and Environmental Compensation as imposed on IOCL-Panipat Refinery for violation of HOWM Rules, 2016 in compliance of Hon'ble NGT order dated 11.09.2020
5. All the Oil refineries shall be directed to prepare uniform Standard Operating Procedure (SoP) in collaboration with all oil refineries of IOCL, HPCL, BPCL, Reliance, CPCL, Essar, NRL, MRPL and BORL for E-auctioning of hazardous and other waste

*including spent catalyst across the country in accordance of HOWM Rules, 2016.*

6. *Chhattisgarh Environment Conservation Board shall be directed to take necessary action on the defaulting units in accordance with HOWM Rules, 2016 for violations observed as below:  
(i) M/s Refmet Technologies (P.) Ltd, Raipur, for operating without authorization for recycling of hazardous waste.  
(ii) M/s Refracast Metallurgical (P.) Ltd. (Unit-I & Unit-II), M/s Arth Metallurgicals Pvt. Ltd. and M/s Ashtadhatu Ferro Metals Pvt. Ltd., for not maintaining packaging & labelling and not having adequate storage facility for safe & environmentally sound management of hazardous waste as per Rule 17 and Rule 4 of HOWM Rules, 2016 respectively.*
7. *TNPCB, MPCB and UPPCB shall be directed to submit compliance status of Hon'ble NGT order dated 11.09.2020."*

7. On due consideration, we direct further action in terms of the above recommendations, having regard to the need for compliance of HoWM Rules for disposal of spent catalyst.

8. We have also dealt with the issue of compliance of HoWM Rules earlier vide order dated 29.01.2021 in O.A. No. 804/2017, *Rajiv Narayan & Anr. v. UOI & Ors.* After considering the CPCB report on the issue of compliance status of HoWM Rules, the Tribunal observed as follows:-

*"1to13.....xxx.....xxx.....xxx*

14. *We have considered the report of the CPCB and appreciate the efforts in compiling all the relevant information on this important subject and direct that observations/suggestions of the CPCB with reference to the compliance by the State PCBs/PCCs may now be duly complied expeditiously, which may be further overseen by the CPCB. The CPCB may assess compensation if the State PCBs/PCCs neglect compliance, following due process, which may be recovered and utilized for restoration of the environment, by preparing an action plan to be approved by the Chairman, CPCB. Even though the report of the CPCB is exhaustive for all the States, we take on record the report furnished by the Oversight Committee for State of UP filed on 10.09.2020. As directed earlier, the MoEF&CC may follow up compliance of steps to be taken by the Central Ministries, for which purpose the CPCB may coordinate with the MoEF&CC. CPCB may impose compensation, if necessary, on the States/UTs which fail to set up TSDF or make other alternative arrangement for management of hazardous waste as per Rules. CPCB may also notify the contaminated sites, having potential for damage to the environment, in public domain, alongwith damage caused and the studies undertaken. CPCB may also ensure that hazardous waste generators/recycles/operators of TSDF follow safety protocols,*

*undertake periodical audits, have onsite and offsite emergency plans to avert accidents and fire and other environmental damage.”*

9. In view of the above further action may be taken by the State PCB and CPCB for compliance HoWM Rules which may also be monitored at the level of CPCB and MoEF&CC, as already directed by vide order dated 29.01.2021 in O.A. No. 804/201 supra. The CPCB may take coercive measures against the three States - Maharashtra, Tamil Nadu and UP for failing to give requisite information, after giving last opportunity to them. The Chief Secretaries of the three States may ensure compliance.

The application is disposed of.

A copy of this order be forwarded to the Chief Secretaries of States of Maharashtra, Tamil Nadu and UP, MoEF&CC, CPCB and all the State PCBs/PCCs by e-mail for compliance.

I.A. No. 309/2020 has been filed by the IOCL seeking direction to provide copy of the report of CPCB and grant time to the IOCL to file objections to the report. Report of CPCB is already available on the website. There can be no objection to the compliance of statutory rules. Due process has to be followed while taking action for violation of the statutory authorities. The IA stands disposed of accordingly.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

April 9, 2021  
Original Application No. 67/2020  
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