



TELANGANA STATE POLLUTION CONTROL BOARD

Paryavarana Bhavan, A-III, Industrial Estate, Sanathnagar, Hyderabad-500 018

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Order No. MDK-63/TSPCB/UH-V/TF/2017- 2103

Dt: 09.01.2020

Sub: TSPCB - M/s. Akaash Industries, Sy.No. 131/A/5, Terpole (V), Kondapur (M), Sangareddy District - Water (Prevention and Control of Pollution) Amendment Act, 1988 and Air (Prevention and Control of Pollution) Amendment Act, 1987 - Non-compliance of SOP conditions issued by MoEF&CC, GoI and consent conditions - **Closure Order - Orders Issued** - Reg.

Ref:

1. Hearing held on 03.09.2015.
2. CFO order issued vide order dt. 11.01.2017 for the period up to 28.02.2022
3. Closure Order No.MDK-63/TSPCB/UH-II/2017-2905, Dt:07.12.2017.
4. Amendment to CFO&HWA vide order dt.20.02.2018.
5. Temporary Revocation of Closure Order No.MDK-63/TSPCB/UH-II/2017-4037, Dt:05.03.2018.
6. Industry's representation dated:26.04.2018.
7. Telangana Renewal Green Energy Welfare Association vide letter dated:26.04.2018.
8. Order No:GEN-202/TSPCB/ZO/RCP/CFO/2018-798, Dt:16.05.2018.
9. Hon'ble NGT order dt.09.05.2018, 18.05.2018 & 29.05.2018.
10. Order No.MDK-63/TSPCB/UH-II/2017-942, Dt:29.05.2018.
11. Hon'ble NGT, New Delhi order dt.16.07.2018 w.r.t. application No.224 to 228 of 2018 (5Nos), 256 to 275 of 2018 (17 Nos) and 285 to 298 (14 Nos) of tyre pyrolysis units.
12. Extension of Temporary Revocation of Closure Order No.MDK-63/TSPCB/UH-II/2017-1711, Dt:30.07.2018.
13. Hon'ble NGT, New Delhi order dt.14.08.2018 w.r.t Original Application Nos. 224 to 228 of 2018 (5 Nos.); 259 to 275 of 2018 (17 Nos.); 285 to 298 of 2018 (14 Nos.) and 383 of 2018 of tyre pyrolysis units.
14. Hon'ble NGT, New Delhi order dt.23.10.2018 in OA No.723 of 2018.
15. CPCB, New Delhi letter dated:28.05.2019 forwarding the Hon'ble NGT Order dt:25.04.2019 in OA No.400 of 2019.
16. Extension of Temporary Revocation of Closure Order No.MDK-63/TSPCB/UH-II/2017-901, Dt:08.07.2019.
17. Complaint received from Sri. G. Jayaraj, R/o: Mallepally (V) on 05.11.2019.
18. Inspection of the industry by the Board Officials on 23.11.2019.
19. CPCB Lr.No.B29016/1(NGT)/19/WM-III Division, dt.04.12.2019 issued by directions U/s 5 of E(P) Act, 1986.

* * *

1. **WHEREAS**, you are operating the industry located at Sy. No. 131/A/5, Terpole(V), Kondapur (M), Sangareddy District and is a Pyrolysis unit.
2. **WHEREAS**, vide reference 1st cited, the industry was reviewed before the Board's TF committee meeting held on 03.09.2015. The committee noted that the 4 units are having valid CFO. After detailed discussions, the committee recommended that the Task Force committee members would visit the four units to study the pollution control systems adopted by the industries and the issue will be reviewed after inspection by the committee and after conducting stack and AAQ monitoring for taking a suitable decision.
3. **WHEREAS**, vide reference 2nd cited, the industry has obtained CFO order issued vide order dt. 11.01.2017 for the period up to 28.02.2022.
4. **WHEREAS**, vide reference 3rd cited, the Board issued Closure Orders to the industry on 07.12.2017 for non-compliance of the Board directions and in view of the public complaints regarding pollution problems from the industry.
5. **WHEREAS**, vide reference 4th cited, the Board issued amendment to CFO&HWA to your industry on 20.02.2018 to implement the SOPs stipulated by MoEF&CC.

6. **WHEREAS**, vide reference 5th cited, the Board on the request of the industry issued Temporary Revocation of Closure Order to your industry on 05.03.2018 for a period upto 30.04.2018 with certain directions to comply.
7. **WHEREAS**, vide reference 6th cited, the industry submitted a representation to the Board on 26.04.2018 requesting for permanent revocation of closure order and represented for deferment of action against their industry regarding implementation of SOPs.
8. **WHEREAS**, vide reference 7th cited, the Telangana Renewal Green Energy Welfare Association, Venkateshwara Nagar, Chintal Circle, Rangareddy District vide their letter dated:26.04.2018 submitted a representation for deferment of the compliance of the Amendment of CFO Orders in respect of implementation of SOPs for Tyre Pyrolysis Units as the matter is Sub Judice before the Honorable National Green Tribunal, Principal Bench, New Delhi in O.A No.723 of 2017.
9. **WHEREAS**, vide reference 8th cited, the Zonal Office, RC Puram issued directions vide dt:16.05.2018 to your industry for implementation of SOPs by 25.05.2018.
10. **WHEREAS**, vide reference 9th cited, 36 Pyrolysis industries including this industry have filed OAs before the Hon'ble NGT, New Delhi in three batches against the CFO&HWA Amendment Orders issued by the Board for implementation of the SOPs.
11. **WHEREAS**, The Hon'ble NGT passed interim orders on 09.05.2018, stating the following and posted the batch of cases for hearing on 29.05.2018:

"... there shall be interim order of stay to the direction issued by the Telangana Pollution Control Board subject to further orders that may be passed at the same time we direct the Industry to take all required steps as may be necessary for compliance subject to further order that may be passed in Original Application No. 723 of 2018..."
12. **WHEREAS**, vide reference 10th cited, the Board issued extension of revocation of closure order to the industry on 29.05.2018 for a period upto 31.07.2018 with certain directions to comply with.
13. **WHEREAS**, vide reference 11th cited, the batch applications filed by the Tyre Pyrolysis Oil (TPOs) before the Hon'ble NGT, New Delhi have come up for hearing on 16.07.2018 and the Hon'ble NGT vide orders dt.16.07.2018 listed these matters on 14th August, 2018" for further hearing.
14. **WHEREAS**, vide reference 12th cited, the Board issued extension of revocation of closure order to the industry on 30.07.2018 for a period upto 31.08.2018 or orders of Hon,ble NGT, whichever is earlier with certain directions to comply with.
15. **WHEREAS**, vide reference 13th cited, the Hon'ble NGT, New Delhi has disposed all the batch cases vide Order dated 14.08.2018 with following order:

*"In view of the above, as the impugned order dated 20th February, 2018 is consequential to the order passed by MoEF & CC is nor the subject matter of this Application and a separate proceeding are being contemplated by the Applicant against the basic order passed by MoEF. **We do not find any just reason to interfere in the order under challenge.***

Consequently, all the above Original Applications stand disposed of, without any order as to cost".
16. **WHEREAS**, vide reference 14th cited, the Hon'ble NGT, New Delhi vide order dated 23.10.2018 has disposed O.A. No. 723 of 2017 with the following order:

"This original application has been filed by the applicant with the following prayers:-

 1. *Direct the Respondent Authorities to take appropriate legal action against all illegal Tyre Pyrolysis Oil Plants (TPOs) being operating without prior environment clearance, consents to operate under Water & Air Pollution Acts, industrial Registration Certificates, Factory Act License, Explosive License & GST Registration Certificates and also continuing operation in total violation of Guidelines/Standards Operating Procedures (SOPs) issued by Ministry of Environment & Forest & Climate Change, Govt. of India vide Office Memorandum F. No. 23- 61/2015-HSMD dated 24th November, 2015.*
 2. *Direct the Respondent Authorities to immediately take necessary action for immediate closure of such Tyre Pyrolysis Oil Units those who are running without proper registration certificate, consents to operate under Air & Water Act and are also not holding other statutory license/permission/Registration Certificate.*

At the outset, it is to be noted that the applicant wishes that appropriate legal action be taken against all the persons/units indulging in illegal Tyre Pyrolysis Oil Units being operated without seeking prior EC/Consent from the respective authorities. Further it has been prayed that respondent authorities be directed to take immediate necessary action for closure of such units.

It would suffice to say that this is a case which is not maintainable in face of the fact that parties against which the aforesaid reliefs have been sought have not been arrayed as party respondent in this application. In absence of impleadment of necessary parties the application itself is not maintainable. Even otherwise, it will not be appropriate for the Tribunal to proceed in this matter where the parties against whom reliefs have been sought have not been made respondents.

Besides it may be noted that it is revealed from the records that States have already taken action against such units.

Consequently, the original application no. 723 of 2017 is dismissed on account of non-joinder of the parties. There shall be no order as to cost".

17. **WHEREAS**, vide reference 15th cited, the CPCB, New Delhi submitted letter dated:28.05.2019 along with the orders of Hon'ble NGT, New Delhi w.r.t OA No.400/2019 Filed by Social Action for Forest & Environment (SAFE) Vs Union of India & Others statting that the Applicant approached the Hon'ble NGT, praying to Ban the Pyrolysis Industries using Scraped Tyres and producing inferior Quality of Pyrolysis Oil, Gas, Char & Solid Residue which are causing environmental damage and also emit highly carcinogenic / cancer causing pollutants.

The Hon'ble NGT, New Delhi while admitting the Application, vide order dated 25.04.2019 directed the CPCB to submit comprehensive status report of compliance of Rules on the subject and remedial measures required, within Three Months.

Accordingly, the CPCB vide letter dated:28.05.2019 requested the TSPCB to submit comprehensive reports duly including following information of all the Pyrolysis industries operating the state on or before 30.06.2019.

1. Details of Pyrolysis industries using waste tyres / end of life tyres (ELTs) in the State including their consented capacity and validity of consent.
2. Status of compliance of Tyre Pyrolysis Industries using waste tyres /ELTs in your state with respect to the consent conditions and also with respect to the Standard operating Procedure (SOP) issued by the MoEF&CC along with remedial measures to be taken for compliance.
3. Details of Comprehensive performance assessment study of pyrolysis Industries if carried out by TSPCB.

18. **WHEREAS**, the industry was reviewed in the Task Force Committee meeting held on 28.06.2019 and as per the recommendations of the Committee, the Board vide reference 16th cited, issued Extension of Temporary Revocation of Closure Order for period of Three Months to your industry on 08.07.2019 with certain directions to comply with.

19. **WHEREAS**, vide reference 17th cited, the Board has received a complaint from Sri. G. Jayaraj, R/o: Mallepally (V) regarding pollution problems caused by pyrolysis units and other industries located in Mallepally village.

20. **WHEREAS**, vide reference 18th cited, the Board Officials inspected the industry on 23.11.2019 and observed following non-compliances:

Sl. No	Standard Operating Procedures (SOPs)	Industry's Compliance
i	The feed to the pyrolysis reactor should be devoid of steel. This means that crumb rubber only should be fed to the reactor. Further the feeding arrangement of the rubber crumb to the reactor should be mechanized.	Not complied.

Sl. No.	Condition	Compliance
1.	The industry shall provide separate energy meter to the air pollution control system and maintain a log register to record the readings.	Provided, but not maintaining records.

21. **WHEREAS**, vide reference 19th cited, the Central Pollution Control Board issued directions Under Section 5 of E(P) Act, 1986 to the Chairman, TSPCB to close all such pyrolysis units which are not complying as on date with Consent conditions and SOPs of MoEF&CC, GoI.
22. **WHEREAS**, subsequently CPCB held a Video Conference with all the State PCBs in the Country on 19.12.2019 and during the Video Conference all the State PCBs were instructed to take action against non complying Pyrolysis units as directed by CPCB in their earlier letter dated: 04.12.2019 with reference to the Hon'ble NGT Orders in OA No.400 of 2019
23. **WHEREAS**, the Board observed that you are not complying with the SOP condition that the feed to the pyrolysis reactor should be devoid of steel and further, the feeding arrangement of the crumb rubber to the reactor is of manual type and the industry provided separate energy meter to the air pollution control system but, not maintaining the records.
24. In view of the above and after careful consideration of the material facts of the case, the Board is of the firm opinion that the industry is not complying with the SOP conditions issued by MoEF&CC and consent conditions inspite of several opportunities. In view of likelihood of further grave injury to the environment, public health if the industry continues to operate, the Board decided to dispense with opportunity of hearing and issue closure orders to the industry. Under the Powers vested with the T.S. Pollution Control Board under section 33 (A) of the Water (Prevention and Control of Pollution) Amendment Act, 1988 and under section 31(A) of the Air (Prevention and Control of Pollution) Amendment Act, 1987 for the reasons stated above, the **Board hereby issues closure orders to your industry** in the interest of protecting public health and environment. You are also hereby directed to stop all industrial activities with immediate effect from the date of this order.
25. You are directed to take note that if you continue to operate your industry even after receipt of these orders, you will be liable for prosecution in the court of Metropolitan Magistrate or Judicial Magistrate of the first class under section 41(2) of Water (Prevention and Control of Pollution) and Amendment Act, 1988 and under section 37 (1) of Air (Prevention and Control of Pollution) Amendment Act, 1987 the punishment for which includes imprisonment for a term which shall not be less than one year six months which may be extended to six years and with fine.
26. You are further directed to take note that the TSSPDCL, has been ordered to disconnect Power Supply to your industry with immediate effect. Should you resort to run your industry by means of diesel generator or any mechanical device, you will be attracting prosecution under section 41(2) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under section 37 (1) of Air (Prevention and Control of Pollution) Amendment Act, 1987.

Sd/-
MEMBER SECRETARY

To
M/s. Akaash Industries,
Sy.No. 131/A/5,
Terpole (V), Kondapur (M),
Sangareddy District

Copy to:

1. The Managing Director, Telangana State Southern Power Distribution Company Ltd., Mint compound, Near Secretariat, Hyderabad for information and necessary action.
2. The District Magistrate & Collector, Sangareddy for kind information.
3. The Superintending Engineer (Operations), Telangana State Southern Power Distribution Company Ltd., Sangareddy District for information and necessary action.
4. The JCEE., Z.O., R.C.Puram for information and necessary action.
5. The Environmental Engineer, Regional Office, Sangareddy for information and necessary action.
He is directed to inspect the industry and report compliance within 24 hrs. The E.E is also directed to record the meter reading of T.S. Trans Co. power supply at the time of power disconnection.
6. Concerned file.

// T.C.F.B.O//


Senior Environmental Engineer (FAC)
(UH-V)

Received
13/1/20



TELANGANA STATE POLLUTION CONTROL BOARD

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Sanathnagar, Hyderabad-18

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BY REGD. POST WITH ACK. DUE

Order No. MDK-63/TSPCB/UH-V/TF/2017- 2104

Dt: 09.01.2020

Sub : TSPCB - M/s. Akaash Industries, Sy.No. 131/A/5, Terpole (V), Kondapur (M), Sangareddy District - Water (Prevention and Control of Pollution) Amendment Act, 1988 and Air (Prevention and Control of Pollution) Amendment Act, 1987 - **Disconnection of Power Supply - Orders Issued** - Reg.

Ref : Order No: MDK-63/TSPCB/UH-V/TF/2017, dt: 09.01.2020.

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The Telangana State Pollution Control Board reference cited above issued Closure Orders to **M/s. Akaash Industries, Sy.No. 131/A/5, Terpole (V), Kondapur (M), Sangareddy District** for Non-compliance of SOP conditions issued by MoEF&CC, GoI and consent conditions, under section 33(A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under section 31 (A) of Air (Prevention and control of Pollution) Amendment Act, 1987 and under Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016. A copy of the closure order is herewith enclosed.

In view of the above, under the powers vested under Section 33 (A) of the Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Section 31 (A) of the Air (Prevention and Control of Pollution) Amendment Act, 1987, the Telangana State Southern Power Distribution Company Ltd., is hereby directed **to disconnect the power supply to M/s. Akaash Industries, Sy.No. 131/A/5, Terpole (V), Kondapur (M), Sangareddy District.**

You are requested to carry out the orders of the Board and report compliance within 48 hours.

**Sd/-
MEMBER SECRETARY**

To

**The Superintending Engineer (Operations),
Telangana State Southern Power Distribution Company Ltd.,
Sangareddy District.**

Copy to :

1. The Managing Chairman & Director, Telangana State Southern Power Distribution Company, Near Secretariat, Hyderabad for information and necessary action.
2. The JCEE, Z.O, R.C.Puram for information and necessary action.
3. The E.E., TSPCB, Regional Office, Sangareddy with a direction to follow up for implementation of the orders.
4. Concerned file.

// T.C.F.B.O//

**Senior Environmental Engineer (FAC)
(UH-V)**

Received

D.A.
13/1/2020

