



Pollution Control Board, Assam

(Department of Environment & Forests, Government of Assam)

অসম প্রদূষণ নিয়ন্ত্রণ পৰিষদ

(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

NABL Accredited Testing Laboratory : Certificate No. TC-11384



No. WB/SVR/T-816/19-20/250
To,

Dated Guwahati, the 01st September, 2023

The Executive Director and Asset Manager
Assam Asset
M/s ONGC Limited
Nazira, Dist-Sivasagar, Assam-785685
Email: assamahse@ongc.co.in
am_assam@ongc.co.in



Show Cause Notice for violation of the provisions of the Hazardous and Other Waste (Management and Trans Boundary Movement) Rules, 2016.

WHEREAS, the Central Government has notified the Hazardous and Other Waste (Management and Trans Boundary Movement) Rules, 2016 and amendments thereof (herein after referred to as HOWM Rules) under the Environment (Protection) Act, 1986 for safe and environmentally sound management of hazardous and other wastes; and

WHEREAS, "occupier" in relation to any factory or premises, means a person who has, control over the affairs of the factory or the premises and includes in relation to any hazardous and other wastes, the person in possession of the hazardous or other waste; and

WHEREAS, Rule 4 of the HOWM Rules, 2016 stipulates the responsibilities of the occupier for management of Hazardous and Other Wastes generated from their premises; and

WHEREAS, Rule 4 (2) of the HOWM Rules, 2016 states that the occupier shall be responsible for safe and environmentally sound management of Hazardous and Other Wastes; and

WHEREAS, Rule 4(6) (a) of the HOWM Rules, 2016 stipulates that the occupier shall take all the steps while managing Hazardous and Other Wastes to contain contaminants and prevent accidents and limit their consequences on human beings and the environment; and

WHEREAS, as per Rule 6 (1) of the HOWM Rules, the occupier engaged in handling, generation, collection, storage, packaging, transportation, use, treatment, processing, recycling, recovery, pre-processing, co-processing, utilization, offering for sale, transfer or disposal of Hazardous and Other Wastes shall obtain authorization from State Pollution Control Board / Pollution Control Committee; and

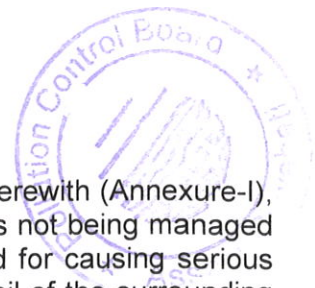
WHEREAS, M/s ONGCL, Central Tank Farm, Geleki was visited by senior officials of PCBA on 24.07.2023 and haphazard dumping of oily sludge, chemical sludge, HDPE bags contaminated with oily sludge, etc. were observed. Spillages of oily sludge to the surrounding land surface and low lying areas within the premises were observed and that indicated the **utter negligence** on part of ONGCL to contain hazardous wastes; and

WHEREAS, Officials of Pollution Control Board Assam have inspected the dumping yard located at Ligoripukhuri, Geleki under the control of M/s ONGCL, Assam Asset, Sivasagar on 28.07.2023 and the following observations were made:

- Empty barrels and liners contaminated with chemicals have been haphazardly dumped in an open area.
- Huge quantity of Hazardous and other waste, mainly empty containers and plastic bags, have been accumulated in the yard over a long period of time.

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WHEREAS, from the above observations and photographs annexed herewith (Annexure-I), it implies that Hazardous waste and other waste generated by M/s. ONGCL is not being managed in conformity with the provisions of the HOWM Rules, 2016 with a likelihood for causing serious damage to the environment through contamination of runoff as well as the soil of the surrounding area; it also implies the poor attitude of ONGCL to comply with the provisions of HOWM Rules; and

WHEREAS, Rule 23 of the HOWM Rules, 2016 states that the occupier shall be liable for all damages cause to the environment due to improper handling and management of hazardous and other waste and shall be liable to pay financial penalty as levied by the SPCB; and

WHEREAS, CPCB has framed 'Guidelines on Implementing Liabilities for Environmental Damage due to Handling & Disposal of Hazardous Waste and Penalty' on January, 2016 wherein indicative cost for site assessment and remediation has been formulated. In the said guidelines for improper handling and storage of hazardous waste, a cost of liability indicated which amounts Rs. 10,00,000 to Rs. 1,00,00,000 and a cost of liability for incidence of dumping of hazardous waste on open grounds without secondary containment of Rs. 20,00,000/- to Rs. 3,50,00,000/-; and

WHEREAS, M/s ONGCL has not obtained authorization under the HOWM Rules for the Central Tank Farm (CTF), Geleki separately which is in violation of the provisions of the HOWM Rules; and

WHEREAS, Hon'ble NGT vide its order dtd. 19.02.2019 in O.A. No. 593/2017 (Paryavaran Suraksha Samiti & Anr. Vs Union of India & Ors.) directs SPCBs to collect Environmental Compensation from the defaulting units as per the formula mentioned herein under:

Environmental Compensation is assessed as below –

$$EC \text{ (Environmental Compensation)} = PI \times N \times R \times S \times LF$$

PI = Pollution Index of industrial sector (80 for Red category)

N = Number of days of violation took place (365 days)*

R = A factor in Rupees (₹) for EC (250)

S = Factor of scale of operation (1.5 large)

LF = Location factor (1.00)

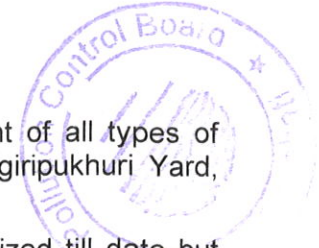
WHEREAS, from the site observations at CTF, Geleki and Ligoripukhuri Dump Yard by PCBA team and relevant records it is assessed that the violation of the provisions of the HOWM Rules has been made by ONGCL for more than 365 days prior to the day of inspection on 23.07.2023. However, for calculating the Environmental Compensation Fine the Board has fixed the 'number days of violation' as 365 days; and

WHEREAS, as per the above formula, EC to be paid by M/s ONGCL is assessed as –

$$EC = 80 \times 365 \times 250 \times 1.5 \times 1.0 = \text{Rs. } 1,09,50,000/- \text{ (One Crore Nine Lakhs and Fifty Thousand) only.}$$

NOW, THEREFORE, under the above facts & circumstances, Pollution Control Board, Assam is constrained to inform you that you have nonchalantly violated the provisions of law in force causing pollution to the environment by haphazard dumping of hazardous wastes in the premises of CTF in violation of the provisions of the HOWM Rules and therefore, in exercising of powers conferred upon it under Section 5 of the Environment (Protection) Act, 1986, the Board hereby issues the following directions:

1. ONGCL, Assam Asset shall pay Environmental Compensation fine of Rs. 1,09,50,000/- (Rupees one Crore Nine Lakh Fifty Thousand) only within fifteen (15) days to Pollution Control Board, Assam (Account Name- Pollution Control Board, Assam, A/c No. 50100159537391; IFSC Code – HDFC0004678).



2. ONGCL shall submit time bound action plan for proper management of all types of hazardous wastes, which are dumped inside the Geleki CTF and Ligiripukhuri Yard, Geleki.
3. ONGCL shall identify any other dump site(s), which are not inventorized till date but existing within the Assam asset so far, within 15 days of issue of this direction and shall intimate the information to the Board.
4. ONGCL shall identify and list the name of the occupiers for each of the major installations having hazardous wastes generation/storage/dump sites. In a situation, in which the Board is compelled to initiate legal action against the defaulters of the provisions of the HOWM Rules, the occupiers of the installations shall be held liable for any legal action. Otherwise the Asset Manager would be held liable for any legal action as a defaulter of the provisions of the HOWM Rules.
5. The Board shall levy further environmental compensation fine from the day of last inspection (24.07.2023) till the date of satisfactory compliance with the applicable provisions of the HOWM Rules in accordance with the formula for computation of Environmental compensation fine, as approved and directed by the Hon'ble NGT.
6. ONGCL shall obtain authorization for all the installation having hazardous wastes generation/storage/dump sites separately.

In case the unit fails to comply with the above conditions, PCBA will be constrained to initiate further action against the unit including initiating legal proceedings against M/s ONGCL, in accordance with provisions of Environmental (Protection) Act, 1986, without any further notice.

Encl: As above


(Arup Kr. Misra)
Chairman

Memo No. WB/SVR/T-816/19-20/250-A,

Dated Guwahati, the 01st September, 2023

Copy to:

1. The District Commissioner, Sivasagar district for kind information.
2. The Regional Head, RO-Sivasagar, PCBA.
3. P.A. to the Chairman, PCBA for kind appraisal of the Hon'ble Chairman.

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(Shantanu Kr. Dutta)
Member Secretary



Haphazard Dumping of Oily Sludge inside Geleki CTF (as on 24.07.2023)



Haphazard Dumping of Oily Sludge inside Geleki CTF

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Haphazard Dumping of Hazardous and Other Wastes in Ligoripukhuri Yard, Geleki