

**Second ATR – Part 5**

**Annexure II**

**MAHARASHTRA POLLUTION CONTROL BOARD**

:24010437/4701/24020781  
24037124/5273/24044489  
FAX: 24024068



Kalpataru Point. 3<sup>rd</sup> & 4<sup>th</sup>  
Floor, Sion Matunga Scheme  
Road No.8, Opp. Cine Planet  
Cinema, Near Sion Circle, Sion  
(East), Mumbai-400 022.

*Visit us on*  
<http://mpcb.mah.nic.in>

No BO/Legal/B-1288

Date:16/3/04

To

The Chief Executive Officer,  
M.I.D.C.,  
Marol Industrial Area,  
Mahakali Caves Road,  
Andheri (E), Mumbai - 400 093.

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986.

- Ref: 1) Order of the Hon'ble Supreme Court of India in Writ  
Petition (C) No. 657 of 1995 dated 14th October 2003.  
2) Public Notice published in leading newspaper  
dated 20/11/2003.  
3) Meetings held with the office bearers of the  
Industries Association and MPCB officials on 20/1/2003  
& 01/12/2003.  
4) Persuasion made by our officials from time to time  
to Comply with the provisions of Hazardous  
Waste (M&H) Rules, 1989 as amended.

WHEREAS, the Ministry of Environment & Forests, Government of India in exercise of powers conferred by Section 6,8 and 25 of the Environment (Protection) Act, 1986 has framed Hazardous Waste (Management & Handling) Rules, 1989. These Rules have been further amended by Notification No. SO 24 (E) dated 6th January, 2000 and No. SO 593 (E) dated 20th May, 2003 (the said Rules).

AND WHEREAS, the said rules make it mandatory on all person, organisations who are engaged in generation, collection, reception, treatment, storage, transport and disposal of hazardous waste to make an application for authorisation as required under sub rule (2) of Rule 5 of the said Rules in the prescribed form to the State Pollution Control Board and handle the hazardous waste in a scientific manner.

AND WHEREAS, the Board has been perusing the matter with your organisation regarding proper disposal of hazardous waste since commencement of these Rules. The officers of the Board have visited several locations of MIDC Tarapur from time to time and have also brought to the notice of MIDC officials about dumping of hazardous waste particularly at (1) Plot No. O - 10, Near Shree Chakra Organics, K-2, MIDC Tarapur (about 50,000 to 80,000 MT) since last 10 years and (2) Near Sattar Bunglow.

AND WHEREAS, the leachets generated from the above source alongwith rain water carried the hazardous waste into the nearby nalla leading to Kharekuran-Murbe, Dandi Creek. The analysis report of the leachets sample shows that various parameters are exceeding the standards laid down under the provisions of the Environment (Protection) Act, 1986 and the Rules made thereunder.

AND WHEREAS Hon'ble Supreme Court of India in Writ Petition No. 657/1995 (Research Foundation for Science Technology and Natural Resources Policy v/s Union of India & Others) has issued a comprehensive order on 14/10/2003 and has also given various directions to the State Pollution Control Boards to effectively implement the provisions of the said Rules. One of the directions given by the Hon'ble Supreme Court of India is to issue directions for proper rehabilitation of dump site within stipulated period of time from the issuance of the said order dated 14th October, 2003. Accordingly, the Board issued a public notice in leading newspapers on 20/11/2003 bringing these facts to the notice of all concerned.

AND WHEREAS, the Board has not received any response from MIDC proposing an environment friendly Hazardous Waste rehabilitation plan till date. Apparently no steps have been taken in this directions resulting in continuous non-compliance of Hon'ble Supreme Court Order.

In view of the aforesaid facts and circumstances, the undersigned in exercise of the powers conferred by the Ministry of Environment & Forests, Government of India under the provisions of the Section 5 of the Environment (Protection) Act, 1986 hereby directs you to remove the hazardous waste lying in MIDC Tarapur Industrial area and in particular at the sites quoted herein above.

Similarly an Action Plan with regard to other illegal Hazardous Waste dumping site in MIDC areas shall be submitted. These directions shall be complied within 30 days from the receipt hereof, failing which the matter will be referred to Hon'ble Supreme Court and further legal action will be initiated as per the provisions of the

Environment (Protection) Act, 1986 and the rules made there under.

**(Mushtaq Antulay)**  
**Chairman**

Copy f.w.cs.to : Secretary, Environment Department, Govt, of Maharashtra, Mantralaya, Mumbai-for information.

- Copy to :
- 1 Member Secretary, MPCB, Mumbai.
  - 2 WPAE/Law Office (LW), MPCB, Mumbai –for information and further follow up action.
  3. Regional Officer-Thane/Sub-Regional Officer-Tarpur-for information and necessary action. They are directed to submit prosecution proposal in the prescribed format after expiry of above notice period.



## MAHARASHTRA POLLUTION CONTROL BOARD

Kalpataru Point, Sion Circle, Sion (E). Mumbai - 400 022

### **PUBLIC NOTICE**

#### Sub: Compliance of Guidelines for Transportation of Hazardous Wastes

The Hon'ble Supreme Court of India, vide their Order dated 14-10-2003 issued in the matter of CWP / 657 of 1995, directed that transportation of hazardous waste shall be done strictly in accordance with the guidelines issued by Central Pollution Control Board (CPCB), Delhi. All hazardous waste generators, auctioners, buyers, sellers, transporters and other concerned involved in the transportation of hazardous wastes are hereby directed to comply with the CPCB guidelines, failing which they shall be liable for legal action as per the provisions of the Environment (Protection) Act, 1986. Further, non-compliance of the orders of the Hon'ble Court may be treated as contempt of the Court. Copies of the guidelines are available in the office of Central Pollution Control Board, Delhi and Maharashtra Pollution Control Board (MPCB), Mumbai free of charge. Pending, verification of the compliance of the guidelines by the transporters, the authorisations issued by MPCB are being revoked with Immediate effect and shall be reissued only after compliance verification.

Sd/-  
(Dr. D.B. Boralkar)  
(MemberSecretary)  
Maharashtra Pollution Control Board



## MAHARASHTRA POLLUTION CONTROL BOARD

Kalpataru Point, Sion Circle, Sion (E). Mumbai - 400 022  
Phone : 24020761. 24010437 Web-site : <http://mpcb.mah.nic.in>

### **PUBLIC NOTICE**

#### Management of hazardous wastes: Display of information

This is regarding follow up of the Orders issued by the Hon'ble Supreme Court of India in the matter of CWP 657 of 1995 on the subject of hazardous wastes. The Hon'ble Court ordered that all industries involved in hazardous chemicals and generating hazardous wastes display online data outside the main factory gate, on quantity and nature of hazardous chemicals being used in the plant, water and air emissions and solid wastes generated within the factory premises. If such data is not made available, the unit should be asked to show cause or even be asked to close down, [reference: paragraph at serial no. 70.11.(11) of the said order.]

Now, vide this Public Notice, Maharashtra Pollution Control Board in exercise of the powers conferred to the Member Secretary, under Hazardous Wastes, (Management & Handling) Rules, 1989 and amendments thereof, calls upon attention of all the hazardous waste generating industries in the State of Maharashtra to comply with the orders of the Court Compliance report shall be submitted to the respective Regional Offices of the Board within one month from the date of issue of this public notice.

Mumbai  
26.12.2003

Sd/-  
(Dr. D.B. Boralkar)  
Member Secretary

# MUMBAI PORT TRUST

## SHIPBREAKING ACTIVITY AT MUMBAI PORT

Ship breaking activity is being carried out at Mumbai port for last several decades. At present, the facility is available at the waterfront of Powder Works Bunder and Lakri Bunder (South) at Darukhana which have been demarcated into 7 and 12 plots respectively, along with adjacent land to facilitate breaking and storage of broken material as shown in sketches enclosed.

The total number of ships broken during the last 3 years is given below:

<b>Year</b>	<b>No. of ships broken</b>	<b>Total LDT broken on M.T.</b>
2001-2002	63	196803
2002-2003	62	175243
2003-2004	57	120434

The ship breakers are required to submit the following document before beaching of the vessel.

1. M. O.A. (Memorandum of Agreement)
2. Port Worthiness Report.
3. Light Displacement Tonnage Certificate.
4. Physical Delivery Certificate.
5. Gas Free Certificate (in case of a Tanker)
6. Customs NOC for beaching.
7. Customs noted Bill of Entry.
8. Ships' Registry/Tonnage Certificate.
9. Deposit Receipt (90 days payment) of ship breaking charges.

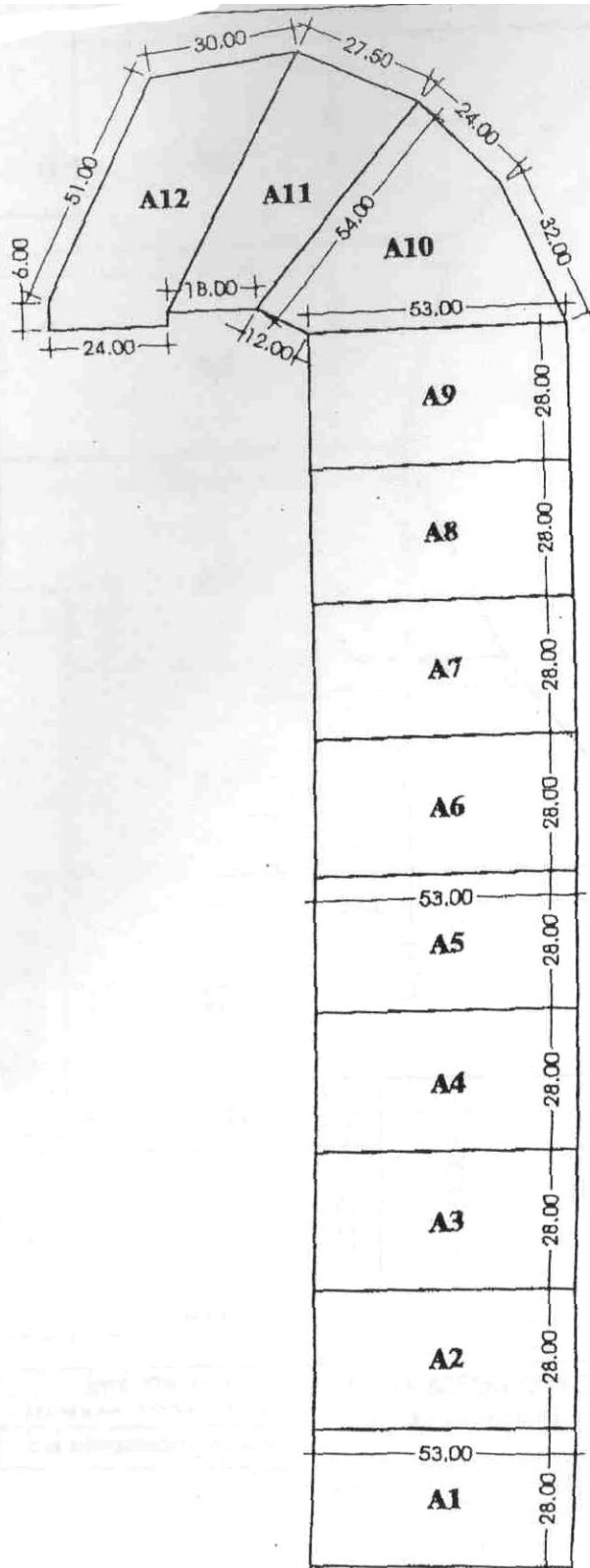
The ship breakers are required to submit the following documents before breaking of the vessel.

1. Bill of sale.
2. Commercial Invoice.
3. Payment receipt of Port charges.
4. Bill of Entry (made out of charges).
5. Customs' NOC/Permission for breaking of Ship.
6. Undertaking to complete breaking (within the prescribed time limit)
7. I DT certified by Dy. Conservtor.
8. NOC issued by Dy. Conservator/Director, Pollution Control Cell.

The ship breaking permission is granted to the ship breakers subject to following conditions :

1. that he will provide booms along the entire shipside throughout the tenure of ship breaking to prevent the escape of ship waste into the harbour water.
2. that in the event of the vessel discharging or spilling accidentally or otherwise oil, oily water or causing chemical pollution anywhere in the waters of the Port or throwing garbage or rubbish anywhere within the Port limits, without permission, he will pay the penalty/cleaning charges upto Rs. 75,000/- for oil/chemical pollution and upto Rs.40,000/- for garbage/rubbish pollution. The decision of the Deputy Conservator in regard to payment of penalty/cleaning charges will be final and binding on him.
3. that disposal of the oil sludge in the wreck vessel be mandatorily given to the Government notified parties only in compliance of the Petroleum Act to avoid oil pollution.
4. that he will complete breaking of the vessel as per undertaking given by him.

DA : Sketches.



NORTH  
SCALE 1 : 1250

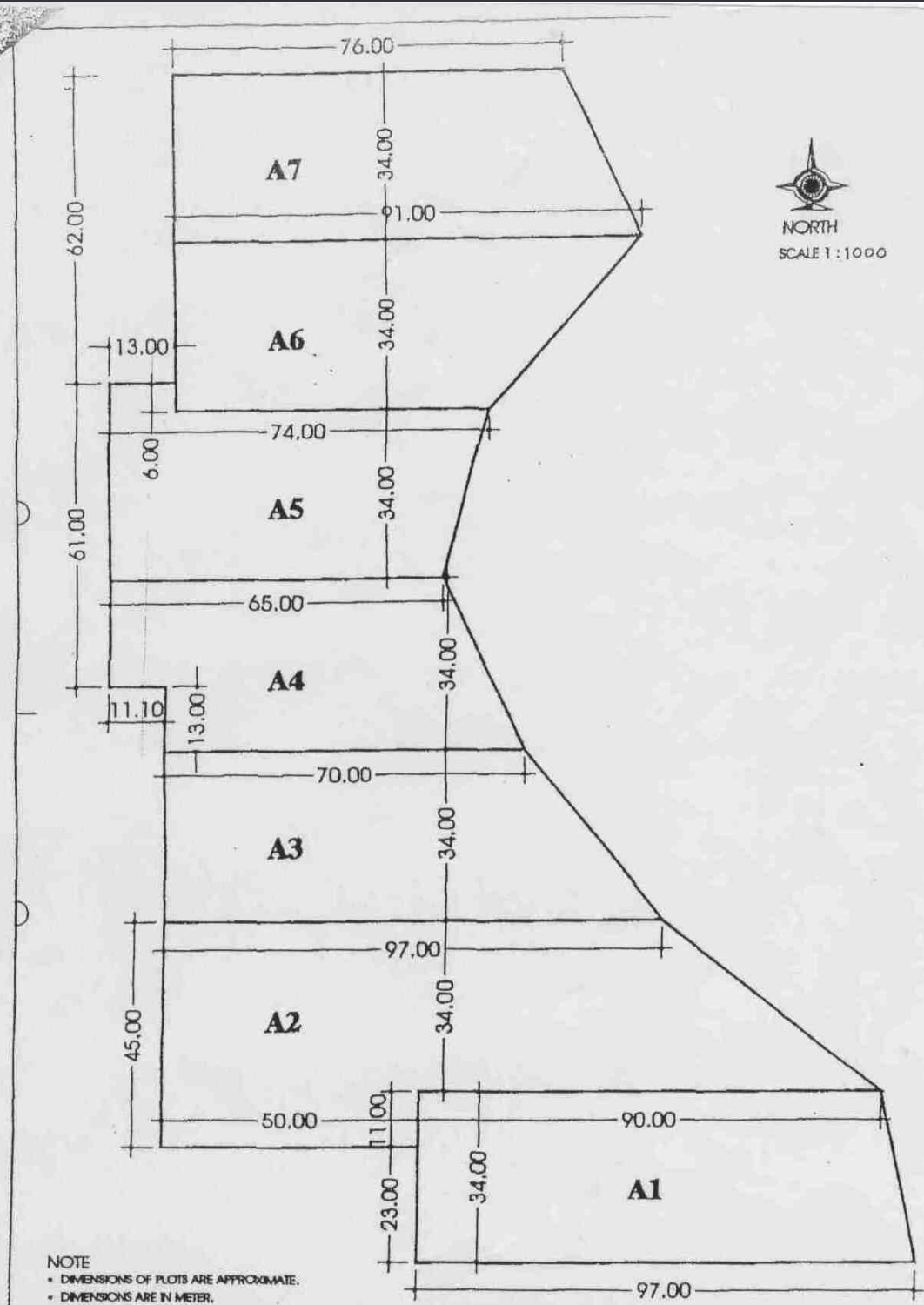
NOTE  
 • DIMENSIONS OF PLOTS ARE APPROXIMATE.  
 • DIMENSIONS ARE IN METER.



मुंबई पोर्ट ट्रस्ट  
 MUMBAI PORT TRUST  
 CIVIL ENGINEERING DEPARTMENT


TITLE SHIP BREAKING PLOTS AT  
 LAKRI BUNDER ( SOUTH )

DRAWN			
DATE			
DRG.NO.	32 / 2003		



  
 NORTH  
 SCALE 1:1000

NOTE  
 • DIMENSIONS OF PLOTS ARE APPROXIMATE.  
 • DIMENSIONS ARE IN METER.

	मुंबई पोर्ट ट्रस्ट MUMBAI PORT TRUST	TITLE SHIP BREAKING PLOTS AT POWDER WORKS BUNDR	DRAWN		
	CIVIL ENGINEERING DEPARTMENT		Date		
			DRG.NO.	33 /2003	

<p>महाराष्ट्र मेरीटाईम बोर्ड (महाराष्ट्र शासनाचा उपक्रम) इंडियन मर्कटाईल चेंबर्स, ३रा मजला, रामजीभाई कमानी मार्ग, बेलाई इस्टेट, मुंबई - ४०० ०३८ फोन:- २२६१२१४३, २२६५२४०९, फॅक्स:- २२६१४३३१</p>	<p>MAHARASHTRA MARITIME BOARD (A GOVT. OF MAHARASHTRA UNDERTAKING) Indian Mercantile Chambers, 3rd Floor, Ramjibhai Kamani Marg, Ballard Estate, Mumbai-400 038 Tel:- 22612143,22652409 Fax:-22614331</p>
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No. MMB/Planning-1/MPCB/Ship Breaking/974

Date:-26 Mar 2004

To,  
Member Secretary,  
Maharashtra Pollution Control Board,  
Kalpataru Point, Sion Circle, Sion (East),  
Mumbai- 400 022.

**Sub:- WP No. 657/1995 in the Supreme Court of India**

Ref:- 1. Your letter No. MPCB/MS/OH/37, Dtd. 1.3.2004.  
2. Your letter No. MPCB/TA/B-1275, Dtd. 16.3.2004.

Sir,

With reference to your letters on the above-mentioned subject, it is to inform you that no ship-breaking activities are being carried out on the coast of Maharashtra except Mumbai Port, which is under the control of Mumbai Port Trust. A small stretch of seashore has been earmarked for this purpose by Mumbai Port Trust. The Maharashtra Maritime Board, constituted under Maharashtra Maritime Board Act, 1996 has an administrative control over 48 Minor Ports on the coastline of Maharashtra.

2.. No company has been permitted by the Maharashtra Maritime Board to carry out ship breaking activities within the port limits of Minor Ports. However, the permissions have been granted to some entrepreneurs for setting up Dry Dock facilities, which involve Shipbuilding and ship repairs, but no ship breaking.

3. The Government of Maharashtra has not set up specific norms/directives for ship breaking activities. However, shortly Maharashtra Maritime Board will undertake preparation of norms/directives on similar lines of Gujarat Maritime Board and guidelines from Maharashtra Pollution Control Board.

This is for your information please.

Thanking you,

Yours faithfully

Chief Executive Officer,

Maharashtra Maritime Board, Mumbai

## MAHARASHTRA POLLUTION CONTROL BOARD

Phone: 4010437/4020781/4014701  
4045589/4037124/4035273  
Fax : 4024068/4023516

Kalpataru Point, 3rd and 4<sup>th</sup> floor,  
Sion, Matunga Scheme Road No.8  
Opp. Cine Plant Cinema,  
Near Sion Circle, Sion (E)  
Mumbai : 400 022

### Public Notice

#### **Prohibition of burning of Hazardous and Non-Hazardous Wastes on the Beaches.**

In the Public Interest Litigation (WP No. 657/1995) Hon'ble Supreme Court of India has directed dated 14.10.2003, that there should not be burning of hazardous and non-hazardous wastes on the beaches, creeks banks or on Chowpatties.

In view of the orders of Hon'ble Supreme Court of India in the above writ petition, it is hereby notified to all concerned that the orders of Hon'ble Supreme Court of India should be strictly followed and any burning of the Hazardous or Non Hazardous wastes on the beaches, creeks banks or on Chowpatties should be stopped immediately.

Concerned Local Bodies in the coastal districts of Maharashtra are also required to take all necessary precautions to ensure that the orders of the Hon'ble Supreme Court of India are strictly complied with.

Anybody seen violating the orders of the Hon'ble Supreme Court of India shall be strictly dealt with and necessary action shall be taken against such violators.

**Sd/-**  
**(D.B.Borakar)**

**Member Secretary**



## MAHARASHTRA POLLUTION CONTROL BOARD

Kalpataru Point, 3rd and 4th floor, Sion Malunga Scheme Road No. 8,  
Opp. Cine Planet Cinema, Near Sion Circle, Sion (E), Mumbai - 400 022.  
<http://mpcb.mah.nic.in> email: [mpcb@vsnl.net](mailto:mpcb@vsnl.net)

### **PUBLIC NOTICE**

## **LAST CHANCE - APPLY SOON**

### Compliance of Bio-Medical Waste (Management and Handling) Rules, 1998.

The Ministry of Environment and Forests, Government of India has notified Bio-Medical Waste (Management and Handling) Rules, 1998. It is mandatory on every occupier of an institution generating, collecting, receiving, storing, transporting, treating, disposing and or handling Bio-Medical Waste in any manner to make an application in Form-I to the Prescribed Authority for grant of authorization accompanied by fees prescribed by the State Government.

It has been observed that considerable period of time is lapsed since the issuance of notification, the institutions covered under these rules have not made the requisite application for authorization accompanied by the prescribed fees and/or provided the requisite bio-medical waste treatment and disposal facilities.

Through this Public Notice, last opportunity is being given to all those who are covered and governed by these rules to make application in requisite format on or before 31st of May, 2004. The application forms can be obtained from the nearest Sub-Regional Office/Regional Office of the Maharashtra Pollution Control Board.

In case of failure, legal action will be initiated as provided under Section 15 of the Environment (Protection) Act, 1986, which please note.

Sd/-  
(D. B. Boralkar)  
Member Secretary And  
Prescribed Authority