



KERALA STATE POLLUTION CONTROL BOARD

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DISTRICT OFFICE

PnÂmHm^okv

M.A.M ARCADE, NEAR RAILWAY STATION, KANHANGAD - 671 315

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REGISTERED WITH A/D

In reply please refer to: PCB/KSRD/ICO/133/2015

CONSENT REVOKE ORDER

- 1) Consent to Operate No. PCB/KSRD/ICO/145/15/R1/2019 of M/s Petroliv Petroleums dated 27/03/2019 valid up to 31/08/2023.
- 2) This office even number Show Cause Notice dated 20/08/2020 to M/s Petroliv Petroleums.
- 3) This office Consent Withdrawal Intention Notice PCB/KSRD/HW-AR/115/2017 dated 29/01/2022 to M/s Petroliv Petroleums.
- 4) Inspection conducted at the unit by the Board officials on 3/8/2018, 17/2/2020, 19/3/2020, 5/2/2021, 24/2/2022, 31/3/2022 and 28/9/2022
- 5) Annual Report and hazardous waste manifests submitted by M/s Petroliv Petroleums dated 22/03/2022 for the period of April 2020 to March 2022.
- 6) W P (C) NO 16170 of 2022 files by M/s Petroliv Petroleums (Angel Group)
- 7) Email dated 21/07/2022 from Mr. Sunil Mathew to this office.
- 8) This office Letter No PCB/KSRD/ICO/133/2015 dated 17/9/2022, 28/9/2022, 13/10/2022 and 26/10/2022 to Mr. Santhosh Kumar asking the details to prove the continuous operation of the unit.
- 9) Replies received from Mr. Santhosh Kumar on 26/09/2022, 10/10/2022, 19/10/2022, 28/10/2022 and 18/11/2022 through E-mails and as hard copies.

- 10) Hearing conducted by the Chief Environmental Engineer on 12/10/2022 at Regional office Kozhikkode based on the Judgement by Hon'ble High Court of WP(C) No. 24279 of 2022 dated 24.08.2022
- 11) Order No: PCB/HO/KSGD/HW/15942/08/2011 of the Chairman, KSPCB dated 29/10/2022 for the constitution of an Expert committee regarding Hazardous waste Rules.
- 12) Hearing conducted on 16/11/2022 at district office, Kasaragod based on the Judgement of the Hon'ble High Court in WP(C) No. 33039 of 2022 dated 20/10/2022.
- 13) This office Consent Revoke Intention Notice no. PCB/KSRD/ICO/133/2015 dated 25.01.2023
- 14) Your reply dated 27.01.2023 to the Consent Revoke Intention Notice.

WHEREAS M/S Petroliv Petroleums (Angels Group), Sy. No. 676/87 G, Erikulam P.O., Madikkai, Nileshwar, Kasaragod – 671314 (hereinafter referred to as unit) comes under the purview of the Water (Prevention and Control of Pollution) Act 1974, Air (Prevention and Control of Pollution) Act 1981, Environmental Protection Act, 1986 and rules there under including Hazardous and other Wastes (Management & Transboundary Movement) Rules 2016 and is bound to comply with the conditions of the Integrated Consent to Operate issued to the unit;

WHEREAS as per the recommendations of the Hon'ble National Green Tribunal in case number OA 804/2017, actions shall be initiated against all such units which are violating one or other provisions of Hazardous and other Wastes (Management & Transboundary Movement) Rules, 2016;

WHEREAS as per Hazardous and other Wastes (Management & Transboundary Movement) Rules 2016, every Hazardous waste generator has to submit the Annual Report of Hazardous Waste generated in their unit and disposed for the previous year on or before June 30 of every year;

WHEREAS a number of inspections had done by the Board officials in your unit on 3/8/2018, 17/2/2020, 19/3/2020, 5/2/2021, 24/2/2022, 31/3/2022, 28/9/2022 and it is noticed that the unit was not functioning during the time of above inspections;

WHEREAS a show cause notice had issued to you vide ref (2) asking explanations and clarifications regarding the mismatch observed in the collection of used oil for the period of April 2019 to March 2020 as per the submitted annual report and registers, the shortage noticed in raw material stock quantity and non-disposal of the generated hazardous waste to KEIL;

WHEREAS a consent withdrawal intention notice was issued to you vide ref (3) regarding the non-submission of annual report and manifests as per the Hazardous and other Wastes (Management & Transboundary Movement) Rules, 2016;

WHEREAS there was a mismatch of 154 KL (kiloliter) noticed in the quantity of collected used oil when comparing the Annual Report and the hazardous waste manifests furnished by you on 22/03/2022;

WHEREAS while comparing the details of manifests (regarding the used oil collection of your unit) collected from some of the District Offices of Kerala State Pollution Control Board and the manifests submitted by your unit, it is

noticed that you have not furnished the complete manifests of the used oil collected by you for the above period;

WHEREAS the explanations regarding the mismatch found not complete and the supporting documents furnished by you regarding the above said mismatch found not satisfactory, because the occupier and the operator of the disposal facility is responsible for the collection, reception, treatment, storage and disposal of hazardous and other wastes as per the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016;

WHEREAS as per the Annual report submitted by your unit, you have reported that the details of disposal of hazardous waste was not applicable for your unit as you were involved only in refining process, but as per the said Rules, 1) the ETP sludge produced in your unit, 2) the residue generated during the used oil recycling process, and 3) the spent clay generated, are come under hazardous wastes and these shall be disposed through the CTSDF of KEIL at Ambalamugal;

WHEREAS as per the section 8 the Hazardous and Other Wastes (Management and Transboundary Movement) Rules 2016, the occupiers of facilities may store the hazardous and other wastes for a period not exceeding ninety days, provided that the State Pollution Control Board may extend the said period of ninety days in specific cases;

WHEREAS even after the repeated directions of the Board, you have not transferred the above hazardous wastes generated in your unit to the CTSDF in the stipulated time, which is a violation of the section 8 of the Hazardous and other Wastes (Management & Transboundary Movement) Rules, 2016;

WHEREAS the explanations and the supporting documents furnished by you regarding the non-disposal of the above hazardous wastes in the stipulated time were not satisfactory;

WHEREAS it was noticed during the inspection dated 02.02.2023 that you had removed some quantity of the above hazardous wastes from your unit and you were directed to report the details of the removal along with the copies of the manifests, vide this office letter no. PCB/KSRD/ICO/133/2015 dated 22.02.2023, but you have not responded so far;

WHEREAS the former partner of the unit Sri. Sunil Mathew Philip filed a complaint vide ref. (7), alleged that the industry was not processing the used oil/waste oil collected from various parts of the state and engaging in the illegal trading of the above raw materials;

WHEREAS though the consented products of the unit are Recycled fuel oil and Re-refined Lube base oil, the documents from the State tax department show that most of the entries indicated that sale of Waste Oil and Dehydrated Used Lube oil carried out by the unit and one of the products mentioned as Waste Oil at so many instances, but the receipt of waste oil was not found in the submitted copy of Passbook during this period;

WHEREAS as per the Hazardous and other Wastes (Management & Transboundary Movement) Rules, 2016 you shall not trade or sell Used oil or Waste oil which are under Hazardous waste category;

WHEREAS you have been directed vide ref (8) to submit the original passbook for the collected waste oil and to clarify the direct sale of waste oil, which was

mentioned in the GST documents, but you have not submitted the original passbook till the date;

WHEREAS you were directed to furnish the following details/ documents to prove the continuous operation of the unit and/ or the production of the consented products vide ref (8), (10) & (12):

1. Hazardous waste Manifests
2. Copies of all the Annual reports
3. Log book regarding the processing of waste oil/ used oil in the unit
4. Details (including quantity) of collection of waste oil/ used oil
5. Details of sales of the processed oil (including quantity of processed oil)
6. Supporting documents from State Tax/ GST department regarding the purchase and sales of raw materials and products
7. Details of ETP sludge transferred to KEIL (manifests to be attached)
8. Clarification and supporting documents regarding the mismatches in the quantity of raw materials, as per the annual reports and the manifests submitted for the year of 2020-21 and 2021-2022
9. Passbook for the collection of waste oils
10. Details of employees and their salary transaction details
11. Details of cash transfer to Port and Customs departments regarding the collection of slop oil
12. Documents/ Agreements between M/s Avatar Petrochemicals and M/s Petroliv Petroleums including the permission for the

storage of slop oil in the HHA tank owned by M/s Avatar Petrochemicals.

13. Clarification in the GST sales documents where the product name mentioned as 'Waste Oil';

WHEREAS the unit has furnished the following details/ documents vide ref (9):

1. Copy of log book for a period of 01/05/2017 to 25/8/2020.
2. Manifest and Annual reports were submitted, but not furnished the whole manifests for the above period.
3. Some documents from State Tax Department were submitted by you, but the details of the collection of raw materials and sales of the products, including the name and quantity were not available from the submitted documents.
4. As per the reply letter, the occupier stated that he would submit the documents regarding the hazardous waste transferred to the KEIL, but not transferred the same in the stipulated time.
5. The occupier submitted a clarification regarding the mismatches happened in the case of M/s Popular Vehicles and Services only, but failed to clarify the mismatches in the remaining cases.
6. Copy of one page of the passbook has furnished, but not produced the original passbook.
7. The employee and their salary details for the period of 30/01/2020 to 29/9/2020 were submitted, but it is not complete and the operation of the unit cannot be verified from these documents.

8. Transaction details and Bill of entry were submitted, regarding the collection of slop oil.
9. A letter of M/S Avatar to the Chief Deputy Commissioner of customs to Authorize M/s Petroliv Petroleums for the use of HHA Tank.
10. Some KSEB bills and G-Pay Details also provided but the operation of the unit cannot be verified from these documents;

WHEREAS it is seen that the unit has not produced the following documents/ details already asked for:

1. The Salary Register of the employees other than that of 2020.
2. Diesel purchase bills or registers.
3. Production Log Book after August 2020.
4. Transfer details of solid hazardous wastes generated in the unit to KEIL for the disposal.
5. Original passbook for the collection and transportation of Waste Oil.
6. Details of sales of the processed oil.
7. Additional details regarding the mismatch in raw material quantity;

WHEREAS the operation of your unit and/ or the production of consented products during the period 2020- 2022 could not be verified during the inspections conducted vide ref (4) and from the documents you have submitted;

WHEREAS the operation of your unit and/ or the production of consented products during the period 2020- 2022 cannot be verified from the details collected from the State Tax Department based on the sale of consented products of your unit;

WHEREAS vide ref (6), you have stored about 1815 tons of Slop oil in the tank number T-205 of the HHA Tank Terminal, Willington Island, without having the consent or permission of the Board for the intermediate storage of Hazardous materials;

WHEREAS the first and second meetings of the Expert committee constituted vide ref (11) was conducted on 16/11/2022 and 13/12/2022, the committee recommended to issue a Consent Revoke Intention Notice to the unit quoting all the violations, as the unit could not prove the operation of the industry and the production of the consented products;

WHEREAS it is noticed that the unit was not functioning during the inspection dated 02.02.2023, you were directed to produce the details of raw material collection, sale of consented products, labour details and the production log book at the time of inspection, but you have failed to furnish the same;

WHEREAS as per this office letter no. PCB/KSRD/ICO/133/2015 dated 22.02.2023, you were directed to produce the details of raw material collection, sale of consented products, labour details and the production log book but you have not responded so far;

WHEREAS after the repeated directions of this office, still you are not maintaining the registers and log book for the proof of operation of the industry and still neglecting the directions of the Board;

WHEREAS based on the above violations noticed and as per the recommendation of the Expert Committee, a Consent Revoke Intention Notice vide ref. (13) had issued to you;

WHEREAS it is seen that you had admitted all the violations in your reply vide ref. (14) which was furnished to the above Consent Revoke Intention Notice;

WHEREAS as per the decisions taken in the third meeting of the Expert Committee conducted on 01.02.2023, the Committee recommended to revoke the Consent to Operate of the unit, based on the above violations and the admitting of the violations:

WHEREAS the industry is functioning in violation of the conditions of the Consent issued as per ref (1) and the sections 4, 8 and 20 of the Hazardous and other Wastes (Management & Transboundary movement) Rules 2016;

NOW THEREFORE the Board hereby revoke the Consent to Operate issued to you vide ref (1) on the above said reasons. This is without prejudice to take further proceedings against you for your failure to comply with the provisions of the Water (Prevention and Control of Pollution) Act 1974, Air (Prevention and Control of Pollution) Act 1981, Environmental Protection Act 1986 and Hazardous and other Wastes (Management & Transboundary movement) Rules 2016.

Dated this the 29th day of March 2023.

For and on the behalf of the
Kerala State Pollution Control Board



A handwritten signature in green ink, appearing to be "S. A.", written over a horizontal line.

Environmental Engineer

To,

Sri. B. SANTHOSH KUMAR,

M/s ANGELS GROUP

KAMIYILAMBATTU HOUSE,

EAST KADUNGALLOOR,

U. C. College P.O.– 683102, ERNAKULAM

(Managing Partner,

M/s Petroliv Petroleums,

Erikulam P.O., Madikkai,

Nileshwar, Kasaragod – 671314)

Copy to:

1. The Member Secretary, Kerala State Pollution Control Board
2. The Chief Environmental Engineer, Regional Office, Kozhikode
3. The Chief Environmental Engineer, Regional Office, Ernakulam
4. Stock file/ office copy.

Telephone: 04672201180

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

DISTRICT OFFICE, KASARGOD

ജില്ലാ ഓഫീസ്, കാസർഗോഡ്

M.A.M ARCADE, NEAR RAILWAY STATION, KANHANGAD - 671 315

എം.എ.എം. ആർക്കേഡ്, റെയിൽവേ സ്റ്റേഷനു സമീപം, കാഞ്ഞങ്ങാട് 671 315

reply please refer to: PCB /KSRD/ICO/133/2015

dated: 05.07.2023

Registered with AD

From,

The Environmental Engineer
District Office
Kasaragod

To

Sri.. Santhosh Kumar B
M/s. Angels Group
Kamiyilambatu House
East Kadungalloor
U.C College P.O 683 102, Ernakulam
(Managing Partner,
M/s.Petrolive Petroleums,
Erikulam P.O Madikkai
Nileshwar, Kasaragod-671 314)

Sub: Reinstating the consent revoke order-Reg

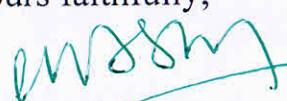
- Ref: 1) Consent Revoke Order No. PCB/KSRD/ICO/133/2015 Issued on 29/03/2023.
2) Letter No. PCN/H0/KSGD/HW/15942/08/2011 (Vol.II)/A Of the Board Chairman dated: 04/04/2023
3) Order No. PCB/HO/KSGD/HW/15942/08/2011 (Vol.II)/A of the Board Chairman, dated 30/06/2023

Sir,

The consent revoke order under ref (1), which was kept in abeyance as per the direction of Board Chairman vide ref (2), is hereby reinstated as per the order of Board Chairman vide ref(3).



Yours faithfully,


Environmental Engineer