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## KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram - 695 004

പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004

PCB/HO/KSGD/HW/15942/08/2011 (Vol. II)

Date: 22/03/2023

### SHOW CAUSE NOTICE

- Ref: 1) Integrated Consent to Operate no. PCB/EKM/RO/ICO-1/09 valid up to 30/06/2012 and O15ERRCTE971958 valid upto 30/06/2023
- 2) E-mail dated 06/10/2022 from DO - 1, Ernakulam enclosing letter no. PCB/EKM/DO - 1/GEN-21/2020 dated 03/10/2022
- 3) Letter no. PCB/RO-EKM/GEN-04/06 dated 12/12/2022
- 4) Letter no. PCB/EKM/DO-1/GEN-21/2020 dated 07/12/2022
- 5) Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016

KERALA STATE POLLUTION  
CONTROL BOARD  
THIRUVANANTHAPURAM

23 MAR 2023

DESPATCHED

WHEREAS M/s. HHA Tank Terminal Pvt. Ltd., CC No. 1869, Muraf Area, Indira Gandhi Road, Willington Island, Kochi - 682 003 comes under the purview of the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environmental Protection Act, 1986; and the rules thereunder including Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and is bound to comply with the conditions of the Integrated Consent to Operate cited (1) above;

WHEREAS Integrated Consent to Operate was issued for storage of class A, B&C Petroleum products in 35 storage tanks;

WHEREAS Consent was granted to store C class petroleum products in T201 to T 205;

WHEREAS Environmental Engineer, District Office - 1, Ernakulam requested vide reference (2) that tank T 205 was given on rent to M/s. Avatar Petrochemicals Pvt. Ltd. for storage of hazardous waste viz. used oil/ slop oil evacuated from ships;



WHEREAS Chief Environmental Engineer, Regional Office, Ernakulam vide letter cited (3) has forwarded the letter from Environmental Engineer, District Office - 1, Ernakulam, cited (4) above, wherein the violations done by you were clearly reported;

WHEREAS such storage of Hazardous Wastes in storage tanks without obtaining Board's prior consent is in violation to the condition number 2.2 of consent issued vide reference (1) above;

WHEREAS you have not obtained authorization for storage of Hazardous Waste as per rule 6.1 of Hazardous & Other Wastes (Management and Transboundary Movement) Rules, 2016;

WHEREAS as per rule (8) of Hazardous & Other Wastes (Management and Transboundary Movement) Rules, 2016 the occupier shall not store Hazardous and Other Wastes for a period not exceeding 90 days;

WHEREAS Hazardous Wastes have been stored in your storage facility exceeding the said period without any permission from the State Pollution Control Board;

WHEREAS no proper records regarding the storage of such wastes were maintained by you;

WHEREAS annual report was not submitted as per rule 20 of Hazardous & Other Wastes (Management and Transboundary Movement) Rules, 2016;

WHEREAS the Central Pollution Control Board in compliance with orders dated 12/04/2019 of the Hon'ble National Green Tribunal, Principal Bench, New Delhi, in the matter of Original Application No. 804/2017 has published Enforcement Framework for Effective Implementation Hazardous & Other Wastes (Management and Transboundary Movement) Rules, 2016 for calculation of Environmental Compensation;

WHEREAS procedural violations in nature have been observed;

WHEREAS such violations come under category A as per the guidelines published by Central Pollution Control Board for determination of Environmental Compensation to be recovered for violation of Hazardous & Other Wastes (Management and Transboundary Movement) Rules, 2016;

WHEREAS financial penalty is to be imposed and collected from the violators for violation of each provision as per the methodology for assessing financial penalty;

WHEREAS based on the methodology developed by Central Pollution Control Board the financial penalty is calculated as Rs. 4 Lakhs for violation of condition no. 2.2 of the consent issued and Rules 6 (1), (8) and (20) of Hazardous & Other Wastes (Management and Transboundary Movement) Rules, 2016;

NOW THEREFORE in exercise of the powers vested under section 5 of Environment (Protection) Act, 1986, the unit is hereby directed to show cause within 15 days of receipt of this notice as to why the unit shall not be directed to deposit an Environmental Compensation of Rs. 4,00,000/- (Rupees Four Lakhs only).

**For and on behalf of the  
KERALA STATE POLLUTION CONTROL BOARD**

  
**CHAIRMAN**

To

M/s. HHA Tank Terminal Pvt. Ltd.,  
CC No. 1869, Muraf Area, Indira Gandhi Road,  
Willington Island, Kochi - 682 003.

Copy to:

- 1) The Chief Environmental Engineer, Regional Office, Ernakulam/Kozhikode
- 2) The Environmental Engineer, District Office - 1, Ernakulam/Kasargod
- 3) Environmental Engineer - 5, Head Office