

**MINUTES OF THE 86<sup>TH</sup> MEETING OF THE GOA STATE  
POLLUTION CONTROL BOARD HELD IN THE  
CONFERENCE HALL OF THE BOARD ON  
7<sup>th</sup>, 17<sup>th</sup> and 28<sup>th</sup> March, 2008 AT 3.30 pm.**

I. The meeting of the Goa State Pollution Control Board which was held on 07/03/08 was adjourned for the 17<sup>th</sup> March, 2008 and latter adjourned for 28<sup>th</sup> March, 2008.

The following members attended the meeting on 07/03/08

1. Dr. L.U. Joshi - Chairman
2. Shri S.G. Redkar, Chief Inspector, Factories and Boilers
3. Shri A.V. Palekar – Managing Director, Indl. Dev. Corporation
4. Dr. Joseph De Souza, Chief Scientist, Goa State Council for Science and Technology.
5. Shri Keshav Kamat – Representative of Goa Small Scale Industries Association
6. Shri J.B. Bhingui, Director, Mines and Geology
7. Shri Sagun Wadkar, Panch, Village Panchayat
8. Shri Tulio De Souza, Architect
9. Shri A.G. Daiwajna - Member Secretary.

The following members attended the meeting on 17/03/08.

1. Dr. L.U. Joshi - Chairman
2. Shri S.G. Redkar, Chief Inspector, Factories and Boilers
3. Shri A.V. Palekar – Managing Director, Indl. Dev. Corporation
4. Shri Nitin Kunkolienkar – President, Goa Chamber of Commerce and Industry
5. Shri Keshav Kamat – Representative of Goa Small Scale Industries Association
6. Mrs. Ruth Furtado – Councillor, Corporation of the City of Panaji
7. Shri Tulio De Souza, Architect
8. Shri A.G. Daiwajna - Member Secretary.

The following members attended the meeting on 28/03/08

1. Dr. L.U. Joshi - Chairman
2. Shri S.G. Redkar, Chief Inspector, Factories and Boilers
3. Shri A.V. Palekar – Managing Director, Indl. Dev. Corporation
5. Shri Keshav Kamat – Representative of Goa Small Scale Industries

- Association
6. Shri Nitin Kunkolienkar, President, Goa Chamber of Commerce & Industry
  7. Shri Tulio De Souza, Architect
  8. Shri A.G. Daiwajna - Member Secretary.

The minutes of the meetings are as follows:

**Agenda Item no. 1**

**CONFIRMATION OF THE MINUTES OF THE 85<sup>TH</sup> MEETING OF THE BOARD**

The members perused this item so as to enter the minutes in the Minutes Book.

**Agenda Item no. 2**

**APPLICATION OF M/s RATIO PHARM INDIA PVT. LTD. – VERNA INDL. ESTATE FOR EXPANSION**

The members perused the application of M/s Ratio Pharm India Pvt. Ltd. for Consent to Establish (expansion of the existing unit) for production of non cytotoxic non hormonal, non antibiotic pharmaceutical products.

The members approved for grant of Consent to Establish for the proposed expansion of their existing unit for additional products..

**Agenda Item no. 3**

**GRANT OF EXTRAORDINARY LEAVE TO SHRI LOURENCO DE SOUZA, PEON OF THIS BOARD**

The members noted and approved granting of extraordinary leave to Shri Lourenco De Souza, Peon of this Board.

The members also approved to appoint a Peon on contract basis for the said period as a substitute.

**Agenda Item no. 4**

**APPLICATION OF M/s NICOMET INDUSTRIES LTD. FOR ESTABLISHMENT OF A SECURED LAND FILL FACILITY IN CUNCOLIM INDL. ESTATE.**

The members perused this item as well as the comments received from National Environmental Engineering Research Institute, (NEERI) Nagpur.

vide their letter dated 28/02/08. NEERI has observed in the letter that the drawings are in accordance with the Standard Practice for Construction of Secured Land Fills and as per the design criteria delineated by the Central Pollution Control Board and have approved the drawings for captive land fill facility. They have also observed that the NEERI team has visited the proposed site in the past on a number of occasions and the said site located within Cuncolim Indl. Estate is free from locational constraints as delineated by CPCB and hence suitable for captive land fill site.

On consideration of the above facts, the members decided to grant Consent to Establish to M/s Nicomet Industries Ltd. to establish a captive land fill site in the existing quarry portion within Cuncolim Indl. Estate allotted by Goa Industrial Development Corporation, subject to the following conditions:

- a. The unit should utilize the said facility only to dispose the existing waste generated and stored within the premises and also the waste stored in an additional shed.
- b. The unit should first treat and dispose the stabilized waste presently lying at plot nos. 15, 19 and 20 covered with tarpaulin, before monsoons.
- c. The unit should treat and dispose their hazardous waste at the Common Hazardous Waste Treatment and Disposal Facility at Darbhadora once the facility is commissioned.
- d. The construction work should not commence without obtaining prior approval of the Board.
- e. The unit should obtain approval of the Board at each stage of construction of the captive land fills site.
- f. The method of solidification / pre-treatment of hazardous waste should be as recommended and approved by NEERI.

**Agenda Item no. 5**

**HEARING M/s JAIN UDYOG AND THE PETITIONERS AS PER THE ORDERS OF THE HON. HIGH COURT**

The Hon. High Court in the Writ Petition no. 54/2008 directed the Board to hear all concerned parties and pass a reasoned order with regards to the unit of M/s Jain Udyog within six weeks. The Board in its 85<sup>th</sup> meeting held on 08/02/08 decided to constitute a Committee of the following members to hear M/s Jain Udyog and all concerned.

1. Shri A.G. Daiwajna \_ Member Secretary
2. Dr. Simon De Souza, Consultant, GSPCB

3. Shri Sanjeev Joglekar – A.E.E
4. Shri Sanjay Vaze – A.E.E
5. Mrs. Jenica Sequeira – Scientist – B
6. Mrs. Natalia Dias – Aast. Law Officer

As per the Order of the Hon. High Court dated 06/02/08, the Board issued a detailed show cause notice to the unit of M/s Jain Udyog on 18/02/08. A copy of the said show cause notice was also forwarded to the concerned parties i.e. Goa Foundation and Shri Pandurang Naik. All parties concerned were directed to file their written reply on or before 25/02/08 and remain present for the hearing on 28/02/08 before the Committee constituted by the Board.

The following Legal Counsels were present for the hearing:

1. Adv. Yogesh Nadkarni on behalf of M/s Jain Udyog
2. Adv. Norma Alvares, for Goa Foundation
3. Adv. Devidas J. Pangam on behalf of Shri Pandurang Naik

Advocates for M/s Jain Udyog, Goa Foundation and Shri Pandurang Naik requested that the Petition be heard before the Board. Accordingly the 86<sup>th</sup> meeting of the Board was scheduled on 07/03/08.

M/s Jain Udyog, The Goa Foundation and Shri Pandurang Naik had filed their written replies and copies of the same were provided to the Board members.

The members present on 07/03/08 heard all the concerned parties. The following Legal Counsels presented their case before the Board members present:

1. Senior Adv. Amit Chadha on behalf of M/s Jain Udyog
2. Adv. Norma Alvares, for Goa Foundation
3. Adv. Devidas J. Pangam on behalf of Shri Pandurang Naik

Dr. Claude Alvares, Director, Goa Foundation also made a Power point presentation for the Board members with regards to the unit.

The Ld. Counsel for the Goa Foundation stated as follows:

The unit of M/s Jain Udyog should be closed and shifted as recommended by NEERI for the following reasons:

- i. The unit is located at a distance of 25-30 metres from the Kalay river,

- which is a drinking water source to Ponda and Tiswadi Talukas
- ii. Sponge iron unit is a red category and most polluting unit and though no direct effluents are generated, the air pollutants will be deposited outside the plant are in the catchment area of the river and will be carried by the storm water into the river.
  - iii. The unit was working at 30% capacity when monitoring was carried out by the Board
  - iv. NEERI is a premier Institute, one of the term of reference was siting and NEERI in its report has stated that the unit does not meet the siting guidelines as proposed by Ministry of Env. & Forests, Govt. of India in 1995 and the proposed guidelines of Central Pollution Control Board.
  - v. HPCC granted site clearance for Sanguem Village and the Board has granted Consent to Establish in Santona Village.
  - vi. A school is located about 1 kms from the plant
  - vii. The Goa State Pollution Control Board has adopted the proposed guidelines of Central Pollution Control Board for sponge iron units.
  - viii. The NEERI report indicates that the stack emissions as well as the ambient air quality inside the plant are ten times more than the prescribed limits
  - ix. The flue dust / fly ash contains levels of arsenic and cadmium which are above the permissible limits as stated by NEERI in its report. NEERI in its report further states that concentration of arsenic and lead from the flue dust do not exceed the TCLP regulatory limits.
  - x. The track record of the company is not satisfactory
  - xi. The analysis of the flue dust / fly ash generated from sponge iron units in the NEERI report indicates that the levels of arsenic and cadmium are exceeding the permissible limits prescribed and also are leachable and these will be covered under Hazardous Waste (Management & Handling) Rules, 1989. There is likelihood that the flue dust would be carried by the storm water into the Kalay river
  - xii. The precautionary principle should be applied and the units should be closed or shifted
  - xiii. The unit has violated Consent terms with regards to stocking of raw materials, solid waste / by-products at the site, contrary to the conditions stipulated by the GSPCB and the garland drains were also found to be choked.

The Ld. Counsel for Shri Pandurang Naik stated as follows:

- i.. He agreed with the stand taken by the Ld. Counsel of the Goa Foundation.
- ii. The Board had twice earlier rejected granting Consent to Establish to

this unit, as it is located adjacent to river Kalay.

- iii. The unit does not have a regular Consent of the Board and was only operating on trial production.
- iv. The unit commenced construction activity prior to obtaining Consent to Establish from the Board.
- v. The unit should be closed or shifted as recommended by NEERI in its report.
- vi. The unit does not comply with the Environmental Guidelines for Siting of Industry as well as Environmental standards and Code of Practice for Pollution Prevention of Sponge Iron plants.

The Ld. Counsel for M/s Jain Udyog stated as follows:

- i. The siting guidelines of the Ministry of Env. & Forests, Govt. of India were proposed guidelines and are not enforceable as clarified by the Ministry in its letter.
- ii. The guidelines for sponge iron units formulated by the Central Pollution Control Board are proposed guidelines and hence not enforceable as clarified by the Central Pollution Control Board in its letter.
- iii. The Board had granted Consent to Establish to M/s Jain Udyog at the same site in 2004. The unit does not generate any effluents which are likely to pollute the Kalay river and the unit has complied with the conditions stipulated by the Board while granting Consent to Establish.
- iv. The Board had carried out monitoring of the unit and submitted reports on Affidavit to the Hon. High Court which clearly indicate that the parameters prescribed are within permissible limits.
- v. The entire unit of M/s Jain Udyog is situated in the mining area or used for industrial purpose and one residential house is located near the unit.
- vi. There is no discharge of water from the unit and the unit has constructed retaining wall around its factory premises.
- vii. The constitution of the partnership of the firm has changed since September, 2007 and a new management has taken over and taken steps to comply with the amended conditions as per the guidelines of the Central Pollution Control Board which have also been stipulated to the other four units.
- viii. The fabrication work for increasing the stack height from 38 to 50 metres is in progress and is expected to be completed shortly.
- ix. The unit has already placed an order for interlocking system
- x. The unit is also in the process of installing additional line of heat exchanger and bag filter.

- xi. As regards to the fugitive emissions observed the bag filters have been replaced and all existing leaks have been sealed.
- xii. The unit has obtained electrical connection from the Electricity Dept.
- xiii. The unit has constructed a new shed which is completely covered having paved flooring for the brick manufacturing unit as well as for storage of coal.
- xiv. Water sprinklers have been installed around the factory
- xv. The report submitted by NEERI are based on the inspections carried out from 10<sup>th</sup> to 22<sup>nd</sup> March, 2007 i.e prior to change in constitution of the partnership.
- xvi. M/s Jain Udyog has requested to allow to operate at peak production capacity and after stabilization of the process intensive monitoring programme through an Expert Committee may be taken.
- xvii. The unit be granted six months time for comply with all the directions set out by the Board as has been granted to four other units

Upon hearing the Legal Counsels, the members decided that the meeting should be adjourned and re-convened on 17/03/08 for further deliberation in the matter.

The transcripts of the proceedings of the hearing held on 07/03/08 were forwarded to the Board members vide this office letter no. 4/86/08-PCB/6541 dated 11/03/08.

The adjourned meeting was re-convened on 17/03/08 and upon deliberations the members present deliberated on the hearing given to M/s Jain Udyog and the affected parties as directed by the Hon. High Court, and arrived at an unanimous decision that the unit be inspected to verify the compliance status of the unit vis a vis the conditions imposed in the Consent to Operate for trial production and additional conditions imposed thereafter as recommended in the draft guidelines issued by the Central Pollution Control Board with regards to the sponge iron plants.

Since the inspection was conducted by the officials of the NEERI in 2006, a considerable amount of time has elapsed, the members desired to know the factual position of the unit before arriving at a decision.

Accordingly it was decided to constitute a Committee comprising of the following Board members and inspect the unit of M/s Jain Udyog on 26<sup>th</sup> March, 2008. The report of the Committee will be placed before the Board during the next meeting scheduled to be held on 28/03/08.

1. Shri A.G. Daiwajna - Member Secretary

2. Shri A.V. Palekar - Managing Director, Indl. Dev. Corporation
3. Shri S.G. Redkar - Chief Inspector, Factories and Boilers
4. Shri Nitin Kunkolienkar - President, Goa Chamber of Commerce and Industry.

The members also decided that the Board should request the Hon. High Court for grant in extension of time by another two weeks for submitting the decision taken by the Board as the stipulated period of three weeks ends on 19<sup>th</sup> March, 2008.

An application was made to the Hon. High Court for grant of extension of time to take an appropriate decision. The same was allowed and the Board was granted time upto 4<sup>th</sup> April, 2008 to take appropriate decision in the matter.

The Committee comprising of the Board members inspected the unit of M/s Jain Udyog on 28/03/08 and placed the following observations before the Board.

The members of the Committee, the Members Secretary, GSPCB and Shri S. G. Redkar, Chief Inspector of Factories and Boilers carried out the inspection of the unit. Shri A.V. Palekar and Shri Nitin Kunkolienkar informed that they could not attend the inspection due to other commitments. The inspection team of the Board informed that M/s Jain Udyog has carried out the following measures after change in the management and the inspection carried out by the officials of National Environmental Engineering Research Institute (NEERI), Nagpur.

- a. Increased the stack height to 50 metres as recommended in the NEERI Report
- b. Constructed a laterite masonry wall along the Kalay river and also on all four sides of the plot.
- c. Obtained electrical connection (the plant was earlier operating on D.G set)
- d. Has repaired the existing bag filters
- e. Fabrication work for stand by bag filters has been completed and the erection work would be completed within 15 days as informed by the officials of the units present during the inspection
- f. Has constructed a closed shed for the brick manufacturing unit
- g. Has earlier constructed a shed for storage of coal at alternative site more than 500 meters away from the Kalay river, as specified in the Consent to Establish issued by the Board.
- h. Has constructed a closed shed for storage of coal at the site.



- i. Has installed a new stand-by D.G set with acoustic enclosure and the D.G set is installed in a closed shed.

Having perused the written submissions made by all concerned parties and having heard all parties concerned the members resolved as follows:

NEERI in its report regarding the unit of M/s Jain Udyog had observed as follows:-

**The siting of the industry does not comply with the existing guidelines as per the " Environmental Guidelines for Siting of Industry" ( MoEF publication 1985, Section 2.2 ( c ) , page 4) and proposed guidelines as per " Environmental Standards and Code of Practice for Pollution Prevention for Sponge Iron Plants (MoEF guidelines, Section 9.0 ( b), page 7) However, complying with the Consent requirements at this stage will not still redeem the situation, as the siting of the industry was improper. Therefore as per 9.0 (f) of the proposed Environmental Standards and Code of Practice for Pollution Prevention for Sponge Iron Plants, GSPCB is required to decide whether to close or shift M/s Jain Udyog Pvt. Ltd in phased manner, for which a time bound action plan is to be prepared by GSPCB"**

The Ministry of Environment and Forest, Government of India vide their letters dated 03/01/08, 04/01/08 and 07/01/08 have informed that neither the Siting guidelines or the Environmental Standards referred above have been Gazette notified by the Ministry. The Central Pollution Control Board vide their letter dated 10/01/2008 have informed that Environmental Standards as referred above have been sent to the Ministry of Environment and Forest, Government of India for consideration, however the same are not notified and therefore action for non compliance of the standards cannot be taken.

The stack monitoring and the ambient air quality monitoring carried out by NEERI indicates that the parameters exceed the permissible limits by 10 times.

**The constitution of partnership has since changed and the unit has carried out the necessary repairs of the Air Pollution Control equipment subsequent to the NEERI report and monitoring for ambient air was carried out in November 2007 by the Board within plant premises which indicates that all parameters are within permissible limits for Industrial area.**

**Ambient air quality monitoring was conducted independently by the Board near the Primary School Ambient in May, 2006 and the reports indicate that the levels of Suspended Particulate Matter and Respirable Suspended Particulate matter were within prescribed limits for residential area.**

The unit does not generate any effluents and has already complied with the conditions stipulated by the Board in Consent to Establish to prevent the storm water polluting the river Kalay.

The unit of M/s Goa Sponge & Power Ltd and M/s Shraddha Ispat Ltd, Santana Sanvordem are also located within 1 to 1.5 kms of the Kalay river and the unit of M/s Srithik Ispat Ltd is within 500 mtrs. to 1 kms from the Selaulim dam. The dust emissions from these units will also be deposited in the catchment areas. Goa Foundation and Pandurang Naik have not raised any grievances against the operation of the above units at the said locations during the hearing or in the written submissions.

NEERI report with regards to the analysis of flue dust/ fly ash generated from the sponge iron units indicates that levels of arsenic and cadmium are exceeding the permissible limits prescribed.

**However on analysis of the flue dust from all the sponge iron units with the Central Pollution Control Board for arsenic and cadmium , the same were found to be within permissible limits prescribed. Analysis reports submitted by the industrial units which were carried out by various laboratories recognized by the Ministry of Environment and Forest, Government of India under the Environment ( Protection) Act indicates that arsenic and cadmium are within permissible limits.**

The unit of M/s Jain Udyog has constructed a closed shed with paved flooring for storing the flue dust for manufacture of bricks from the same. The unit has constructed a closed shed at the site for storage of coal.

The unit is in process of installing an additional bag filter and has raised the stack height from 38 meters to 50 meters as recommended by NEERI.

**The unit has obtained electrical connection as well as installed a new D.G.set with acoustic enclosures in a closed shed.**

In view of the above the members after deliberation decided to grant Consent to Operate under the Water and Air Act to the unit of M/s Jain Udyog for a period of one year and simultaneously appoint two recognized laboratories to monitor the emissions by call of tender for a period of three months. The expenditure towards the said monitoring is to be borne by the industry. Simultaneously for cross checking the results the Board should carry out monitoring at suitable intervals. The members also decided that M/s Jain Udyog should carry out Environmental Impact Study and submit the same to the Board. The Consent granted should be reviewed after six months based on the reports submitted by the two agencies. The unit should comply with the additional conditions as stipulated for the other four sponge iron plants within six months.

The members decided that in the event the unit fails to comply with the Consent conditions, the Board would act in accordance with the Law.

The members also decided that this decision would not be given effect for a period of three weeks in compliance to the Order dated 06/02/08 passed by the Hon High Court in Writ Petition No 54/2008.

**Agenda Item no. 6**

**HEARING M/s G.N. AGARWAL AND THE PETITIONERS AS PER THE ORDERS OF THE HON. HIGH COURT**

In compliance to the directions passed by the Hon. High Court in Writ Petition M/s G.N. Agarwal and the affected parties were heard in respect of the jetty at Bagawada – Shirfod to arrive at a decision.

The Advocate of M/s G.N. Agarwal submitted that the Board had issued NOC for their loading and unloading jetty at Curchorem. He stated that as per the inspection report of the Board officials the levels of SPM and RSPM are within the permissible limits. So also the monitoring carried out by the independent agency shows that the SPM and RSPM limits are not exceeding the permissible limits. In this case he argued that the Board should consider granting of NOC. He stated that activity is existing since 1960.

Shri Sudhakar Naik – Ex Councillor – Curchorem Municipal Council and representative of the Bagfod – Shirfod Nagrik Samiti submitted that

