WHEREAS, M/s. Fresenius Kabi Oncology Ltd. (hereinafter referred to as the industry), located at D-35, Industrial Area, Kalyani, Dist.- Nadia, Pin – 741235 is a bulk drug manufacturing industry.

AND WHEREAS, the industry was inspected on 30/04/2014 by the official of West Bengal Pollution Control Board (hereinafter referred to as the Board). The industry has three over ground storage tanks of capacity 40 KL each for storing spent distilled solvent. Spent solvents generated from the distillation columns of oncology and non-oncology division are kept in a receiver inside the industry and then transferred to intermediate tanks in the ground floor and finally transferred through pumps to the said three tanks. A 20 KL tanker connected with pipelines to the solvent tanks was observed during inspection. It was informed that distilled solvent which was previously loaded onto the tanker for sale to M/s. Triveni Enterprises at Ghaziabad was being unloaded back into the spent solvent tanks.

AND WHEREAS, it was further informed that all categories of solvents have been previously sold to M/s. Triveni Enterprises situated at E-27, Udyog Kunj Industrial area, Ghaziabad, Uttar Pradesh since 2010. In 2013, about 119 MT spent solvent was sent to M/s. Triveni Enterprises. M/s. Triveni Enterprises has obtained Hazardous Waste authorization which is valid upto 03/07/2015 for collection, transport and storage of spent organic solvent and Consent to Operate which is valid upto 31/12/2014 from the Uttar Pradesh Pollution Control Board. However approval of the Central Pollution Control Board under Rule 11 of the Hazardous Waste Rules and copies of Form 13 (manifest) could not be shown at the time of inspection.

AND WHEREAS, on the basis of the findings of the inspection report, it is revealed that the industry has been disposing spent solvent to M/s. Triveni Enterprises, Ghaziabad, since the year 2010 without maintaining manifest system and without declaring this disposal practice of spent solvent to the Board. Hazardous Waste Authorization was issued to the industry on the basis of their declaration in Form I wherein the disposal pathway of spent solvent was mentioned to be through the CHWTSDF, Haldia. The industry also did not mention the same in the Annual Returns (Form 4) in sl. No. 7. Instead they have been submitting Form 13 showing that spent solvent is being disposed through CHWTSDF. The industry does not maintain record of generation and disposal of hazardous waste, particularly spent solvent.

AND WHEREAS, selling of hazardous waste to unauthorized party or following alternative disposal pathway without prior approval from the Board is a violation of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008 as well as violation of the condition number 13 of the Hazardous Waste Authorisation issued to the industry.

AND WHEREAS, as per the Hazardous Waste regulations, industries are required to store hazardous waste for a period not exceeding 90 days and shall maintain a record of sale, transfer, storage, recycling and reprocessing of such wastes unless the concerned State Pollution Control Board has extended the stipulated period. The industry also violates such rules by storing the hazardous wastes on site for more than 90 days.
AND WHEREAS, the industry was called for a hearing on 27/11/2014 at the head office of the board for non-compliance of environmental norms as observed during inspection by the Board officials on 30/04/2014.

AND WHEREAS, the representatives of the industry appearing in the hearing agreed to the observation of the Board but stated that they only sell their recovered solvent to M/s Triveni Enterprises. However, it could not be clarified why recovered solvent should further be sold to recyclers/reprocessors. It was made clear to the industry that the so called recovered solvent which they sell to M/s Triveni Enterprises for refinement is basically spent solvent and is a scheduled hazardous waste as per Hazardous Waste (Management, Handling & Transboundary Movement) Rules, 2008 and thus need to be disposed to the authorized reprocessor having permission from CPCB under rule 11. The industry has stated that they have stopped selling/disposing spent solvent to M/s. Triveni Enterprises, E-27, Udyog Kunj Industrial area, Ghaziabad, Uttar Pradesh since May 2014. They also submitted that they would send part quantity of the recovered solvent to the CHWTSDF at Haldia till the alternative arrangement is made. They mentioned that they would pursue with CPCB regarding the recyclers who got permission to reprocess spent solvent.

AND WHEREAS, the Technical Committee took a strong exception to the act of selling hazardous waste (spent solvent) to an unauthorized vendor/reprocessor (M/s. Triveni Enterprises who does not possess any approval of the Central Pollution Control Board under Rule 11) without maintaining manifest system, which is a gross violation of the provisions of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008 as amended.

NOW, THEREFORE, considering the gross non-compliance on the part of the industry, M/s. Fresenius Kabi Oncology Ltd., located at D-35, Industrial Area, Kalyani, Dist.- Nadia, Pin – 741235 is hereby directed by the Board as follows:

1. **That**, the industry shall ensure compliance with all provisions of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008 as amended.

2. **That**, the industry shall ensure disposal of land fillable and incinerable hazardous wastes to CHWTSDF at Haldia.

3. **That**, the industry shall dispose recyclable hazardous waste like spent solvent through authorized recyclers/ reprocessors (having approval of the Central Pollution Control Board under Rule 11) maintaining manifest system. Alternatively, the same shall be disposed to the CHWTSDF, Haldia.

4. **That**, the industry shall immediately dispose the stored spent solvent either to CHWTSDF at Haldia or to any authorized recyclers/reprocessors (having approval of the Central Pollution Control Board under Rule 11).

5. **That**, the industry shall not store any hazardous waste on-site for a period exceeding 90 days as per Hazardous Waste (M, H & TBM) Rules.

6. **That**, the industry shall submit the total quantity of hazardous waste including spent solvent within 15 days from the date of issuance of the order to the Waste Management Cell of the Board and accordingly it should be included in the Annual Return (Form 4) and shall also maintain records of generation, storage and disposal of HWs.

7. **That**, the industry shall execute a Bank Guarantee (proforma enclosed) of Rs. 10,00,000/- (Rupees ten lakh) only valid for twelve (12) months within fifteen [15] days from the date of issuance of this direction in favour of the WEST BENGAL POLLUTION CONTROL BOARD as an assurance to comply with the above direction.
The Environmental Engineer, Barrackpore Regional Office of the State Board is requested to keep a strict vigil on the industry and if the industry is found to be noncomplying during inspection, stricter regulatory order including closure with disconnection of electricity will be issued.

This direction is issued in exercise of the powers conferred under provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986 and Rules made thereunder, specially Hazardous Waste (Management, Handling & Transboundary Movement) Rules, 2008 after being approved by the Competent Authority.

By Order,

Sd/-
Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board