

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 851/2018

IN THE MATTER OF:-

AMIT JAIN

APPLICANTS

VS.

UNION OF INDIA

RESPONDENTS

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DIVYA SINHA  
SCIENTIST-E  
CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAWAN, EAST ARJUN NAGAR,  
DELHI-110032.

DATE: 10.10.2019  
PLACE: DELHI

# CENTRAL POLLUTION CONTROL BOARD, DELHI

Dated 09-10-2019

**Action Taken Report in compliance of Hon'ble NGT Order dated 06<sup>th</sup> September, 2019 in the Matter of Amit Jain Vs. UOI (O.A No. 851/2018).**

## **Background:**

O.A No. 851/2018 in the Matter of Amit Jain Vs. UOI is filed before Hon'ble NGT with grievance that waste paper based pulp & paper mills import waste paper containing plastic, it was further informed that large plastic waste yards can be seen near these paper mills. Import of cheap waste paper is hazardous and is affecting the environment and it is also being used for firing in brick kilns.

CPCB issued following directions dated 25.06.2019 to all SPCBs/PCCs.

To ensure that pulp & paper units which are importing waste paper containing plastic should manage plastic waste in accordance with the provisions of PWM Rules, 2018.

- i. To provide Action Taken Report as per (i) above including details of such unit importing waste paper containing plastic in your State/UT.

Action taken on the above Directions was to be communicated to CPCB within 10 days of receipt of these directions.

Hon'ble NGT vide its Order dated 6th September 2019 in this matter directed that *"apart from issuance of direction, compliance of direction is required to be overseen. Even with regard to illegal import, CPCB as a statutory regulator can take up the matter with concerned authorities"*. Let further steps be taken in the matter accordingly and report filed before the next date i.e. 16.10.2019.

### **Action Taken:**

In compliance of Hon'ble NGT order, CPCB had written a letter dated: 18.09.2019(**Annexure -I**) to all SPCBs/PCCs to communicate action taken on directions dated 25.06.2019 in the matter

In response of above letter, 9 SPCBs/PCCs have provided information related to no. of pulp and paper units importing waste paper in their respective jurisdiction to CPCB. (Table-1). Out of 9 states, 3 states (**Tamil Nadu, Punjab & Odisha**) have issued directions to Pulp & paper units which are involved in importing waste paper in their state to manage imported waste paper in accordance with the provisions of PWM rules,2018.

Table-1: List of SPCBs/PCCs which have provided the information

<b>S. No.</b>	<b>Name of the SPCB/PCC</b>	<b>No. of pulp &amp; paper units importing waste paper</b>	<b>Quantity of waste paper ( B 3020) for which Hazardous Waste Authorization(HWA) issued</b>
1	Tamil Nadu	57	23,94,081 TPA
2	Punjab	21	Not Provided
3	Odisha	1	Not provided
4	Arunachal Pradesh	Nil	Nil
5	Chandigarh	Nil	Nil
6	Lakshadweep	Nil	Nil
7	Mizoram	Nil	Nil
8	Nagaland	1 (Not in Operation)	Nil
9	Tripura	Nil	Nil

Kerala State Pollution Control Board has acknowledged receipt of letter of directions.

Vide letter (**Annexure II**) dated 9<sup>th</sup> October,2019 CPCB has communicated to all SPCBs/PCCs that pulp and paper units importing waste paper should be covered under Extended Producer Responsibility(EPR) as per clause 13(2) of PWM Rules, 2018.

Further, as MoEF&CC is the nodal Ministry to deal with transboundary movement(Import/Export) of Hazardous and Other Wastes, CPCB had written a letter dated 20.09.2019 to MoEF&CC for taking necessary action in this regard (**Annexure -III**).

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Annexure-I

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

SPEED POST

Reminder

Court Matter

F. No. B-17011/7/PWM(Direction)/2019/6463-6491

18<sup>th</sup> September, 2019

To,

The Chairman,  
All SPCBs/PCCs

Sub: Direction under Section 18 (1) of the Air (Prevention & control of pollution) Act, 1981

Ref: - F. No. B-17011/7/PWM (Direction)/2019/3382-3416 dated 25.06.2019 (enclosed) in the matter of Amit Jain vs Uoi, OA No.851/2018.

Sir,

Apropos above, CPCB had issued following directions to all SPCBs/PCCs: -

- To ensure that pulp & paper units which are importing waste paper containing plastic should manage plastic waste in accordance with the provisions of PWM Rules, 2018.
- To provide Action Taken Report as per (i) above including details of such unit importing waste paper containing plastic in your State/UT.

However, action taken report (ATR) has not been submitted to CPCB by concerned SPCBs/PCCs till date.

As per Hon'ble NGT order dated 06.9.2019 in this matter, "Compliance of direction is required to be overseen". Next hearing date is 16.10.2019.

In view of above, it is requested that action taken on the above directions be communicated to CPCB within 7 days of receipt of this letter.

Yours faithfully,

*Divya*

(Divya Sinha)

Additional Director & I/c UPC-II

केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
निर्गत  
दिनांक

2/09/19

O/C

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

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Annexure - II

केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

SPEEDPOST

F. No. B-17011/7/UPC-II-PWM(MLP)/2019

Dated: 09.10.2019

To,

The Member Secretary,  
SPCBs/PCCs (As per list)

Sub: In the matter of Amit Jain Vs UOI before Hon'ble NGT (OA No.851/2018)

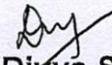
Sir/Madam,

This is in continuation of Directions F. No. B-17011/7/PWM(Direction)/2019/3393 dated 25<sup>th</sup> June,2019 and letter F.N. B-17011/7/PWM(Direction)/2019/6463-6491 dated 18<sup>th</sup> September,2019 on the subject. It has been brought to our notice that waste paper based industries are importing waste paper containing plastic. In this regard, this is to inform that as per CPCB's Directions dated 25<sup>th</sup> June, 2019 plastic waste generated by such industries is to be managed as per provision of PWM Rules, 2018.

Further, such industries shall be classified as "Importer" as per clause 3(k) of the PWM Rules and shall be covered under the Extended Producer Responsibility and will have to take Registration from SPCB/PCC as per Clause 9 &13(2) of the PWM Rules.

In view of above, it is requested that SPCBs/PCCs may take necessary action and submit action taken report to CPCB by 14<sup>th</sup> October, 2019.

Yours faithfully,

  
(Divya Sinha)

Addl. Director & DH-UPC-II

o/c



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

SPEED POST/EMAIL

COURT MATTER

F. No. B-11011/UPC-II/MSW/2018-19/ 1266

Date- 20.09.2019

To,

The Joint Secretary (Administration),  
Ministry of Environment, Forest & Climate Change,  
Indira Paryavaran Bhawan, Aliganj Jorbagh Road,  
New Delhi-110003

**Subject:** In the matter of Amit Jain Vs UO I (OA No. 851/2018 before Hon'ble NGT)

**Ref:** Hon'ble NGT's Orders dated 30/04/2019 & 06/09/2019 in OA no. 851/2018

Madam/Sir,

The O.A No. 851/2018 in the Matter of Amit Jain Vs. UOI is filed before Hon'ble NGT with grievance that waste paper based pulp & paper mills import waste paper containing plastic, it was further informed that large plastic waste yards can be seen near these paper mills. Import of cheap waste paper is hazardous and is affecting the environment and it is also being used for firing in brick kilns. (Hon'ble NGT Order dated 30-4-2019 at **Annexure-I**).

CPCB had inspected some pulp & paper units and it was confirmed that large plastic waste Was being dumped by such industries within/outside their premises and there was no proper mechanism for management of this waste.

Hon'ble NGT vide its Order dated 6<sup>th</sup> September 2019 in this matter directed that " Even with regard to illegal import, CPCB as a statutory regulator can take up the matter with concerned authorities". ( **Annexure-II**)

As per Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016, **laminated paperboard** (Category B3020 – Schedule III Part D) is allowed for import & export without permission from MoEFCC. Laminated paperboard has been found to contain plastic.

केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
निर्गत.....

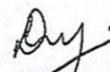
'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel. 43102030 22305702 वेबसाइट/Website: www.cpcb.gov.in

13/11/20/04/19  
20/a/19

As MOEFCC is the nodal Ministry to deal with transboundary movement(Import/Export) of Hazardous and Other Wastes in accordance with the provisions of these Rules (Clause 11), it is requested that in view of above, necessary action may be taken by MoEFCC.

Yours faithfully



(Divya Sinha)

Add. Director & I/c UPC-II

Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 851/2018

(With report dated 28.06.2019)

Amit Jain

Applicant(s)

Versus

Union of India

Respondent(s)

Date of hearing: 06.09.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Respondent(s): Mr. Rajkumar, Advocate for CPCB

**ORDER**

1. The issue for consideration is the remedial action against cheap waste paper and the road sweep waste import for firing of brick kilns. According to the applicant, 900,000 tons of waste is imported which is hazardous.
2. Vide order dated 30.04.2019, this Tribunal considered the response of the CPCB dated 01.04.2019 suggesting restriction on import of plastic waste and proper management of hazardous waste. It was further suggested that local bodies should use plastic waste for road construction and energy recovery. Producers should follow the Extended Producer

Responsibility (EPR). CPCB had evolved guidelines on the subject.

3. The Tribunal directed CPCB to take further action for implementation of its recommendations on the issues of plastic waste management as well as restriction on import of plastic waste and furnish a further action taken report.
4. Report dated 28.06.2019 acknowledges that there is no proper mechanism for plastic waste management which was being dumped in open or burnt in brick kilns resulting in pollution. Action taken by the CPCB is the issuance of directions. MoEF&CC is to deal with the issue of transboundary movement (import/export) hazardous and other wastes.
5. The report cannot be taken as adequate action. Apart from issuance of direction, compliance of direction is required to be overseen. Even with regard to illegal import, CPCB as a statutory regulator can take up the matter with the concerned authorities. This Tribunal vide order 26.08.2019 in O.A. No. 804,2017, *Rajiv Narayan v. UOI* has already issued direction for restricting import of hazardous waste and vide order dated 22.07.2019 in E.A. No. 13/2018, *CPCB v. State of Andaman & Nicobar & Ors.* directions have been issued with regard to management of plastic waste. These directions need execution.
6. Let further steps be taken in the matter accordingly and report filed before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

List for further consideration on 16.10.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

September 06, 2019  
Original Application No. 851/2018  
A

