

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 851/2018

IN THE MATTER OF:-

AMIT JAIN

APPLICANT

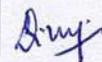
VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

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

DATE: 28.06.2019
PLACE: DELHI

CENTRAL POLLUTION CONTROL BOARD, DELHI

Dated 27-06-2019

Action Taken Report in compliance of Hon'ble NGT Order dated 30th April, 2019 in the Matter of Amit Jain Vs. UOI (O.A No. 851/2018).

1.0 Background:

The O.A No. 851/2018 in the Matter of Amit Jain Vs. UOI was filed with grievance that road sweep waste is imported to this country from USA, Europe etc. for being burnt in brick kilns causing land and air pollution. Large plastic waste yards can be seen near recycled paper mills. Import of cheap waste paper is hazardous and is affecting the environment. The import is to the extent of 9,00,000 tons of waste which generates hazardous plastic.

Hon'ble NGT vide order dated 19th December, 2018 in aforesaid matter *seek a report from CPCB on factual aspects of the matter and action taken, if any.*

In pursuant to Hon'ble NGT's Order, visit to paper mills in Meerut & Muzaffarnagar, U.P. was made by CPCB to investigate the matter and accordingly, report was submitted and it

was observed that while in few of the waste paper based pulp & paper industries, plastic waste segregated from imported paper was used for making plastic granules, cardboard etc. in the remaining industries, there was no proper mechanism for plastic waste management and it was being dumped in open or burnt in brick kilns causing land and air pollution.

Further in this matter, vide order dated 30th April, 2019 Hon'ble NGT directed CPCB as follows;

The CPCB to take further action for ensuring that its recommendation is fully implemented by all concerned in the matter of implementation of Plastic Waste Management Rules as well as restriction on import of plastic waste is implemented in such manner as may be directed by the CPCB. CPCB may furnish a further action taken report in the matter to this Tribunal within two months

2.0 Action Taken

(2.1) In compliance to Hon'ble NGT's Order, Central Pollution Control Board (CPCB) being issued 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. **(Annexure I)**

(2.2) As per Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016, Solid plastic waste(Category B3010 – Schedule VI) is prohibited for import.

(2.3) 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).



SPEED POST

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

25th June, 2019

To,

**The Chairman,
All SPCBs/PCCs**

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

WHEREAS, the Ministry of Environment, Forests & Climate Change has notified Plastic Waste Management Rules, 2016, as amended, 2018, which inter-alia prescribes specifications with regard to manufacturing of plastic products and stipulates procedures for Plastic Waste Management;

WHEREAS, under Rule 12(1), the State Pollution Control Board and Pollution Control Committee in respect of a Union territory shall be the authority for enforcement of the provisions of these rules relating to registration, manufacture of plastic products and multilayered packaging, processing and disposal of plastic waste;

WHEREAS, under Rule 5(b), Local bodies shall encourage the use of plastic waste (preferably the plastic waste which cannot be further recycled) for road construction as per Indian Road Congress guidelines or energy recovery or waste to oil etc. The standards and pollution control norms specified by the prescribed authority for these technologies shall be complied with;

WHEREAS, under Rule 8 (2), all institutional generators of plastic waste, shall segregate and store the waste generated by them in accordance with the Municipal Solid Waste (Management and Handling) Rules, 2000 notified vide S.O 908(E) dated the 25th September, 2000 under the Act or amendment from time to time and handover segregated wastes to authorized waste processing or disposal facilities or deposition centres either on its own or through the authorized waste collection agency;

WHEREAS, an application (OA No. 851/2018 in the matter of Amit Jain Vs UOI) was filed before Hon'ble NGT with allegations, inter-alia, that;

O/c

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1. Road sweep waste is imported to this country from USA, Europe etc. for being burnt in brick kilns causing land and air pollution.
2. Large plastic waste yards can be seen near recycled paper mills. Import of cheap waste paper is hazardous and is affecting the environment.

WHEREAS, in this matter, Hon'ble NGT vide order dated 19th December, 2018 seek a report from CPCB on factual aspects of the matter and action taken, if any.

WHEREAS, in pursuant to the Hon'ble NGT's order dated 19th December, 2018, visit to paper mills in Muzaffarnagar, U.P. was made by CPCB to investigate the matter and accordingly, the report was submitted; and

WHEREAS, it was observed that while in few of the waste paper based pulp & paper industries, plastic waste segregated from imported paper was used for making plastic granules, cardboard etc. in the remaining industries, there was no proper mechanism for plastic waste management and it was being dumped in open or burnt in brick kilns causing land and air pollution.

WHEREAS, Hon'ble NGT vide order dated 30th April, 2019 has directed CPCB as follows;

The CPCB to take further action for ensuring that its recommendation is fully implemented by all concerned in the matter of implementation of Plastic Waste Management Rules as well as restriction on import of plastic waste is implemented in such manner as may be directed by the CPCB.

NOW THEREFORE, in view of the above observations and in exercising powers delegated to the Chairman, Central Pollution Control Board (CPCB) under Section 18 (1) of the Air (Prevention & control of pollution) Act, 1981 the following Directions are issued to SPCBs/PCCs;

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

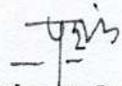
Receipt of these directions shall be acknowledged immediately and action taken on the above Directions to be communicated to CPCB within 10 days of receipt of these directions.


27/6/19

(S.P. Singh Parihar) 
Chairman

Copy to:

- 1. Joint Secretary,
CP Division,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan, Jorbhag Road,
New Delhi -110003**
- 2. Divisional Head, IT Division, CPCB**



(Prashant Gargava)
Member Secretary

Item No. 02

Court No.1

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

Original Application No. 851/2018

Amit Jain

Applicant(s)

Versus

Union of India

Respondent(s)

Date of hearing: 30.04.2019

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

For Applicant(s):

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

ORDER

The issue for consideration is whether cheap waste paper and the road sweep waste should be imported for firing of brick kilns. According to the applicant, 900,000 tons of waste is imported which is hazardous.

Vide order dated 19.12.2018, a factual and action taken report was sought from Central Pollution Control Board (CPCB). Report received from the CPCB vide e-mail dated 01.04.2019 suggests that import of plastic waste is required to be restricted as the hazardous

waste generated in the country is to the extent of 26,000 tons a day and the same is not being properly managed. The Plastic Waste Management Rules, 2016, as amended in 2018 prohibit open burning of plastic waste and permits recycling of plastic waste only if it conforms to Indian Standard: IS 14534:1998.

Local bodies have to encourage the use of plastic waste for road construction or energy recovery or waste to oil etc. Every producer or brand owner is required to make application for registration or for renewal of registration and such registration is done as per checklist issued by the CPCB. Extended Producer Responsibility (EPR) is applicable and is required to be followed by Producers, Importers and Brand Owners as per applicable guidelines.

The CPCB has also evolved guidelines for collection, segregation and disposal of plastic waste. The key technologies mentioned are:

1. Utilization of Plastic Waste in Road Construction (As per IRC: SP:98-2013),
2. Co-processing of Plastic Waste in Cement Kilns,
3. Conversion of plastic waste into liquid RDF (Oil) or Energy and
4. Disposal of plastic waste through Plasma Pyrolysis Technology (PPT).

In view of the above, we direct the CPCB to take further action for ensuring that its recommendation is fully implemented by all concerned in the matter of implementation of Plastic Waste Management Rules as well as restriction on import of plastic waste is implemented in such manner as may be directed by the CPCB.

The Application is disposed of.

CPCB may furnish a further action taken report in the matter to this Tribunal within two months by e-mail at ngt.filing@gmail.com.

List for further consideration on 6th September, 2019.

A copy of this order be sent to CPCB by e-mail for compliance.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

April 30, 2019
SN

