

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
IN**

ORIGINAL APPLICATION NO. 100 of 2021

Petitioner : Tribunal on its own motion Suo Motu based on the News item published in The Hindu Newspaper, Chennai Edition Dt.09.04.2021, “ Dumping of garbage foiled near Anamalai, trucks Seized”.

Versus

Respondent(s) : Chief Secretary to Govt. of Tamil Nadu, & Others

**REPORT FILED BY THE SENIOR ENVIRONMENTAL ENGINEER, REGIONAL
OFFICE, ERNAKULAM FOR AND ON BEHALF OF THE KERALA STATE
POLLUTION CONTROL BOARD**



Adv. Rema Smrithi.

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT 12

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Dated this the 17th Day Of October 2022



Rema Smrithi, Advocate

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT 12

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**REPORT FILED BY THE SENIOR ENVIRONMENTAL ENGINEER,
REGIONAL OFFICE, ERNAKULAM FOR AND ON BEHALF OF THE
KERALA STATE POLLUTION CONTROL BOARD**

1. I, Mini Mary Sam, aged 55 years, W/o Ranjan Jacob, Senior Environmental Engineer do here by submit that I am authorised to represent the Kerala State Pollution Control Board, and that I am conversant with the facts of the above case and I may state as follows.
2. In continuation to the report submitted by the Board regarding the status of BMW management in Thrissur District, on 24.09.2022, the

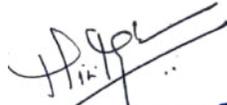



Mini Mary Sam
Senior Environmental Engineer

additional report regarding the management of BMW in the State is submitted herewith for kind consideration.

3. The BMW generated in the State was being managed through one CBWTF (IMAGE Palakkad) along with a few numbers of captive facilities (such as autoclave/microwave/ incineration / deep burial) till the second CBWTF (KEIL,Ernakulam) started operation in May 2021. It is submitted that due to the outbreak of COVID pandemic, the quantity of BMW generation increased during the period. During the first wave in 2020 the quantity of non COVID BMW was considerably low due to lockdown and less reach of patients for treatments other than COVID and the entire quantity was managed through this facility by permitting IMAGE to run the plant around the clock as per the guideline issued by the CPCB in the light of COVID pandemic. Further towards the end of 2020 Board issued consent to operate to IMAGE to operate to its full installed capacity of 55.8 TPD. During the second wave in 2021 the total quantity of BMW generation further increased. However the State could manage it as the second plant by KEIL started operation in May 2021
4. In compliance with the order of the Hon'ble NGT in O A 72/2020 in the matter of management of COVID waste in the Country, CPCB developed a waste tracking app "COVID19 BWM" in which generators and CBWTF entered the quantity of both COVID BMW and non COVID BMW data and verified by the State and Central Boards. But later it was seen that a large quantity of waste started getting accumulated at IMAGE whereas the KEIL plant was not getting sufficient waste to operate in full capacity.




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5. Meanwhile in the matter of BMW Rule implementation in the State in OA 43/2017, the Hon'ble NGT directed the Govt. to earmark the area to the two service providers. In compliance with the direction and with the advice of the Govt. the Board had issued area bifurcation order on 13.08.2021 earmarking area for collection of BMW for the two service providers. The order was thus issued taking into account the matter of accumulation of waste in one facility while the other plant was being underutilized. Five districts were allotted to the second plant of KEIL with lesser capacity of 16 TPD and all other districts to the other plant of IMAGE with 55.8 TPD capacity. Both IMAGE and KEIL and all health care units had to comply with the order with effect from 01.09.2021. Some health care units started availing service of CBWTF in accordance with the order. Private Hospitals' Association and IMAGE approached Hon'ble High court but the case was disposed(both in single bench and division bench) directing them to approach Hon'ble NGT as the matter was being dealt at NGT in O A 43/2017. Further they have filed Special Leave Petition (SLP) in the Apex court and the matter is now under consideration of the Hon'ble Supreme Court. The case is pending for disposal.
6. It is respectfully submitted that the total quantity of BMW generated in the State during the period January 2021 to December 2021(the year in which the incidence of dumping of waste at Anamalai had occurred) was 61 TPD and out of this quantity 59TPD was disposed through CBWTFs and 2.4 TPD through captive facilities. The total treatment capacity of 71.8 TPD,(by both CBWTFs) was available, which shows that there was no gap in the BMW generation and treatment in the State




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at that point of time. Both the facilities followed barcode system and the Board was daily collecting quantity of BMW collected and disposal by CBWTFs.

7. Whenever CBWTFs report that the health care units are not availing the service of respective facility action would be taken from the concerned District Offices and the matter resolved immediately. There have been no instances to prove that CBWTFs are disposing the collected BMW in any place within the State or outside the State. It is submitted that the bifurcation order ought to have been complied by the health care units and the CBWTFs with effect from 01.09.2021. Some health care units have transferred their affiliation to the nearest facility in accordance with Board's bifurcation order. But due to the pendency of case the order was not adopted fully as specified therein. The current status of BMW collected by IMAGE & KEIL as on 11.10.2022 is 53.37 TPD & 8.6 TPD respectively. The situation is that both facilities need optimal quantity of waste for their viable existence and hence are extending good and effective service to the affiliated HCFs and trying to avoid underutilization and exhaustive utilization of capacities.
8. The Board is now in the process of confirming the compliance of hcfs so as to ensure that units delinked from the former CBWTF are affiliated to the latter facility. However this process will not affect the management of BMW generated in the State.
9. It is also submitted that the State Government and the Board had been earnestly working for setting up of two more CBWTFs. The Chief Secretary in the meeting held 06.01.2022 stressed the necessity of looking for establishing Common Bio Medical Waste treatment and




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disposal facilities at the northern and southern districts for avoiding delay in transporting and processing of wastes and also to prevent unnecessary carbon emissions due to long transportation or hauling of wastes for treatment and disposal. Accordingly the Board had addressed the Government along with the current status of district wise number of health care units and quantity of BMW generation to take action to allot land in the southern or northern part of the State preferably in any notified industrial area. Subsequently the Government allotted land in Adoor Industrial Development Area(IDA), Pathanamthitta to IMAGE for the setting up of third plant in the State and the Board had issued consent to establish for the same. Once the plant start operation at Adoor the BMW collected by IMAGE from the southernmost part of the State can be managed at this facility and thus excessive handling and long distance travel of waste by the same management at their already existing facility at Palakkad can be avoided. The State Level Advisory Committee in its meeting held on 21/03/2022 considered the proposal of health department for setting up a plasma pyrolysis plant (captive) at Medical Collage Pariyaram Kannur. It is pertinent to note that the region wise distribution of CBWTFs is mandatory as per the BMW Rule and the CPCB guideline for CBWTFs. The PCB is putting all efforts to ensure utilization of the facilities in a technically and economically viable manner.

10. It is respectfully submitted that the SLP is posted this month in the Hon'ble Supreme Court and it is expected that the order of PCB bifurcating the HCFs as per the guidelines can be implemented fully.




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11. It is humbly submitted that joint inspection comprising of officers from CPCB, Kerala PCB and Tamil Nadu PCB at Semmadu, Anamalai Panchayath was conducted on 09.05.2022 and found that no bio medical waste was dumped at Anamalai.

All that is stated above are true to the best of my knowledge information and belief.

Dated this 17th day of October 2022



A handwritten signature in black ink, appearing to read "Mini Mary Sam".

Senior Environmental Engineer

Mini Mary Sam
Senior Environmental Engineer