

**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

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Dated this the 19th Day of August 2022

Rema Smrithi, Advocate

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT

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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 the order dated 21.07.22 of the Hon'ble NGT in the above O.A. it is observed that *"So far the Kerala State Pollution Control Board is concerned, it is admitted that the biomedical waste was brought into the State of Tamil Nadu and it was dumped. Though they have said that the wrong doers were identified but it appears that no action has been initiated against them."*




Mini Mary Sam
Senior Environmental Engineer

3) It is humbly submitted that the Board has not stated in any of the affidavits filed in this O.A. that biomedical waste was dumped in Tamil Nadu from Kerala. Also, the Tamil Nadu Pollution Control Board vide inspection report based on the inspection conducted on 20/08/2021 and 02/12/2021 has reported that the dumped waste consists of garbage. Nowhere has the inspection team submitted that biomedical waste was dumped. Copy of the extract of the report of Tamil Nadu Pollution Control Board shown in the Order dated 1/11/2021, page no. 16 is extracted below.

- *“It is submitted that, the complaint prone dump site was further inspected on 20.08.2021 by the officials of TNPCB, Coimbatore South. During inspection, the following observations were noticed.*
- *Illegally dumped garbage solid waste were still found in the dump site and so far not yet cleared.”*

4) Further in paragraph 9 of Order dated 28/01/2022, it is mentioned that Tamil Nadu Pollution Control Board officials visited the site on 02/12/2021 and the observation extracted in the order is shown below.

“Illegally dumped garbage solid waste were still found in the dump site and yet to be disposed scientifically.”

5) From the above observations it is clear that Tamil Nadu Pollution Control Board officials have not identified any Bio-medical waste in the illegally dumped waste.

6) The actions taken by the Board regarding action against wrong doers had already been submitted before this Hon’ble Tribunal vide report dated 29/11/2021. It is further submitted that details regarding the contractor who is said to have dumped the waste in Tamil Nadu are not available with Board as the contract is between the Corporation and the contractor. As it was observed that the Corporation had violated the rules 15(r) and 15(zh) of the Solid Waste Management Rules, 2016, by not being responsible for the transport of their waste and not ensuring processing of the waste in accordance with the provisions of the rules, Show Cause Notice was issued to the Corporation to show cause why Environmental




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Compensation of Rs. 456.6 lakh shall not be levied. In reply the Corporation informed they would complete the Solid Waste Management action plan by 31/03/2023. The Corporation was directed vide letter dated 01/02/2022 to remit Environmental Compensation within 15 days. The matter is being followed up.

- 7) In the order dated 24/12/2021 of the Hon'ble NGT, it was directed that Kerala and Tamil Nadu State PCBs to consider the chance of providing online monitoring system to monitor the total input of raw materials procured, produced and how it is being used and disposed of. As the matter of concern in the case is regarding the illegal dumping of solid waste including bio medical waste in the border districts, all health care facilities are to take vigil on any unauthorized movement or illegal dumping of waste generated in their unit. The two CBWTFs in the State have adopted barcode system for tracking of bio medical waste collected from the health care units. In view of the present incident, though Biomedical waste has not been transferred along with garbage, as a matter of precaution the State Health Department has been directed to ensure that all waste generated including both solid waste and bio medical wastes are handled in accordance with the respective Rules. Meanwhile the Local Self government Department institutions have also initiated to collect and dispose domestic hazardous waste namely sanitary napkin, diaper etc. in CBWTFs.
- 8) For discussing about the implementation of the NGT Order, the CPCB had convened a meeting on 08/07/2022 with State PCBs of Tamil Nadu and Kerala and discussed the provision of online waste tracking system. CPCB will be convening a meeting soon with the respective State Health Departments asking for the actions already taken. Subsequent action will be taken based on the reply.
- 9) In the order dated 21/07/2021, it is directed that the "*Pollution Control Board of both the States to set out in detail the action taken in this regard by fixing the culprits and punishing them besides giving the solution as to how the dumping of biomedical waste unauthorised can be curbed in future*".
- 10) Regarding the action taken in the matter of dumping of wastes, it is submitted that it is the Thrissur Corporation that has to take action as per the Municipal Solid




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Waste Rules. Since Board noticed non compliance by the Thrissur Corporation, SCN was issued & was followed up. Regarding solution for curbing unauthorized dumping of BMW, it is submitted that the entire major healthcare institutions in the State are operating in compliance with Biomedical Waste Management Rules, 2016, the chances of mixing the biomedical waste from health care institutions with municipal solid waste is very remote.

- 11) It is submitted that the segregated waste is being transported to authorized establishments in other states having recycling facilities and required licenses of respective states. The non biodegradable waste collected by the local bodies is being segregated by Haritha Karma Sena. The segregated recyclable wastes are sent to recycling units inside/outside the state based on the contract executed by the local bodies with authorised recycling firms. Hence transit of waste to another state is necessary and cannot be avoided completely. The matter is that, only segregated waste shall be transported from the state and this shall be legal with all necessary documents. Also the Board is taking necessary steps to give directions to all check posts to take action to curb the illegal transportation of garbage / waste from the state to the neighboring states.

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

Dated this 19th day of August 2022



A handwritten signature in blue ink, appearing to read 'Mini Mary Sam', written over a horizontal line.

SENIOR ENVIRONMENTAL ENGINEER

Mini Mary Sam
Senior Environmental Engineer