

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTH ERN ZONE, CHENNAI

ORIGINAL APPLICATION NO 164/2023 (SZ)

Suo Moto

::

Petitioner

Vs.

State of Kerala & Others

::

Respondents

**REPORT FILED BY THE SENIOR ENVIRONMENTAL
ENGINEER, KERALA STATE POLLUTION CONTROL BOARD,
FOR AND ON BEHALF OF THE 2ND RESPONDENT**



Adv. Rema Smrithi.

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT:

2

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTH ERN ZONE, CHENNAI

ORIGINAL APPLICATION NO 164/2023 (SZ)

Suo Moto :: **Petitioner**
Vs.
State of Kerala & Others :: **Respondents**

VOLUME-I

INDEX

Sl. No.	Description	Page
1	Report filed by the Senior Environmental Engineer, Legal cell, Regional Office, Ernakulam for and on behalf of 2 nd Respondent	1-4

Dated this the 31st day of October 2023

Rema Smrithi, Advocate

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT:

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

IN

O.A. NO. 164/2023(SZ)

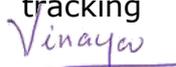
Suo Moto	::	Petitioner
	Vs.	
State of Kerala & Others	::	Respondents

REPORT FILED BY THE SECOND RESPONDENT IN THE ABOVE CASE

I, Vinaya. K.S, Senior Environmental Engineer, Kerala State Pollution Control Board, Legal Cell, Ernakulam, do hereby solemnly affirm and state as follows:

- 1.** I am the Senior Environmental Engineer, Kerala State Pollution Control Board (hereinafter referred to as Board), and duly authorised to represent the 2nd respondent in the above case. I am aware of the facts affirmed by me in this report. I am swearing this report based on the best of my knowledge, information and belief and the facts revealed from the records.
- 2.** The above Suo Motu Case is taken on records by this Hon'ble Tribunal in view of the news item published in 'The New Indian Express', E-Paper, Chennai Edition dated 09.10.2023 under the caption "Tamil Nadu village roads turn Kerala's dump yard, 10-tonne waste dropped in one night".
- 3.** Regarding biomedical waste, two Common Bio-Medical Waste Treatment facilities exist in Kerala, one at Ernakulam and other at Palakkad. The former plant is having 14 vehicles and the latter plant is having 74 vehicles for the collection of Bio-Medical Waste generated in healthcare facilities. Online vehicle tracking

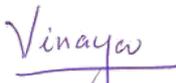



VINAYA K.S.
 Senior Environmental Engineer
 Kerala State Pollution Control Board
 Regional Office
 Gandhi Nager, Kochi-682 020

mechanism is available for the Common Bio-Medical Waste Treatment facilities and are under close monitoring. Hence, there is no chance of disposal from their vehicles.

4. Beside the above, for the biomedical waste the Board has entrusted Council of Scientific and Industrial Research organization, National Institute for Interdisciplinary Science and Technology (CSIR-NIIST) for conducting a detailed assessment of the healthcare facilities in the Kerala state. The works include field inspections, field data collection, estimation of gap and for projected /extrapolated requirements of CBWTFs for the next ten years.
5. Regarding solid waste, in Kerala, there are more than 30,000 authorized waste collectors namely Haritha Karma Sena, who are collecting non biodegradable waste from houses/establishment. 1201 Material Collection Facilities and 149 Resource Recovery Facilities (RRF with shredding and bailing facilities are provided in LSGIs.) As Kerala is concerned, the State is having only 123 registered small scale plastic recycling units. Hence, a majority of recyclable waste is taken to Tamil Nadu for recycling. There is only one cement plant, Malabar Cement at Palakkad, they have not provided facilities for co-incineration, though instructed. Waste to Energy Plants are yet to be commissioned. Hence, non-recyclable plastic wastes are taken for road tarring in the State. As per the report of Clean Kerala Company Limited (CKCL), it has produced 3293.145 MT of shredded plastics and sold 2987.02MT to various agencies (NHAI- 13.93 T, PWD- 1440.74T, LSGI-1532.35T). The total length of polymerized road constructed is 5285.54km. For the non-recyclable plants, as per CKCL, 15 godowns are provided for non-recyclables and 262 vehicles registered under LSGIs and further GPS installed vehicles are being deployed. The Government is taking efforts for providing of more recycling units in Kerala under Extended Producer Responsibility. State is in the process of having state policy for encouraging more recyclers. Space in industrial area has been sought in the industrial areas.




 VINAYA K.S.
 Senior Environmental Engineer
 Kerala State Pollution Control Board
 Regional Office
 Gandhi Nager, Kochi-682 020

6. As per order dated 29-7-2021 of Hon'ble NGT in OA 100/2021, Kerala Government issued guidelines for registering vehicles transporting waste vide GO(Rt) No. 1673/2021/LSGD dated 6-9-2021, a copy of which is submitted and produced herewith as **Annexure R2 (1)**. As per GO(Rt) No. 2485/2021/LSGD dated 6-12-2021, State level committee and District level committees were constituted for monitoring and implementation of aforesaid guidelines. A copy of the same is submitted herewith **Annexure R2 (2)**. As per GO (Rt) No. 225/2022/LSGD dated 04.02.2022, representatives from the CBWTFs- IMAGE & KEIL- were included in the aforesaid District Level Committee. A copy of the same is submitted herewith **Annexure R2 (3)**. The action taken in this regard has been sought from the 14 District Level Monitoring committees, A copy of the same is submitted herewith **Annexure R2 (4)**.
7. The instructions have been given to the Department of Police, Motor Vehicle, Excise Commissionerate and GST Departments for taking vigil monitoring of vehicles in the check post of the borders adjoining Tamil Nadu and Karnataka, A copy of the same is submitted herewith **Annexure R2 (5)**. The Tamil Nadu Pollution Control Board (TNPCB) vide letter no. T31TNPCB/BMW/F-057612023-1 Dated: 25.09.2023 reported that Alangulam Police Station has registered a criminal case against a Tamil Nadu registered Leyland Torus Lorry (Registration No. TN 52 A 2275) that was allegedly carrying waste from Kerala and Hon'ble Judicial Magistrate, JM Court, Alangulam has initiated a case on the matter. TNPCB was requested to forward details of the Court Case and copy of FIR registered by the Police. A copy of the letter addressed to TNPCB is submitted herewith **Annexure R2 (6)**.
8. The Hon'ble NGT vide order dated 24-12-2021 in OA 100/2021 directed to consider developing the possibility of a continuous online monitoring system to monitor the total input of raw materials procured, produced, how it is being used and disposed. In this connection, agency has been identified for developing online vehicle tracking mechanism following the tender procedure.



Vinaya
VINAYA K.S.
Senior Environmental Engineer
Kerala State Pollution Control Board
Regional Office
Gandhi Nager, Kochi-682 020

Responsive web application for Pollution Control Board and waste generators, Android app for drivers, generators and receptors are included in the scope of work. Action is being taken for the preparation of SRS (design and documents). The matter has been informed to Tamil Nadu Pollution Control Board for getting input from their end. It may please be noted that there are no waste to energy plant and cement plants having co-incineration in Kerala. Some quantity of non recyclable plastic waste is disposed in the cement plants at Tamil Nadu. Recyclable waste is also taken to Tamil Nadu for recycling. Hence it is essential to register such units in Tamil Nadu in the tracking portal. Hence, Tamil Nadu Pollution Board has been asked to cooperate in the development of the continuous online vehicle tracking mechanism. A copy of the same is submitted herewith **Annexure R2 (7)**.

9. The Central Pollution Control Board conducted a meeting with TNPCB and Kerala PCB on 27.10.2023. The aforesaid matter has been informed to CPCB and a detailed report on the same has been submitted to Central Pollution Control Board. A copy of the same is submitted herewith **Annexure R2 (8)**. This Board is attending every meeting convened by the CPCB promptly.
10. The Board is taking efforts to have proper tracking of vehicles involved in waste management.

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the 31st day of October 2023



Vinaya
VINAYA K.S.
Senior Environmental Engineer
Kerala State Pollution Control Board
Regional Office
Gandhi Nager, Kochi-682 020

SENIOR ENVIRONMENTAL ENGINEER
LEGAL CELL, ERNAKULAM

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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VOLUME-II

INDEX

Sl. No.	Description	Page
1	Annexure R2 (1) G.O (Rt)- 1673/2021/LSGD dated 06/09/2021	5-12
2	Annexure R2 (2) G.O (Rt) – 2485/2021/LSGD dated 06/12/2021	13-19
3	Annexure R2 (3) G.O (Rt) – 225/2022/LSGD dated 04/02/2022	20-21
4	Annexure R2 (4) Letter No. PCB/HO/EE3/OA100/2021 (SZ) dated 28/10/2023 to District Collectors	22
5	Annexure R2 (5) Letter No. PCB/HO/EE3/OA100/2021 (SZ) dated 28/10/2023 to DGP and others	23-24
6	Annexure R2 (6) Letter No. KSPCB/32/2021/SEE-2/OA100/2021 dated 17/10/2023 to TNPCB	25-27
7	Annexure R2 (7) Letter No. PCB/HO/EE3/OA100/2021 (SZ) dated 27/10/2023 to TNPCB	28-29
8	Annexure R2 (8) Letter No. PCB/HO/EE3/OA100/2021 (SZ) dated 28/10/2023 to CPCB	30-32

Dated this the 31st day of October 2023

Rema Smrithi, Advocate

ADDITIONAL STANDING COUNSEL FOR THE 2ND RESPONDENT:



GOVERNMENT OF KERALA

Abstract

Local Self Government Department- OA 100/2021-Guidelines for registering vehicles transporting waste- Complied with - Orders issued

LOCAL SELF GOVERNMENT (WM) DEPARTMENT

G.O.(Rt)No.1673/2021/LSGD Dated,Thiruvananthapuram, 06/09/2021

Read Judgement in OA 100/2021 by Hon'ble National Green Tribunal dated 29.07.2021

ORDER

Local Self Governments (LSGs) are engaging Clean Kerala Company Limited (CKCL) and Private agencies for the collection and movement of waste to recycling/disposal facilities from collection centres/dumpsites. Currently there is no mechanism available to track and regulate the movement of vehicles which transport such wastes. Vide Order read above, Hon'ble National Green Tribunal in OA - No.100/2021 'Dumping of Garbage foiled near Anamalai, trucks seized', directed to create a mechanism for registering the vehicles which are entrusted with carrying waste to be disposed at designated dumpsites or treatment facilities, in order to supervise and to track the movement of such vehicles to find out whether the waste that is being entrusted to them is really reaching the designated treatment facility centers. In compliance with the direction by National Green Tribunal, Government is pleased to issue the following guidelines.

Local Self Governments or their support systems like CKCL, while engaging agencies / organizations for removal/transportation of waste from dumpsites/ MCF/ RRFs to designated disposal or treatment facilities shall enter into specific agreement following these guidelines.

- a. Non biodegradable waste shall be classified as recyclable and non-recyclable.
- b. Recyclable non biodegradable waste shall be sold to the recycling agencies or their aggregators at a price not less than the rate notified by the Clean Kerala Company Limited (CKCL).
- c. The non-recyclable waste to be removed through Clean Kerala Company Limited (CKCL) on behalf of the Local Self Governments will be at the rate prescribed by the Government from time to time, .
- d. The Local Self Governments may engage authorized agencies/ organizations for removal of non-recyclable waste provided they possess valid consent to operate from the KSPCB and valid agreement/MoU with the disposal facility such as Engineered Sanitary Landfills or Furnace-based industries like cement kilns.
- e. The Local Self Governments and Clean Kerala Company Limited shall follow due process for identification of agencies/ organizations for removal of non-recyclable waste
- f. The agencies/ organizations selected for removal and transportation of non-recyclable waste shall declare the destination where the waste is proposed to be disposed of and the hiring agencies (LSG/CKCL) shall verify and ensure whether the destination is suitable for safe disposal.
- g. All the vehicles which are entrusted with the transportation of waste to disposal/ recycling facilities shall be registered with the hiring agency from where waste is being collected. Clean Kerala Company and Local Self Governments shall keep a separate record of vehicles registered by them for this purpose. An Application for registering vehicles is attached as **Annexure I**.
- h. The Local Self Governments and CKCL shall incorporate specific conditions in the tender notification/ Empanelment notification and in the agreements with the transporting contractors to the effect that the transporting vehicle shall be fitted with GPS instrument and tracking systems arranged in the respective Offices.

- i. An Officer of the LSG/ CKCL shall be designated for tracking the GPS while there is movement of waste and shall ensure that it reaches the right destination.
- j. For transporting waste from source to location of treatment/disposal, a detailed manifest has to be maintained by the agencies engaged. After the transportation of the waste is complete, the copy the manifest duly signed by the receiver (treatment/disposal facility) shall be produced to the hiring agency within 7 days. A sample format of the waste manifest is attached as **Annexure II**.
- k. The waste carried in the vehicle shall be properly covered during transportation.
- l. The LSG/CKCL shall impose a fine and terminate the agreement with the transporting contractor and forfeit the amount payable to him in case of any violations.
- m. The LSGs and CKCL are to identify transporting contractors or enable the existing contractors to install GPS in the vehicles used for this purpose within 45 days from the date of issue of this order.

(By order of the Governor)
Sarada Muraleedharan I A S
Additional Chief Secretary

To:

All District Collectors
The Executive Vice Chairperson, Haritha Kerala Mission
The Director of Urban Affairs, Thiruvananthapuram
The Director of Panchayat, Thiruvananthapuram
The Executive Director, Suchitwa Mission
The Executive Director, KudumbhaShree
The Executive Director, Information Kerala Mission
The Chief Town planner, Department of Town and Country Planning
The Director General, KILA
The Managing Director, Clean Kerala Company, Pvt Ltd
The Commissioner for Rural Development

File No. WM1/6/2021-LSGD

The Principal Accountant General (A & E) Kerala, Thiruvananthapuram
The Accountant General (G&SSA/E & RSA) Kerala, Thiruvananthapuram
The Information Officer, I&PRD(Web & New Media)
Stockfile/Office Copy

Forwarded /By order

[Handwritten Signature]
Section Officer

Copy to:

- Private Secretary to Hon'ble Minister of LSGD
- P.A to Additional Chief Secretary, LSGD
- P.A to Special Secretary, LSGD
- Deputy Secretary , LSGD

LSG

ANNEXURE - I: APPLICATION FORM FOR REGISTERING VEHICLE TO COLLECT AND TRANSPORT OF SOLID WASTE TO DISPOSAL SITE

APPLICANT DETAILS		
Full Name of Applicant :		
Registered Address (including Phone No. and e-mail)		
Postal Address (for correspondence):		
VEHICLE DETAILS		
Garage Location (regular garaging address for vehicle):		
Vehicle Make and Model:		RTO Registration Number:
Body Type:	Net Carrying Capacity (tonnes):	Year of Manufacture:
GPS Device Details:-		
Vehicle Inspection Certificate: (Emissions & Safety)		Validity:
DECLARATION-Your application will not be accepted unless the declaration is completed and signed		
I hereby declare that the information provided in this application is true and correct		
I also declare that the vehicle with registration number _____ is fit for the purpose of transporting the prescribed wastes specified in this application		
Signature* (1) _____ (2) _____ :Date: __/__/____ <i>Second signature only required if the applicant is a partnership</i>		

a company, a person of authority must sign and date and complete the following:

Name _____ Last Name _____ Position _____

CHECKLIST — to be completed by the applicant	Tick <input checked="" type="checkbox"/>
Declaration (above) read and signed	
List of wastes to be transported (Enclose)	
Insurance policy is maintained for the	
Photographs of the vehicle (front, side and rear)	
Vehicle registration certificate	
If vehicle is not owned by the agency, copy of the agreement with the owner	

Sender's name and address (including Phone No.) _____

Manifest Document _____

Transporter's name (including Phone No.) _____

Type of vehicle _____

Vehicle registration _____

Treatment/disposal address (including Phone No.) _____

Waste description _____

Quantity _____

Name of transporter _____

Transporter's Certificate _____

Signature of transporter _____

Signature of receiver _____

**Annexure -II: MANIFEST FOR TRANSPORTING WASTE FOR
TREATMENT/DISPOSAL**

1.	Sender's name and address (including Phone No. and e-mail)	
2.	Manifest Document No.	
3.	Transporter's name and address: (including Phone No. and e-mail)	
4.	Type of vehicle	(Truck/Tanker/Special Vehicle/others please specify)
5.	Vehicle registration No.	
6.	Treatment/disposal facility name and address (including Phone No. and e-mail)	
7.	Waste description (type of waste)	
8.	Total quantitym ³ or MT
9.	Purpose of transportation	Treatment/recycling/RDF/ scientific land filling/others please specify
10.	Sender's Certificate	I hereby declare that the contents of the consignment are fully and accurately described above with proper shipping details
	Date: _____	Name and designation: _____
		Signature: _____
11.	Transporter acknowledgement of receipt of Wastes:	I hereby declare that the contents of the consignment described above has been received for transportation and are properly covered and are in all respects in proper conditions for transport by road according to applicable government regulations.
	Date: _____	Name and designation: _____
		Signature: _____
12.	Receiver's certification for receipt of waste	I hereby declare that the contents and quantity of waste as described above has been received for treatment/disposal



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10/12/21

13
FILE NO. WMT/6/2021-LSGD

ANNEXURE R2(2)

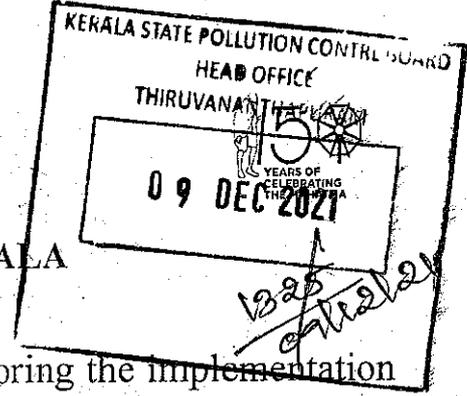
31.



GOVERNMENT OF KERALA

Abstract

Local Self Government - OA 100/2021- Monitoring the implementation of guidelines for registering and tracking vehicles for transporting waste in Kerala and institutional mechanism to identify and take actions against defaulters- Orders Issued



LOCAL SELF GOVERNMENT (W.M)DEPARTMENT

G.O.(Rt)No.2485/2021/LSGD Dated, Thiruvananthapuram, 06/12/2021

- Read:
1. Judgment dated 29.07.2021 of Hon'ble NGT in OA 100/2021.
 2. G.O(Rt) No.1673/2021/LSGD dated 06.09.2021.
 3. Judgment dated 01.10.2021 of Hon'ble NGT in OA 100/2021.

ORDER

B
10/12
Slr
not to be

In the Judgement read as 1st above above, Hon'ble NGT mentioned that there is no mechanism available to track and regulate the movement of vehicles which transport waste. In compliance to the Judgement of Hon'ble NGT, Government issued guidelines for registering vehicles transporting waste vide order read as 2nd paper above. But in the Government Order there was no reference regarding the mechanism to monitor the implementation of guidelines for registering and tracking vehicles for transporting waste in Kerala and institutional mechanism to identify and take actions against defaulters.

2. Government have examined the matter in detail and decided to constitute committees at State Level and District Levels with following members for monitoring and implementation of guidelines as stipulated in G.O(Rt) No.1673/2021/LSGD.

State Level Committee

- Additional Chief Secretary, LSGD – Chairman

- Executive Director, Suchitwa Mission – Convenor
- Director General of Police/ Representative
- Taxes Commissioner/Representative
- Transport Commissioner /Representative (Motor Vehicles Department)
- Director (Urban), LSGD
- Director (Rural), LSGD
- Member Secretary, Kerala State Pollution Control Board
- Managing Director, Clean Kerala Company
- Representative of Haritha Keralam Mission

The committee shall

- be convened once in 3 months
- review the status of the activities based on the monthly report submitted by District level monitoring committee
- identify gaps in the implementation of the guidelines and shall give guidance for issuing directions at State Level
- look into and resolve issues related to trans-boundary movement of waste.

District Level Committee

- District Collector - Chairman
- District Co-ordinator Suchitwa Mission-Convenor
- Regional Joint Director (Urban)
- Deputy Director of Panchayats
- Superintendents of Police / Representative
- Joint Commissioner of Tax/Representative
- Deputy Transport Commissioner /Representative (Motor Vehicles Department)
- Representative from District Pollution Control Board
- Representative from Haritha Kerala Mission
- Representative from Clean Kerala Company
- Representative from Police Department
- Representative from Motor Vehicle Department

The committee shall

- be convened on a monthly basis
- review the status implementation based on the monthly report submitted by local bodies (through RJD/DDP) and Clean Kerala Company submit quarterly reports to the state level committee in the prescribed

format in Annexure-I

- shall review the details of waste transporting vehicles entrusted by LSGIs/CKCL
- review the details of defaulters and action taken against them
- resolve the issues pertaining to subject matter at District Level
- report any gaps/issues to the state level committee which require State level interventions

3. In order to identify and take action against defaulters following institutional mechanism needs to be carried out by Local Bodies and Clean Kerala Company

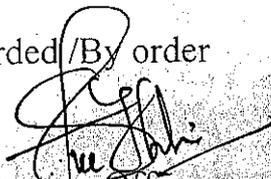
- Local Self Government Institutions and Clean Kerala Company shall submit monthly reports to the District level committee in the prescribed format in Annexure-II
- Local Self Government Institutions and Clean Kerala Company shall adhere to all the directions mentioned in the guidelines issued vide G.O (Rt)No.1673/2021/LSGD dated 06.09.2021 while engaging agencies for transportation of waste.
- Local Self Government Institutions and Clean Kerala Company shall clearly mention the clause related to imposing fine in the case of violations in the agreement with the agencies.
- The officer designated by the local body and CKCL for tracking the GPS while there is movement of waste shall
 - ensure that the details of trips (including details of destination such as location names, GPS co-ordinates) are recorded in a register format enclosed as Annexure-III
 - ensure that the vehicle has reached the right destination
 - shall keep a record of the copy of manifest duly signed by the receiver submitted by the transporting agency.
 - shall report to Secretary in the case of Local bodies and Managing Director Clean Kerala company or the person authorized regarding violations
- On reporting the violations, Secretary of LSGI/CKCL shall initiate actions against the defaulter for imposing fine and forfeit the amount payable and initiate legal actions as per laid down procedures.

(By order of the Governor)
R S Kannan
Special Secretary

To:

All District Collectors
The Executive Vice Chairperson, Haritha Kerala Mission
The Director(Urban), Local Self Government Department
The Director(Rural), Local Self Government Department
The Director General of Police
The Taxes Commissioner, Department of Income Tax
The Transport Commissioner , Motor Vehicles Department
The Chief Town planner, Department of Town and Country Planning
The Member Secretary, Kerala Pollution Control Board
The Executive Director, Suchitwa Mission
The Executive Director, KudumbhaShree
The Executive Director, Information Kerala Mission
The Superintendents of Police
The Joint Commissioner of Tax, Department of Income Tax
The Deputy Transport Commissioner , Motor Vehicles Department
The Director General, KILA
The Managing Director, Clean Kerala Company, Pvt Ltd
The Commissioner for Rural Development
The Principal Accountant General (A& E) Kerala, Thiruvananthapuram
The Accountant General (G&SSA/E &RSA) Kerala, Thiruvananthapuram
The Information Officer, I&PRD(Web & New Media)
All District Coordinators (Through Suchitwa Mission)
The Regional Joint Director (Through Director (Urban), LSGD)
The Deputy Director of Panchayath (Through Director (Rural), LSGD)
Stock file/Office Copy

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Section Officer

Copy To,

Private Secretary to Hon'ble Minister of LSGD
P.A to Additional Chief Secretary, LSGD
P.A to ~~Principal~~ Chief Secretary, LSG (WtE) Projects
P.A to Special Secretary, LSGD Deputy Secretary, LSGD
Deputy Secretary, LSGD

Annexure I

QUARTERLY REPORT FORMAT

Name of District :

Report for the period of: 20... to 20...

Sl No	Description	In LSGIs		By CKCL	
		Within State	Outside State	Within State	Outside State
1	Total number of LSGI's conducted vehicle registration				
2	Total number of vehicles registered with GPS tracking till date				
	VEHICLE MOVEMENT DETAILS	Within State	Outside State	Within State	Outside State
3	Total number of trips conducted				
4	Total quantity of waste transported (Tonnes)				
5	Number of successful trips conducted				
6	Quantity of waste transported (successful trips) (Tonnes)				
7	Number of trips have violations reported				
8	Quantity of waste transported (Violation trips) (Tonnes)				
9	Number of violations in which action taken				

Signature:

Name:

Designation:

File No. WM1/6/2021-LSGD

56676882002/LOCAL SELF GOVT. (WM)

Annexure II

MONTHLY REPORT FORMAT

Report for the month of : 2021

Details submitted by : LSGI / Clean Kerala Company (tick whichever is applicable)

District :

Name of LSGI:

SI No	Description	Remarks	
		Within State	Outside state
1	Total number vehicles registered with GPS tracking till date		
	VEHICLE MOVEMENT DETAILS		
2	Total number of trips conducted		
3	Number of successful trips conducted		
4	Quantity of waste transported (successful trips) Tonnes		
5	Number of trips have violations reported		
6	Quantity of waste transported (Violation trips) Tonnes		
7	Number of violations in which action taken		

Signature:

Name:

Designation:



GOVERNMENT OF KERALA

Abstract

Local Self Government - OA 100/2021- State Level Committee and District Level Committee- Modifications- Orders Issued

LOCAL SELF GOVERNMENT (W.M.) DEPARTMENT

G.O.(R) No.225/2022/LSGD Dated, Thiruvananthapuram, 04-02-2022

Read 1 G.O(R) No.2485/2021/LSGD dated 06.12.2021.

2 Meeting of State Level Committee convened by Additional Chief Secretary, Local Self Government Department on 07.01.2022.

ORDER

The Hon'ble NGT in the judgment dated 01.10.2021 in O.A 100/2021 has mentioned that there is no reference regarding the mechanism to monitor the implementation of guidelines for registering and tracking vehicles for transporting waste in Kerala and institutional mechanism to identify and take actions against defaulters.

2. The Government in compliance, constituted committees at State Level and District Levels for monitoring and implementation of guidelines as stipulated in G.O(R) No.1673/2021/LSGD vide G.O read as 1st paper above.

3. Vide meeting read as 2nd paper above, it was decided to include representatives of IMAGE and KEIL to the State level Committee and to include representatives from Health and Environment Departments to the District level Committee.

4. Government have examined the matter and are pleased to modify the State level Committee with representatives of IMAGE and KEIL and District Level Committee with representatives from Health & Family Welfare Department and Environment Department.

5. Necessary arrangement shall be taken by the Health & Family Welfare Departments and Environment Departments to nominate their representatives.

6. The Government Order read as 1st paper above, is modified to this extent only.

(By order of the Governor)
R S KANNAN
SPECIAL SECRETARY

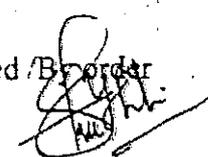
To

All District Collectors

The Executive Vice Chairperson, Haritha Kerala Mission

The Director(Urban), Local Self Government Department
 The Director(Rural), Local Self Government Department
 The Director General of Police
 The Taxes Commissioner, Department of Income Tax
 The Transport Commissioner , Motor Vehicles Department
 The Chief Town planner, Department of Town and Country Planning
 The Member Secretary, Kerala Pollution Control Board
 The Executive Director, Suchitwa Mission
 The Executive Director, KudumbhaShree
 The Executive Director, Information Kerala Mission
 The Superintendent of Police
 The Joint Commissioner of Tax, Department of Income Tax
 The Deputy Transport Commissioner , Motor Vehicles Department
 The Director General, KILA
 The Managing Director, Clean Kerala Company, Pvt Ltd
 The Commissioner for Rural Development
 The Principal Accountant General (A & E) Kerala, Thiruvananthapuram
 The Accountant General (G&SSA/E & RSA) Kerala, Thiruvananthapuram
 The Information Officer, I&PRD(Web & New Media)
 All District Coordinators (Through Suchitwa Mission)
 The Regional Joint Director (Through Director (Urban), LSGD)
 The Deputy Director of Panchayath (Through Director (Rural), LSGD)
 The Managing Director, IMAGE
 The Managing Director , KEIL
 The Health & Family Welfare Department
 The Environment Department
 Stock file/Office Copy

Forwarded By order


 Section Officer



KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004



PCB/HO/EE3/OA 100/2021(SZ)

Date: 28.10.2023

From

Member Secretary

To

All District Collectors

Sub: Allegation on Illegal Transport of waste to Tamil Nadu– OA No.100/2021 & OA 164/2023 - reg

Ref : 1. This office letter of even no. dated 09.01.2023

2. GO (Rt) No. 2485/2021/LSGD dated 06.12.2021

3. GO(Rt) No. 1673/2021/LSGD dated 6-9-2021

Sir,

Kind attention is invited to the subject matter. The Hon'ble NGT in OA 100/2021 and in OA 164/2023 observed the dumping of waste at Nanguneri at Ilayarkulam Junction, Nanguneri - Moolakaraipatti Road, Shenbagaramanallur Road, Tamil Nadu and directed to submit action taken report. Complaints on unauthorized transport of waste from Kerala and further dumping in Tamil Nadu have been received in the office. Copies of the above are enclosed.

In this regard, it may be please be noted that as per judgement dated 29-7-2021 of Hon'ble NGT in OA 100/2021, Kerala Government issued guidelines for registering vehicles transporting waste vide GO(Rt) No. 1673/2021/LSGD dated 6-9-2021. As per GO(Rt) No. 2485/2021/LSGD dated 6-12-2021, State level committee and District level committees were constituted for monitoring and implementation of aforesaid guidelines. (copies enclosed).

Kindly forward status report on the above for submitting before the Hon'ble National Green Tribunal.

Yours faithfully,

Shan-AJ

MEMBER SECRETARY

Copy to:

1. The Additional Chief Secretary, Local Self Government Department
2. The Secretary, Environment Department

(with covering letter)

☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in



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PCB/HO/EE3/OA 100/2021(SZ)

Date: 28.10.2023

From

Member Secretary

To

- 1) Director General of Police,
State Police Headquarters,
Vellayambalam,
Thiruvananthapuram-695010
- 2) The Transport Commissioner
Motor Vehicle Department
Trans Towers, Vazhuthacaud, Thiruvananthapuram
- 3) The Excise Commissioner,
Excise Commissionerate,
Vikas Bhavan P.O., Nandavanam,
Thiruvananthapuram-695033
- 4) The Commissioner,
GST Department,
9th Floor, Tax Towers, Karamana P.O., Killippalam,
Thiruvananthapuram.

Sub: Allegation on Illegal Transport of waste to Tamil Nadu-
OA No.100/2021 & OA 164/2023 - reg

Ref: GO (Rt) No. 2485/2021/LSGD dated 06.12.2021 issued by GoK

Sir,

Kind attention is invited to the subject matter. The Hon'ble NGT in OA 100/2021 and in OA 164/2023 observed the dumping of waste at Nanguneri at Ilayarkulam Junction, Nanguneri - Moolakaraipatti Road, Shenbagaramanallur Road, Tamil Nadu and directed to submit action taken report. Complaints on unauthorized transport of waste from Kerala and further dumping in Tamil Nadu have been received in the office. Copies of the above are enclosed.

In this regard, it may be please be noted that as per judgement dated 29-7-2021 of Hon'ble NGT in OA 100/2021, Kerala Government issued guidelines for registering vehicles transporting waste vide GO(Rt) No. 1673/2021/LSGD dated 6-9-2021. As per GO(Rt) No. 2485/2021/LSGD dated 6-12-2021, State level committee and District level committees were constituted for monitoring and implementation of aforesaid guidelines (copies enclosed).

Kindly take action for vigil monitoring of the vehicles in the check post of the borders adjoining Tamil Nadu, Karnataka. Necessary documents as per the GOs cited above is to be verified and take necessary action on observing violations on non compliance of the above. Actions taken on the matter is to be furnished to this office for submitting before the Hon'ble National Green Tribunal.

Yours faithfully,



MEMBER SECRETARY

☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151

e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: www.kspcb.kerala.gov.in

KERALA STATE POLLUTION CONTROL BOARD



കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004



LIFE
Lifestyle for
Environment

—————*In reply please refer to:* KSPCB/32/2021-SEE2/OA 100/2021

Dated:

17.10 .2023

From

The Member Secretary

URGENT

To

The Chairperson
Tamil Nadu Pollution Control Board

Sub: Allegation on illegal Transport of waste to Tamil Nadu

Ref: Your letter letter no. T31TNPCB/BMW/F .2057612023-1 Dated:25.09.2023

Madam,

Kind attention is solicited to the subject matter. The Board has taken efforts to implement Solid Waste Management Rules, 2016 in the State. Main activities are briefed below.

1. Non biodegradable waste management in the State

Haritha Karma Sena (HKS), an enterprise group formed through the State Poverty Eradication Mission (Kudumbasree) has been engaged for the Door-to-Door collection. The enterprise group is designed to have two persons for each ward for door-to-door collection of non-biodegradable waste on a regular basis and to help in managing the household institutional-community systems for composting biodegradable waste. Suchitwa Mission, Clean Kerala Company Limited, formed under the Local Self Government Department and Haritha Kerala Mission are jointly giving support to Local Self Government Institutions (LSGIs) in the Waste Management sector.

1174 MCFs and 204 Resource recovery facilities (RRF is having shredding and bailing facilities) have been provided in LSGIs (Status as on April 2022) that helps in the documentation. In Kerala there are 214 plastic recycling units, 21 Steel mills, and 7 craft paper units. Non-recyclable plastic waste is shredded in the RRFs and is used for the tarring of PWD and LSGD roads. As the State has no cement plants to utilize RDF, the State has to depend on cement plants outside State for its scientific disposal.

26

15 godowns (Ernakulam -2) other 2 (non recyclable) about 4146 tonnes of rejects have been collected by the CKCL from 65 ULBs & 274 rural local bodies. All the vehicles used for waste transportation are registered, GPS fitted. (Guidelines are to be employed for vehicles). About 200 TPD waste is processed through authorized recyclers. The 262 vehicles used for waste transportation have been registered under the LSGIs and fitted with GPS tracking systems. The State is planning to introduce hologram embedded security stickers for the identification of waste transporting vehicles. GPS tracking facility also provided for ensuring the proper transportation and disposal of plastic waste to authorized places. The Government issued guidelines for the GPS tracking system, rendering plants, sanitary napkins and construction & demolition waste. Moreover the State Board has initiated steps in developing vehicle tracking system. In the system, the solid waste generated from each generated (Local Body), the transportation of the waste and its final receiver (recycler, co-incineration), will be tracked by means of a web – app / mobile – app for finding out any un-authorized movement of solid waste can be found out.

Dry wastes are collected, segregated and disposed through recyclers. Clean Kerala Company Limited (CKCL) has produced 3293.145 MT of shredded plastics and sold 2987.02MT to various agencies (NHAI- 13.93 T, PWD- 1440.74T, LSGI-1532.35T). The total length of polymerized road constructed is 5285.54km.

“Haritha mithram” smart garbage app was introduced in the State to quantify the waste collected from residences and establishments.

Following actions are also taken in compliance with the order of the Hon’ble NGT in OA 100/2021 vide directions on 16.04.2021, 25.06.2021, 01.11.2021 and 08.12.2022.

- Necessary instruction was issued on 09.01.2023 to all District Collectors to monitor interstate movement to prevent illegal trafficking of waste. Instruction was also issued to Urban Director, Panchayat Director, Assistant Transport Commissioner, Motor Vehicles Department, Managing Director and Clean Kerala Company to comply the direction.
- Local Self Government vide order (Rt) No. 1673/2021/LSGD dated 06.09.2021 issued Guidelines for registering vehicles transporting waste. Clean Kerala Company has made arrangements for collection and transport of waste through GPS tracked vehicles.
- In compliance with the order of Hon’ble NGT vide order dated 08/12/2022 instruction was issued to all District Collectors to ensure compliance of SWM Rules, 2016 and PWM Rules, 2016 in their jurisdiction and to take up the

27.
matter in the District Level Monitoring Committee (DLMC) . Matter was informed to Additional Chief Secretary, LSGD, the Urban Director and the Panchayath Director.

2. **Biomedical Waste Management in the State**

It is reported that the total Bio Medical Waste (BMW) generated in the State is 62 TPD (as per AR 2021). There are two Common Bio Medical Waste Treatment Facilities (CBWTFs) in State with a total capacity of 72 TPD (55.8 TPD of IMAGE +16TPD of KEIL). A few hospitals have also provided captive treatment facilities disposing only a quantity of 3TPD.

The State is taking its earnest effort to implement ban on SUP and to channelize waste disposal in compliance with Plastic Waste Management Rules and various orders issued by Government of Kerala. Though the plastic manufacturing units in the State are not producing banned SUP items, still banned SUP items like plastic carry bags are available in the State. The Board has already addressed GST to take necessary action to stop illegal transport of such banned to the State. It is reported that SUP items are transported from neighbouring States. Further some agencies from neighbouring States are also taking away waste from Kerala. This may kindly be verified. Hence it is requested to bestow your personal attention on the matter.

In the letter vide reference, it is reported that Alangulam Police Station has registered a criminal case against a Tamil Nadu registered Leyland Torus Lorry (Registration No. TN 52 A 2275) that was allegedly carrying waste from Kerala and Hon'ble Judicial Magistrate, JM Court, Alangulam has initiated a case on the matter. Kindly forward details of the Court Case and copy of FIR registered by the Police.

Yours faithfully,

Skull AM

MEMBER SECRETARY

☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in



KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004



PCB/HO/EE3/OA 100/2021(SZ)

Date: 27.10.2023

From

Member Secretary

To

The Chairperson
Tamil Nadu State Pollution Control Board,
76, Mount Salai,
Guindy, Chennai-600 059

Subject : Allegation in Illegal Transport of Waste to Tamilnadu- OA

No.100/2021-reg.

Ref :1. Lr. No.T31TNPCB/BMW/F 2057612023-1 Dated :25.09.2023.

2. This Office Letter of even no. Dated 17.10.2023

Madam,

In continuation to the letter under ref 2, it may please be noted that as per order dated 24/12/2021 of the Hon'ble National Green Tribunal in OA 100/2021, SPCBs of Kerala , Tamilnadu have to consider developing the possibility of a continuous online monitoring system to monitor the total input of raw materials procured, produced and how it is being used and disposed . In the regard , it may kindly be noted that in Kerala regarding biomedical waste , there are two Common Biomedical Waste Treatment Facilities (CBWTFs) – KEIL at Ernakulam and IMAGE at Palakkad. These facilities are having own vehicle tracking mechanism. KEIL is having 15 vehicles and IMAGE is having 74 vehicles. As these vehicles are under close monitoring, there is no chance of unauthorized biomedical waste disposal. Besides the above, the Board has entrusted NIIST (National Institute For Interdisciplinary Science & Technology) Trivandrum to conduct a gap analysis in biomedical waste generated in the State. Further regarding to

solid waste, the Board is developing the web application for Pollution Control Board and waste generators to track the waste transporting vehicle through GPS device data including responsive web app and Android mobile app .It may please be noted that there are no waste to energy plant and cement plants having co-incineration in Kerala. Non recyclable plant waste is disposed in the cement plant of at Tamil Nadu. Recyclable waste are also taken to Tamilnadu for recycling. Hence it is essential to register such units in Tamilnadu in the tracking portal . Hence cooperation in this regard is solicited. Reply in this regard may kindly be given at the earliest .

Yours faithfully,

S. Anand

MEMBER SECRETARY

Copy to :

1. The Secretary to Government
Environment Department
2. The Member Secretary
Central Pollution Control Board
Parivesh Bhavan,
East Arjun Nagar,
New Delhi-110032
3. The Regional Director
Regional Directorate,A-Block,
Nisarga Bhavan,Thimmaiah Road
Shivanagar, Bengaluru

with covering letter

☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in



KERALA STATE POLLUTION CONTROL BOARD

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Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004



PCB/HO/EE3/OA 100/2021(SZ)

Date: 28.10.2023

From

Member Secretary

To

The Member Secretary
Central Pollution Control Board
Parivesh Bhavan,
East Arjun Nagar,
New Delhi-110032

Subject : Allegation in Illegal Transport of Waste to Tamilnadu-OA No.100/2021-reg

- Ref: 1) Order dated 12.10.2023 of Hon'ble NGT in OA 100/2021
2) This office letter of even no. dated 27.10.2023
3) Meeting of CPCB on 27.10.2023

Sir,

Kind attention is invited to the subject matter. As per order dated 12/10/2023 in OA 100/2021, it is mentioned that the State of Kerala had not responded to the meeting conducted by Central Pollution Control Board. It may kindly be noted that Board always attend all the meetings convened by CPCB.

Regarding biomedical waste, two Common Bio-Medical Waste Treatment facilities exist in Kerala, one at Ernakulam and other at Palakkad. The former plant is having 14 vehicles and the latter plant is having 74 vehicles for the collection of Bio-Medical Waste generated in healthcare facilities. Online vehicle tracking mechanism is available for the Common Bio-Medical Waste Treatment facilities and are under close monitoring. Hence, there is no chance of disposal from their vehicles.

Beside the above, the Board has entrusted Council of Scientific and Industrial Research organization, National Institute for Interdisciplinary Science and Technology

(CSIR-NIIST) for conducting a detailed assessment of the healthcare facilities in the Kerala state. The works include field inspections, field data collection, estimation of gap and for projected /extrapolated requirements of CBWTFs for the next ten years.

Regarding solid waste, in Kerala, there are more than 30,000 authorised waste collectors namely Haritha Karma Sena, who are collecting non biodegradable waste from houses/establishment. 1201 Material Collection Facilities and 149 Resource Recovery Facilities (RRF with shredding and bailing facilities are provided in LSGIs.) As Kerala is concerned, the state is having only 123 registered small scale plastic recycling units. Hence, a majority of recyclable waste is taken to Tamil Nadu for recycling. There is only one cement plant, Malabar Cement at Palakkad, they have not provided facilities for coincineration, though instructed. Waste to Energy Plants are yet to be commissioned. Hence, non-recyclable plastic wastes are taken for road tarring in the state. As per the report of Clean Kerala Company Limited (CKCL), it has produced 3293.145 MT of shredded plastics and sold 2987.02MT to various agencies (NHAI- 13.93 T, PWD- 1440.74T, LSGI- 1532.35T). The total length of polymerized road constructed is 5285.54km. For the non-recyclable plants, as per CKCL, 15 godowns are provided for non-recyclables and 262 vehicles registered under LSGIs and further GPS installed vehicles are being deployed. Copy of the letter sent to CKCL is enclosed. The Government is taking efforts for providing of more recycling units in Kerala. Under Extended Producer Responsibility. State is in the process of having state policy for encouraging more recyclers. Space in industrial area has been sought in the industrial areas.

As per judgement dated 29-7-2021 of Hon'ble NGT in OA 100/2021, Kerala Government issued guidelines for registering vehicles transporting waste vide GO(Rt) No. 1673/2021/LSGD dated 6-9-2021, a copy of which is submitted herewith as Annexure1. As per GO(Rt) No. 2485/2021/LSGD dated 6-12-2021, State level committee and District level committees were constituted for monitoring and implementation of aforesaid guidelines, a copy of which is submitted herewith.. The

action taken in this regard has been sought from the 14 District Level Monitoring committees, a copy of which is enclosed.

The instructions have been given to the Department of Police, Motor Vehicle, Excise Commissionerate and GST Departments for taking vigil monitoring of vehicles in the check post of the borders adjoining Tamil Nadu and Karnataka, a copy of which is enclosed.

The Hon'ble NGT vide order dated 24-12-2021 in OA 100/2021 directed to consider developing the possibility of a continuous online monitoring system to monitor the total input of raw materials procured, produced, how it is being used and disposed. In this connection, agency has been identified for developing online vehicle tracking mechanism following the tender procedure. Responsive web application for Pollution Control Board and waste generators, Android app for drivers, generators and receptors are included in the scope of work. Action is being taken for the preparation of SRS (design and documents). The matter has been informed to Tamil Nadu Pollution Control Board for getting input from their end. It may please be noted that there are no waste to energy plant and cement plants having co-incineration in Kerala. Some quantity of non recyclable plastic waste is disposed in the cement plants at Tamil Nadu. Recyclable waste is also taken to Tamil Nadu for recycling. Hence it is essential to register such units in Tamil Nadu in the tracking portal. Hence, Tamil Nadu Pollution Board has been asked to cooperate in the development of the continuous online vehicle tracking mechanism.

Yours faithfully

Shweta

MEMBER SECRETARY