

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL**

SOUTHERN ZONE, CHENNAI

IN

ORIGINAL APPLICATION NO. 22 of 2022

Petitioner : A. Krishna

Versus

Respondent(s) : The Union of India

**REPORT FILED BY THE ENVIRONMENTAL ENGINEER,
REGIONAL OFFICE, ERNAKULAM ON BEHALF OF THE
KERALASTATE POLLUTION CONTROL BOARD**

Adv. Rema Smrithi.

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT:

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

IN

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VOLUME 1

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Dated this the 19th day of April 2022

Rema Smrithi, Advocate

ADDITIONAL STANDING COUNSEL FOR THE MEMBER CONVENER

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SOUTHERN ZONE, CHENNAI**

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**REPORT FILED BY THE ENVIRONMENTAL ENGINEER ON
BEHALF OF KERALA STATE POLLUTION CONTROL BOARD**

- 1) I, Mini Mary Sam, aged 55 years, W/o Ranjan Jacob, 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) The reliefs sought in the application are for issuing direction to implement Clause 9(3) of the Plastic Waste Management Rules, 2016 and for taking action for non-compliance of the Rules.
- 3) It is respectfully submitted that as per Rule 9(3) of the Plastic Waste Management Rules, 2016, as amended in 2021, manufacture and use of multi layered plastic which is non recyclable or non energy recoverable or with no alternate use of plastic if any should be phased out in two years. As per Rule 9(5), no producer shall on or after the expiry of six months from 18-3-2016 manufacture or use any plastic or multi-layered

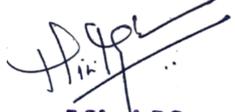



Mini Mary Sam
Environmental Engineer(HG)

packaging for packaging of commodities without registration from Central Pollution Control Board if operating in more than two states and from State Pollution Control Board if in one or two states.

- 4) The Rule 13 (1) of PWM Rules, 2016 states that “the producers, within a period of six months from the date of publication of these rules, shall work out modalities for waste collection system based on Extended Producers Responsibility and involving State Urban Development Departments, either individually or collectively, through their own distribution channel or through the local body concerned.” As the State Urban Development Departments are involved in the process, State Action Extended Producer Responsibility Scheme under Solid Waste Management Waste Rules, 2016 was prepared and decision is being taken at Government level. Meanwhile, Ministry of Environment and Forests and Climate Change notified Amendment to Plastic Waste Management Rules on February 16, 2022 as per which the producers, importers, and brand-owners (PIBOs) shall comply with the Extended Producer Responsibility as per provisions under the Rules and guidelines in Schedule II. As per Clause 10.1 of the Guidelines, PIBOs shall have to register through the online centralized portal developed by CPCB.
- 5) It is respectfully submitted that as per Solid Waste Management Rules, 2016, 100% door to door collection of waste from households and establishments has to be done by the local body concerned. Local government institutions are providing authorised collectors namely Haritha Karma Sena for door to door collection of non biodegradable waste and channelising recyclables wastes to registered recyclers and non recyclables for road tarring and co-incineration in cement plant. As per the Annual report 2020-21, regarding door-to-door collection in

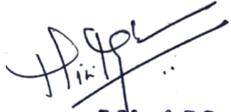



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households, 41 ULBs cover 75-100%, 25 ULBs cover 50-75%, 14 ULBs cover 25-50% and the remaining 13 ULBs cover less than 25% door to door collection. Regarding Door-to-Door collection in establishment, 29 ULBs cover 75-100%, 21 ULBs cover 50-75%, 22 ULBs covers 25-50% and remaining 20 ULBs less than 25% collection. There is considerable progress in the providing of authorised collectors in the State. LSGIs have provided 164 Resource Recovery Facilities, 1018 Material collection facilities, 15 godowns for non biodegradable waste management. Local Self Governments (LSGs) are engaging Clean Kerala Company Limited (CKCL), formed under Local Self Government Department and Private agencies for the collection and movement of waste to recycling/disposal facilities from collection centres/dumpsites.

- 6) LSGD issued Govt. Order G.O.(Rt.) No.1673/2021/LSGD dated 06/09/2021 regarding guidelines for registering vehicles transporting waste. The another Govt. Order was also issued for monitoring and implementation guidelines for registering and tracking vehicles for transporting waste and institutional mechanism to identify and take action against defaulters was issued vide G.O. (Rt) No. 2485/2021/LSGD dated 6/12/2021, a copy of the order is submitted herewith as **Exhibit R3(1)**.
- 7) For the disposal of Multi Layer Plastic/other recyclables, Clean Kerala Company Ltd. entered into an agreement with M/s. MRM Eco Solutions Pvt Ltd., Kozhikode in November, 2021, a copy of the agreement is submitted herewith as **Exhibit R3(2)** and the copy of consent of waste processing unit M/s. Bharath Polyworld, Gujarat is produced herewith as **Exhibit R3(3)**. Clean Kerala Company Ltd. reported that a total quantity of 135.15T of MLP has been transferred to




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MRM Eco Solutions Pvt Ltd. A copy of the report is submitted herewith as **Exhibit R3(4)**.

Some local bodies are disposing plastic waste through private agency. A copy of the report is produced herewith as **Exhibit R3(5)**.

- 8) It is submitted that some brand owners have also furnished reports to the Board, a copy of which is submitted herewith as **Exhibit R3(6)**. But the genuiness of these reports cannot be ascertained by this Respondent as the required details namely place of collection, and local body, mode of collection and transportation from local body and name of each local body and quantity collected for each local body and the source of generation, quantity treated in recycling unit, name and address of recycling units, and the documents namely copy of action plan submitted to CPCB; Agreement with local body concerned; Agreement with recycling plant; Consent/registration of recycling plant; Invoice for commodity; Annual reports from recycling/processing units and also of the same from local body and Signed document issued by recycling specify type and quantity of plastic waste received from the producer or brandowners time period during which above waste received were not submitted by the brand owners. As supported documents are not submitted, the genuinity of reports could not be assessed. A copy of the letter is submitted herewith as **Exhibit R3(7)**.

From the above, it can be observed that efforts have been taken for the collection, treatment and disposal of Multi Layer Plastic generated.



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

Mini Mary Sam
Environmental Engineer(HG)

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

Dated this 19th day of April 2022



A handwritten signature in blue ink, appearing to read "Mini Mary Sam", written over two horizontal lines.

Environmental Engineer

Mini Mary Sam
Environmental Engineer(HG)