

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Original Application No 100 of 2021 (SZ)**

**IN THE MATTER OF**

Tribunal on its own motion *Suo Motu* based on the news item : Applicant(s)  
published in The Hindu newspaper, Chennai edition, dated 09-04-  
2021, “Dumping of garbage foiled near Anamalai, trucks seized”.

Versus

The Chief Secretary to Govt. of Tamil Nadu and Others. : Respondent(s)

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**Place: Bengaluru**  
**Date: 26-09-2022**



**DEPONENT**  
**J. Chandra Babu**  
**REGIONAL DIRECTOR**  
**CENTRAL POLLUTION CONTROL BOARD**  
**REGIONAL DIRECTORATE - BENGALURU**  
**(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)**  
**BENGALURU - 560 079. MOB: 9868278903**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN BENCH CHENNAI**

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Tribunal on its own motion *Suo Motu* based on the news : Applicant(s)  
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near Anamalai, trucks seized”.

Versus

The Chief Secretary to Govt. of Tamil Nadu and Others. : Respondent(s)

**STATUS REPORT FILED ON BEHALF OF CENTRAL POLLUTION  
CONTROL BOARD, ADDITIONAL 19<sup>TH</sup> RESPONDENT**

I, Jathikartha Chandra Babu, Son of Late Sh. J Balaramaiah, aged 54 years, having office at the Regional Directorate - Bengaluru, Central Pollution Control Board, 1<sup>st</sup> and 2<sup>nd</sup> Floors, Nisarga Bhavan, A-Block, Thimmaiah Main Road, 7<sup>th</sup> D Cross, Shivanagar, Bengaluru, Karnataka – 560 079, do hereby solemnly affirm and declare as under:

I am presently working as Scientist ‘E’ & Regional Director, in the Central Pollution Control Board (CPCB). I am authorised to file the status report on behalf of 19<sup>th</sup> Respondent, Central Pollution Control Board and I am well conversant with the facts of the case.



*J. Chandra Babu*  
26/5/2021

J. Chandra Babu  
REGIONAL DIRECTOR  
CENTRAL POLLUTION CONTROL BOARD  
REGIONAL DIRECTORATE - BENGALURU  
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)  
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## 1. Background:

Hon'ble National Green Tribunal Suo Motu matter raised Original Application No. 100/2021(SZ) based on the News item published in The Hindu Newspaper, Chennai Edition dated 09.04.2021, "Dumping of garbage Foiled near Anamalai, trucks seized". Hon'ble Tribunal vide its order dated 24.12.2021 passed following direction:

*"...the Kerala Pollution Control Board and Tamil Nadu Pollution Control Board are directed to consider the question as to whether any continuous online monitoring system can be developed to monitor the total input of raw materials procured, produced and how it is being used and disposed of. If this system is evolved, any mischief committed by the Health care units can be detected and if it is linked online to the Tamil Nadu Pollution Control Board, then they can find out whether there is any gap between the actual generation and disposal by the Health care units. The practicability and feasibility of this will have to be examined by the regulators, namely the respective State Pollution Control Boards and Central Pollution Control Board and if it is feasible and practical, then necessary directions will have to be issued to develop this system in order to protect environment against misuse of the provisions by the violators."*

The matter was heard by Hon'ble NGT on 23.05.2022 wherein it was mentioned that the dumping of biomedical waste and municipal waste has to be stopped immediately as that would lead to health hazards. Once the culprits are brought to books appropriate action can be initiated against them. Therefore, Learned Counsels appearing for both the Pollution Control Boards are directed to implead those wrong doers whose particulars they possessed of. In the meantime, Pollution Control Boards and State Authorities may continue to keep a vigil on dumping of the hazardous medical and municipal waste.



*J. Chandra Babu*  
26/5/2022

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Hon'ble Tribunal again heard the matter on 25.08.2022 and passed following directions:

- (i) " .... we direct the Tamil Nadu Pollution Control Board to expedite the criminal case to bring it to the logical conclusion and also file its detailed report in this regard.
- (ii) we also direct the Kerala Pollution Control Board and Thrissur Municipal Corporation to file their individual reports regarding their biomedical waste disposal and the action taken pursuant to the FIR."

## 2. Follow-ups by CPCB:

CPCB organised a virtual meeting on 01.09.2022 with Tamil Nadu State Pollution Control Board, Kerala State Pollution Control Board and CPCB Regional Directorates Bengaluru and Chennai to discuss the action taken in the matter of O.A. 100 of 2021 in line with orders passed by Hon'ble NGT. During the meeting, it was submitted by Tamil Nadu Pollution Control Board that as per the State Health Department of Tamil Nadu, the tracking of raw material consumption in the hospitals is very difficult. TNPCB also submitted that with the help of transport department it is ensured that every vehicle passing the border shall have GPS system so as to track such incidences of dumping of waste in future. Further, Kerala SPCB informed that they have filed report as per Tamil Nadu SPCB's report which states that there was only the dumping of solid waste and not biomedical wastes. Based on which action has been taken against Thrissur Municipal Corporation.

In view of above discussion, a joint team of CPCB RD Bengaluru, CPCB RD Chennai, TNPCB and KSPCB conducted site visit on 05.09.2022 to verify the status of site and action taken by government of Tamil Nadu.



*J. Chandra Babu*  
26/9/2022

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### 3. CPCB Observations in the compliant matter on dumping of waste at Rettimadai Plantation, Seemadu, Anamalai Taluk:

A joint team of CPCB RD Bengaluru, CPCB RD Chennai, TNPCB and KSPCB conducted site visit site at Rettimadai Plantation, Seemadu, Anamalai Taluk on 05.09.2022 and the findings are given below:

- a) As per the TNPCB official the attempt to dump solid waste was foiled by the locals and following vehicles engaged for this illegal dumping of solid waste were seized by the Tashildhar, Anamalai (KL 08 AZ 497 Tipper Lorry, KL 43 C 3222 Tipper Lorry, KL 49 D 5807 Tipper Lorry, TN 37 B 9568 Hero Honda motorcycle, TN 99 U 1650 Bajaj Pulsar motorcycle, KL 49 C1096 Bajaj Pulsar motorcycle & one unregistered JCB excavator).
- b) During the inspection, it was made clear that the waste dumped was only unsegregated municipal solid waste and biomedical waste was not present in the dumped solid waste.
- c) The incidence of dumping of solid waste was reported in the Chennai edition of English daily 'The Hindu' however the same incident was reported in Tamil daily as dumping of biomedical waste at the site.
- d) The present manager of the plantation, locals who caught the incident red-handed and the officials from local bodies also asserted that, there was no biomedical waste involved in the illegal dumping of solid waste at Seemadu.
- e) It was informed that the earlier managers/ supervisors of the plantation Mr. Thankachan hailing from Idukki District, Kerala and one Mr. Suresh colluded with one Mr. Vinod from Gopalapuram facilitated dumping of 3 truckloads of unsegregated municipal solid waste from Thrissur District and when confronted by the locals, the miscreants fled from the scene and are still at large.



*J. Chandra Babu*  
26/9/2022

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- f) Based on the directions of the local body, the manager of the plantation engaged labours to segregate the dumped waste and disposed the solid waste as per the directions of local body and TNPCB. During segregation, they could not find any biomedical waste in the illegally dumped solid waste though dumping of biomedical waste was referred in the FIR filed by Anamalai Police Station based on the complaint given by the Marappagoundenpudhur village authorities.
- g) It was also found during the visit that during the year of 2018 similar incident of dumping of waste happened in a private land at Kuruvankottai, Alangulam Taluk, Tenkashi District and FIR was filed by Alangulam Police Station. TNPCB official also informed that during vehicle check conducted at Puliyarai check post, Shencottai Taluk, Tirunelveli District between 21.11.2018 to 24.11.2018 by Puliyarai Police, it had been noticed that biomedical waste, plastic waste and 6 other wastes were found transported through 25 Lorries, 1 goods auto rickshaw and 4 Tata Ace vehicles were caught and stopped by the police. The said vehicles have been inspected by Deputy Director, Health, Sankarankoil and fine was imposed. Further, biomedical wastes found in the trucks were sent back to Kerala.

Detailed Inspection Report of CPCB is given at **Annexure R 19-1**.

#### 4. Way forward:

- The solid waste management by the local bodies in Kerala needs to be ensured that all solid waste management facilities operates with proper consent and authorization from Kerala SPCB as per the rules.
- The foremost task is to bring the solid waste management activities carried out by the local bodies and other waste management agencies strictly under the consent mechanism and under the ambit of authorization.



*J. Chandra Babu*  
26/11/2022

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- TNPCB shall create task forces to strengthen the surveillance mechanism in border entry points to foil illegal movement of waste from Kerala State.

With respect to biomedical waste management, both the State Boards are required to:

- Ensure that all the healthcare facilities (bedded and non-bedded healthcare facilities) are authorized under Biomedical Waste Management Rules, 2016.
- The biomedical waste generated by healthcare facilities are collected, treated and disposed off through Common Biomedical Waste Treatment Facilities (CBWTFs).
- For tracking of biomedical waste, every healthcare facility and CBWTF to ensure adoption of barcode system in line with CPCB guidelines.
- State Boards are also required to complete the inventory of biomedical waste generation from small generators such as non-bedded Clinics, PHC, etc. including the status of its collection, treatment & disposal, so as to assess the requirement of additional capacity at common treatment facilities.
- All the CBWTFs operating in Tamil Nadu and Kerala are required to ensure that the vehicles involved in collection of biomedical waste are provided with GPS system to track their locations.

In the light of the above, the Honourable Tribunal may pass appropriate orders and render justice.

Dated at Bengaluru on this the 26<sup>th</sup> day of September, 2022.



**Counsel for 19<sup>th</sup> Respondent**




**DEPONENT**

**J. Chandra Babu**  
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## VERIFICATION

I, Jathikartha Chandra Babu, working as Scientist 'E' and posted as Regional Director (Bengaluru), Central Pollution Control Board, the additional 19<sup>th</sup> respondent herein does hereby verify that the contents of the above paragraphs are true and correct to the best of my knowledge, information and belief.

Dated at Bengaluru on this the 26<sup>th</sup> day of September, 2022.



Counsel for 19<sup>th</sup> Respondent



**DEPONENT**  
**J. Chandra Babu**  
**REGIONAL DIRECTOR**  
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## CENTRAL POLLUTION CONTROL BOARD

### JOINT INSPECTION REPORT ON THE GROUND REALITIES IN THE MATTER OF OA 100 OF 2021

#### **1.0 Background**

The Honourable National Green Tribunal (Southern Zone) has taken on its own motion *Suo Motu* original application 100 of 2021 on 16.04.2021 based on the news article titled “*Dumping of garbage foiled near Anamalai, trucks seized*” published in the Hindu Newspaper daily, Chennai edition dated 09.04.2021. The Honourable NGT in O.A. No. 100 of 2021 in its order dated 24.12.2021 has directed the following:

*“ In the meantime, the Kerala Pollution Control Board and Tamil Nadu Pollution Control Board are directed to consider the question as to whether any continuous online monitoring system can be developed to monitor the total input of raw materials procured, produced and how it is being used and disposed of. If this system is evolved, any mischief committed by the Health Care Units can be detected and if it is linked online to the TNPCB, then they can find out whether there is any gap between the actual generation and disposal by the Health Care Units. The practicability and feasibility of this will have to be examined by the regulators, namely the respective State Pollution Control Boards and the Central Pollution Control Boards and if it is feasible and practical, then the necessary directions will have to be issued to develop this system in order to protect environment against misuse of the provisions by the violators.”*

The matter pertains to illegal dumping of solid wastes from the State of Kerala in a private plantation (Rettimadai Thottam) in Seemadu, Marappagoundenpudhur Panchayat, Odaiyankulam - Semmanmpathi road, Anamalai Taluk, Coimbatore District in Tamil Nadu. It was alleged that a contractor from Kerala dumped 4 tons of unsegregated solid waste in a private plantation in Seemadu. The attempt to dump solid waste was foiled by the locals and the vehicles involved were seized by the Thasildhar, Anamalai Taluk and an FIR was registered

by Tamil Nadu Police. This incident was reported in the Hindu newspaper as news article ***“Dumping of garbage foiled near Anamalai, trucks seized”***. The same incident was reported in a Tamil newspaper daily as dumping of biomedical waste. However, in this incident happened in Seemadu, unsegregated municipal solid waste was dumped by miscreants and no biomedical wastes were involved.

Subsequent to the directions of honourable NGT, CPCB convened online meeting with the Kerala and Tamil Nadu State PCBs to review the status of the situation and directed to submit their action taken reports. Recently, CPCB, Delhi convened an online meeting with the concerned SPCBs and an interim status report of CPCB was submitted to Honourable NGT on 20<sup>th</sup> July, 2022. Subsequent to this NGT directed CPCB to obtain independent response/ action take report from concerned SPCBs and the Ministry of Health and Family Welfare. CPCB Delhi, convened an online meeting, with concerned SPCBs and CPCB RDs at Bengaluru and Chennai to discuss the matter and it was decided to conduct a joint inspection at the site in which waste were dumped. In the recent NGT directions dated 2<sup>nd</sup> September, 2022; Honourable NGT expressed their displeasure on Kerala SPCB’s stand that there was no biomedical waste involved in the above incident at Seemadu.

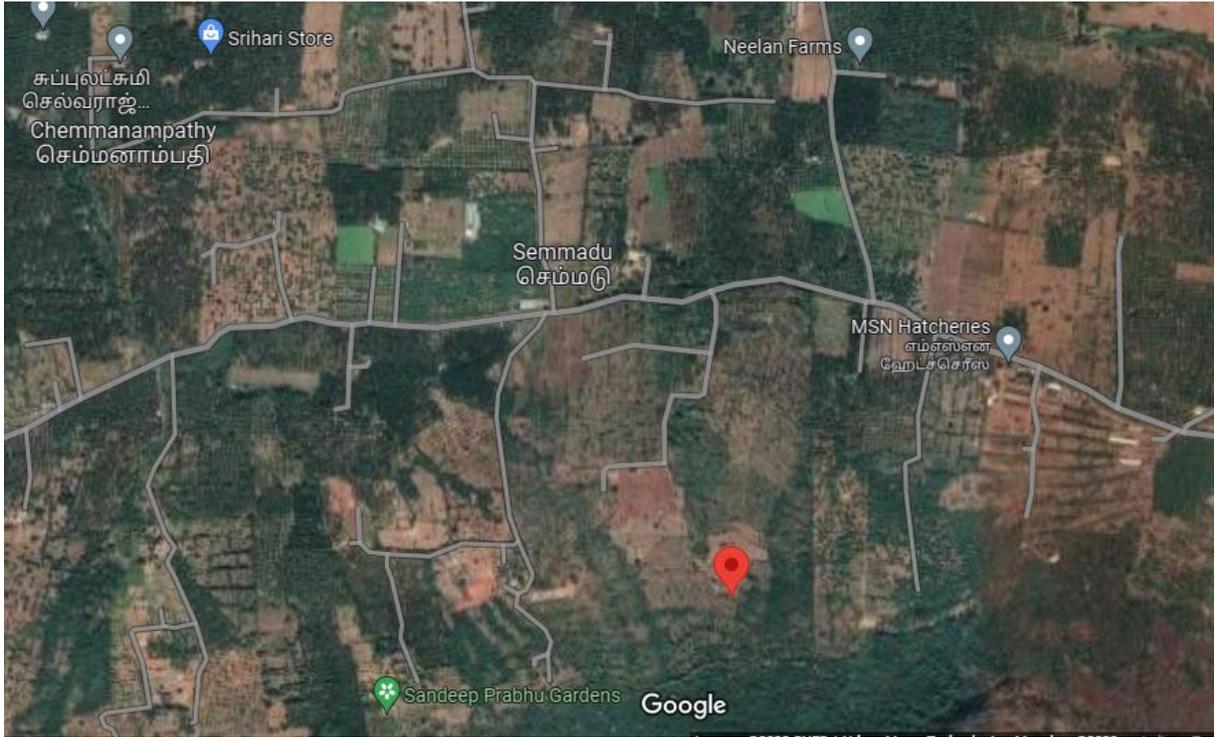
## ***2.0 Joint site visit and observations***

A joint visit to the site at Rettimadai Plantation, Seemadu, Anamalai Taluk was conducted by officials from CPCB Regional Directorates, Tamil Nadu and Kerala SPCBs on 5<sup>th</sup> September, 2022 and verification of documents was done from the concerned offices of the SPCBs on 6<sup>th</sup> September, 2022.

Following officials visited the site and took stock of the present status:

- Shri. R Rajkumar, Scientist ‘D’, CPCB, RD, Chennai.
- Dr. V Deepesh, Scientist ‘C’, CPCB, RD, Bengaluru.
- Shri. N Rajkumar, Asst. Env. Engineer, TNPCB, Coimbatore (South).
- Shri. Noufal Basheer, Asst. Engineer, KSPCB, Regional Office, Kozhikode.

Officials gathered at the spot (10°34'25.9"N 76°52'05.5"E) in the private plantation at Seemadu near Pollachi, Marappagoundenpudhur Panchayat, Anamalai Taluk, Coimbatore District in Tamil Nadu. The site is inside a private plantation (Rettimadai Thottam) presently owned by Mr. Shaju Antony from Kerala which is a mango orchard near to the hillocks/ forest area.



*Location of the illegal dump (10°34'25.9"N 76°52'05.5"E)*



*Private plantation at Seemadu*



*Sit at which solid wastes were dumped*



*Surface soil at the cleaned-up site (as on 5<sup>th</sup> September, 2022)*

As per the TNPCB official the attempt to dump solid waste was foiled by the locals and following vehicles engaged for this illegal dumping of solid waste were seized by the Thashildhar, Aanamalai (KL 08 AZ 497 Tipper Lorry, KL 43 C 3222 Tipper Lorry, KL 49 D 5807 Tipper Lorry, TN 37 B 9568 Hero Honda motorcycle, TN 99 U 1650 Bajaj Pulsar motorcycle, KL 49 C1096 Bajaj Pulsar motorcycle&one unregistered JCB excavator). It was made clear that the waste dumped was unsegregated municipal solid waste and biomedical waste was not present in the dumped solid waste. This was reported in the Chennai edition of English daily 'The Hindu' and the same incident was reported in Tamil daily as dumping of biomedical waste. Hence, the news article came in the Tamil daily was quoted in the reports submitted by TNPCB and the TNPCB official informed that there was no dumping of biomedical waste in Seemadu. The present manager of the plantation, locals who caught the incident red-handed and the officials from local bodies also asserted that, there was no biomedical waste involved in the illegal dumping of solid waste at Seemadu. It was informed that the earlier managers/ supervisors of the plantation Mr. Thankachan hailing from Idukki District, Kerala and one Mr. Suresh colluded with one Mr. Vinod from Gopalapuram facilitated dumping of 3 truckloads of unsegregated municipal solid waste from Thrissur District and when confronted by the locals, the miscreants fled from the scene and are still at large. Based on the directions of the local body, the manager of the plantation engaged labours to segregate the dumped waste and disposed the solid waste as per the directions of local body and TNPCB. During segregation, they could not find any biomedical waste in the illegally dumped solid waste though dumping of biomedical waste was referred in the FIR filed by Anamalai Police Station based on the complaint given by the Marappagoundenpudhur village authorities.

As per the report of the Env. Enginner, KSPCB, Thrissur, one Mr. Raghunath had entered into a contract with the Thrissur Municipal Corporation to process non-recyclable waste, has allegedly transported thewaste of Thrissur Corporation and dumped it in a private land near Anamalai, TamilNadu. The Corporation authorities neither sought advice nor consulted with Kerala SPCB before entering into the agreement. The agreementwas made on 14.09.2020 and the same was for processing unsegregated wasteand partially burnt waste, in the land owned/ taken on lease by the contractor.As per the report of the Secretary, Thrissur Corporation, 1225840 kg of waste of the corporation was already been lifted by the contractor during the period 3/2020 to 11/2020.

It was learnt that the contractor has submitted an application for consent, to KSPCB, Palakkad, District Office for establishing a solid waste disposal facility, at his land is located in Vadakarapathy in Palakkad District. It is learnt that consent was not issued as the application was returned due to lack of clarity in the application. It is understood that the contractor has not provided any facilities for processing the waste, but has taken the waste outside the corporation and has dumped it in various places. The corporation authorities have not verified whether the waste was being handled as per the provisions of the Solid Waste Management, Rules, 2016 and also not verified that whether contractor is having adequate solid waste processing facility with valid consent from the Kerala SPCB. Moreover, responsibility of the segregation of the waste and the transportation of the waste to the processing facility is vested with the local body. In this regard, the Corporation committed violation of rules 15(r) and 15(z,h) of the Solid Waste Management, Rules, 2016 by not being responsible for the transportation of their waste and not ensuring adequate processing of the waste and hence is responsible for the dumping of mixed waste in the land outside the corporation limits. In reply to the Kerala PCB's letter seeking explanation, Thrissur Corporation reported that as per the agreement, concessionaire Mr. Reghunath has been approved as the operator of the facility/service provider and the conditions agreed between concessionaires clearly mandates the conditions on which the entire agreement lies. According to the corporation authorities, the legal exclusionary clause clearly states that the concessionaire shall show utmost caution and due diligence while handling transporting and processing the solid waste as per the agreement and hence the Corporation cannot be legally held responsible for the breach of contract done by the concessionaire. It was also contended that in the FIR, the name of Thrissur Municipal Corporation is not mentioned and hence they are not party in this matter. It was also reported by Kerala PCB that Thrissur Corporation withdrawn the agreement with Mr. Reghunath and took certain legal steps to address the issue. Kerala PCB has issued a show cause notice to Thrissur Corporation for the alleged violations of the provisions of Solid Waste Management Rules, 2016.

During the visit, it was informed that similar incident happened in a private land at Kuruvankottai, Alangulam Taluk, Tenkashi District and FIR was filed by Alangulam Police Station. In this site also unsegregated municipal solid waste was dumped and biomedical waste was not involved. However, TNPCB official also informed that during vehicle check conducted at Puliyarai check post, Shencottai Taluk, Tirunelveli District between 21.11.2018 to 24.11.2018 by Puliyarai Police, it had been noticed that biomedical waste, plastic waste and

other wastes were found transported through 25 Lorries, 1 goods auto rickshaw and 4 Tata Ace vehicles were caught and stopped by the police. The said vehicles have been inspected by Deputy Director, Health, Sankarankoil and fine was imposed. Further, biomedical wastes found in the trucks were sent back to Kerala.

From the joint inspection and verification of document, biomedical wastes from Kerala are not dumped at Semmadu and Kuruvankottai in Tamil Nadu. However, in the report submitted by Kerala PCB, it is stated that entire major health care facilities are covered under the ambit of biomedical waste rules and this leads to the apprehension that many small health care facilities are still not covered in the biomedical rules. In a recent review meeting, Kerala PCB admitted that few health care establishments are not in the ambit of the biomedical rules. In this regard Kerala PCB needs to take up a drive to ensure all health care establishments in the State are brought under the purview of biomedical waste management rules on a war footing basis.

### ***3.0 Conclusion and suggestions***

TNPCB has already pointed out an incident of trucks transporting biomedical waste from Kerala to Tamil Nadu through the Puliyarai check post, Shencottai Taluk, Tirunelveli District in 2018. It was reported that the trucks were caught during the police checking at the check post, fined and re-transported back to Kerala.

However, as per the TNPCB officials, biomedical wastes are not involved in the illegal dumping incidents happened in Anamalai in Coimbatore District and in Kuruvankottai, Alangulam Taluk, Tenkashi District. Thus, it is ascertained that the illegal dumping of solid wastes referred in the matter of OA 100 of 2021 is only with respect to municipal solid wastes.

The proper solid waste management by the local bodies in Kerala needs to be ensured that all solid waste management facilities operates with proper consent and authorization from Kerala SPCB as per the rules. In this present case, Thrissur Municipal Corporation engaged a contractor to remove unsegregated municipal solid waste overlooking important responsibilities vested with the local bodies. By not exercising the mandated responsibility of transporting segregated solid waste to an approved processing facility, the local body violated important provisions of the rule. The contractor was engaged to lift unsegregated solid waste and allowed to transport the waste outside the municipal limits without actually verifying the ground realities. Kerala PCB also stated in their report that the corporation neither consulted

nor sought advice from SPCB before awarding the contract to a third person without verifying the factual situations.

In the initial report submitted by Govt. of Kerala in this matter, the master plan to track vehicles carrying solid waste was explained in detail. It was stated that, the Clean Kerala Company Ltd., formed under the aegis of the Local Self Government Dept., Govt. of Kerala is responsible for the collection, transportation, storage and disposal of segregated solid waste generated at the solid waste management facilities of local bodies. The company in turn mooted a plan to engage hired vehicles fitted with GPS to transport solid waste to the storage warehouses located at different locations. However, it is learnt that the Clean Kerala Company is operating without the requisite consent and authorization from the Kerala SPCB. When such entities floated by the Govt. of Kerala is working without the necessary consent from the regulatory authorities like State Board, their activities related to solid waste management cannot be tracked or monitored by the Kerala SPCB. Thus, the foremost task is to bring the solid waste management activities carried out by the local bodies and other waste management agencies strictly under the consent mechanism and under the ambit of authorization.

TNPCB shall create task forces to strengthen the surveillance mechanism in border entry points to foil illegal movement of waste from Kerala State.



R Rajkumar  
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CPCB, RD, Chennai



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Scientist 'C'  
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