

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Execution Application No. 04 of 2024

in

Original Application No. 512 of 2018

Shailesh Singh
S/o. Mr. Babu Singh

...APPLICANT

VS

State of Uttar Pradesh
Through its Chief Secretary and 37 Ors.

...RESPONDENTS

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Filed by
Tamil Nadu Pollution Control Board,
Chennai.

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REPORT FILED ON BEHALF OF THE 18TH RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.

I, K.Nalini, Daughter of Thiru. K. Krishnasamy, aged about 59 years having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby solemnly affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this report on behalf of the 18th respondent and as such I am well acquainted with the facts of the case from the records and authorized to file this reply affidavit on behalf of the respondents.

2. It is respectfully submitted that the applicant has filed the Execution Application with a prayer "to comply the directions issued by the Tribunal in the order dated 15.01.2021 passed in OA.Nos. 512/2018, 621/2018 and 1001/2019. Tribunal had disposed of the original applications by issuing the following directions:-


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“26. We direct that further steps be now taken for scientific enforcement of EWMR in the light of the reports of the CPCB and the Oversight Committee for the State of UP. The major areas to be focused are:

- enforcement of EWM Rules,
- implementation of authorization regime,
- implementation of EPR regime,
- bridging the gap between collection target and collection,
- enhancing the installed dismantled capacity to match the e-waste generation,
- implementation of environmental compensation regime,
- constant Vigilance and monitoring,
- Creation of awareness amongst masses and collectors/ handlers/ dismantlers/ recyclers.

27. CPC needs to update the status periodically atleast once in six months and issue appropriate directions in the light of the reports received. The CPCB may inter-alia consider steps for compliance of Rule 16 requiring reduction in the use of Hazardous substances in the manufacture of electrical and electronic equipment and their components or consumables or parts or spares.

28. It is further clear that large number of accidents take place in residential areas on account of unscientific handling of e-waste. This needs special attention for constant vigilance in such hot spots. This also requires review and updating of siting norms for e-waste by the CPCB which may be done within three months.

29. We also direct the acceptance of recommendations of the Oversight Committee for the State of UP. We record statement of


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learned counsel for the State PCB for TSDF at Amroha will be functional by 01.03.2021. The State PCB may ensure in setting up of TSDF and its operationalization CPCB guidelines are duly followed. The e-waste on the bank of River Ramganga may be duly shifted in an environmentally sound manner. Banks of river Ramganga should be cleaned and no deposition of e-waste/ black powder observed.

30. DPCC may continue further efforts in coordination with the concerned Authorities including Delhi Police and East Delhi Municipal Corporation. It is not enough for the DPCC to be content by simply giving directions to other statutory authorities instead of coordinating with them to ensure compliance. Dismantlers and recyclers may be located in the conforming areas and provided with proper infrastructure facilities.

31. All the State PCBs/PCCs need to identify the hotspots by constant vigil and to coordinate with the District Administration at local levels to prevent damage to the environment and public health and meaningful enforcement of rule of law. The E-waste needs to be shifted to the nearest TSDF's for safe disposal. Dismantlers and recyclers may be located in the conforming areas and provided with proper infrastructure facilities. "

3. It is respectfully submitted that on 12.03.204, the Hon'ble National Green Tribunal (PB), New Delhi has directed the respondents as follows:

"3. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.

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JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
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4. Respondents are directed to file their response indicating the compliance of the directions issued by the Tribunal in the order dated 15.01.2021 as quoted above.”

4. It is respectfully submitted that the Ministry of Environment, Forest and Climate Change, Government of India has revised the E-Waste (Management) Rules, 2016 and notified the E-Waste (Management) Rules, 2022 vide G.S.R. 801(E) in November, 2022 and the same is in force since 1st April, 2023. The new rules intend to manage e-waste in an environmentally sound manner and put in place an improved Extended Producer Responsibility (EPR) regime (*Rule 13*) for e-waste recycling wherein all the manufacturer, producer, refurbishers and recycler are required to register (*Rule 4*) on the Extended Producer Responsibility portal developed by CPCB.

5. It is respectfully submitted that, in accordance with Rules 5, 6, 7 & 9 of EWM rules, 2022 all the producers, manufactures, recyclers and refurbishers shall file their quarterly and annual returns in the E-Waste EPR portal. The new provisions would facilitate and channelize the informal sector to formal sector for doing business and ensure recycling of E-waste in environmentally sound manner. Provisions for environmental compensation and verification & audit (*Rule 22 & 24*) have also been introduced in this new EWM rules, 2022. The following are the responsibilities of the State Pollution Control Boards as per the said Rules:

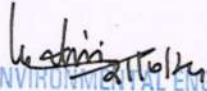
- i. Inventorisation of e-waste.
- ii. Monitoring and compliance of Extended Producer Responsibility as directed by Central Pollution Control Board.
- iii. Conduct random inspection of recycler and refurbisher and monitoring recycling capacity utilization


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- iv. Implementation of programmes to encourage environmentally sound recycling.
- v. Any other function delegated by the Ministry/ Central Pollution Control Board under these rules.

6. It is respectfully submitted that the Tamil Nadu Pollution Control Board vide proceedings dated 22.07.2024, has taken steps for effective implementation of the above said Rules. The implementation of the said rules as follows:

- i. TNPCB requested the Industries department, Housing and Urban Development to reserve / Allocate land for the establishment of e-waste recyclers / dismantlers for environmentally sound management of e-waste under rule 12(1) of EWM Rules, 2016 & Rule 10 (1) of EWM Rules, 2022. In this regard, Government vide letter dated 29.02.2024 informed that they have been instructed the SIPCOT to allocate distinct area or shed for e-waste management in the upcoming industrial parks that are yet to obtain Environmental Clearance.
- ii. TNPCB has issued press release across the state in the leading newspapers about the salient features of E-Waste Management Rules, 2022 and insisted the local bodies to collect segregate and transport e-waste to registered recyclers.
- iii. TNPCB is conducting awareness campaign regularly across educational institutions & residential communities about safe handling and scientific disposal of e-waste.
- iv. TNPCB has conducted workshops/Training programmes for Bulk Consumers, Recyclers, Producers and Government departments during Environmental important days such as World Environment Day & International E-Waste Day.


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- v. In addition to the above, the non-recoverable wastes from the e-waste recycling facilities have been disposed to common TSDF at Gummidipoondi by scientific disposal.
- vi. Regular inspection is being carried out by field officers across e-waste recyclers and producers to verify the compliance of EPR.

Under the above circumstances, it is therefore humbly prayed that this Hon'ble Tribunal may be pleased pass such orders or further orders as this Hon'ble Tribunal may deem fit and necessary in the circumstances of the case and thus render justice.

K. Nalini
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

VERIFICATION

I, K. Nalini, Daughter of Thiru. K. Krishnasamy, aged about 59 years having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records.

K. Nalini
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

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NADU POLLUTION CONTROL
BOARD.**

**Filed by: TNPCB, Chennai
Date: 21.10.2024**