

**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.92/2021 (WZ)**

Shreeji Mahila Charitable TrustApplicant

Versus

State of Gujarat & Ors.Respondents

**WRITTEN SUBMISSION ON BEHALF OF
RESPONDENT NO. 12 MOEFCC**

1. It is to be stated that Rule 5 of the Hazardous and Other Wastes (Management and Transboundary Movement) (HOWM) Rules, 2016 as amended from time to time (copy enclosed) prescribes the responsibilities of State Government, which reads as follows:

“5. Responsibilities of State Government for environmentally sound management of hazardous and other wastes. – (1) Department of Industry in the State or any

other government agency authorised in this regard by the State Government, to ensure earmarking or allocation of industrial space or shed for recycling, pre-processing and other utilisation of hazardous or other waste in the existing and upcoming industrial park, estate and industrial clusters;

(2) Department of Labour in the State or any other government agency authorised in this regard by the State Government shall,-

“(a) ensure recognition and registration of workers involved in generation, handling, collection, reception, treatment, transport, storage, reuse, recycling, recovery, pre-processing, utilisation including co-processing and disposal of hazardous wastes;

(b) assist formation of groups of such workers to facilitate setting up such facilities;

(c) undertake industrial skill development activities for the workers involved in generation, handling, collection, reception, treatment, transport, storage, reuse, recycling, recovery, pre-processing, utilisation including co-processing and disposal of hazardous wastes;

(d) undertake annual monitoring and to ensure safety and health of workers involved in generation, handling, collection, reception, treatment, transport, storage, reuse, recycling, recovery, pre-processing, utilisation including co-processing and disposal of hazardous wastes.”.

(3) Every State Government may prepare integrated plan for effective implementation of these provisions and to submit annual report to the Ministry of Environment, Forest and Climate Change, in the Central Government.”

[Clauses (a),(c) and (d) substituted vide Hazardous and other wastes (management of transboundary movement) amendment Rules, 2020. (copy enclosed)]

2. It is to be stated that Rule 6 of the HOWM Rules, 2016 as amended from time to time prescribes about the Grant of Authorization, the relevant provision reads as follows:

“6. Grant of authorisation for managing hazardous and other wastes.- (1)....

(3) The authorisation granted by the State Pollution Control Board under sub-rule (2) shall be accompanied by a copy of the field inspection report signed by that Board indicating the adequacy of facilities for collection, storage, packaging, transportation, treatment, processing, use, destruction, recycling, recovery, pre-processing, co-processing, utilisation, offering for sale,

transfer or disposal of the hazardous and other wastes and compliance to the guidelines or standard operating procedures specified by the Central Pollution Control Board from time to time.....”

3. It is to be stated that Rule 16 of the HOWM Rules, 2016 as amended from time to time talks about Treatment, storage and disposal facility for hazardous and other wastes, which reads as follows:

“16. Treatment, storage and disposal facility for hazardous and other wastes.-

(1) The State Government, occupier, operator of a facility or any association of occupiers shall individually or jointly or severally be responsible for identification of sites for establishing the facility for treatment, storage and disposal of the hazardous and other waste in the State.

(2) The operator of common facility or occupier of a captive facility shall design and set up the treatment, storage and disposal facility as per technical guidelines issued by the Central Pollution Control Board in this regard from time to time and shall obtain approval from the State Pollution Control Board for design and layout in this regard.

(3) The State Pollution Control Board shall monitor the setting up and operation of the common or captive treatment, storage and disposal facility, regularly.

(4) The operator of common facility or occupier of a captive facility shall be responsible for safe and environmentally sound operation of the facility and its closure and post closure phase, as per guidelines or standard operating procedures issued by the Central Pollution Control Board from time to time.

(5) The operator of common facility or occupier of a captive facility shall maintain records of hazardous and other wastes handled by him in Form 3.

(6) The operator of common facility or occupier of a captive facility shall file an annual return in Form 4 to the State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates.

4. It is to be stated that, Rule 21 of HOWM Rules, 2016 as amended from time to time prescribes the Responsibility of the authorities mentioned in column (2) of Schedule VII to perform the duties as specified in column (3) of the said Schedule.

5. That, Sr.no.2 in Schedule VII states that Central Pollution Control Board (CPCB) constituted under the Water (Prevention and Control of

Pollution) Act, 1974 to perform the following corresponding Duties:

- (i) Coordination of activities of State Pollution Control Boards*
- (ii) Conduct training courses for authorities dealing with management of hazardous and other wastes*
- (iii) Recommend standards and specifications for treatment and disposal of wastes and leachates, recommend procedures for characterisation of hazardous wastes*
- (iv) Inspection of facilities handling hazardous waste as and when necessary.*
- (v) Sector specific documentation to identify waste for inclusion in these rules.*
- (vi) Prepare and update guidelines to prevent or minimise the generation and*

handling of hazardous and other wastes.

(vii) Prepare and update guidelines/ Standard Operating Procedures (SoPs) for recycling, utilization, pre processing, co-processing of hazardous and other wastes.

(viii) To prepare annual review report on management of hazardous waste.

(ix) Any other function assigned by the Ministry of Environment, Forest and Climate Change, from time to time.

6. That Sr. no.3 in Schedule VII states that State Government / Union Territory Government / Administration to perform the following corresponding duties:

(i) Identification of site (s) for common Hazardous and Other Waste Treatment Storage and Disposal Facility (TSDF)

(ii) *Asses Environment Impact Assessment (EIA) reports and convey the decision of approval of site or otherwise Acquire the site or inform operator of facility or occupier or association of occupiers to acquire the site*

(iii) *Notification of sites.*

(iv) *Publish periodically an inventory of all potential or existing disposal sites in the State or Union Territory*

7. It is to be further stated that the Central Pollution Control Board has issued guidelines for Criteria for Hazardous Waste Landfills and the same has been mentioned in their reply affidavit.

28/1/2025
Pune


Adv. for Respondents No. 12
MOEFCL