

To,

The Chairperson

Kerala State Pollution Control Board Plamoodu
Jn., Pattom Palace P.O. Thiruvananthapuram -
695 004

Sub: - Direction under Section 5 of The Environment (Protection) Act, 1986 for compliance with the Action Plan for Prevention of Illegal Movement of Wastes in the matter of OA No. 100 of 2021 SZ.

Whereas, the Ministry of Environment, Forest and Climate Change (MoEF&CC) has notified the Solid Waste Management Rules on April 08, 2016, which inter-alia stipulates procedures for management of solid waste; and

Whereas, in accordance with Rule 11(d) of the Solid Waste Management Rules, 2016 it is the duty of the Urban Development Department of States/ UTs to ensure implementation of provisions of these Rules through the local authorities; and

Whereas, in accordance with the provisions of Rule 16(1)(a) of the Solid Waste Management Rules, 2016, the State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs) shall enforce these rules in the respective State/ Union Territory through local bodies in close co-ordination with the concerned Directorate of Municipal Administration or Secretary-in-Charge of State Urban Development Department (UDD); and

Whereas, in accordance with the provisions of Rule 14(j) of SWM Rules, 2016, Central Pollution Control Board (CPCB) shall provide guidance to States or Union Territories on inter-State movement of wastes; and

Whereas, illegal transportation of solid waste from Kerala to Tamil Nadu and Karnataka States for unauthorized disposal had been reported in the newspapers of Tamil Nadu and Karnataka States; and

Whereas, based on a news item entitled '*Dumping of garbage foiled near Anamalai, Trucks seized*' published in The Hindu, Chennai edition newspaper dated 09-04-2021, Honorable National Green Tribunal (NGT), Southern Zone (SZ), Chennai **Suo Motu** registered an original application i.e., O.A No.100/2021 (SZ) on 13-04- 2021 which is under active consideration of the Hon'ble NGT (SZ) Chennai; and

Whereas, the following directions had been issued by Hon'ble NGT vide order dated 02/11/2023:

Cont 2...

o/c

8539/UPC-II
01-01-2025

5. ***As a solution has to be arrived at in this regard to prevent the future dumping of waste from any of the bordering States to the neighbouring States, we direct the Chairman of the Central Pollution Control Board to convene a meeting with the Chairpersons of the Kerala SPCB as well as the Tamil Nadu SPCB to address the problem of handling the waste (be it municipal waste or biomedical waste) and bring out the solution in preventing such dumping in future. Let the said exercise be completed within a month.***

Whereas, two meetings at Chairperson level had been convened by CPCB on 05-01-2024 and on 19-01-2024, wherein it was decided that an Action Plan for the Prevention of Illegal Interstate Transportation of Wastes as well as Standard Operating Procedures (SOPs) for compliance of the Action Plan, shall be finalized by CPCB in concurrence with the Kerala and Tamil Nadu States, and

Whereas, based on the study carried out by CPCB Team during the period December 16-19, 2023 and subsequent consultations held with the Kerala and Tamil Nadu SPCBs, a time bound action plan as well as SoPs for prevention of Illegal Interstate Transportation of Waste from Kerala to Tamil Nadu had been prepared and circulated to the Kerala and Tamil Nadu SPCBs for providing concurrence to the prepared action plans (enclosed as **Annexure – I**), and

Whereas, concurrences to the Action Plans and the SOPs had been provided by the Secretary, Environment (B) Department, Government of Kerala vide letter dated 17/02/2024 and Chairperson, Tamil Nadu State Pollution Control Board, Tamil Nadu vide letter dated 09/02/2024. A copy of the said Action Plan and the SOPs are attached as **Annexure –II** for ready reference, and

Whereas, CPCB vide letter dated 04/09/2024 & 23/10/24 requested Kerala State Pollution Control Board to provide the point wise compliance status to the agreed action plan and other initiatives undertaken in compliance to Hon'ble NGT order dated 30/7/2024 in the matter; and

Whereas, Kerala SPCB vide letter dated 23/10/2024 provided the pointwise compliance status of the agreed action plan such as development of Online Vehicle Tracking System, guidelines issued by Kerala Govt to register vehicles involved in transportation of wastes and constitution of State and district level committees for monitoring and implementation of aforesaid guidelines; and

Whereas, recurrence of illegal transportation of wastes for unauthorized dumping of wastes is now being reported by Karnataka SPCB vide letter dated 6.11.2024 wherein it has been informed that mixed waste from Kerala is being dumped in the Tiger Reserve. Forest Area endangering life of wild animals and posing grave threat to prevailing ecology and environment of the area; and

Whereas, recurrence of such incidents in the adjoining State of Karnataka implies ineffective implementation of the aforesaid Action Plan for prevention of illegal interstate transportation of waste which is in violation of provisions of SWM Rules, 2016; and

Now Therefore, in view of the above and in exercise of powers delegated to the Chairman, Central Pollution Control Board (CPCB), under Section 5 of the Environment (Protection) Act, 1986, the following directions are issued for compliance:

- i. Necessary directions be issued to the concerned departments in the State of Kerala for the following:
 - a. To ensure effective implementation of the Action Plan as per the stipulated timelines
 - b. To create adequate facilities for Solid waste processing to handle the total waste generated in a scientific manner in the Kerala State
- ii. Kerala SPCB shall take necessary steps to strengthen environmental surveillance for effective implementation of the aforesaid Action Plan including the following:
 - a. Effective implementation of the Online Vehicle Tracking System using QR code based system developed for vehicle tracking
 - b. Regular surveillance by Task team of Kerala State at the Inter - State borders within the jurisdiction
 - c. Compliance of Action plan including action be taken against the violators

That, the Kerala State Pollution Control Board shall submit compliance report on implementation of action plan to CPCB once in fifteen days from the date of receipt of these directions.


(Tanmay Kumar) Dy.
Chairman

Copy for information to:

1. Additional Secretary, HSMD,
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhawan Jorbagh Road,
New Delhi – 110 003 : For kind
information,
please
2. The Regional Director
Regional Directorate, Bengaluru : For follow up
with Kerala &
Karnataka
SPCB
3. The Regional Director
Regional Directorate, Chennai : For follow up
with Tamil
Nadu SPCB
4. DH (IT) : For uploading
on CPCB
website.

o/c


(Bharat Kumar Sharma)
Member Secretary



TAMIL NADU POLLUTION CONTROL BOARD


From

Dr.Jayanthi.M, I.F.S.,
Chairperson,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai – 600059.

To

The Member Secretary,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi -110032.

Lr No. T3/TNPCB/SWM/F.031777/2024 - 1 Dated: 09.02.2024

Sir,

Sub: Tamil Nadu Pollution Control Board – SWM - Hon'ble NGT O.A.No.100 of 2021- Status on concurrence of draft Action Plan for Prevention of Illegal Interstate Movement of Wastes along with Suggestions/Additional Points from the TNPCB - Submitted – Reg.

Ref: 1. Email from CPCB received on 23.01.2024 & 08.02.2024.
2. Online Meeting with the officials of CPCB on 09.02.2024.
3. Suggestions/Additional Points from the TNPCB on draft Action Plan submitted by TNPCB on 02.02.2024 through e-mail (Copy enclosed).

During the online meeting discussions held on 09.02.2024, it has been requested to furnish the Tamil Nadu Pollution Control Board's concurrence on the draft Action Plan prepared by the CPCB for Prevention of Illegal Interstate Movement of Wastes from Kerala into border districts of Tamil Nadu.

In this regard, it is submitted that in principle the TNPCB accepts the draft Action Plan for Prevention of Illegal Interstate Movement of Wastes prepared by the CPCB subject to inclusion of the suggestions/Additional Points already submitted by the TNPCB vide reference 3rd cited. Further, it is submitted that, whether the said draft Action Plan may be circulated among Tamil Nadu - Kerala border district Collectors, Director of Municipal Administration, Tamil Nadu, Director of Town Panchayats, Tamil Nadu & Director of Rural Development & Panchayat Raj Department, Tamil Nadu and also to Local Bodies in Kerala by respective SPCBs to offer their opinion/ suggestions on the draft action plan.

This is for your kind information please.

Encl:As above.

**Sd/-xxxx
Chairperson**

Srinivas
09/02/2024

For Chairperson

[Signature]
09/02/2024



TAMIL NADU POLLUTION CONTROL BOARD



Suggestions/Additional Points from TNPCB on draft Action Plan and the SOPs prepared by CPCB Committee with respect to O.A.100 of 2021 in Hon'ble NGT (SZ)

1. Solid Waste

Illegal transportation and dumping of waste from one State to another State pose serious environmental and health hazards. Several Strategies are needed to counter this issue and enforce compliance with the Solid Waste Management Rules of 2016, several strategies can be implemented to prevent such activities. Some of the key points are given below

i. **Imposing Heavy Penalties and Filing Criminal Cases against defaulters :**

One effective strategy is to impose heavy penalties/fines (say 10 Lakhs) on individuals and entities involved in the illegal transportation and dumping of waste across state borders. Additionally, criminal cases should be filed against the defaulters to ensure legal consequences. This approach serves as a deterrent and discourages illegal activities by making them financially and legally costly.

ii. **Imposing Penalties, Filing Criminal Cases, and License Cancellation for Transporters:**

To address the role of transporters in illegal waste transportation, a multifaceted approach is necessary. Heavy penalties and fines should be imposed on transporters found guilty of involvement in such activities. Simultaneously, criminal cases should be filed against them, and their licenses for waste transportation should be canceled. This comprehensive strategy holds transporters accountable and acts as a strong deterrent against participating in illegal waste movements.

iii. **Investigating Illegal Disposal through Committees:**

Establishing state level investigation committees specifically tasked with examining cases of illegal waste disposal is crucial. These committees, comprising experts in waste management and law enforcement officials (CPCB, SPCBs from both states) and official from ULBs, etc., of both states can swiftly respond to reports of illegal activities. They can gather evidence, conduct thorough investigations, and recommend appropriate legal actions against the culprits.

iv. **Developing Guidelines for Interstate Waste Movement by the CPCB :**

A proactive approach involves the development of guidelines for the interstate movement of waste by the Central Pollution Control Board (CPCB). These guidelines, aligned with Rules 14(j) of the Solid Waste Management Rules, 2016, should provide clear instructions on the legal and environmental aspects of waste transportation between states. Proper guidelines help streamline the process, ensure compliance, and facilitate legitimate waste management practices. The said guidelines may include the detail about action **against defaulters including Imposing Penalties, Filing Criminal Cases**, etc .

2. **Bio-medical waste**

- i. The above points 1(i), (ii) and (iii) may be considered for **Biomedical waste also**.
- ii. The Existing infrastructure in the State of Tamil Nadu is adequate to handle daily generation of BMW without any gap and also the CBMWTFs are spread over in various parts of the State(12 CBMWTFs under operation, one common facility is under establishment & four more facilities are under pipeline) and therefore efficient collection of the BMW across the state within 48 hrs is ensured.
- iii. Whereas, it has been observed that there are **only 2 CBMWTFs in Kerala** and hence more number of CBMWTFs in Kerala may be established at strategic locations for efficient collection and scientific disposal of the BMW generated in Kerala State. Increasing the number of such facilities ensures better accessibility for healthcare institutions to responsibly dispose of their biomedical waste. This approach not only minimizes the risk of illegal transport but also promotes a comprehensive and localized strategy for the proper management and disposal of biomedical waste, addressing environmental concerns and adhering to ethical waste disposal practices within the healthcare sector.



3. The Implementation of In-State Recycling Infrastructure in Kerala to Curb Illegal Waste Disposal .

In response to the escalating challenge of illegal transport and disposal of wastes, it becomes crucial for the state to prioritize the expansion of its recycling infrastructure. By strategically increasing the number of recycling facilities within the state, authorities can efficiently manage and process recyclable materials locally. This targeted investment not only bolsters environmental sustainability but also serves as a deterrent against the unlawful practice of transporting waste to other states for disposal. A well-established network of recycling facilities is not just integral for waste management; it is a cornerstone for fostering a circular economy, reducing the environmental impact, and instilling responsible waste disposal practices within the state's borders. Additionally, the reduction in inter-state transportation of waste contributes significantly to minimizing carbon footprints, aligning with broader environmental goals and promoting a more eco-friendly waste management system.


For Chairperson

02/02/2024



GOVERNMENT OF KERALA

Environment (B) Department

No.ENV-T-B2/27/2021-ENV-T 17-02-2024, Thiruvananthapuram

From

Secretary to Government

To

The Chairman
Central Pollution Control Board
Parivesh Bhavan, East Arjun Nagar
New Delhi 110032
(email : ccb.cpcb@nic.in)

Sir,

Sub: Environment Department - OA 100/2021- Action Plan for prevention of illegal Inter State movement of wastes- forwarding off - reg

Ref: 1) Minutes of the meeting held on 24/01/2024.

2) Letter received from Kerala State Pollution Control Board No.PCB/HO/EE3/OA 100/2021(SZ) dated 08/02/2024.

I am directed to forward herewith the draft Action Plan and Standard Operating Procedure (SOP) (including guidance manual), along with the concurrence of Secretary to Government Environment department for further action.

Yours Faithfully,

L T SANTHOSH KUMAR
ADDITIONAL SECRETARY
For Secretary to Government.

ANNEXURE-II

Action Plan for Prevention of Illegal Interstate Movement of Wastes from Kerala to Tamil Nadu State

<i>Sl. No.</i>	<i>Issue/ Gap</i>	<i>Action to be taken</i>	<i>Organization (s) Responsible for Implementation</i>	<i>Timeline from the date of finalization of action plan</i>
1.0 Management of Solid Waste in Kerala				
1.1	Development of Inventory of Solid Waste Management	<p>Kerala SPCB will work with the Local Self Government Department (LSGD) to ensure that all Local Bodies prepare a detailed inventory of the waste management system in their respective jurisdiction</p> <p>Details in SOP 1.1</p>	<ol style="list-style-type: none"> 1. Kerala SPCB 2. Suchitwa Mission 	Six months
1.2	Strengthening of capacity for management of solid waste	<p>Suchitwa Mission (SM), the Technical Support Group in the waste management sector under the Local Self Govt. Department (LSGD), is responsible for providing technical and managerial support to Local Self Governments of the State for waste management.</p> <p>Suchitwa Mission shall identify the gaps in solid waste management specifically w.r.t. non-recyclable wastes and shall prepare a DPR for setting up of adequate treatment & disposal facilities and its execution by concerned authorities in Kerala.</p> <p>Cement Industry at Palakkad, Kerala shall establish the co-processing facilities in compliance with Rule 18 of the Solid Waste Management Rules, 2016</p> <p>Details in SOP 1.2</p>	<ol style="list-style-type: none"> 1. Principal Directorate 2. LSGD 3. KSWMP 4. Suchitwa Mission 5. District Administration 6. Kerala SPCB 	Twelve months

1.3	Empanelment of Waste Management Agencies	Suchitwa Mission (SM) is currently empaneling agencies that are providing services to local bodies for the management of solid wastes. It shall be ensured that these agencies have adequate facilities and relevant permissions from Kerala SPCB as a prerequisite prior to their empanelment Details in SOP 1.3	1. Suchitwa Mission 2. LSGD	Three months
1.4	Integration of Informal Sector	The concerned state department/authorities shall integrate the informal sector in waste management in line with provisions of Solid Waste Management Rules, 2016 and as per the Guidelines for Consenting Scrap Collection Centers issued by Kerala SPCB in 2021 Details in SOP 1.4	1. LSGD 2. Kerala SPCB 3. District Administration 4. Scrap Merchants Associations	Six months
1.5	Strengthening Of Government Waste Management Agency, Clean Kerala Company Limited (CKCL)	Clean Kerala Company Limited (CKCL) is a government agency responsible for the comprehensive management of dry wastes (both recyclable and non-recyclable) from Material Collection Facility (MCF) and Resource Recovery Facility (RRF) of Local Bodies. CKCL shall develop adequate facilities for the management of these wastes and also obtain requisite permission from Kerala SPCB. Details in SOP 1.5	1. Kerala SPCB 2. CKCL	Six months
1.6	Action against identified violators	Kerala SPCB shall file CrPC case against all the defaulters including transport agencies involved in illegal handling, transportation & disposal of waste from the State of Kerala Details in SOP 1.6	1. Kerala SPCB	Regular exercise and continued activity

1.7	Registration of Local Bodies in the Centralized EPR Portal for Plastic Packaging	Local Self Government Department and Kerala SPCB shall provide assistance to the local bodies regarding registration in the Centralized Extended Responsibility Portal for Plastic Packaging Details in SOP 1.7	1. LSGD 2. Kerala SPCB	Two months
2.0 Online Tracking System Developed by Kerala SPCB				
2.1	Registration of waste handling agencies in the online tracking system	Kerala SPCB and Suchitwa Mission shall develop the online tracking system and ensure that the waste generators/ receivers/ transporters are registered in the online tracking system prior to shifting of waste to the designated places for the intended purpose including development of QR Code as part of the vehicle tracking system Kerala SPCB shall also give wide publicity about the requirement of registration in online tracking system through electronic media, local newspapers, interstate borders in vernacular language Details and timelines in SOP 2.1	1. State Government 2. LSDG/ Suchitwa Mission 3. Kerala SPCB 4. District Administration	Regular exercise and continued activity
3.0 Bio-Medical Waste Management in Kerala				
3.1	Management of Bio Medical Waste from Households	LSGD shall issue direction to local bodies & panchayat for obtaining membership of Common Biomedical Waste Management Facilities them for the management of domestic biomedical waste Details in SOP 3.1	1. LSGD	Two months

3.2	Management of Plastic Bio Medical Waste	The State Health department to ensure compliance with all provision of the BMW Rules, 2016 especially with regards to Rule 4(f) Details in SOP 3.2	1. Health Department, Kerala 2. Kerala SPCB	One month
3.3	Collection of BMW	Kerala SPCB shall issue direction to the CBMWTFs to collect the waste on times from Healthcare facilities and dispose within the timeframe as prescribed under BMW Rules, 2016 Details in SOP 3.3	1. Kerala SPCB	One month
4.0 Waste Management in Tamil Nadu				
4.1	Details of coprocessors in Tamil Nadu	The Tamil Nadu SPCB shall conduct a detailed inventory of the co processing and recycling units and assess the quantity of wastes that can be received from Kerala. This information shall be shared with Kerala SPCB to ensure that no excess waste is transported from Kerala for updating the list of receivers in the online waste tracking system Details is SOP 4.1	1. Tamil Nadu SPCB 2. Kerala SPCB	Two months
4.2	Conduction of IEC Programmes	Tamil Nadu SPCB shall ensure that local bodies conduct Information, Education and Communication (IEC) Programmes for the generation of awareness of the public regarding the various provisions of the Solid Waste Management Rules, 2016 and the byelaws with emphasis on penalties. Details and timelines in SOP 4.2	1. Tamil Nadu SPCB	Regular exercise and continued activity

4.3	Surveillance at interstate check posts	Tamil Nadu SPCB shall issue communication to all concerned departments and ensure that standing instructions for checking interstate movement of waste are issued. These departments shall also utilize the QR code scanner for checking the legality of the wastes being transported Details in SOP 4.3	1. Relevant State Departments 2. Tamil Nadu SPCBI	Regular exercise and continued activity
4.4	Action against identified violators	Tamil Nadu SPCB shall file CrPC case against all the defaulters including transport agencies involved in illegal transportation & disposal of waste Details in SOP 4.4	1. TN SPCB	Regular exercise and continued activity

Timeline for implementation of Action Plan

<i>SOP</i>	<i>Details/Particulars</i>	<i>Timeline in Number of Months from Finalization of Action Plan</i>											
1.0 Management of Solid Waste in Kerala													
SOP 1.1	Development of Inventory of Solid Waste	1	2	3	4	5	6						
SOP 1.2	Strengthening of capacity for management of non-recyclable waste	1	2	3	4	5	6	7	8	9	10	11	12
SOP 1.3	Empanelment of Waste Management Agencies	1	2	3									
SOP 1.4	Integration of Informal Sector	1	2	3	4	5	6						
SOP 1.5	Strengthening Of Government Waste Management Agency, Clean Kerala Company Limited (CKCL)	1	2	3	4	5	6						
SOP 1.6	Action against defaulters and violators	Regular exercise and continued activity											
SOP 1.7	Registration of Local Bodies in the EPR Portal	1	2										
2.0 Online Tracking System Developed by Kerala SPCB													
SOP 2.1	Registration Of Waste Handling Agencies In The Online Tracking System	Regular exercise and continued activity											
3.0 Biomedical Waste Management in Kerala													
SOP 3.1	Management of BMW from households	1	2										
SOP 3.2	Management of Plastic BMW	1											
SOP 3.3	Collection of BMW	1											
4.0 Management of Solid Waste in Tamil Nadu													
SOP 4.1	Details of coprocessors and recyclers in Tamil Nadu	1	2										
SOP 4.2	Conduction of IEC Programmes	Regular exercise and continued activity											
SOP 4.3	Surveillance at interstate check posts	Regular exercise and continued activity											
SOP 4.4	Action against defaulters and violators	Regular exercise and continued activity											