

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 85 of 2020 (SZ)

Mr. Antony Clement Rubin,
Flat No. 35, Block 3,
Priyadarshini Apartments,
89, Barakka Road
Chennai

...Applicant

Vs

NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 85 of 2020 (SZ)

1. The State of Tamil Nadu,
Represented through the Chief Secretary,
Government of Tamil Nadu,
St. George Fort,
Chennai- 9 & Others.

...Respondents

...Applicant

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Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.

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REPORT FILED ON BEHALF OF THE RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD

I, R. Sarasavani, Daughter of Thiru. Raghavan, Hindu, aged about 55 years, having office at No. 76, Mount Salai, Guindy, Chennai-32, 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 Respondents Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that, the Hon'ble NGT has passed order dated 15.03.2022 & 17.05.2022 to file report regarding the steps taken by Tamil Nadu Pollution Control Board in co-ordination with the Government to implement the notification issued by the State of Tamil Nadu banning single use plastic within the State.

3. It is respectfully submitted that the Government of Tamil Nadu, notified G.O. Ms. No. 84 dated 25.06.2018 under Section 5 of the Environment (Production) Act, 1986 imposing ban on manufacture, storage, transport, supply, sale and use of 'use and throwaway plastics' such as plastic sheets used for food wrapping, spreading on dining table etc., plastic plates,

R. Sarasavani
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plastic coated tea cups and plastic tumbler, water pouches and packets, plastic straw, plastic carry bag and plastic flags irrespective of thickness with effect from 01.01.2019. As per this notification, 'No person including shopkeeper, vendor, wholesaler, retailer, trader, hawker or salesman shall use 'use and throwaway plastics''

4. It is respectfully submitted that the Tamil Nadu Pollution Control Board in co-ordination with line departments has taken action for effective implementation of the ban on plastic, which includes awareness programmes through regional conferences, district environmental committee meetings, rallies at district headquarters, messages through social media, display board in national highway toll gates and so on.

5. It is respectfully submitted that as per G.O. Ms. No. 84 of Environment & Forest (EC.2) Department dated 25.06.2018, the District Environmental Engineers of TNPCB shall ensure prevention of manufacture of the banned plastic items. The units which are manufacturing throw away plastics, illegally are identified during regular inspection and monitoring process and are also brought to the knowledge of the Tamilnadu Pollution Control Board by way of complaints and other information. In this regard, directions for closure and disconnection of power supply were issued to 117 industries who were involved in the manufacture of banned plastic from January 2019 to October 2021.

6. It is respectfully submitted that in spite of various awareness and enforcement activities, it is found difficult to identify all plastic units manufacturing banned items which may co-exist and operate illegally in a small space within residential/commercial establishments. Most of these units are highly unorganized without proper registration with any of the Government authorities and function purely on temporary basis. In order to identify such units, TNPCB has issued a press release on 23.11.2021 to seek the co-operation of the public by way of appreciation and reward to them for their contribution to protect the environment in eradication of single use plastics on informing the details of illegally operating banned plastic manufacturing units to the respective jurisdictional District Environmental Engineers, TNPCB through email / letter / phone calls / Whatsapp. As a result, various complaints were received, upon which 54 number of plastic


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units manufacturing banned plastic items were identified and closed by the TNPCB.

7. It is respectfully submitted that the Government of Tamil Nadu has issued a G.O. (Ms) No. 116 of Environment, Climate Change & Forest (EC.2) Department dated 27.11.2021 notifying 4 strategies to be adopted to fight plastic pollution and eliminate single use plastics, roadmap for single use plastic ban, activities for "Meendum Manjappai" campaign and proposed plans for successful implementation of the People's campaign on one time use and throwaway plastics.

8. It is respectfully submitted that in order to prevent single use plastic pollution and to revive traditional cloth bags, the Hon'ble Chief Minister of Tamilnadu has launched a mega event on 23.12.2021 by flagging off the "Meendum Manjappai" campaign, launch of Manjappai logo for the campaign, display of various eco-friendly alternatives in the exhibition stalls along with machineries for production of eco-friendly alternatives, screening of awareness short film on the ill effects of single use plastic and to use traditional cloth bag (manjappai) and also made an appeal to the public to use cloth bags and to avoid single use plastics.

9. It is respectfully submitted that all the District officials of TNPCB were directed to conduct the awareness campaign and also to carry out enforcement activities during the second week of December in coordination with the District Collectors. In this regard, an amount of Rs. 50,000/- each were sanctioned to every district offices of TNPCB to carry out the said awareness campaign in co-ordination with the District Administration. The awareness campaign carried out in various districts includes viz., vehicle campaign, distributing pamphlets to the public, display of posters in public gathering areas such as hospitals, hotels, industrial estates, Malls, Bus stand, Railway station, Theaters and so on.

10. It is respectfully submitted that apart from taking action against manufacturers of banned plastics and conducting awareness, TNPCB has also addressed and issued directions to various line departments to take action on the storage, supply, transport, sale, use and distribution of use and throwaway plastics. In this regard, the Commissioner, Greater Chennai Corporation has been requested vide letter dated 25.11.2021 to take necessary steps to conduct


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periodical raids and impose penalties in accordance with the Chennai City Municipal Corporation Act, 1919 as amended against the violators in the Koyambedu Integrated Market Complex and CMBT on the storage, supply, transport, sale, use and distribution of use and throwaway plastics.

11. It is respectfully submitted that all the District Collectors of Tamil Nadu were requested vide DO letter dated 18.11.2021 to conduct the District Environmental Committee meetings in a periodical manner, review the implementation of the plastic ban, undertake awareness campaigns and furnish report to the TNPCB on monthly basis. In view of the above, posters of more than 1000 numbers have been displayed in the District Collectorates, District offices of TNPCB, Government offices, schools, colleges, commercial establishments, etc., throughout the state. Further, circulars / notices / pamphlets on the banned plastic items, its ill effects and alternatives to banned plastics have been issued to the public by the TNPCB officials at all the districts in co-ordination with the District Administration.

12. It is respectfully submitted that the TNPCB vide Board Proc dated 21.01.2022 has issued directions to all the District Collectors to strictly implement the ban on use and throwaway plastic items, to conduct District Environmental Committee meetings in a periodical manner, to instruct the respective line departments to carry out stringent action against violators such as levying of fines and seizure of the banned plastics, to declare the Hill stations, sensitive Natural Habitats, tourists places and religious towns in the district as Plastic Free Zones and also to carry out successful implementation of "MeendumManjappai" campaign and shall ensure the importance of traditional cloth bag / manjappai to all levels of people, students etc., and also make sure it is within reach of availability.

13. It is respectfully submitted that the TNPCB vide Board Proc. dated 26.02.2022 has issued directions under Section 5 of E(P) Act, 1986 to the Greater Chennai Corporation, Director of Municipal Administration, Director of Town Panchayats, the Director, Rural Development & Panchayat Raj Department to strictly implement the ban on use and throwaway plastic items as per the G.O.(Ms) No. 84, Environment and Forests(EC.2) Department, dated: 25.06.2018 and to take necessary steps to conduct periodical raids and impose penalties in accordance with the Tamil Nadu



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Municipal Laws (Second Amendment) Act, 2019 and the Tamil Nadu Panchayats (Second Amendment) Act, 2019 against the violators in their jurisdiction on the storage, supply, transport, sale, use and distribution of use and throwaway plastics.

14. It is respectfully submitted that the TNPCB vide Board Proc. dated 11.03.2022 has issued directions under Section 5 of E(P) Act, 1986 to the Greater Chennai Corporation and Tambaram City Municipal Corporation to strictly implement the ban on use and throwaway plastic items and to take necessary steps to conduct periodical raids and impose penalties in accordance with the Tamil Nadu Municipal Laws (Second Amendment) Act, 2019 against the violators on the storage, supply, transport, sale, use and distribution of use and throwaway plastics and to comply with the Hon'ble High Court order dt. 28.02.2022.

15. It is respectfully submitted that the Tamil Nadu Government vide Gazette Notification dated 21.02.2019 has notified Tamil Nadu Municipal Laws (Second Amendment) Act, 2019 and the Tamil Nadu Panchayats (Second Amendment) Act, 2019 in which the 'Penalty for breach of by-laws made for prevention of use and throw away plastics' is notified against large & medium commercial establishments and small commercial vendors. In this regard, surprise raids and seizures are being effected in all shops, hotels, restaurants, markets etc for complete eradication of such type of plastics.

As a result, from January 2019 to April 2022, the Corporations have seized 992 tons of banned plastics and collected fine of Rs. 570 lakhs, Municipalities have seized 630 tons of banned plastics and collected fine of Rs. 263 lakhs and the Town Panchayats have seized 122.37 tons of banned plastics and collected fine of Rs. 140.97 lakhs.

16. It is respectfully submitted that the Government of Tamil Nadu have constituted a State level Special Task Force (STF), under the Chairmanship of Chief Secretary, District level task force under the Chairmanship of District Collector & under the Chairmanship of the Commissioner for Greater Chennai Corporation area vide G.O. Ms. No. 25 E,CC&F Department dated 07.02.2022 for monitoring the implementation of Single use plastic (SUP) ban. The first meeting of the STF was held on 05.03.2022. All the nodal departments have been addressed to implement the


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action points and to make the initiatives for huge success in the State of Tamil Nadu. Similarly, in all the districts of Tamil Nadu, District Level Task Force have been conducted by the District Collectors.

17. It is respectfully submitted that the Ministry of Environment & Forests, Climate Change, Govt. of India vide notification dated 12.08.2021 has issued Plastic Waste Management (Amendment) Rules, 2021 in which certain Single Use Plastic items such as plastic/PVC banners less than 100 microns, cutlery items, ear buds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration, plates, cups, glasses, etc are prohibited from 01.07.2022. Also, plastic carry bags less than 75 microns and non-woven plastic carry bags less than 60 Gram per Square Metre (GSM) have been prohibited from 30.09.2021 and plastic carry bags less than 120 microns have been prohibited from 31.12.2022.

18. It is submitted that inspite of the above amendment, the state of Tamilnadu enforces ban on use and throwaway plastics especially plastic carry bags and non woven bags are banned irrespective of size and thickness scrupulously from 01.01.2019 onwards. However, certain Single Use Plastic items such as plastic/PVC banners less than 100 microns, cutlery items, ear buds with plastic sticks, plastic sticks for balloons, candy sticks, ice-cream sticks will be followed by the state of Tamilnadu from 01.07.2022 as notified in the Plastic Waste Management (Amendment) Rules, 2021.

19. It is respectfully submitted that the Ministry of Environment & Forests, Climate Change, Govt. of India vide notification dated 16.02.2022 has issued "Guidelines on Extended Producer Responsibility for Plastic Packaging" as Schedule II of Plastic Waste Management (Amendment) Rules, 2022. The said Guidelines provide the roles and responsibilities of Producers, Importers, Brand Owners, Central Pollution Control Board, State Pollution Control Board, recyclers and waste processors for effective implementation of Extended Producer Responsibility.

As per the said Schedule in 5.1,

The following plastic packaging categories covers under Extended Producer Responsibility:

(i) Category I


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Rigid plastic packaging;

(ii) Category II

Flexible plastic packaging of single layer or multilayer (more than one layer with different types of plastic), plastic sheets or like and covers made of plastic sheet, carry bags, plastic sachet or pouches;

(iii) Category III

Multilayered plastic packaging (at least one layer of plastic and at least one layer of material other than plastic);

(iv) Category IV

Plastic sheet or like used for packaging as well as carry bags made of compostable plastics

20. It is submitted that as per the guidelines, CPCB has developed a centralized EPR portal for registration of Producers, Importers and Brand Owners (PIBOs) and Plastic Waste Processors (PWPs) and issued Standard Operating Procedure (SOP) for Registration of the same through the said EPR Portal and the same was launched on 05.04.2022. PIBOs are in the process of applying Registration in the above EPR portal.

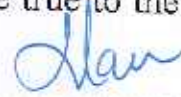
21. It is respectfully submitted that a Review Application no. 89/2019 in W.P. No. 34065 of 2018 on similar matter has been in motion at the Hon'ble High Court of Madras with respect to the review of implementation of plastic ban in the state.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) at Chennai may be pleased to pass such further or other orders as this Hon'ble tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


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

VERIFICATION

I, R. Sarasavani, daughter of Thiru. Raghavan, Working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, do hereby submit that the contents of the above report are true to the best of my knowledge through records.



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

BEFORE ME

ERM

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14 January 2020

Shri. G. Rambabu
Scientist D,
Central Pollution Control Board,
Parivesh Bhawan,
CBD-cum-Office Complex East Arjun Nagar,
Delhi - 110 032,
India.



Subject: Response to CPCB letter B-29016/59(1)/WM-I/NCEF(T)/2019/9305 dated 28 November 2019 in reference to TNPCB letters T2/TNPCB/F.033718/NLR/2019 dated 01/11/2019.

Dear Sir,

As per the communication received from Mr. B. Vinod Babu (Additional Director and Head, Waste Management Division - I, Central Pollution Control Board (CPCB)) on 02 December 2019 (CPCB letter B-29016/59(1)/WM-I/NCEF(T)/2019/9305 dated 28 November 2019) in reference to TNPCB letter T2/TNPCB/F.033718/NLR/2019 dated 01/11/2019, below please find our response to each of the points mentioned in the letters.

1. *Cost of remediation and safe disposal of the contaminated buildings and machineries of M/s TCCL.*

As per ERM's *Hazardous Material and Waste Inventorisation Report* dated 08 January 2016 submitted to CPCB, it is estimated that the following material and waste was present at the Site:

- Metal Structures: ~ 200 cubic meter
- Concrete Structures: ~ 2500 cubic meter
- Other unknown material: ~ 3500 cubic meter (details provided in the report)
- Waste Oil: ~ 2500 litre

It is proposed that decommissioning of all existing utilities, systems, and equipment's will be required to be done. Additionally, demolition of all existing structures, vessels, tanks, pipes, debris etc. along with scraping of surface soil in around the plant during demolition.

The approximate order of magnitude of cost is in the range of INR 3 - 10 Crore.

2. *The use of treated wastewater from the contaminated Site.*

As per ERM's *Final Report - Step 6: Design of Remedial Plan and Submission of DPR along with Technical documents and detailed specifications* dated 09 January 2019, it is considered that the treated groundwater will be discharged off-Site. If the treated groundwater is required to be used for any other purpose (i.e. supply to industrial area or for use for surrounding areas) it will need further treatment. Currently the treatment system is designed to treat groundwater for off-Site above ground discharge.

3. *Total cost breakup of Phase I, Phase II, cost of remediation of contaminated buildings and machineries of M/s TCCL, project management charges, etc.*

Page 1 of 2

Registration No: 2466030
CPCB Reg. No: 1262012L
CIN: 11249903100510000004

Registered number: 2466030 India
CPCB registration: 1262012L
CIN: 11249903100510000004

Office address:



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ISO 9001:2015 No. 133320

A member of the
ERM Group

ERM

Sh. G. Rambabu
Scientist D,
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India

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Please find the total cost breakup in the table below:

Cost Estimates	Unit	Revised Estimated Cost (INR)
Estimated Cost - Soil and Waste		
Anticipated Capital Cost:	Lump sum	2,219,323,507
Cost for Project Management	10% of Capital Cost	221,932,351
Permitting, Engineering and other costs	5% of Capital Cost	110,966,175
Total		2,552,222,033
Estimated CAPEX – Groundwater		
Anticipated CAPEX Cost	Lump sum	9,80,34,000
Cost for Project Management	10% of Capital Cost	98,03,400
Permitting, Engineering and other costs	5% of Capital Cost	49,01,700
Total		112,739,100
Estimated OPEX – Groundwater		
Anticipated OPEX Cost	Per month	1,29,42,733
Contingency (20%)	Per month	25,88,546
Total OPEX Cost	15 Years	2,795,630,400
Estimated Cost - Building and Machinery		
Total		100,000,000
Total Estimated Costs for Remediation Works at M/s TGCL		5,660,591,533

Detailed breakdown of individual costs is provided in ERMs report mentioned in Item 2 above.

If you have any questions or need further clarifications, please feel free to contact us.

Best regards,
Thank You,



Ravi Costa
Partner

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**Original Application No. 85 of 2020
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Barakka Road

...Respondents

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THE RESPONDENTS - TAMIL
NADU POLLUTION CONTROL
BOARD.**

of Tamil Nadu,
and through the Chief
Secretary, Government of

**Advocate for Applicant : TNPCCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

...Respondents

FILED ON BEHALF OF
RESPONDENTS - TAMIL
POLLUTION CONTROL

Date: 03.06.2022.

for Applicant: TNPCCB
Sai Sathya Jith,
Chennai.

Date of hearing on: 18.07.2022

