

Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 512/2018
(With report dated 28.08.2019)

Shailesh Singh

Applicant(s)

Versus

State of UP & Ors.

Respondent(s)

Date of hearing: 02.09.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant: None

For Respondent(s): Mr. Pradeep Misra, Advocate for UPPCB
Mr. Krishna Kumar Singh, Advocate for MoEF&CC
Mr. Raj Kumar, Advocate for CPCB

ORDER

1. Question for consideration is the remedial action against unscientific disposal of e-waste resulting in contamination of ground water and soil acidification.
2. This Tribunal considered the matter on 10.08.2018 with reference to the grievance of unauthorized recycling/collection/dismantling units, burning, selling of E-waste and other solid waste on the road side/bank of rivers in violation of E-Waste (Management) Rules, 2016 and Environment (Protection) Act, 1986 (EW Rules) resulting in groundwater contamination, air pollution and soil acidification.

According to the applicant, the EW is responsible for 40% of lead and 70% of heavy metals found in landfills.

3. After considering the report in “Gadget 360” dated 04.06.2018, news item dated 02nd November, 2017, published in Hindustan Times under the title “What happens to e-waste: Your junked gadgets come back to you as toxic fumes” and report of the Comptroller and Auditor General of India. This Tribunal directed the MoEF&CC, UPPCB and the CPCB to prepare an action plan to ensure enforcement of EW Rules and file compliance report.
4. Accordingly, compliance report dated 14.12.2018 was filed before this Tribunal which was considered on 12.02.2019 as follows:

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5. A compliance report dated 14.12.2018 has been filed by the MoEF&CC. The report is to the effect that the India is fifth largest producer of e-waste. India produces two million tonnes of e-waste in 2016. The largest e-waste generating cities are Mumbai, Delhi, Bangalore, Chennai and Kolkata. 95% of e-waste is recycled by the informal sector and only 5% is recycled by the formal sector. Scrap dealers collect the e-waste and dispose of the same in unscientific manner such as burning, dissolving in acids and leaching. There is lack of awareness among the consumers. E-waste (Management and Handling) Rules were framed which came into force on 01.05.2012 requiring the producers of electrical and electronic equipment listed in Schedule-I of the rules to seek authorisation from the State Pollution Control Boards (SPCBs). The Rules required producers to obtain authorisation from SPCB/Pollution Control Committees (PCCs) for implementing their EPR for effective channelization of ewaste to registered dismantlers/recyclers. E-waste (Management) Rules, 2016 were notified on 23.03.2016 and came into force from 01.10.2016. The said rules apply to all producers, manufacturers, consumers or bulk consumers, dealers, refurbishers, and e-retailers

involved in the manufacture, sale, purchase and processing of electrical and electronic equipment namely (i) IT and Telecommunication equipment and (ii) Consumer electrical and electronics such as TVs, washing machines, refrigerators, and air conditioners (as per Schedule I of the Rules). Extended producers liability require EPR plan for collection and meeting his responsibility in which EPR authorisation is given. Status under ewaste (Management) Rules, 2016 is indicated as follows:

“Status under E-waste (Management) Rules, 2016

Estimated Generation in 2016 (projected)	20 lakh tonnes (as per UN Study)
Authorized EPR Producers	880
Registered dismantler/recycler	275
Dismantling/recycling capacity	5,10,290 MT

7. The CPCB in a sanctioned plan has identified following challenges:

- a. Inventorization of e-waste generation;
- b. Identification of Producers who have not obtained EPR Authorisation;
- c. Verification of quantity of e-waste collected by producers;
- d. Verification of systems provided by producers for collection and channelisation of e-waste;
- e. Verification of facilities of dismantlers and recyclers for their infrastructure and records; and
- f. Checking of informal trading, dismantling, and recycling of e-waste.

8. The action plan proposed is as follows:

Sl. No.	Challenges/Activities	Stakeholder responsible for implementation	Action
a.	Inventorization of e-waste generation	SPCBs/PCCs	SPCBs /PCCs to complete this activity within one year.
b.	Identification of Producers who have not obtained, EPR Authorisation	CPCB, Custom department, Ministry of commerce and Ministry of electronics	This is a continuous activity for which support of SPCBs/PCCs/Custom department/ Ministry of commerce, Ministry

		<i>telecommunication</i>	<i>of electronics and telecommunication is required.</i>
<i>c.</i>	<i>Verification of quantity of e-waste collected by producers</i>	<i>CPCB/SPCBs/PCCs</i>	<i>This is a continuous activity. All the EPR Authorised Producers will be verified per year.</i>
<i>d.</i>	<i>Verification of systems provided by producers for collection and provided by producers channelisation of e-waste</i>	<i>CPCB/SPCBs/PCCs</i>	<i>This is a continuous activity. All the EPR Authorised Producers will be verified per year.</i>
<i>e.</i>	<i>Verification of facilities of dismantlers and recyclers for their infrastructure and records</i>	<i>SPCBs/PCCs/CP</i>	<i>This is a continuous activity. All the dismantlers/recyclers will be verified per year.</i>
<i>f.</i>	<i>Checking of informal trading, dismantling, and recycling of waste</i>	<i>SPCBs/PCCs/ District Administration</i>	<i>SPCBs/PCCs in coordination with District Administration has to carry out quarterly drive for checking of this activity.</i>
<i>g.</i>	<i>Facilitate collection and disposal of e- waste</i>	<i>SPCBs/PCCs/ District Administration/ CPCB</i>	<i>State Government to formulate mechanism for collection and for incentivising setting up of recycling facilities.</i>
<i>h.</i>	<i>Governance frame work for monitoring compliance</i>	<i>SPCBs/PCCs/ District Administration/ CPCB</i>	<i>Monitoring to be ensured at city/district and state levels for which nodal officers (state environmental secretary, district collector, CMD/ Commissioners) to be designated. Time Frame — Three (3) months.</i>
<i>i.</i>	<i>Capacity building at district/State/CPCB level</i>	<i>SPCBs/PCCs/ District Administration /CPCB</i>	<i>Special workshops to educate functionaries in government / NGOs be run over one year.</i>
<i>j.</i>	<i>IEC plan be firmed up and executed</i>	<i>SPCBs/PCCs/ District Administration /CPCB</i>	<i>State Government to firm up IEC plan for educating public at large about the system of collection, incentive structure and facilities for recycling.</i>

			<i>Time Frame — Three (3) months. The IEC Plan to be executed over one year.</i>
<i>k.</i>	<i>Strengthen system of enforcement</i>	<i>SPCBs/PCCs/ District Administration/ CPCB</i>	<i>Quarterly review of violations and enforcement actions at city/district/state level and quarterly reports to be filed with CPCB.</i> ”

5. After consideration of the above, the Tribunal directed the CPCB to clearly spell out parameters of compliance and methodology to review by developing appropriate software. The Tribunal further directed that performance review be conducted by the CPCB on or before 30.04.2019 and report furnished before this Tribunal.

6. Report of review on the performance & working of Parameters and Methodology developed for the compliance of continuous activities of Action Plan for enforcement of E-Waste (Management) Rule, 2016 and Amendments thereof, in compliance of the order of this Tribunal dated 23.05.2019, has been filed on 28.08.2019 stating that the draft parameters and methodologies were circulated to the State PCBs/PCCs. Review was conducted in respect of identification of Producers who have not obtained EPR Authorisation, verification of quantity of e-waste collected by producers, verification of systems provided by Producers for collection and channelisation of e-waste, and verification of facilities of dismantlers and recyclers for their infrastructure and records. The SPCBs/PCCs were required to furnish implementation status in respect of checking of informal trading, dismantling, and recycling of e-waste, collection and disposal of e-waste, governance frame work for monitoring compliance,

capacity building at district/State/CPCB level, IEC plan and system of enforcement.

7. Software has been made live. The SPCBs/PCCs are given user ID for providing progress. The same will be upgraded, if required. Status of compliance by the SPCBs/PCCs has been given. Checklist has been prepared to comprehensively collect the entire relevant information in respect of the compliance of the units.
8. We are informed that inventorisation of e-waste generation will be completed by December, 2019 as against September, 2019, required under the Rules. From next year, the compliance will be as per the timelines prescribed under the Rules. The CPCB has developed mechanism to identify producers who operate without EPR Authorization, for verification of quantity of e-waste collected by the producers, verification of systems provided by the producers, for collection and channelization, verification of facilities of dismantlers and recyclers for their infrastructure and records. With regard to items (f) to (k) of the action plan reproduced above, the SPCBs/PCCs are to take necessary action which is to be reviewed by the CPCB. The CPCB has carried out a review on 13.08.2019 and will continue to conduct such reviews quarterly.
9. Since the software is to be operationalized and implementation of the action plan is to be further observed, it will be appropriate that the next review and action taken report is placed before this Tribunal by 31.01.2020. The CPCB may workout mechanism for recovering compensation for delay in compliance as well as the violations.

List for further consideration on 12.02.2020.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

September 02, 2019
Original Application No. 512/2018
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