

# **Environmental Regulatory Compliance**

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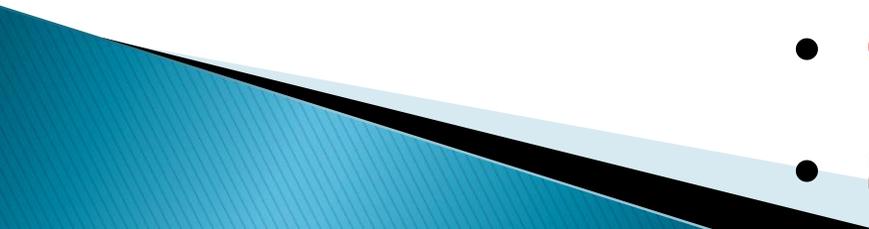
**TAMIL NADU POLLUTION CONTROL BOARD**

# **Environmental Legislations**



# INTRODUCTION

- **The concept of environmental conservation is neither new nor alien to India.**
- **Environmental ethics have prevailed in India since the Vedic period.**
- **Indian religious scriptures, practices art, literature and history carry the message of oneness of all life and respect for all elements and matter, animate and inanimate.**
- **The sky, air, water, fire, earth, plants and animals are objects of worship and without them life would be unsustainable.**

- **There are over 200 environmental laws available in India today in addition to a number of rules, notifications and guidelines.**
  - **Many provisions dealing with the environment are scattered in bits & pieces and are found in different enactments in the country.**
  - **At present, the environmental issues are addressed in three different aspects namely,**
    - **Constitutional**
    - **Criminal Laws**
    - **Statutory**
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# LEGAL REMEDIES

## I. CONSTITUTIONAL REMEDIES:

1. **ARTICLE 32:-** Remedies for enforcement of fundamental rights conferred under Part III of the constitution (one of the fundamental rights – protection of life & liberty – Article – 21)

Article 32 guarantees the right to move the Supreme Court for the enforcement of fundamental rights.



# **INDIA IS THE FIRST COUNTRY IN THE WORLD TO PROVIDE PROTECTION AND IMPROVEMENT OF THE ENVIRONMENT IN ITS CONSTITUTION**

## **ARTICLE 48-A**

Responsibility of States to protect and improve the Environment

## **ARTICLE 51-A**

It is a fundamental duty of every citizen to protect the natural environment including forests, lakes, rivers and wild life



## II. CRIMINAL LAW REMEDIES

### 1. INDIAN PENAL CODE

<b>Section</b>	<b>Offences</b>	<b>Punishment</b>
<b>268</b>	<b>Public Nuisances Causing Irritation</b>	<b>Fine Rs.200/-</b>
<b>277</b>	<b>Fouling water of public spring or reservoir</b>	<b>Imprisonment upto 3 months and fine Rs.560/-</b>
<b>278</b>	<b>Making atmosphere injurious to health</b>	<b>Fine upto Rs.500/-</b>

# CRIMINAL PROCEDURE CODE

## 2. Section 133:

District Magistrate or a Sub Divisional Magistrate or any of the Executive Magistrate are specially empowered by State Government for removal of nuisance.

# **ORIGIN OF ENVIRONMENTAL LAWS IN INDIA**

The United Nations Conference on Human Environment held in 1972 at Stockholm can be termed as the first international awakening to the problems of environmental pollution. All the participating countries decided and resolved to take steps to preserve the resources of the earth, including the quality of Water & Air pollution

### III. Statutory remedies

Environmental

Water (Prevention &

Legislations

Control of Pollution) Act, 1974 as  
amended in 1978 & 1986

Air (Prevention & Control of  
Pollution) Act, 1981 as amended  
in 1987

Environment (Protection) Act, 1986



## Environmental Legislations

\*The Water (Prevention & Control of Pollution) Act, 1974

#The Water (Prevention & Control of Pollution) Rules, 1975

\*The Water (Prevention & Control of Pollution) cess Act, 1977

#The Water (Prevention & Control of Pollution) cess Rules,  
1978

\*The Air(Prevention & Control of Pollution) Act, 1981

#The Air(Prevention & Control of Pollution) Rules, 1982

\*The Environmental (Protection) Act, 1986

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\* Acts

# Rules



**Water (Prevention & Control  
of Pollution) Act, 1974**

*J. C. P. 10*

# Water (Prevention & Control of Pollution) Act, 1974

- *The WATER ACT envisages the setting up of central and state boards for the prevention and control of water pollution.*
- *The task of these bodies , among others , is the prevention and control of the discharge of water into streams or wells , as also to lay down effluent standards to be complied with by industries.*

*There are two important functions of State Board :*

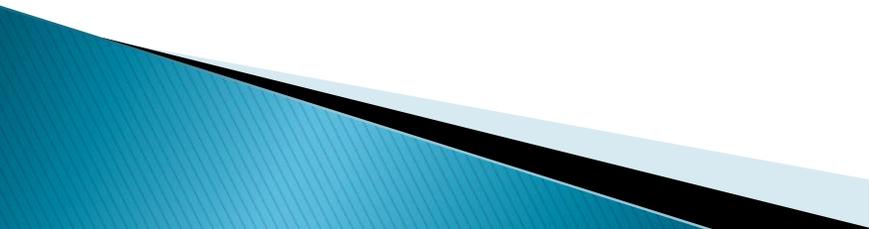
- *To lay down the standards of pollution and to make consent order for polluting trade and sewage effluent into streams.*
- *The Boards have also granted ample powers of investigation, inspection, sample collection and testing, and also the power to prosecute violators of the Act.*

# **Prevention and Control of Water Pollution**



1. Power to take samples of effluents and procedure to be followed
2. Prohibition on use of stream or well for disposal of polluting matter
3. Restrictions on New Outlets and New Discharges
4. Provision regarding Discharge of sewage or Trade Effluent
5. Refusal Or Withdrawal of Consent by state board

# Penalties under Water Act

- **Penalty for contravention of provisions of section 24 :- imprisonment for not less than one year and six months**
  - **Penalty for contravention of provisions of section 25 or 26 :- imprisonment for not less than one year and six months but with fine**
  - **Penalty for contravention of provisions of section 45-A :- imprisonment for not less than one year and six months but extended up to three months with 10000 rupees fine.**
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A photograph of an industrial factory at night. Several tall smokestacks are visible, each emitting thick, white plumes of smoke that rise into the dark sky. The factory buildings are dark, with some lights visible on the structures. The overall scene is dramatic and highlights the issue of air pollution.

# **AIR (Prevention & Control of Pollution) Act, 1981**

# AIR (Prevention & Control of Pollution) Act, 1981

- ✓ **The Air (Prevention and Control of Pollution) Act 1981 has 54 Sections and is divided into seven chapters relating to i) Preliminary, ii) Central and State Boards for the Prevention and Control of Air Pollution, iii) Powers and Functions of Boards, iv) Prevention and Control of Air Pollution, v) Funds, Accounts and Audit, vi) Penalties and Procedures, and vii) Miscellaneous**
- ✓ **The Act provides that the State Government in consultation with the State board has a power to give instructions to the registration authority under the Motor Vehicle Act, 1939 (Act 4 of 1939) for ensuring standard for emission from automobiles driven with the help of petrol or diesel.**

# AIR (Prevention & Control of Pollution) Act, 1981

- ✓ **The Act provides for the imposition of restriction on the use of certain industrial plant in any pollution control area without the previous permission and consent of the State Board.**
  - ✓ **The Act provides that the Board has the power to make an application to the Court for restraining persons from causing air pollution.**
  - ✓ **The Act provides that the State Government, in consultation with the State Board, is empowered to declare any area or areas within the jurisdiction of the concerned State an “Air Pollution Control Area”.**
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# AIR (Prevention & Control of Pollution) Act, 1981

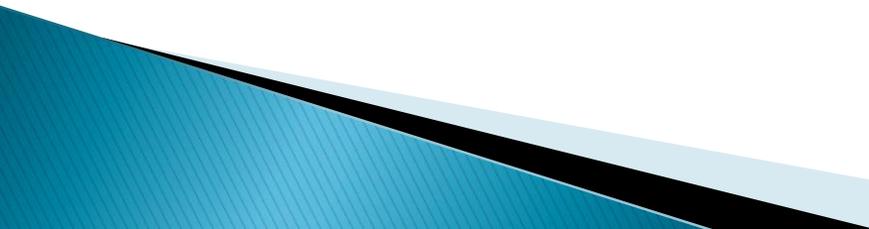
✓ The Act provides that whoever:

- operates or establishes any industrial plant in an pollution control area without the consent of the State Board or

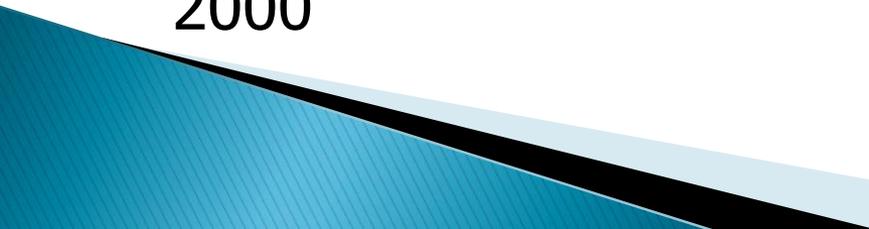
- allows emission of an air pollutant in excess on the standard laid down by the State Board, or

- violates any direction issued by the Board, in the above situation, is punished with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine. If this fails or contravention continues, the guilty person is punished with the additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues even after the conviction for the first such failure or contravention.

# Environment (Protection) Act, 1986

- **The Constitution of India clearly states that it is the duty of the state to ‘protect and improve the environment and to safeguard the forests and wildlife of the country’. The department of Environment was established in India in 1980. This later became the Ministry of Environment and Forests in 1985.**
  - **The EPA(Environment Protection Act),1986 came into force soon after the Bhopal gas tragedy and is considered an umbrella legislation as it fills many gaps in the existing laws.**
  - **The world community’s resolve to protect and enhance the environment quality found expression in the decisions taken at the UNITED NATIONS conference on the Human Environment held in Stockholm in June ,1972.**
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## **RULES MADE UNDER ENVIRONMENT (PROTECTION) ACT, 1986**

1. The Environmental (Protection) Rules, 1986
  2. Manufacture, Use, Import of hazards chemical rules 1989 (as amended in 2000)
  3. Manufacture, Use, Import, Export and Storage of Hazardous Micro Organisms / Genetically Engineered Micro Organisms or Cells Rules, 1989
  4. The Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996 as amended in 2000
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5. The Noise Pollution( Regulation & control) Rules, 2000
  6. Ozone depleting substances rules, 2000
  - 7.The Batteries (Management & Handling) Rules, 2001
  8. The Hazardous and other Wastes ( Management & Transboundary movement ) Rules, 2016
  9. The Bio Medical Waste Management Rules, 2016
  10. The Plastics waste Management Rules, 2016
  11. E-waste Management Rules, 2016
  12. The Construction and Demolition Management Rules, 2016
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# NOTIFICATIONS

1. Notification - Declaring coastal stretches as Coastal Regulation Zone (CRZ), 1991
  2. Environmental Impact Assessment Notification, 1994 as amended in 1997, 2006
  3. Use of fly ash from Thermal Power Plants 1999
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- The Ministry of Environment and Forests (MoEF), constituted in 1985, is the primary central government agency for planning, promoting and coordinating India's environmental programs.
  - A number of enforcement agencies assist the MoEF in executing its assigned responsibilities.
  - At the State level, the State Departments of Environment and State Pollution Control Boards are the designated agencies to perform these functions.
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# **Waste Management Rules, 2016**

# Solid Waste Management Rules, 2016

The Ministry of Environment Forest and Climate Change, Govt. of India, notified the **Solid Waste Management Rules, 2016** on 8<sup>th</sup> April 2016 in supersession of the **Municipal Solid Waste (Management and Handling) Rules, 2000**

The jurisdiction of the Rules extended beyond Municipal area

## Duties of Waste Generators

- ▶ Segregate bio-degradable, non-biodegradable and domestic hazardous wastes – handing over to waste collectors.
- ▶ Securely wrap sanitary waste like diapers, sanitary pads, etc. and place in the bin meant for dry / non-biodegradable waste
- ▶ Horticulture & Garden waste – store separately and dispose accordingly
- ▶ Burning & littering of solid waste not to be undertaken
- ▶ Payment of user fee for solid waste management as per bye-laws
- ▶ All Resident Welfare and Market Associations, Gated communities and institution with an area > 5,000 sq m and all hotels & restaurant to partnership with local authority in solid waste management

# Duties of stake holders

- ▶ **Ministry of Urban Development**
  - Formulate national policy with regard to Waste to Energy, Research & Development, training, etc.
- ▶ **Department of Fertilizers, Ministry of Chemicals & Fertilizers**
  - Provide market development assistance on compost
  - Compost : chemical fertilizer :: 3 to 4 bags : 6 to 7 bags
- ▶ **Ministry of Agriculture, Govt. of India**
  - Propagate utilization of compost
  - Set-up laboratories to test quality of compost
- ▶ **Ministry of Power**
  - Decide tariffs for Waste to Energy plants based on solid waste and compulsory purchase of power
- ▶ **Ministry of New & Renewable Energy Source**
  - To facilitate creation of Waste to Energy plants, provide subsidies

*Criteria to Waste to Energy processing – Non recyclable waste having calorific value of 1500 kcal / kg*

# Duties of local bodies

- ▶ To prepare and execute solid waste management plan as per state policy
- ▶ Arrange for door to door collection
- ▶ Framing bye-laws, incorporating user fee
- ▶ To establish Material Recovery Facilities, waste deposition centre for domestic hazardous waste
- ▶ Not to burn tree leaves collected by street sweeping
- ▶ Provide training to waste pickers and waste collectors
- ▶ Provision of PPE to all workers handling solid waste
- ▶ Phasing out chemical fertilizer in two years and use of compost in all parks, gardens maintained by local authority
- ▶ To apply Authorisation under SWM Rules, 2016 to TNPCB for processing waste > 5 MT/day
- ▶ Segregate and transport biodegradable & non-biodegradable waste to respective processing facilities.

## Solid Waste Management in hilly areas

- Suitable landfill shall be identified in plain areas down the hill within 25 km for setting up of sanitary landfills

# Duties of Tamil Nadu Pollution Control Board

- ▶ Monitor environmental standards
- ▶ Issue of Authorisation under the SWM Rules, 2016 & Consent under Water (P&CP) Act, 1974
- ▶ Regulate inter-State movement of waste

## Duties of manufacturers or Brand owners of disposable products / sanitary napkins / diapers

- ▶ Manufacturers or brand owners under Extended Producer Responsibility shall provide financial assistance to local bodies in waste management system

# Plastic Waste Management Rules, 2016

The Ministry of Environment Forest and Climate Change, Govt. of India, notified the **Plastic Waste Management Rules, 2016** on 18<sup>th</sup> March 2016

*Rule focuses on carry bag/pouches and recycled plastics*

These rules shall apply to every waste generator, local body, Gram Panchayat, manufacturer, Importers and producer.

Shall not apply to the export oriented units or units in special economic zones

## *Salient Conditions*

- Carry bag made of virgin or recycled plastic, shall not be less than fifty microns in thickness
- Carry bags made of recycled plastic shall not be used for packaging food stuff
- The manufacturer shall not sell or provide or arrange plastic to be used as raw material to a producer, not having valid registration from the concerned SPCB
- Provision of thickness shall not be applicable to carry bags made up of compostable plastic

# Duties of stake holders

## ▶ Duties of Waste generators

- Pay user fee as may be specified in the bye-laws of the local bodies and spot fine in case of violation.

## ▶ Responsibilities of local bodies

- Development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste
- Promote use of plastic waste for road construction as per IRC guidelines
- To frame bye-laws

## ▶ Producers, Manufacturers, importers

- Shall work out modalities for waste collection system based on Extended Producers Responsibility
- Registration of carry bag manufacturing and recycling of plastic waste to TNPCB

## ▶ State Pollution Control Board

- Authority for enforcement of the provisions of these rules relating to registration, manufacture of plastic products and multilayered packaging, processing and disposal of plastic wastes

# Construction & Demolition Waste Management Rules, 2016

The Ministry of Environment Forest and Climate Change, Govt. of India, notified the **Construction & Demolition Waste Management Rules, 2016** on 29<sup>th</sup> March 2016

The Rules shall apply to every waste resulting from construction, re-modeling, repair and demolition of any civil structure of individual or organisation or authority who generates construction and demolition waste such as building materials, debris, rubble

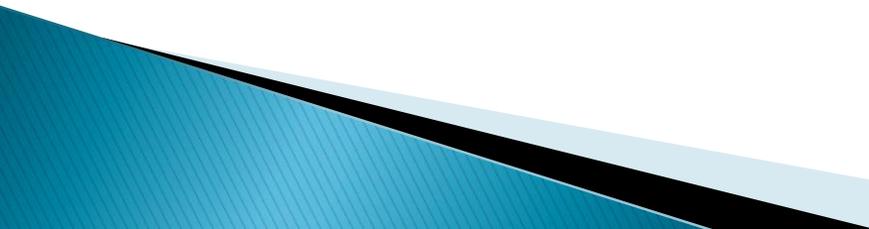
- ▶ Waste generators generating > 20 tons/day or 300 tons/project
  - shall segregate the waste into four streams
  - shall submit waste management plan and get necessary approval from local body and
  - keep informed regarding the relevant activities from the planning stage to the implementation stage
  - shall pay for the processing and disposal of C&D waste generated by them
    - Rate shall be fixed by the local authority

# Bio Medical Waste Management Rules 2016

- ▶ Notified on 28th March 2016 amended on 16th March 2018
- ▶ **Salient Features**
  - Health camps, medical or surgical camps, vaccination camps, blood donation camps, first aid rooms of schools fall under BMWM Rules, 2016
  - Biomedical waste classified into 4 categories (i.e.) Yellow, Red, White & Blue
  - Phasing out of chlorinated plastic bags, gloves and blood bags so as to eliminate presence of Dioxin and Furan.
  - One time authorisation for non-bedded HCFs, thus eliminating old rule of obtaining Authorisation for hospitals treating 1000 patients per month

# Bio Medical Waste Management Rules 2016

## ▶ Salient Features

- Establishment of bar coding system for bags / containers containing biomedical waste and GPS for vehicles
  - As per incinerator's emission standards, Particulate Matter has been reduced from 150 mg/Nm<sup>3</sup> to 50 mg/Nm<sup>3</sup>
  - To effectively control the emission of Dioxin and Furan, the secondary chamber of incinerators shall have residence time of 2 sec (Primary Chamber – 800 °C; Secondary chamber – 1050 °C)
  - Formation of State Level Advisory Committee
  - Formation of District Level Monitoring Committee
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# Hazardous and Other Waste (Management & Transboundary Movement) Rules, 2016

The Ministry of Environment Forest and Climate Change, Govt. of India,

notified the **Hazardous and Other Waste (Management & Transboundary Movement) Management Rules, 2016** on 4<sup>th</sup> April 2016

Ambit of the Rules expanded by including 'Other Waste'

Other wastes include: Waste tyre, paper waste, metal scrap, used electronic items, etc. and are recognized as a resource for recycling and reuse.

# Salient Features

- ▶ **Waste Management hierarchy**
    - prevention,
    - minimization,
    - reuse,
    - recycling,
    - recovery,
    - co-processing; and
    - safe disposal
  - ▶ **Stringent approach for management of hazardous and other wastes with simultaneous simplification of procedure**
  - ▶ **Co-processing of hazardous waste to recover energy has been streamlined**
    - emission norms basis rather than on trial basis
  - ▶ **Process of import/export of waste under the Rules has been streamlined**
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# Salient Features

- ▶ **Import of metal scrap, paper waste and various categories of electrical and electronic equipments for re-use**
  - **exempted from the need of obtaining Ministry's permission**
- ▶ **Standard Operating Procedures and Guidelines well defined for the type of wastes under usage**
- ▶ **Import of wastes prohibited are:**
  - **Waste edible fats and oil of animals, or vegetable origin;**
  - **Household waste;**
  - **Critical Care Medical equipment;**
  - **Tyres for direct re-use purpose;**
  - **Solid Plastic wastes including Pet bottles;**
  - **Waste electrical and electronic assemblies scrap;**
  - **Other chemical wastes especially in solvent form.**

# E-Waste Management Rules, 2016

The Ministry of Environment Forest and Climate Change, Govt. of India,

notified the **e-Waste Management Rules, 2016**  
on 23<sup>th</sup> March 2016

Apply to every manufacturer, producer, consumer, bulk consumer, collection centres, dealers, e-retailer, refurbisher, dismantler and recycler involved in manufacture, sale, transfer, purchase, collection, storage and processing of e-waste or electrical and electronic equipment including their components, consumables, parts and spares

Compact Fluorescent Lamp (CFL) and other mercury containing lamp brought under the purview of rules

# Salient Features

- ▶ **Collection mechanism based approach adopted**
  - to include collection centre, collection point, take back system etc for collection of e-waste by
  - Producers under Extended Producer Responsibility (EPR)
- ▶ **Collection and channelisation of e-waste in Extended Producer Responsibility**
  - **Phase wise Collection Target for e-waste**
    - 30% during first two years
    - 40% during third and fourth years
    - 50% during fifth and sixth years and
    - 70% during seventh year onwards
- ▶ **Deposit Refund Scheme has been introduced**
  - producer charges an additional amount as a deposit at the time of sale
- ▶ **Transportation of e-waste shall be carried out as per the manifest system**

# Duties of stake holders

## ▶ Role of State Government

- to ensure safety, health and skill development of the workers involved in the dismantling and recycling operations
- to prepare integrated plan for effective implementation of these provisions
- to submit annual report to MoEF&CC

## ▶ Role of Industry Department in the State

- to ensure earmarking or allocation of industrial space or shed for e-waste dismantling and recycling in the existing and upcoming industrial park, estate and industrial clusters

## ▶ Role of Labour Department in the State

- to ensure recognition and registration of workers involved in dismantling and recycling
- assist formation of groups of such workers to facilitate setting up dismantling facilities
- undertake industrial skill development activities for the workers
- undertake annual monitoring and to ensure safety & health of workers

# Duties of stake holders

## ▶ Role of TNPCB

- To conduct random inspection and Grant and renewal of authorisation to manufacturers, dismantlers, recyclers and refurbishers
  - Maintain online information regarding authorisation
- Monitoring and compliance of Extended Producer Responsibility – Authorisation as directed by Central Pollution Control Board
- Implementation of programmes to encourage environmentally sound recycling

## ▶ Role / Duties of Dealer / Retailer / e-retailer

- shall refund amount as per take back system or Deposit Refund Scheme.

## ▶ Duties of Refurbisher

- to collect e-waste generated during the process of refurbishing and
- channelise the waste to authorised dismantler / recycler through its collection centre
- seek one time authorization from SPCB

## ▶ Duties of Urban Local Bodies

- to collect and channelize the orphan products to authorized dismantler or recycler

# **Hon'ble NGT orders in various environmental issues**

# Solid Waste Management

[Original Application No. 606/2018](#)

[Order dated 16.01.2019:](#)

- Status of implementation of SWM Rules, 2016, PWM Rules, 2016 & BMW Rules, 2016
- Constitution of State Monitoring Committee for each State
- Formation of Special Task Force in each district under the chairmanship of District Collector/District Magistrate to create awareness on solid waste management as per Rules
- To furnish total amount collected from erring industries based on 'Polluters Pay Principle' and details of utilization of fund

# Solid Waste Management

[Original Application No. 606/2018](#)

[Order dated 16.01.2019:](#)

The Chief Secretary, Govt. of Tamil Nadu in compliance of Hon'ble NGT order dated **16.01.2019** had represented before Hon'ble NGT, New Delhi on **23.04.2019** and presented the status of solid waste management, plastic waste management and biomedical waste management and other related environmental issues for the state of Tamilnadu.

# Solid Waste Management

[Original Application No. 606/2018](#)

[Order dated 23.04.2019:](#)

- The Chief Secretary may personally monitor the progress at least once in a month, with all District Magistrates and furnish quarterly status on NGT directions within 25.07.2019
- Estimate the value of environmental degradation and cost of restoration be prepared and compensation be planned and recovered from polluters for environmental restoration and restitution on that basis
- The District Magistrates may monitor the status of compliance of environmental norms, at least once in two weeks
- Performance audit of functioning of all regulatory bodies may be got conducted and measures be taken within six months
- Apart from cities and town declared as model cities and towns, at least three village in every district of the State may be identified within two weeks and made fully compliant in respect of environmental norms within six months.

# Bio-medical Waste Management

[Original Application No. 710-713/2017](#)

[Order dated 15.07.2019](#) :

- All HCFs to obtain Authorisation & Consents from State Pollution Control Board.
- Implementation of Bar Code System
- Environmental Compensation Charges for improper handling of Biomedical Waste in health care facilities and common facilities
- To complete inventory of HCFs and biomedical waste generation
- To set up and proper functioning of Common Biomedical Waste Treatment Facilities

# Plastic Waste Management

[Original Application No. 247/2017](#)

[Order dated 12.03.2019 :](#)

- To obtain Registration as per Rule 13 of Plastic Waste Management Rules, 2016.
- All the States may also prepare their respective action plans for compliance of Rules within one month and furnish the same to the Central Pollution Control Board by 30.04.2019
- To submit Annual Report by the SPCB as per PWM Rules, 2016
- Defaulting States being required to pay compensation to be deposited with the CPCB at the rate of Rupees one Crore per month after 01.05.2019

# E-Waste Management

[Original Application No. 512/2018](#)

[Order dated 12.02.2019:](#)

- To effectively implement the provisions of e-Waste Management Rules, 2016.
  - Implementation of action plans and action taken report against the non complying dismantlers / recyclers and to submit feedback to the CPCB
  - To carry out inventorisation of E wastes
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# Water Pollution

## Water Pollution–Polluted River stretches

[Original Application No. 673/2018](#)

[Order dated 19.12.2018](#)

- To constitute River Rejuvenation Committee (RRC) and provide Action Plan for identified polluted river stretches.
- To display the quality of the water of polluted river stretches on SPCB's respective websites
- For non-compliance, Performance guarantees are to be furnished for implementation of action plans

# Water Pollution

## Utilisation of treated sewage

[Original Application No. 148/2016](#)

[Order dated 27.11.2018](#)

- All the states to prepare and furnish their action plans for utilisation of treated water in their respective States.

## Standards for treated sewage discharge

[Original Application No. 1069/2018](#)

[Order dated 30.04.2019](#)

- MoEF&CC to issue appropriate Notification on the revised treated sewage standards for new & existing STPs which will apply for Mega, Metropolitan cities and rest of the country

# Air Pollution

Air Pollution– Non-attainment city

[Original Application No. 681 /2018](#)

[Order dated 08.10.2018](#)

- The non - attainment city is the one which does not meet the National Ambient Air Quality Standards (NAAQS). CPCB has identified 102 cities as Non-attainment cities in India of which Thoothukudi has been identified for the state of Tamil Nadu.
- To furnish Action plan for abatement of air pollution in Thoothukudi city

**THANK YOU**

