

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE**

ORIGINAL APPLICATION NO. 199 OF 2021

In the matter of:

Sri. Shankar Narayanan Bala Krishnan & 21 Ors
..... Applicants

Versus

State of Telangana & 9 Ors
.....Respondent(S)

**REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT
NO. 3, CENTRAL POLLUTION CONTROL BOARD**

I, H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 51 years and having office at the Regional Directorate – Chennai, Central Pollution Control Board, 2nd Floor, 77-A, Ambattur Industrial Estate, Chennai – 600 058, do hereby solemnly affirm and sincerely state as follows:-

1. That I am presently working as Scientist 'E' & holding Charge of Regional Director, Regional Directorate, Chennai, Central Pollution Control Board (hereinafter called as CPCB) and have been authorized to file the reply affidavit on behalf of Respondent No. 3. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present as under:
2. That, the applicant is mainly focusing about a pollution caused by the dumpsite situated in Jawahar Nagar, Sameerapet Mandal, Rangareddy District, unscientific management of solid waste by M/s Ramky Environ Engineers Ltd., Hyderabad and the related damages and impact on the environment, lively hood and health impacts of the nearby villages. Since the petition doesn't have direct reference to this answering Respondent and most of the paragraphs details about non-implementation of the Solid Waste Management Rules, 2016 (hereinafter called as SWM Rules, 2016) by the Greater Hyderabad Municipal Corporation (hereinafter called as GHMC) and related statutes/regulations already prevailing, para wise reply is not attempted.



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3. It is to submit that, this answering Respondent has received several public complaints regarding Jawahar Nagar solid waste facility for odour nuisance and leachate generation from legacy waste dumpsite since 2017. In this regard, CPCB issued directions to Telangana State Pollution Control Board (hereinafter called as TSPCB) dated 13.12.2017, 23.01.2018, 23.05.2020 and 06.06.2020 to take necessary measures to control odour nuisance & pollution due to leachate generation from the legacy waste dumpsite.
4. It is submitted that CPCB received a complaint forwarded by MoEF&CC regarding surface & groundwater and odour pollution caused by solid waste dumpsite at Jawahar Nagar, Hyderabad. The dumpsite was jointly inspected by the officials of Regional Directorate, Chennai and TSPCB on November 17, 2020. Based on the recommendations, CPCB issued letter to TSPCB to ensure that Greater Hyderabad Municipal Corporation (GHMC) takes necessary actions to control odour and remediation of surface & groundwater.
5. It is submitted that, Ministry of Environment, Forest & Climate Change has notified the Solid Waste Management Rules, 2016 with notification S.O 1357(E) dated April 8, 2016 in supersession of Municipal Solid Waste (Management and Handling) Rules, 2000. As per the relevant provisions under the Solid Waste Management Rules 2016, the local bodies and panchayats are entrusted with the primary responsibility of collection and management of municipal solid waste, maintenance and operation of the solid waste processing sites and dump yards etc. in accordance to the provisions of these Rules.
6. As per the relevant provisions of the SWM Rules, 2016, that local bodies have to obtain an authorisation for setting-up waste processing, treatment, recycling or disposal facility including landfills from State Pollution Control Board or Pollution Control Committees (hereinafter called as SPCBs/PCCs). The SPCBs/PCCs are entrusted with the responsibility of enforcement of the SWM Rules, 2016 in their states through local bodies in their respective jurisdiction and a periodical review of implementation with monitoring of environmental standards and adherence to conditions prescribed under these Rules. The SPCBs/PCCs are also entrusted with the responsibility of issuance of authorization to the local bodies after examining the proposals submitted by them.



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7. It is submitted that, municipal solid waste shall be processed, treated and disposed as per Schedule-II of the SWM Rules, 2016 and that the local bodies within their territorial limit are responsible for the implementation of the provisions of the SWM Rules, 2016, and for any infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes.
8. It is submitted that, this answering Respondent has no mandate under the SWM Rules, 2016 in granting/issuing of Authorisation to the local bodies and SPCBs/PCCS are mandated to issue such authorization as detailed in above para. As per the mandated duties/responsibilities under the SWM Rules, 2016, CPCB has been coordinating with SPCBs/PCCs for implementation of these Rules and monitoring its implementation through SPCBs/PCCs.
9. That, as per the Hon'ble NGT order dated 16.01.2019 in the matter of Original Application No. 606 of 2018, CPCB published guidelines for disposal of Legacy Waste and communicated to all SPCBs/PCCs to follow the guidelines for effective management of legacy waste. It is also to inform that CPCB issued directions under section 5 of Environment (Protection) Act, 1986 dated January 27, 2021 to all SPCBs/PCCs for legacy waste management in their respective States/UTs.
10. That the respective local municipal body, the District Administration and the Telangana State Pollution Control Board shall be the appropriate bodies to reply upon the averments made by the applicant, since the implementation of the provisions of the SWM Rules, 2016, including infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes and its scientific operation is their collective mandated responsibility under the SWM Rules, 2016.

Hence in view of above, it is respectfully prayed that this Answering Respondent No. 3 will abide by the order(s)/direction(s) passed by this Hon'ble Tribunal.

H.D. Varalaxmi

Deponent

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VERIFICATION

It is verified that the content of this Reply Affidavit is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified on this 7th day of October, 2021 at Chennai

H.D. Varalaxmi

Deponent

Counsel for CPCB



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