

-1-

HP STATE POLLUTION CONTROL BOARD
BELOW BCS, PHASE-III, NEW SHIMLA (H.P.)

No. PCB/(NGTS-20)/OA No. 168/2013-20-17898 Dated: 6.11.2020

To

✓
The Registrar General,
Hon'ble National Green Tribunal,
Faridkot House, Copernicus Marg,
New Delhi-110001.

Subject:- Action Taken report in MA No. 51/2020 in OA No. 168/2013 titled Dr. Karan Singh V/s State of HP &ors. pending before the Hon'ble NGT.

Sir,

This has reference to order dated 04-09-2020 passed by Hon'ble NGT in the above cited matter related to solid waste management problem in Distt. Solan, H.P. wherein the Hon'ble NGT has passed the following directions:-

.....In view of the above, let the State PCB and the District Magistrate, Solan ascertain facts and take such action as may be found necessary. Such factual and action taken report in the matter be furnished to the Tribunal within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The applicant may serve a set of papers on the State PCB and the District Magistrate, Solan and file an affidavit of service within one week....."

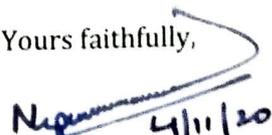
In this connection and in compliance to aforesaid directions, a joint inspection committee comprising of Deputy Commissioner, Solan, Senior Environmental Engineer, HPSPCB, Parwanoo and Representative of Municipal Council, Solan, has inspected the dumping site at Salogra on 13-10-2020. The copy of Joint Inspection Report received from the Regional Officer, HPSPCB Parwanoo vide letter dated 29-10-2020 is annexed as **Annexure-I**.

It is also submitted that the joint inspection committee has found some shortcomings on the site hence recommended certain measures to be adopted at the dumping site at Salogra. It is further submitted that on the basis of Inspection Report of the Joint Committee, the State Board has issued the directions to Municipal Council, Solan vide letter dated 29-10-2020 (annexed as **Annexure-II**) to comply the observations of the Joint Committee and submit short term & Long Term Plan for implementation the provisions of SWM Rules, 2016 to the State Board.

The report submitted by joint committee (annexed as **Annexure-I**) may kindly be placed/taken on record please.

(Encl: as above)

Yours faithfully,


(Dr. Nipun Jindal)
Member Secretary
HPSPCB-Shimla



H.P. STATE POLLUTION CONTROL BOARD

SCF- 6, 7, 8, Sec-4, Parwanoo, Distt. Solan (H.P.) 173220

Telefax- 01792-234081, Website: <http://hppcb.nic.in/>

-2-

Annexure-I

399

No. PCB/ R.O. PWN/ MA No. 51 in OA No. 168/2013/ Karan Singh Vs. State of HP / 2020- 981

Dt: 29 ¹⁰/₂

From: Sr. Environmental Engineer

To

✓ The Member Secretary,
HP State Pollution Control Board,
Shimla.

Subject: Original Application No. 168/2013 Titled Karan Singh Vs State of HP & Ors.

Sir,

Kindly refer to the letter No. HPPCB-OA 168/2013- 14340-42 dated 08.09.2020 addressed to the District Magistrate, Solan and copy endorsed to the undersigned regarding the subject cited above. In compliance to the orders dated 04.09.2020 passed by the Hon'ble NGT, Delhi wherein the State Board and the District Magistrate, Solan were directed to ascertain facts and take such action as may be found necessary. Such factual and action report in the matter be furnished to the Tribunal within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. In this context, it is submitted that the Dumping Site at Salogra was jointly inspected by the Deputy commissioner, Solan and undersigned along with the Representative of the M.C. Solan & Complainant on 13.10.2020. Joint Inspection report (Annexure-A) is hereby enclosed. On the basis of the Inspection Report, this office has issued directions to the M.C. Solan vide this office letter No. HPPCB/ SEE Pwn/ MC Solan File / Vol-II/ 251-980 dated 29.10.2020 (Annexure-B) to take necessary steps for improvement of processing & disposal facility. It is requested that same may kindly be forwarded to the Hon'ble NGT Delhi.

Yours faithfully,

(Dr. Sharawan Kumar)
Sr. Environmental Engineer
HPSPCB, R.O. Parwanoo.

Encl: As above (in original).
(in duplicate)

- 3 -

Inspection Report of Municipal Committee Solan
Distt. Solan, H.P.

1.0 BACKGROUND NOTE: - Hon'ble NGT passed the following orders on dated 04.09.2020 in OA No. 168 of 2013 in the matter related to issues of Municipal Solid Waste in Solan town.

"...Grievance in this application is that there is non-compliance of order of this Tribunal dated 26.10.2017 in O.A 168/2013 on the subject of management of solid waste in District Solan, H.P. In support of the allegation, the applicant has relied upon a newspaper report, a photograph and the annual report of the state PCB. In view of the above, let the state PCB and the District Magistrate, Solan ascertain facts and take such action as may be found necessary. Such factual and action taken report in the matter be furnished to the Tribunal within two months by e-mail at judicial-ngt@gov.in preferable in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF....."

In compliance to the order of Hon'ble NGT, the Dumping site at Salogra was jointly inspected by Deputy Commissioner, District Solan, Sr. Environmental Engineer (SEE) Himachal Pradesh State Pollution Control Board and Representative of the MC Solan along with the Complainant on 13.10.2020. The Dumping Site is situated on right side of Solan to Shimla National Highway (NH-22) at Salogra and is in existence for the last 40 years.

2.0 Overview of SWM Facility Salogra:

- Dumping Site at Salogra is functional on 24 Bigha area for the last 40 years.
- At site there is one trommel for mechanical segregation of waste having capacity 10 ton/day. In the trommel the legacy waste is processed where compost and inert material are segregated. (Photograph at R-P/1). Incinerable waste is sent to cement industry as alternative fuel as per MOU signed by the Cement plant operators and Govt. of H.P.
- The M.C. installed one compactor/ bailer for compacting the waste having capacity 2 ton/day (Photograph at R-P/2).
- Composting Pit 20 No's has been provided for composting of waste having capacity 1.5-2 MT/ Month (Photograph at R-P/3).
- The waste coming at site in covered vehicles is partially segregated & further segregation is carried out at site manually and 25 no's of manpower has been engaged. (Photograph at R-P/4).



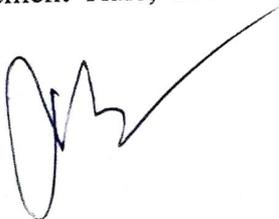
- The waste is being dumped in unscientific manner and material is scattered in the large area. (Photograph at R-P/5).
- The segregated material, compost and RDF are stored at site for recycling. (Photograph at R-P/6).
- Work on legacy waste removing has been started shown in (Photograph at R-P/7).

As per the order passed by Hon'ble NGT on 26.10.2017 in the matter of O.A. No. 168 of 2013 the State Board submitted the DPR (Prepared By Quercus Group for the Himachal Pradesh Pollution Control Board) to the State Government under cluster approach for management of solid waste vide letter No.PCB/MSW/Govt Meeting/17-8398-8401 dated 23.06.2018 (Annex-R-L/1). Later on the State Government decided that in place of cluster approach the De-centralized treatment and disposal facility will be established in the state as informed by the Director Urban Development H.P. vide letter No. UD-H(F)-(1)-1/2015(SWM Cluster)-I-11355-56 dated 21.05.2019 (Annex-R-L/2). The matter regarding cluster approach is also filed in Hon'ble H.P. High Court as CWPIIL No. 269 of 2017 & CWP No. 153 of 2018.

The solid waste from Solan Town was dumped at Salogra Dumping site. After the order passed by Hon'ble NGT on 26.10.2017 in the matter of O.A. no 168 of 2013 Solid Waste was lifted by MC, Solan and sent to the Waste to Energy plant situated at Tutu, Shimla-H.P. upto 18.09.2019. MC Solan installed Trommel and Compactor/Bailer in the month of September 2019 and started its own waste processing at Salogra site. During the lockdown period the operation of the facility was not upto the mark due to migration of labour as informed by MC Solan.

As per O.A No. 606 of 2018 the State Govt. of H.P. has constituted the committee vide notification number STE-F(2)-2/2017 dated 07.02.2019 and the meetings were conducted regularly for proper management of Solid Waste under the Chairmanship of Smt. Rajwant Sandhu, IAS (Retd.), Former Chief Secretary of H.P. Further, it is also submitted that regular meetings of District Level Special Task Force (DLSTF) constituted by the Government of Himachal Pradesh in O.A No. 606 of 2018 w.r.t. management of Solid Waste in Solan Town are convened regularly.

The State Board is issuing direction from time to time for implementation of provisions of Solid Waste Management Rule, 2016. The authorities have been directed many times to carry out the waste



processing at site by segregating the Biodegradable and Non-biodegradable waste, but the authorities has failed to manage the solid waste as per SWM Rule, 2016 and show cause notices / directions are being issued from time to time.

The Board found during its inspection conducted on 03.07.2020 that the solid waste is not being managed as prescribed in SWMR, 2016 and issued directions for the improvement. The site was again visited on 15.07.2020 and 20.07.2020 and not found significant improvement in the operation of SWM Facility. Hence the case was recommended to the Member Secretary of the State Board vide Letter No. HPSPCB/(15 Vol-II)/R.O. Pwn/MC Solan/2018-519-520 dated 22.07.2020 for imposing the Environmental Compensation of Rs. 1.8 Lakhs (Annex-R-L/3).

Executive Officer, MC Solan was called for personal hearing by the Member Secretary of the State Board vide letter No. 13622-25 dated 01.09.2020 (Annex-R-L/4). Minutes of the Personal Hearing were circulated vide Endst No. 14695-97 dated 14.09.2020 (Annex-R-L/5). Request for imposing the Environmental Compensation for not clearing the legacy waste w.e.f. April onwards was sent to the Member Secretary of the State Board vide letter No. 850 dated 30.09.2020.

The State board issued Show Cause Notice to MC Solan vide letter No. (10)PCB/MSW/M.C. Solan-Vol-I/2020-16340-42 Dated 09.10.2020 (Annex-R-L/6) as to why Environmental Compensation of Rs. 5 Lakh/- (Rs. Five Lakh(s)) (Rs. One Lakh /Month from April, 2020) should not be levied on you in compliance to orders dated 02.07.2020 passed by Hon`ble NGT in O.A. No. 606 of 2018.

3.0 Present Status of Solid Waste Management Facility Salogra- The compliance status of various activities as specified in Municipal Solid Waste Management Rules, 2016 & directions issued in O.A. No. 606/2018 is in table-1.

Table: 1

Sr No.	Key Parameters/ Indicators	Description of Parameters/ Indicators for physical evaluation	Present Status in MC Solan Area
1	Door to Door Collection	Door to door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other nonresidential premises.	The M.C. Solan is collecting the solid waste from door to door for which 120 no's of employees have been engaged for 15 No. of wards. The collection is about from 90% houses.



		Transportation in covered vehicles to processing or disposal facilities	
2	Source Segregation	Segregation of waste by households into Biodegradable, non-biodegradable, domestic hazardous	The M.C. Solan has started the collection of segregated waste from door to door upto March, 2020 about 50% segregated waste was collected. After the outbreak of COVID-19 the segregated collection reduced.
3	Litter Bins & Waste Storage Bins	Installation of Twin-bin/ segregated litter bins in commercial & public areas at every 50-100 meters. Installation of Waste storage bins in strategic locations across the city, as per requirement (Unless Binless) Elimination of Garbage Vulnerable Points.	The M.C. Solan has removed the Litter Bins & Waste Storage Bins from the Solan Town in the month of April 2019.
4	Transfer Stations	Installation of Transfer Stations instead of secondary storage bins in cities with population above 5 lakhs.	The M.C. Solan has provided 24 No's of covered transfer points in the Solan Town.
5	Separate transportation	Compartmentalization of vehicles for the collection of different fractions of waste. Use of GPS in collection and transportation vehicles to be made mandatory at least in cities with population above 5 lakh along with 10 the publication of route map.	The M.C. Solan has dedicated transport vehicles for the transportation of Solid Waste (10 No's Vehicles) and the vehicles having two compartments. M.C. Solan has provided kiosks for collection of domestic hazardous waste in the office campus and collected waste will be sent to TSDF Site at Dabhota.
6	Public Sweeping	All public and commercial areas to have twice daily sweeping, including night sweeping and residential areas to have daily sweeping.	The sweeping in the town is carried out regularly on daily basis in the public & commercial areas.
7	Waste Processing Wet Waste Dry Waste MRF Facility	Separate space for segregation, storage, decentralized processing of solid waste to be demarcated Establishing systems for home/ decentralized and centralized composting. Setting up of MRF Facilities	The M.C has constructed 20 No's of composting pits and 20 more will be constructed for processing the wet waste. 01 trommel & compactor operational at site. The M.C is in process of procuring 01 additional trammel & compactor.
8	Scientific	Setting up common or regional	At present legacy waste lifting has

	Landfill	sanitary landfills by all local bodies for the disposal of permitted waste under the rules. Systems for the treatment of legacy waste to be established	been started. There is need to develop the scientific landfill for the inert & non-recyclable waste.
9	C&D Waste	Ensure separate storage, collection and transportation of construction and demolition wastes.	C&D waste is collected separately and has earmarked the designated dumping site for the disposal of the same.
10	Plastic Waste	Implementation of ban on plastics below <50 microns thickness and single use plastics.	There is complete ban on plastic carry bags & manufacturing of plastic below <50 microns thickness and single use plastics.
11	Bulk Waste Generators (BWGs)	Bulk waste generators to set up decentralized waste processing facilities as per SWM Rules, 2016.	Bulk waste generator in the town is Sabzi Mandi and Sabzi Mandi has its own processing facility.
12	RDF	Mandatory arrangements have to be made by cement plants to collect and use RDF, from the RDF plants, located within 200 kms.	The Govt. of Himachal has MOU with Cement Plants for using the RDF. The M.C. Solan has started to send the incinerable waste to the Ambuja Cement Plant.
13	Preventing solid waste from entering into water bodies	Installation of suitable mechanisms such as screen mesh, grill, nets, etc. in water bodies such as nallahs, drains, to arrest solid waste from entering into water bodies.	The solid waste is not allowed to enter into water bodies.
14	User Fees	Waste Generators paying user fee for solid waste management, as specified in the bye-laws of the local bodies.	The M.C. Solan is charging user fees from the waste generators ranging from Rs. 50 to 1000/- per month.
15	Penalty provision	Prescribe criteria for levying of spot fine for persons who litter or fails to comply with the provisions of these rules and delegate powers to officers or local bodies to levy spot fines as per the byelaws framed.	There is a provision for levying of spot fine for littering from the individuals as well as from commercial / institutions.
16	Notification of Bye Laws	Frame bye-laws incorporating the provisions of MSW Rules, 2016 and ensuring timely implementation.	The M.C. Solan has framed bye-laws in 2018
17	Citizen Grievance Redressal	Resolution of complaints on Swachhata App within SLA.	Swachhata App is there for redressal of grievances



4.0 Results of Ground Water Samples: Ground Water Sampling is being carried out by HPSPCB downstream of SWM facility Salogra. As per the analysis report for the last 1 year (i.e. October 2019 to September 2020). No contamination in the ground water is observed. Results are in Table No.1.

Table No.1 Results of Ground Water Sample d/s of SWM Facility

Sr. No	Point of Sample Collection	Date of sampling	Ph	BOD (Mg/lt)	F.C. (MPN/100ml)	T.C. (MPN/100ml)
1.	Spring Source below SWM site Salogra	07.10.2019	7.45	0.2	<1.8	1.8
2.		04.11.2019	7.34	0.1	<1.8	1.8
3.		06.12.2019	7.66	0.1	2	26
4.		02.01.2020	7.39	0.1	<1.8	<1.8
5.		04.02.2020	7.99	0.1	<1.8	1.8
6.		05.03.2020	7.07	0.1	<1.8	<1.8
7.		23.04.2020	7.39	0.1	<1.8	<1.8
8.		11.05.2020	8.18	0.1	<1.8	<1.8
9.		08.06.2020	6.55	0.1	<1.8	<1.8
10.		03.07.2020	8.15	0.4	<1.8	<1.8
11.		04.08.2020	7.93	0.2	<1.8	1.8
12.		09.09.2020	7.36	0.1	<1.8	<1.8

5.0 Results of Compost Sample: A sample of compost from the compost pit was also taken on 15.07.2020 and the results in the Table No. 2. The results for all the parameters are well within prescribed limit and the compost is fit for use as manure.

Table No. 2 Analysis results of Sample Taken From Compost Pit

Sr. No.	Parameter	Result	Permissible Limits
1.	Ph	7.46	-
2.	Total Phosphate	0.006	%P2O5
3.	Pb	3.113	500 Mg/lt
4.	Ni	11.547	100 Mg/lt
5.	Zn	94.5	2500 Mg/lt
6.	Fe	11.60	Mg/lt
7.	Cd	1.40	20 Mg/lt
8.	Mn	-	Mg/lt
9.	T Cr	11.162	300 Mg/lt




6.0 Recommendations: The MC Solan processing cum disposal facility is not operational as per procedure specified in Solid Waste Management (Rules), 2016. There is need to improve on the following points:

- The composting batteries provided are not sufficient hence there is need to increase the number of batteries. These batteries need to be operated in scientific manner.
- The segregation for un-segregated waste should be in covered & pucca shed.
- The mechanical equipments provided are of very low capacity, there is urgent need to install additional trommel, compactor etc. for handling 20 MT Solid Waste Daily. The capacity of these equipment may be of 30 MT / Day to take care of repair & maintenance time losts.
- The segregated material which is recyclable to be recycled.
- The plastic & other high calorific waste should be sent to the Cement Industry to reuse as RDF as per the MOU signed by the GoHP & Cement Plant Operator i.e. Ambuja Cement Plant for Solan District.
- The legacy waste stored at site should be lifted immediately as per the directions of Hon'ble NGT in OA No. 606/2018.
- The M.C Solan should develop a scientific landfill for the inert & non-recyclable waste.
- Municipal Council should plant more trees on all sides of dumping site and also install a barricade wall around the facility in order to prevent the solid waste from rolling down the slope.
- Municipal Council, Solan shall implement the directions issued by the State Board from time to time.
- State Board shall impose the Environmental Compensation for the violation of Municipal Solid Waste (Management) Rules, 2016.
- The Urban Local Development Authority should have the Waste Management Cell comprising of Environmental Engineers/ Scientists for scientific disposal of Solid Waste in the state.
- The proper record of the waste reaching at SWM site, waste converted into compost, waste recycled and landfill-able waste should be maintained in a log book on day to day basis.



Dr. Sharawan Kumar
SEE cum Member Secretary
District level committee



K.C. Chaman, IAS
Deputy Commissioner cum Chairman
District level Special Task Force



Photograph at R-P/1-Trommel



Photograph at R-P/2- Bailer/ Compactor.

A handwritten signature or set of initials in blue ink, located at the bottom left of the page.



Photograph at R-P/3- Compost Pits



Photograph at R-P/4- Covered Vehicles Carrying Waste to the Site.

AS



Photograph at R-P/5- Un-scientific Dumping and Waste Scattered on Large Area.



Photograph at R-P/6- Segregated Waste and RDF Stored at Site.

Handwritten signature



Photograph at R-P/7- Legacy Waste Removing Work Started.

A handwritten signature in blue ink, consisting of a stylized, cursive name.

H.P. STATE POLLUTION CONTROL BOARD,
"HIMPARIVESH" PHASE-III, NEW SHIMLA-171 009 (H.P.)
Phone: 0177 2673766, 2673020, 2673032, Fax: 0177 273018

NO. PCB/MSW/Govt. Meetings/17- 22.6.18 - 8(10)

Dated 22.6.18

The Chief General Manager—
HP Infrastructure Development Board,
New Himrus Building, Circular Road, Shimla -171001

Sub: Submission of Technical Reports of Rampur, Kangra, Chamba, Solan and Hamirpur (Revised) cluster w.r.t Solid Waste Management.

Sir,

This has reference to the submission of technical reports of clusters for management of Solid Waste management

In this regard, please find enclosed the hard copies of technical reports submitted by consultants hired by State Pollution Control Board w.r.t. Rampur, Kangra, Chamba, Solan and Hamirpur (Revised) cluster for your necessary further action please. Soft copies of reports have already been sent to HPIDB vide mail earlier.

JK

(Dr. R.K. Pruthi, IAS)
Member Secretary,
HP State Pollution Control Board
Telephone No. 0177-2673766
SC

Copy to :

- The Addl. Chief Secretary, UD to the Govt. of Himachal Pradesh for information please.
- The Addl. Chief Secretary, Env. (S&T) to the Govt. of Himachal Pradesh for information please.
- The Director, Department of UD Taland Shimla for information please.

JK
23/6

(Dr. R.K. Pruthi, IAS)
Member Secretary,
HP State Pollution Control Board
Telephone No. 0177-2673766
SC

JK

No: UD-H(F)-(1)-1/2015(SWM clusters)-I- 1355-56
Directorate of Urban Development,
Himachal Pradesh.

From Dated: Shimla-2, the 21, May, 2019.

To Director,
Urban Development,
Himachal Pradesh.

Chief General Manager,
H.P. Infrastructure Development Board,
Himrus Building, Near Himland Hotel,
Shimla - 01

Subject: Regarding extract of 161st Board meeting of HPIDB regarding bidding of SWM projects at Kangra, Kullu, Hamirpur and Chamba thereof.

Sir,

This is with reference to your letter no. UD-A(3)-12/2015-I-Loose dated 29th & 30th March, 2019 on subject cited above.

In this regard, it is submitted that the HPIDB was engaged earlier to develop RFP for the cluster based SWM projects. However, due to non-issuance of NOCs by concerned Forest Rights Committees, the identified land parcels for establishing the projects could not be transferred in the name of UD/ULB. Also, no developer submitted bid for Mandi cluster project even after extending the last date for 3 times. Further, the SWM Rules, 2016 envisages that decentralized processing facility be developed for managing biodegradable waste.

Therefore, now the Department of Urban Development has shifted from cluster approach to decentralized approach. Hence, at present there is no need to establish SWM plants at Kangra, Kullu, Hamirpur & Chamba under cluster approach.

Yours faithfully,

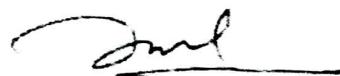


(Ram Kumar Gautam)
Director,
Urban Development,
HP, Shimla

Dated: 21.05.19

Endrst. No.: As above

Copy to Principal Secretary (UD) to the Govt. of H.P. for information please.



Director,
Urban Development,
HP, Shimla



CWPIL No. 269 of 2017

13.05.2019 Present:

Ms. Jyotsna Rewal Dua, Senior Advocate, with Ms. Charu Bhatnagar, Advocate.

Mr. Ashok Sharma, Advocate General with M/s Ritta Goswami, Adarsh Sharma, Nand Lal Thakur, Ashwani Sharma, Additional Advocate Generals, Ms. Divya Sood, Deputy Advocate General and Mr. Manoj Bagga, Assistant Advocate General, for the respondents-State.

Mr. Rajesh Kumar, Assistant Solicitor General of India, for Union of India.

Mr. T.S. Chauhan, Advocate, for the H.P. Pollution Control Board.

Mr. N.K. Gupta, Advocate, for the Municipal Corporation, Shimla.

Mr. Vikrant Thakur, Advocate, for HPSEB.

Mr. Rahul Mahajan, Advocate, for respondent No. 7.

Mr. Ajay Chandel, Advocate, for respondent No. 9.

Ms. Kamlesh Kumari, Advocate vice Counsel for respondent No. 10.

Mr. K.B. Khajuria, Advocate, for respondent No. 19.

CWP No. 153 of 2018.

Petitioner in person.

Mr. Ashok Sharma, Advocate General with M/s Ritta Goswami, Adarsh Sharma, Nand Lal Thakur, Ashwani Sharma, Additional Advocate Generals, Ms. Divya Sood, Deputy Advocate General and Mr. Manoj Bagga, Assistant Advocate General, for the respondents-State.

Mr. T.S. Chauhan, Advocate, for the H.P. Pollution Control Board.

Mr. Adarsh K. Vashista, Advocate, for respondent No. 5.

On perusal of the affidavits filed on the previous date, one by Principal Secretary (Urban Development) and the other by Deputy Commissioner, Kullu, respectively, learned Amicus Curiae has pointed out that the State Government needs to take a holistic view as a matter of policy decision and thereafter file a comprehensive report. She points out that there is a reference to the model set up by Nawanshahr Municipality (Punjab) with a suggestion to adopt the same, though H.P. State Pollution Control Board has already viewed that such a model may not be feasible.

Learned Counsel for Municipal Council, Palampur, on the other hand, points out that the Municipality has decided to collect garbage on door to door basis and segregate the biodegradable and non-biodegradable waste. As against it, the Deputy Commissioner, Kullu, has filed the affidavit pointing out that they are in the process of installing a plant in which power shall be generated out of the waste. It is stated that cost of the equipment for such a project is very high. The fact of the matter is that the State Government has to view all aspects and take a decision whether (i) it will decide to set up the Waste Management Plants on the pattern of Municipal Council, Kullu, where power can be generated out of the waste; (ii) it will follow the conventional method like Municipal Council, Palampur or Joginder Nagar to collect the garbage on door to door basis and deal with it; and (iii) whether Nawanshahr Municipality

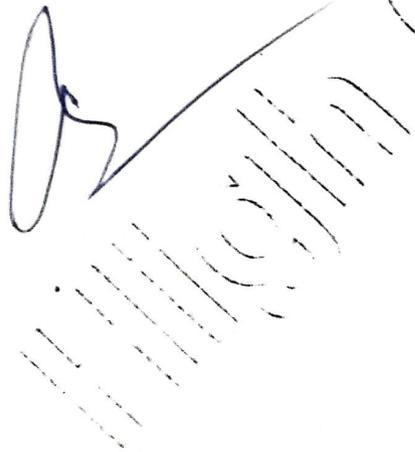
Model is feasible and if so, in which parts of the Himachal Pradesh.

Let, therefore, the matter be revisited, appropriate decision may be taken and a fresh status report be filed. Post the matter for hearing on 30.07.2019.

(Surya Kant)
Chief Justice.

May 13, 2019

(Sandeep Sharma)
Judge.





H.P. STATE POLLUTION CONTROL BOARD

Regional Office Parwanoo SCF 6-8, Sector 4 Parwanoo, Distt: Solan (HP)
Telefax- 01792-234081 Website: <http://hpspcb.nic.in/>

(Annex-R-L/3)

No. HPSPCB/(15 Vol-II)/RO PWN/MC Solan/2018-519-520 Dated: 22.07.2020

From: **The Sr. Environmental Engineer**

To: **The Member Secretary,
HP State Pollution Control Board
Shimla -9**

Subject: **Salogra Garbage Dump-Open dumping against NGT orders-Enhancing threat of Covid Spread- reg.**

Sir,

Kindly refer to your office letter No. (62)PGB/MSW-Complaints/Vol-III/2019-11405-07 dated 04/07/2020 on the subject cited above. In this regard it is submitted the undersigned has already inspected the Solid Waste Processing Facility Salogra (Solan) on dated 03.07.2020 and show cause notice to the Executive Officer, Municipal Council Solan, Distt. Solan (H.P) was issued vide this office letter No. HPSPCB/(15 Vol-II)/RO PWN/MC Solan/2018-417-19 dated 08/07/2020 (Copy enclosed) for unscientific disposal of solid waste into landfill without resource recycling, recovery, segregation etc is causing nuisance in the entire area and adverse impact on the recipient environment thereby resulting in outright violation of the provisions of Solid Waste Management Rules, 2016. No compliance has been made by the Municipal Council Solan so far.

The Solid Waste Processing Facility Salogra (Solan) was again inspected on dated 15.07.2020 & 20/07/2020 by the AEE, JEE-I & JEE-III HPSPCB Regional Office Parwanoo (Photographs of Site Enclosed) and it was observed that -

1. **The un-segregated waste was transported to the waste processing facility.**
2. **Source segregation is not being carried out and mix waste is being received through MC vehicles.**
3. **Even fresh waste received daily is not being segregated at site.**
4. **No segregation platform provided at waste processing facility and No waste processing is being carried out at site.**
5. **Entire machinery including-trommel, screens etc are lying defunct.**
6. **Huge quantum of legacy waste is lying unattended & un-segregated at site and causing nuisance in the surrounding area.**
7. **The leachate coming from the solid waste dumped at the Salogra Waste Processing Facility is likely to pollute the ground and surface water quality of the area.**
8. **No Scientific Solid Waste Management and Disposal methods are being practiced/adopted at the dump site.**
9. **The segregation of incinerable waste is not being done by the Waste Processing Facility and also not being sent to the M/s Ambuja Cement Plant Darlaghat for co-processing as per the MOU signed by the Government of Himachal Pradesh.**

And whereas the facts stated above tantamount to clear violations of the provisions of the provisions of Solid Waste Management Rules, 2016, The Environmental (Protection) Act, 1986, the Water (Prevention & Control of Pollution) Act 1974 and the Air (Prevention & Control of Pollution) Act 1981 by the Municipal Council Solan and thereby constituting a cognizable offence punishable under the relevant provisions of the said Acts and not submitting the Short Term, Medium Term & Long Term Action Plan for the implementation the provisions of SWM Rules 2016 by the Executive Officer, Municipal Council Solan, Distt. Solan (H.P).

In this context, it is recommended that the Environmental Compensation of Rs. 180000/- from 03/07/2020 to 20/07/2020 (18 days) (10000x18=180000) calculated as per Table No. 3.4 of the orders of the Hon'ble NGT vide Original Application No. 593/2017 Paryavaran Suraksha Samiti Vs UOI dated 21/05/2020 may be levied for improper municipal solid waste management by the Executive Officer, Municipal Council Solan, Distt. Solan (H.P).

It is pertinent to mention here that this office has already received a complaint of Sh. Ravi Rai Rana R/o Village Anda Pnachayat Salogra on CM SEVA SANKALP Portal vide Complaint No. 288289 dated 07/07/2020.

Yours faithfully,

Encls: As above.


(Dr. Sharawan Kumar)
Sr. Environmental Engineer
HPPCB, Regional Office Parwanoo

Copy to :-

- The Deputy Commissioner, Solan, Distt: Solan HP, for the favor of his kind information, please.


(Dr. Sharawan Kumar)
Sr. Environmental Engineer
HPPCB, Regional Office Parwanoo







-21-

H.P. STATE POLLUTION CONTROL BOARD
Regional Office Parwanoo SCF 6-8, Sector 4 Parwanoo, Distt: Solan (HP)
Telefax- 01792-234081 Website: <http://hspcb.nic.in/>

No. HPSPCB/(15 Vol-II)/RO PWN/MC Solan/2018- 417- 419 Dated: 08.07.2020

From: The Sr. Environmental Engineer

To: The Executive Officer
Municipal Council Solan
P.O. Solan, T&D Solan H.P.

Subject: Notice under Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981.

Sir,

Whereas the **Solid Waste Management Rules, 2016** have been published under the notification of the Government of India in the Ministry of Environment & Forests and Climate Change number G.S.R. 451 (e) dated the 3rd June, 2015.

Whereas it is the duty of the State pollution Control Board to enforce the said rules and review the implementation of these rules, monitor the environmental standards for waste processing and disposal sites, give directions to the local bodies for safe handling and disposal of domestic hazardous waste and suspend the authorization issued thereunder if the local body or operator of the facility fails to operate the facility as per the stipulated conditions.

And whereas it is the duty of the local authorities under the said rules to prepare a solid waste management plan within six months of the notification of the said rules but you have failed to make any comprehensive and satisfactory plan for solid waste management and implement the same till date.

Whereas it is the duty of the local authorities under the said rules to arrange for door to door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other non residential premises etc but you have failed to implement any such collection mechanism to include all such solid waste generators till date.

Whereas it is the duty of the local authorities under the said rules to setup material recovery facilities or secondary storage facilities with sufficient space for sorting of recyclable materials to enable informal or authorised waste pickers and waste collectors to separate recyclables from the waste etc but you have failed to set up any such facilities till date.

Whereas it is the duty of the local authorities under the said rules to establish waste deposition centres for domestic hazardous waste and give direction for waste generators to deposit domestic hazardous wastes at this centre for its safe disposal and ensure safe storage and transportation of the domestic hazardous waste to the hazardous waste disposal facility (TSDF facility at Village Dabhota, PO Majra, Nalagarh) but you have failed to provide / establish / notify any such waste deposition centre till date.

Whereas it is the duty of the local authorities under the said rules to allow only the non-usable, non-recyclable, non-biodegradable, non-combustible and non-reactive inert waste and pre-processing rejects and residues from waste processing facilities to go to sanitary landfill but open dumping of non segregated waste is directly being dumped in the site at which has turned into a "Dump Site".

Whereas you have also failed to establish any waste management facility (with waste segregation and processing facility like composting, biomethanisation, resource recovery, energy recovery, recycling, vermin composting facility etc.) at site with sanitary land fill but you are carrying out open dumping of solid waste as a result of which the site at Salogra has turned into a "Dump Site" of unsegregated waste as on date.

Whereas the unscientific disposal of solid waste into landfill without resource recycling, recovery, segregation etc is causing nuisance in the entire area and adverse impact on the recipient environment thereby resulting in outright violation of the provisions of Solid Waste Management Rules, 2016.

And whereas the Salogra Waste processing facility was inspected on 03.07.2020 by the undersigned official/officials of the State Board and it was observed that -

1. No waste processing is being carried out at site.
2. Entire machinery including trommel, screens etc are lying defunct.
3. Huge quantum of legacy waste is lying unattended and un-segregated at site.
4. Even fresh waste received daily is not being segregated at site.
5. Source segregation is not being carried out and mix waste is being received through MC vehicles.
6. The leachate coming from the solid waste dumped at the Salogra Waste Processing Facility is likely to pollute the ground and surface water quality of the area.
7. No Scientific Solid Waste Management and Disposal methods are being practiced at the dump site.
8. The segregation of incinerable waste is not being done by the Waste Processing Facility and also not being sent to the M/s Ambuja Cement Plant Darlaghat for co-processing as per the MOU signed by the Government of Himachal Pradesh.

And whereas the facts stated above tantamount to clear violations of the provisions of the provisions of Solid Waste Management Rules, 2016, The Environmental (Protection) Act, 1986, the Water (Prevention & Control of Pollution) Act 1974 and the Air (Prevention & Control of Pollution) Act 19781 thereby constituting a cognizable offence punishable under the relevant provisions of the said Acts.

Now, therefore in accordance with the provision of Water/Air Act it is proposed to initiate action against you in accordance with the provision of Section 41, 43 & 44 of Water (Prevention and Control of Pollution Act, 1974 attracting with fine(s) up to Rupees Ten Thousand and imprisonment up to seven years or both.

However before proceeding against you, it is hereby directed to clarify your stand on the above said observations, comply to the observations / points of non compliance as stated above at the earliest, submit a Short Term, Medium Term & Long Term Plan for the implementation the provisions of SWM Rules 2016 in letter & spirit and submit a detailed action taken report in this regard to the Regional Office of the State Board within 10 days from the date of issue of this show notice so that further course of action can be decided.

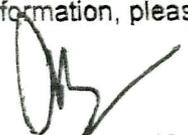
It is further intimated that in case of failure to comply to the directions or in case of non satisfactory disposition or in case of continued violations as mentioned above, action as proposed and deemed fit shall be initiated against you as per the relevant provisions of Air / Water Acts without any further intimation or notice and completely at your own risk & cost..


Dr. Sharawan Kumar
Sr. Environmental Engineer
HPPCB, Regional Office Parwanoo

Ends. No. HPSPCB/(15 Vol-II)/RO PWN/MC Solan/2018-

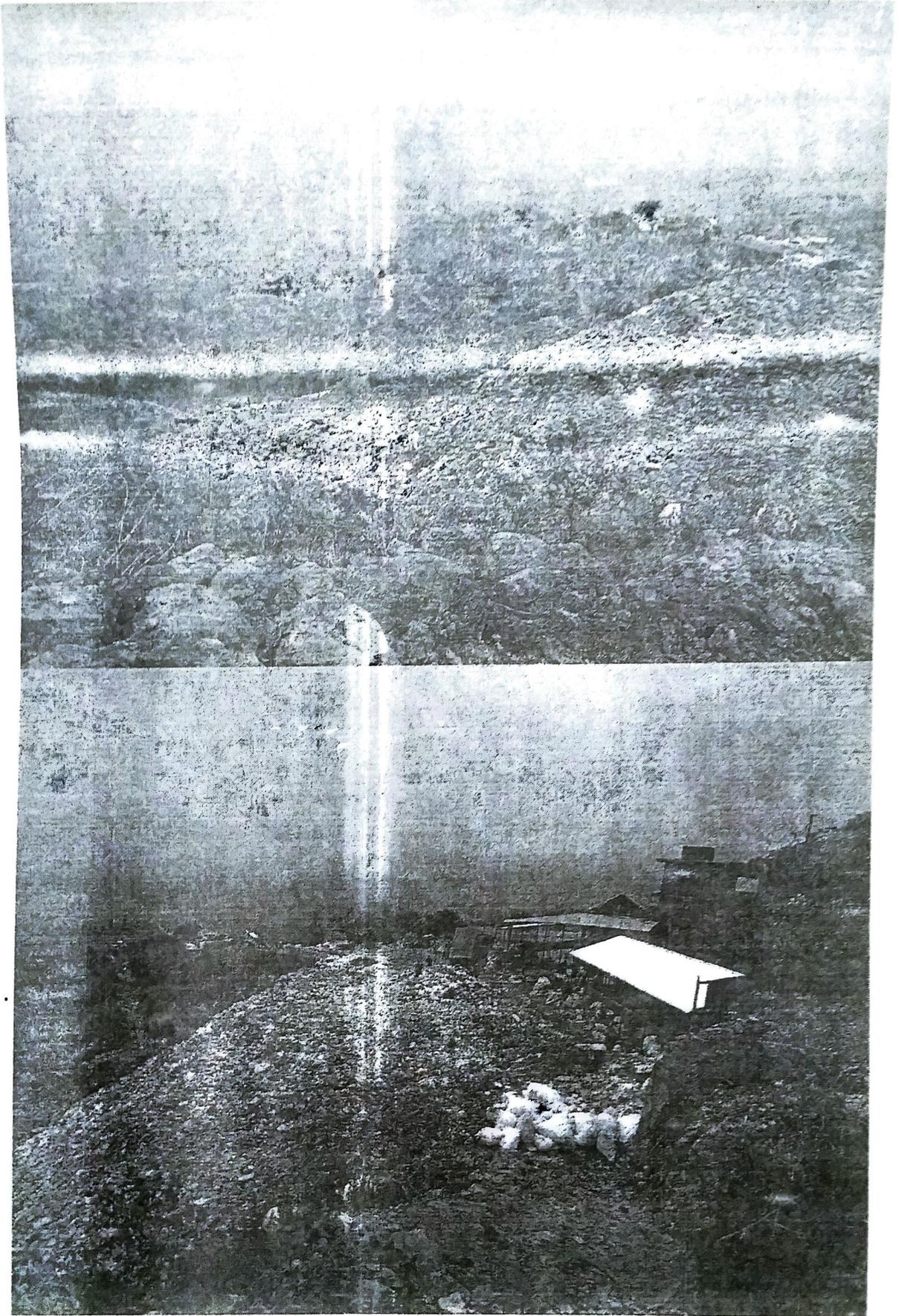
Dated :

1. The Member Secretary, HPSPCB, Shimla for the favor of his kind information, please.
2. The Deputy Commissioner, Solan, Dist: Solan HP, for the favor of his kind information, please.

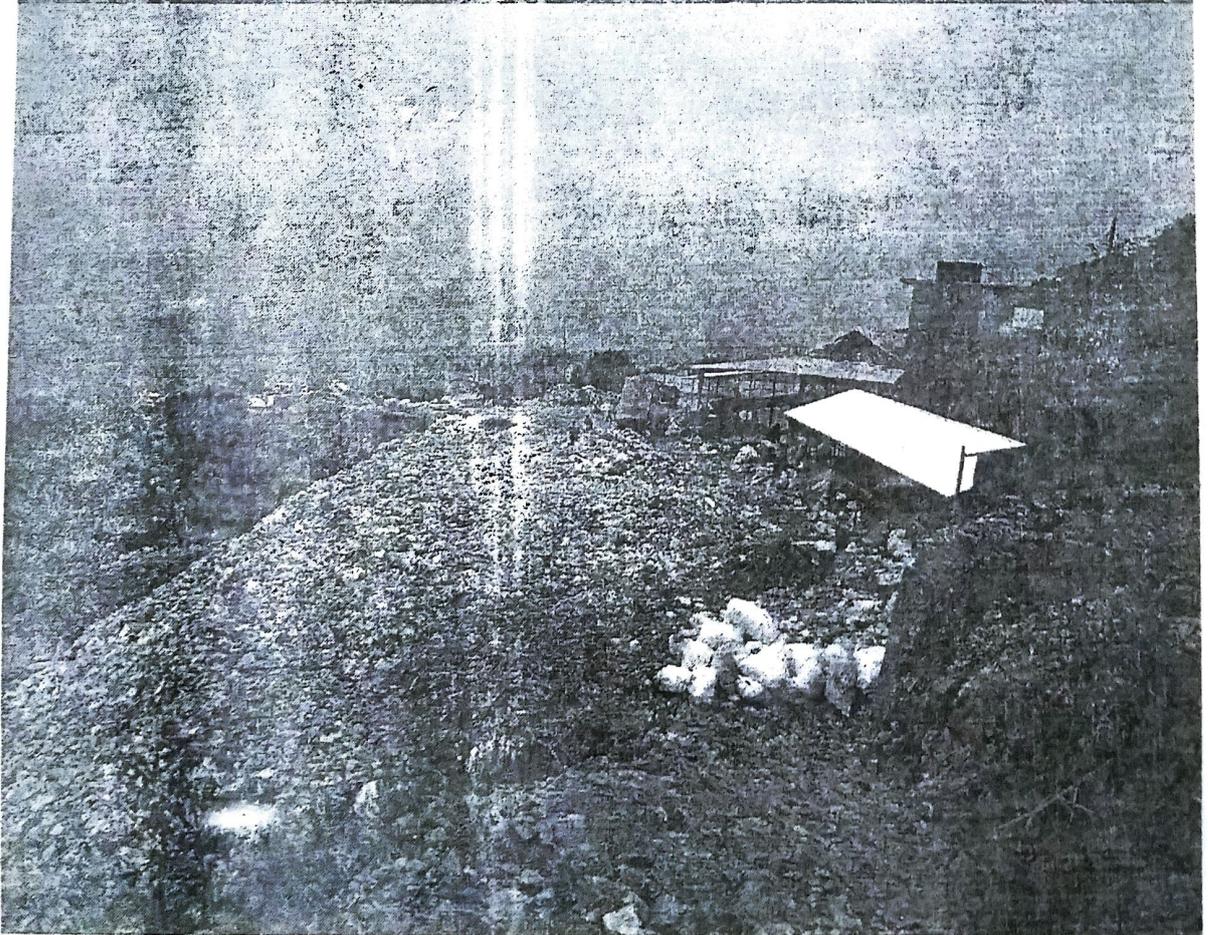

Dr. Sharawan Kumar
Sr. Environmental Engineer
HPPCB, Regional Office Parwanoo



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-26- (Annex - K - L / 4)

HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018

No. (10)PCB/MSW/M.C.Solan-Vol-I/2020 - 13622-25

Dated: 1.19.2020

To

The Executive Officer,
Municipal Council -Solun,
District Solan (H.P)

Sub: Personal Hearing under the Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016.

In continuation to this office No.PCB/MSW/M.C.Solan-Vol-I/2020-12792-94 dated 17-08-2020 regarding Show Cause Notice under the Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016.

Whereas, it has been observed that you are persistently violating the provisions of Solid Waste Management Rules, 2016 and you have also failed to comply with the Notices/Directions given by the State Board vide letter dated 08-07-2020 & 17-08-2020, which is the gross violation of the provisions of the Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016, constituting a cognizable offence under Section 15 of the Environmental (Protection) Act, 1986 attracting fine (s) up to rupee one lakh and imprisonment up to five years.

However, before proceeding against you in the matter, you are hereby given a final opportunity for **personal hearing** to attend the office of undersigned along with relevant record, Action taken report action plan/written submission w.r.t treatment / disposal of solid waste (Solid Waste Management Plan) on 05/09/2020 at 11.00 AM/PM along with written submission to clarify your position and also in the meanwhile take necessary action to comply with all the provisions of Solid Waste Management Rules, 2016. It may be noted that in event of non-compliance or unsatisfactory deposition, legal action as per provisions of law shall be initiated against you.

(Aditya Negi, IAS)
Member Secretary

Copy to:

1. The Director, Urban Development, Talland, Shimla for information and further necessary action.
2. The Deputy Commissioner, Solan for information please.
3. The Sr. Environmental Engineer, HPSPCB, Parwanoo w.r.t letter no. 519-520, dated 22-07-2020 for information & to attend the meeting on schedule date and time.

(Aditya Negi, IAS)
Member Secretary



HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018

Minutes of the personal hearing of Executive Officer, M.C. Solan held on 05-09-2020 at 11:00 AM in the Chamber of Member Secretary, H.P State Pollution Control Board, Head Office Shimla.

Personal hearing of Executive Officer, M.C Solan, District Solan was held on 05-09-2020 in the chamber of Member Secretary, HP State Pollution Control Board, Shimla w.r.t notice issued to Executive Officer, M.C. Solan vide letter no. (10)PCB/MSW/M.C. Solan-Vol-I/2020-12792-94 dated 17-08-2020. The list of officers/officials who attended the meeting is enclosed as Annexure-I.

At first, Sr. Environmental Engineer-cum-Regional Officer, Parwanoo, HPSPCB briefed about the problem of solid waste disposal at Salogra dumping site.

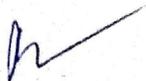
Thereafter, Executive Officer M.C. Solan informed that:-

- M.C. Solan has population of about 40-50 thousand, whereas, practically floating population of M.C. Solan area is 60-70 thousand.
- He further informed that M.C. Solan collects Door to door mixed solid waste.
- In addition to this non-segregated solid waste from panchayats (PRIs) nearby the plant i.e. Anji, Saproon, Basal, Barog, Kumarhatti, Dharampur, Srinagar (Kandaghat), Rajgarh, Shamti, Seri, Bajrol and Padhag etc is allowed by the District administration to dispose at M.C. SWM site, which is an additional burden for municipal council.
- M.C. Solan has reconstructed 20 Nos. of Compost pits at processing plant for processing the wet waste after segregation of daily mixed waste received at the site. Due to lack of manpower, 100% segregation of mixed waste is not being carried out at the site.
- Further, E.O. M.C. Solan has informed that M.C is buying single use plastic from the registered Rag pickers and households @ Rs. 75/kg.
- Till date 5060 kgs of plastic waste purchased is sent to Ambuja Cement plant and 1038 kgs of plastic is sent to HPPWD under Plastic Buy Back Scheme.

- M.C. Solan is using one baling machine & one trommel machine at site for segregation of non-biodegradable waste and further compaction of such waste.
- Further, M.C. Solan has highlighted that there is urgent requirement to procure one trommel machine, one shredder and one compactor for segregation of non-biodegradable waste.

After detailed deliberations following directions were given by the Member Secretary to Executive Officer, M.C. Solan.

- ❖ More compost pits should be created for treating bio-degradable waste.
- ❖ Engage more labourers to overcome the shortage of manpower.
- ❖ Engage more ragpickers for sorting of waste.
- ❖ Upgrade MRF (Material Recovery facility) for efficient management of non-biodegradable waste (recyclable materials, non-recyclable combustible, non-recyclable, non-combustible waste).
- ❖ Upgrade RDF facility for segregation of recyclable plastic and its compaction, so that it could be sent to cement plants and HPPWD.
- ❖ Sent recycled plastic regularly to cement plant and HPPWD.
- ❖ Utilize the existing trommel (20 TPD) to its full capacity and procure trommel machine for clearing legacy waste and start bio-remediation of such waste.
- ❖ Regularly use chemical spray at processing site for control of foul smell/odour emanating due to dumped legacy waste.
- ❖ More plantation should be carried in and around the premises of processing plant.
- ❖ IEC campaign may be organized on Solid Waste Management to bring awareness among the Public regarding source segregation of household solid waste.
- ❖ Household that don't give segregated waste after IEC may be challaned/fined.
- ❖ Sanitation/Cleanliness drives may be organized with ward members of panchayats. Also educate public that burning of waste/garbage is punishable offence as per NGT Orders and mass awareness programmes may also be organized and submit the detailed report in this regard.



- ❖ Submit Action Plan including timeline and improvements in processing of solid waste and procuring of one trommel machine, one Shredder and one Compactor within 3-4 days.
- ❖ Submit monthly progress report to Regional Office HPSPCB Parwanoo as well as copy to Head Office, HPSPCB, Shimla.
- ❖ The progress made shall be reviewed every month & in case of unsatisfactory progress environment compensation shall be levied & legal action shall be initiated.
- ❖ Clear legacy waste in three (3) months by 15-12-2020.

Finally, the Member Secretary directed the E.O, M.C Solan to scientifically dispose of their waste, in compliance to Solid Waste Management Rules, 2016. The Action Taken Report on above points should be submitted within a week positively. In case of non-compliance, legal proceedings shall be initiated.

The hearing ended with an assurance from the Executive Officer. M.C Solan for compliance.

SD/-

(Er. Chandan Singh)
Asstt. Env. Engineer

Endst.No.(10)PCB/MSW/M.C. Solan-Vol-I/2020- 14695A7

dated:- 14/9/2020

Copy to:

1. The Deputy Commissioner, Solan, for information please.
2. The Director, Urban Development, Talland, Shimla for information please.
3. The Sr. Environmental Engineer, HPSPCB-cum-Regional Officer Parwanoo for information and necessary action please.
4. The Executive officer, M.C. Solan for necessary action please.

CP

(Er. Chandan Singh)
Asstt. Env. Engineer
HPSPCB, HQ

[Handwritten signature]



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(Annex-R-L16)

HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018

No. (10)PCB/MSW/M.C. Solan-Vol-I/2020 - 16340-42

Dated: 3rd 9-2020

Regd. Post.

To,

The Executive Officer
Municipal Council-Solan,
District Solan (H.P).

Sub: - Show Cause Notice under the Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016- reg.

Memo:-

Whereas, Regional Officer, HPSPCB Parwanoo has informed vide letter no. HPPCB/R.O. Parwanoo/MSW/2020-730 dated 10-09-2020 that M.C. Solan was inspected as per template for assessment of solid waste management facility and legacy waste remediation as per Hon'ble NGT Order dated July 02, 2020 in O.A. No. 606/2018.

Whereas, it was found during inspection that legacy waste remediation has not commenced in M.C. Solan legacy waste dumpsite.

Whereas, as per Hon'ble NGT Order dated July 02, 2020 in O.A. No. 606/2018 "ULB shall be liable to pay Environmental Compensation, as per template for assessment of Solid Waste Management Facilities and Legacy Waste Remediation" wherein it is stated as:-

"Interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance.

Whereas, the above tantamount to violation of order of Hon'ble NGT dated July 02, 2020 in O.A. No. 606/2018 and Solid Waste Management Rules, 2016.

However, before proceeding against you finally you are hereby directed to take immediate necessary action and submit action taken report within a week and show cause as to why Environmental Compensation of ₹ 5,00,000/- (Rs. Five Lakh(s)) (Rs. One (1) Lakh/month from April, 2020) should not be levied on you in compliance to orders dated 02-07-2020 passed by Hon'ble NGT in O.A. No. 606 of 2018. It may be noted failure to comply or unsatisfactory deposition, action as proposed as a fine w.r.t Environmental compensation including legal action as per provisions of Section-15 of Environment (Protection) Act, 1986, attracting imprisonment upto five years shall be initiated against you.

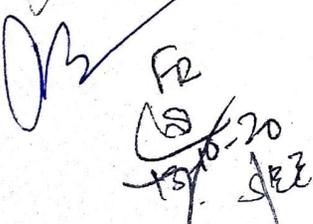
The instructions be complied in letter & spirit.


(Aditya Negi, IAS)
Member Secretary

Copy to:-

1. The Director, Urban Development, Talland, Shimla for information please.
2. The Regional Officer, HPSPCB Parwanoo for further necessary action.


(Aditya Negi, IAS)
Member Secretary,
HPSPCB, Shimla-9
mshppcb@gmail.com


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H.P. STATE POLLUTION CONTROL BOARD

Regional Office Parwanoo SCF 6-8, Sector 4 Parwanoo, Distt: Solan (HP)
Telefax- 01792-234081 Website: <http://hppcb.nic.in/>

No. HP PCB/ SEE PWN/ MC Solan File/Vol-II / 251- 980

Dated : 29.10.2020.

From: The Sr. Environmental Engineer

To: The Executive Officer,
Municipal Council Solan,
Distt. Solan HP -173212

Subject: Unscientific operation of solid waste management site at Salogra.
Sir,

In Compliance to the Hon'ble NGT orders passed on dated 04.09.2020 in OA No. 168 of 2013 in the matter related to issues of Municipal Solid Waste in Solan town. Your site was visited by Deputy Commissioner, Solan and Sr. Environmental Engineer, HP State Pollution Control Board Parwanoo on dated 13.10.2020. Your processing cum disposal facility is not operational as per procedure laid down in Solid Waste Management (Rules), 2016. Therefore you are directed to take following steps immediately:-

- Increase the number of composting batteries to cater the organic waste generation in the town.
- Provide the pucca segregation platform for the segregation of waste, install a barricade wall on segregation platform/unloading area in order to prevent the solid waste from rolling down the slope. Also plant more trees on all sides of dumping site.
- Provide one more trommel and one compactor for handling solid waste daily.
- Ensure that recycling of segregated recyclable material to be recycled.
- Ensure that plastic & other high calorific waste to be sent to the Cement Industry to reuse as RDF as per the MOU signed by the GoHP & Cement Plant Operator i.e. Ambuja Cement Plant for Solan District.
- The legacy waste stored at site should be lifted immediately as per the directions of Hon'ble NGT in OA No. 606/2018.
- Maintain the proper record of the waste received at SWM site, Waste sent to the Cement Plant for co processing, Waste converted into compost and inert material.

You are hereby directed to comply to the observations as stated above at the earliest, submit a Short Term & Long Term Plan for the implementation the provisions of SWM Rules 2016 in letter & spirit and submit a detailed action taken report in this regard to the Regional Office of the State Board within 14 days from the date of issue of this show notice.


Dr. Sharawan Kumar
Sr. Environmental Engineer
HPPCB, Regional Office Parwanoo

99



H.P. STATE POLLUTION CONTROL BOARD

Regional Office Parwanoo SCF 6-8, Sector 4 Parwanoo, Distt: Solan (HP)

Telefax- 01792-234081 Website: <http://hppcb.nic.in/>

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350

No. HP PCB/ SEE PWN/ MC Solan File/Vol-II / 251- 980

Dated : 29.10.2020.

From: The Sr. Environmental Engineer

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- The legacy waste stored at site should be lifted immediately as per the directions of Hon'ble NGT in OA No. 606/2018.
- Maintain the proper record of the waste received at SWM site, Waste sent to the Cement Plant for co processing, Waste converted into compost and inert material.

You are hereby directed to comply to the observations as stated above at the earliest, submit a Short Term & Long Term Plan for the implementation the provisions of SWM Rules 2016 in letter & spirit and submit a detailed action taken report in this regard to the Regional Office of the State Board within 14 days from the date of issue of this show notice.


Dr. Sharawan Kumar
Sr. Environmental Engineer
HPPCB, Regional Office Parwanoo

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