

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 278 Of 2022

IN RE:

GRAM PANCHAYAT BHATANWALI

....APPLICANT

VERSUS

UNION OF INDIA & ORS.

....RESPONDENTS

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(SUSHIL JASWAL) & (DEEPAK R. DAHIYA)

**Advocate for Respondent No.2
881, LAWYER'S CHAMBER
SAKET COURT COMPLEX
NEW DELHI-110017
Mob; 9317833005**

E-mail: megnacentumlawoffices@gmail.com

New Delhi

Dated: 24.07.2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

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ACTION TAKEN REPORT ON BEHALF OF RESPONDENT NO.2
MUNICIPAL COUNCIL, PAONTA SAHIB, IN COMPLIANCE OF
ORDER DATED 03.05.2024.

MOST RESPECTFULLY SHOWETH:

1. That vide order dated 03.05.2024, respondent no. 2 Municipal Council Paonta Sahib was directed to file the Action Taken report in consonance to the report submitted by the Joint Committee as constituted by the Hon'ble Green Tribunal vide Order dated 14.12.2023, with regard to the construction work and the functioning of the Dumping site for waste as being collected by the Municipal Council Paonta Sahib.

2. That in compliance of the above stated order, the Joint Committee has submitted its report on 24.02.2024 before the Hon'ble Green Tribunal. However in the Joint committee report, the Joint committee has observed certain issues/discrepancies with regard to the Disposal of the solid waste which is being collected by the Municipal Council Paonta Sahib.

Attested
Sohan Singh 24/7/2024
Advocate & Oath Commissioner
Paonta Sahib, Distt. Sirmour (H.P.)
HIM/99/2017

Key Observations of the Joint Committee on the above facts are as follows:-

- i. MC Paonta applied for Authorization of HPSPCB, for Dumping Site, however, HPSPCB found the site suitable for Disposal/Processing of Municipal Solid Waste and accordingly, the Authorization was granted to MC, Paonta Sahib for Setting up and Operating Waste Disposal Facility, with validity upto 31/03/2005 The Authorization granted by HPSPCB also included landfill facility, at this site. The authorization was further renewed up to 31/03/2006.
- ii. No authorization was granted by HPSPCB beyond 31/03/2006 and the facility under reference has been operating without valid consent/authorization of HPSPCB since 01/04/2006 and is still operating without valid consent/authorization.
- iii. No MSW Facility was established by MC, Paonta Sahib before EIA Notification, 2006 came into existence. Therefore, the project proponent (MC, Paonta Sahib) was required to obtain Environmental Clearance as per provisions of EIA Notification. Further, the interpretation of EIA Notification and subsequent Orders/Circulars, by HPSPCB, RO, Paonta Sahib that "standalone activities of municipal solid waste Management (except Landfill site) are not covered under EIA Notification, 2006, hence do not require prior Environmental Clearance" does not seem to be in line with the provisions of EIA Notification, 2006. In view of the fact the MSW Disposal site under reference is an integrated MSW disposal facility having all the activities of processing/disposal (Collection, Segregation, MRF, Composting, Leachate Collection & Treatment etc) at one place, which is not established before EIA Notification, 2006 and hence requires prior Environmental Clearance.

The opinion of IA Division of MoEF&CC was also sought in this regard through Member representing MoEF&CC in the Joint

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Paonta Sahib, Dist. Sirmour (H.P.)
HIM/99/2017

Committee and it was confirmed that Environmental Clearance for this facility is required.

3. That the joint committee has also observed the following key issues, which requires attention by the authorities' along with recommendations of the Joint Committee:

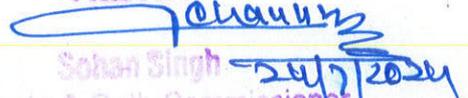
I. As elaborated in Section 3, the MSW Disposal Facility is required to obtain Environmental Clearance under the provisions of EIA Notification, 2006, as amended from time to time. Further, the existing facility is operating without obtaining Consent/ Authorization of State Pollution Control Board. It is recommended that an appropriate action is taken by HSPCB and MC, Paonta Sahib, in this regard, for operating the facility as per applicable Environmental Laws/Rules.

II. Municipal Council has proposed customized Miyawaki Plantation around the Facility, the implementation of which is yet to be started. Further, the proposed plantation will be effective in controlling the foul odour after more than 6 years. It is therefore recommended that boundary wall which is currently 9 feet high is raised to 20 feet height with GI sheets or other means without further delay, to prevent dispersion of foul odour in the nearby villages. This is the main issue raised by affected villages and also observed by the Joint Committee.

III. The entire facility has been paved with concrete tiles, but the channelization of the leachate generated from the waste storage area to the leachate collection tank is yet to done. It is recommended that this is done on priority besides making arrangement for the treatment of collected leachate in a time bound manner, for preventing generation of foul odour from leachate.

IV. It is recommended to mechanize the Material Recovery Facility (MRF) by installing Trommel Screening System along with shredder as already proposed by MC, Paonta Sahib.

Attested



Sohail Singh
Advocate & Oath Commissioner
Paonta Sahib, Dist. Sirmour (H.P.)

H/W/99/2017

V. *Installation of Weighing System to measure the actual quantity received and processed is recommended.*

VI. *It was observed that despite having provisions for Organic Waste Composting, these facilities are not being utilized properly. It is recommended that log books are maintained in each section for recording inputs and outputs for regular monitoring and taking corrective actions.*

VII. *The receiving municipal solid waste is stored in open and it is recommended that waste is stored in the covered area.*

VIII. *The facility is receiving around 15-16 MT waste per day, whereas the capacity of the facility to process the waste is only 8.5 MTPD. The waste which is left unprocessed is subjected to decomposition leading to generation of foul odour by the time it is sent to outsourced facility.*

4. That qua the above stated observations of the Committee, the Municipal Council Paonta Sahib has taken the following measures:

I. That so far as it is concerned with the Authorization required to obtain Environmental Clearance under the provisions of EIA Notification, 2006, as amended from time to time, it is submitted that an office memorandum No. F.No. 22-19/2017-IA.III dated 17th Nov. 2017 was issued by the Govt. of India, Ministry of Environment, Forest and Climate Change (Impact Assessment Division) by way of which the expert group had submitted its recommendation and has been examined by the ministry. The relevant part of Office Memorandum is as follows:

3. *"The Municipal solid Waste management involves various steps like door to door collection, segregation, composting, refused derived fuel (RDF) making, waste to energy generation through waste to energy plant and disposal in scientific landfill. The*


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above activities, except landfill site, if proposed as standalone activities are not covered under item 7(i) of EIA Notification 2006, hence do not require prior Environment clearance. In case the activities of composting, RDF making and waste to energy plant (up to capacity of 15 MW) are proposed at existing landfill site, they do not attract the provisions of EIA notification 2006.”

In view of the above stated memorandum it is clear that no prior Environment clearance is required for the Solid waste management site. Copy of Office memorandum is annexed herewith as **ANNEXURE R2-1**.

II. That so far as it is concerned with the plantation of Mayawaki Plants nearby the site, it is submitted that the Municipal Council Has deposited an amount of Rs. 10,30,000/- (Ten lakh Thirty Thousand) with the Forest department. However the forest department has started the plantation of Mayawaki Plants nearby the site in Question. However the walls of the site has also been increased upto 20 feet as per the recommendation of the committee. The Construction of Material Recovery Facility (MRF) shed is also in full swing and is expected to be completed till 31.07.2024. Copy of receipt is Annexed herewith as **ANNEXURE R2-2**

III. That the leachate collection tank has also been constructed and it is connected with the pits through proper underground pipes. Photograph is annexed herewith as **Annexure R2-3**.

IV. That the Municipal Council has outsourced the work of Solid Waste Management to M/s Suntan Life since April 2024. It was agreed by the outsourced company that they will install the machinery for processing the solid waste at site. However till the filing of the present action taken report the Municipal Council has started the installation of the machinery as required at the site. Moreover the Municipal Council has already

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HIM/99/2017
20/7/2024

installed one OWC machine for wet waste and two bailing machines for dry waste at the site.

V. That the company to which the SWM work has been outsourced has installed a weighing machine at the site which has been recommended by the committee as constituted by the Hon'ble Green Tribunal.

VI. That the municipal Council has given strict instructions to the outsourced company to utilize the composts/facilities as being constructed for organic waste Composting. Moreover the Municipal Council is also maintaining the log books in each section for recording inputs and outputs for regular monitoring.

VII. That the capacity of the plant is 9-10 metric ton per day and the plant is receiving 15-16 tons of waste per day. As of now, the outsourced company is processing the waste at the site and remaining left over waste has been transferred to its own plant at Jatwar, Ambala.

5. That the Municipal Council further assure the Hon'ble National Green Tribunal that if any other minor work which remains incomplete will be done on or before 31st December 2024.

RESPONDENT No.2

Executive Officer
Municipal Council
Paonta Sahib H.P.

THROUGH

(SUSHIL JASWAL) & (DEEPAK R. DAHIYA)

**Advocate for Respondent No.2
881, LAWYER'S CHAMBER
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Mob; 9317833005**

E-mail: megnacentumlawoffices@gmail.com

New Delhi

Dated: 24.07.2024

Attested
Sohan Singh
Advocate & Oath Commissioner
Paonta Sahib, Dist. Birmour (H.P.)
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AFFIDAVIT

Affidavit of Mr. Gunjeet Singh Cheema, aged about 34 years, at present working as Sub Divisional Magistrate, having charge of Executive Officer, of Municipal Council, Paonta Sahib, District Sirmour, Himachal Pradesh, since January 2024, do hereby solemnly affirm and state on oath as under:

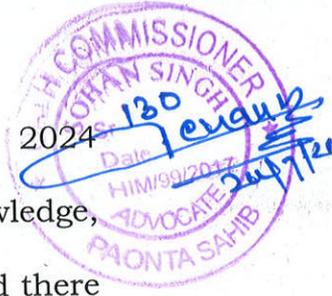
1. That I am Sub Divisional Magistrate, of Paonta Sahib and I am having the charge of Executing Officer of Respondent No. 2, Municipal Council, Paonta Sahib since January 2024 and as such I am fully conversant with the fact of the case and I am competent to swear this affidavit
2. That the accompanying Status Report has been drafted by my Counsel under my instructions. The factual submissions made therein are true to my knowledge and the legal submissions, if any, are true on information received and believed to be true and correct.

Attested
Sohan Singh
Advocate & Oath Commissioner
Paonta Sahib, Distt. Sirmour (H.P.)
HIM/99/2017

DEPONENT
Executive Officer
Municipal Council
Paonta Sahib H.P.

VERIFICATION

Verified at Paonta Sahib on this the _____ day of July, 2024
that the contents of my above affidavit are true to my knowledge,
no part of it is false and nothing material has been concealed there
from.



Certified that this affidavit has been made by
Shr Gurjeet Singh Cheema,

Oath 20/7/2024

who has been identified by Shri. Kamlesh Thakur

clerk M.C. Paonta Sahib (H.P.) who is personally
known to me. The contents of the affidavit

readover and explained to the deponent who
admits to understand. Hence Attest

DEPONENT

Executive Officer
Municipal Council
Paonta Sahib H.P.

Identified by me.

Sh. Kamlesh Thakur
clerk M.C. Paonta
Sahib (H.P.)

Attested

[Signature]

Sohan Singh

Advocate & Oath Commissioner
Paonta Sahib, Dist. Sirmour (H.P.)

HIM/99/2017

20/7/2024

Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi-3

Dated: ~~1st~~ November, 2017

OFFICE MEMORANDUM

Sub: Revisiting of process of prior Environmental Clearance for Solid Waste Management Treatment and processing facilities - reg.

The request to revisit the process of prior environmental clearance for Solid Waste Management Treatment and Processing Facilities has been examined by the Expert Group constituted in the Ministry in its meeting held on 14.06.2017. The Expert Group has submitted its recommendations which have also been further examined in the Ministry.

2. The Environment Impact Assessment Notification, 2006 in the Schedule at item 7 (i) mentions Common Municipal Solid Waste Management Facility (CMSWMF) as Category B project for which State Environment Impact Assessment Authority (SEIAA) is empowered to appraise the project for grant of prior environmental clearance.
3. The municipal solid waste management involves various steps like door to door collection, segregation, composting, refuse derived fuel (RDF) making, waste to energy generation through waste to energy plants and disposal in scientific landfills. The above activities, except landfill site, if proposed as standalone activities are not covered under item 7 (i) of EIA Notification, 2006, hence do not require prior environmental clearance. In case the activities of composting, RDF making and waste to energy plant (up to Capacity of 15 MW) are proposed at an existing landfill site, they do not attract the provisions of the EIA Notification, 2006.
4. If the activities of incineration, RDF making and Waste to energy plant are proposed along with the new site of solid waste disposal, landfill, it is advisable to obtain an integrated prior environmental clearance for these projects.

OK
14/11/17

5. It has been seen that locating a landfill site or municipal Solid Waste disposal site is a contentious issue and there is a tendency to locate them far from the habitation but near forest, rivers, ponds, Wetlands and low lying areas etc., which are ecologically sensitive sites and require proper environmental management. Since, the forests, rivers, ponds, wetland and low lying areas are critical from environmental point of view, it may not be appropriate to exempt this activity of municipal solid waste disposal site or landfill site from the requirement of prior environmental clearance.

6. This issues with the approval of the competent authority.


(Sharath Kumar Pallerla)
Scientist-F / Director

1. All Principal Secretaries of States/UTs
2. All Member Secretaries of SEIAA's





