

BEFORE THE NATIONAL GREEN TRIBUNAL,  
WEST ZONE BENCH, PUNE

O.A No. 92/2021 (WZ) with O.A No. 93/2021 (WZ) with O.A No. 94/2021  
(WZ) with O.A No. 95/2021 (WZ) and O.A No. 96/2021 (WZ)

IN THE MATTER OF

Shreeji Mahila Charitable Trust

APPLICANT

VERSUS

State of Gujarat & Ors.

RESPONDENTS

Additional affidavit on behalf of the Central Pollution Control Board,  
Respondent No. 11, in the above matter.

I, Praseon Gargava, aged about 51 years and having office at the Regional Directorate, Vadodara, Near VMC Ward Office No. 10, Subhanpura, Vadodara, Gujarat – 390023, do hereby solemnly affirm and sincerely state as follows: -

1. That I am presently working as Scientist 'F' & Regional Director, Central Pollution Control Board (CPCB), Regional Directorate Vadodara. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present Additional Affidavit as under:

Hon'ble NGT vide its orders dated 08/01/2024 in the matter of O.A No. 92/2021 (WZ) with O.A No. 93/2021 (WZ) with O.A No. 94/2021 (WZ) with O.A No. 95/2021 (WZ) and O.A No. 96/2021 (WZ) has directed that:

“ ...

4. From the side of respondent No.11/CPCB, learned counsel Mr. Aniruddha Kulkarni has appeared, who apprised us that reply affidavit has already been filed and a copy of the same has already been served upon all other parties. In the reply affidavit of respondent No.11/CPCB, we find that they have quoted only rule position and nothing has been stated as to how the Guidelines laying down the buffer zone of 500 mtrs. from the boundary of CHWTSDF would be implementable and how the same would be implemented and what steps would be taken to ensure that these guidelines are

implemented. We direct that an additional affidavit in this regard may be filed within two weeks.

..."

In compliance of the aforesaid order of the Hon'ble NGT, the Respondent No. 11 i.e. Central Pollution Control Board, hereby submits the following in response of the said Hon'ble NGT order dated 08/01/2024 as under:

- The Common Hazardous Waste Treatment Storage and Disposal Facility (CHW- TSDF) may have Secured Landfill (SLF) facility or Incinerator or combination of both. Central Pollution Control Board has published Guidelines on "Criteria for Hazardous Waste Landfills" in 2001.
- The said guidelines outlines the Location criteria, Site selection, site investigation criteria, planning and designing of the SLF and its various components, landfill liner system and cover, construction and operation, inspection, monitoring and record keeping, post- closure, financial assurance and contingency plan for emergency.
- In order to protect the public health and the environment from potential adverse impacts from hazardous waste landfills, the Location Criteria and Site selection requirements have been outlined in the aforesaid guideline on " Criteria for hazardous Waste Landfills" which includes the declaration of 500m around the SLF as no-development buffer zone from habitation.
- For implementation of the aforesaid guidelines including buffer zone of 500 meters, relevant provisions laid down under the Hazardous and Other Wastes (Management and Transboundary Movement) (HOWM) Rules, 2016 are:
  - a. Identification of sites for establishing the CHWTSDF is to be carried out by State government, Operator of the TSDF either individually or jointly as per Rule 16(1) of the HOWM Rules, 2016.
  - b. The State Government/Union Territory Government/Administration have to notify the site for establishment of CHWTSDF as per Rule 21 & Schedule VII of HOWM Rules, 2016.
  - c. The CHWTSDF shall be designed and setup by the TDSF operator as per the guidelines issued by CPCB from time to time and obtain approval for the design and layout of the CHWTSDF as per Rule 16(2) of the HOWM Rules, 2016.
  - d. The SPCB/PCC are entrusted with responsibility to monitor the setting up and operation of CHWTSDF as per Rule 16(3) of the HOWM Rules, 2016.

In accordance to the responsibilities outlined in the HOWM Rules, 2016, the State Government is responsible for identification and notification of sites for

CHWTSDF. The "No Development Buffer Zone of 500 meters for habitation" may be treated as part of the CHWTSDF site and notification of such sites inclusive of the aforesaid 'No development buffer zone of 500 metres for habitation' by the State government may ensure prohibition of development of any habitation in the buffer zone by the Urban Local Bodies/Industrial department or any other agency. Further, the CPCB Guidelines on "Criteria for Hazardous Waste Landfills" also stipulates that incase it is absolutely essential to site a landfill within the restricted zone, then appropriate design measures and prior permission from the SPCB/PCC shall be obtained.

Therefore, in order to implement the guidelines laying down the buffer zone, notification of the CHWTSDF site inclusive of No Development Buffer Zone of 500 metres or lesser from secured landfill may be done by the State Government in consultation with the SPCB/PCC who may prescribe 'No Development Buffer Zone of 500 metres or lesser' depending upon the design measures.

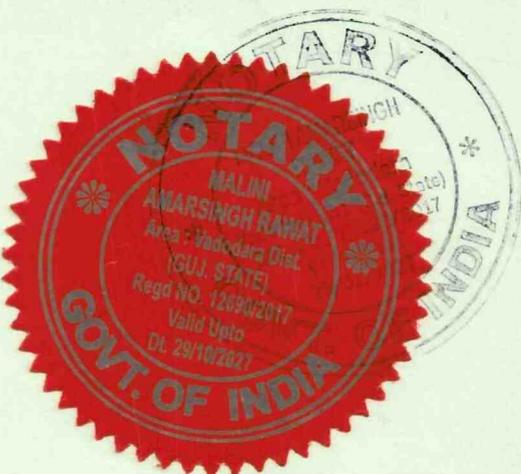
Upon notification of the site, as above, the SPCB/PCC is required to monitor the same as they have the responsibility of monitoring the setting up and operation of the TSDFs as per Rule 16 (3) of the HOWM Rules, 2016.

In view of the above, it is humbly submitted that this answering Respondent no.11 i.e. CPCB shall abide by any order passed by the Hon'ble Tribunal.

*P. Gargava*  
DEPONENT

**VERIFICATION**

Verified at Vadodara on this 1<sup>st</sup> day of March 2024 that the averments made in the above affidavit are true and correct to the best of my knowledge. Nothing has been concealed therein.



*P. Gargava*  
**DEPONENT**  
**प्रसून गर्गव / PRASEON GARGAVA**  
क्षेत्रीय निदेशक / REGIONAL DIRECTOR  
केन्द्रीय प्रदूषण नियंत्रण बोर्ड / Central Pollution Control Board  
(पर्यावरण, वन एवं जल संसाधन, भारत सरकार)  
(Ministry of Environment, Forest & Climate Change, Govt. of India)  
क्षेत्रीय निदेशालय (पश्चिम), वडोदरा-390023.  
Regional Directorate (West), Vadodara-390023.

Solemnly Affirmed / Declared  
Sworn Before me by *Praseon Gargava*

*Malini*  
MALINI AMARSINGH RAWAT  
NOTARY, (Govt. of India)

My Commission Expires  
on 29/01/2027

MALINI AMARSINGH RAWAT  
NOTARY (Govt. of India)