

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE, PUNE**

**APPEAL NO 39 OF 2022 (WZ)**

Taloja Manufactures Association .....Appellant

Versus

Union of India & Ors. ....Respondent(s)

**AND**

**Appeal No. 40/2022(WZ)**

Taloja Manufactures Association .....Appellant

Versus

Union of India and Others .... Respondents

**Additional Affidavit on behalf of Respondent No.3 -MPCB :-**

I, Vidyasagar V. Killedar, Age 49 years, Occupation-Service, the Regional Officer of the Maharashtra Pollution Control Board at Raigad having my office at Raigad Bhavan, 6<sup>th</sup> Floor, Sec-11.CBD Belapur, Navi Mumbai 400614, do hereby state on solemn affirmation as under –

1. I am filing this Additional Affidavit on behalf of the Respondent No.3-Maharashtra Pollution Control Board(MPCB) in compliance

of the order dated 17.03.2023 passed by this Hon'ble Tribunal before this Hon'ble Tribunal.

2. I say and submit that the Central Pollution Control Board (CPCB) has published Protocol for assessing proposals of Development Projects in buffer zone of closed TSDF in September, 2021 with a request to bring to the notice to the concerned Agencies /Authorities and guidelines are adhered to for ensuring protection of environment and safeguarding public health, while considering grant of permission to development projects in the buffer zone of closed TSDF vide letter dated 07.09.2021.
3. I say and submit that the aforesaid Protocol is applicable only in case of development of project in No Development Buffer Zone of closed CHWTSDF and the CHWTSDF, MIDC, Taloja, referred in the said matter is in operation.
4. I say and submit that, at present there is no closed CHWTSDF in the State of Maharashtra. However inadvertently, the CPCB's communication dtd.7.9.2021 was not communicated to the Respondent No.6-Panvel Municipal Corporation.
5. I say and submit that the Respondent Board has communicated to the Respondent No 6 i.e Panvel Municipal Corporation regarding Protocol for assessing proposals of Development Projects in buffer zone of closed TSDF vide letter dated 21.03.2023. A copy of said communication dated 21.03.2023 is enclosed and marked as an **Annexure I.**



6. I say and submit that the Respondent Board has also communicated the said protocol to all Agencies/Authorities vide letter dated 27.3.2023. A copy of said letter dated 27.3.2023 is enclosed and marked as an **Annexure II**.

Solemnly affirmed on this 12<sup>th</sup> day of April, 2023 at

For and on behalf of Maharashtra  
Pollution Control Board,

*Billedar*

(Vidyasagar V. Killedar)  
Regional Officer- Raigad

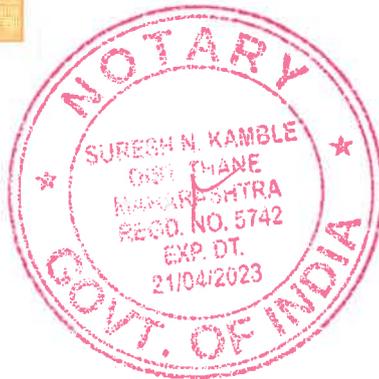


**BEFORE ME**

*Sure*  
21/4/2023

**SURESH N. KAMBLE**  
ADVOCATE & NOTARY  
(Govt. Of India)

Register S. no. 326/2023



**12 APR 2023**



# MAHARASHTRA POLLUTION CONTROL BOARD

## Sub-REGIONAL OFFICE - RAIGAD-I

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Raigad Bhavan, 6th Floor,  
Sec-11, C.B.D. Belapur, Navi  
Mumbai 400 614.

"Your Service is our Duty"

No. MPCB/SRO-R-I/TB-230321-F15-0156

Date: 21/03/2023

To,  
The Commissioner,  
Panvel Municipal Corporation,  
Swami Nityanand Rd, Tal, opp. GOKHALE Marriage Hall,  
Tal.-Panvel, Dist.-Raigad, Pin-410206.

**Sub: -** Protocol for assessing proposals of Development Projects in buffer zone of closed TSDF.

- Ref: -**
1. CPCB Published Criteria for Hazardous Waste Landfills Feb. 2001.
  2. Notification issued by MIDC vide 405 of 2001 dtd. 10.09.2001.
  3. Protocol for assessing proposals of Development Projects in buffer zone of closed TSDF issued by CPCB in Aug. 2021.

Sir,

Central Pollution Control Board (CPCB) has published the Criteria for Hazardous Waste Landfills in India on Feb. 2001, wherein they have briefly given the applicability, location criteria, site selection, planning and design criteria, waste acceptance criteria, landfill liner criteria and cover criteria, construction and operational criteria, inspection-monitoring and record keeping criteria, post closure criteria, financial assurance criteria and contingency plan for emergencies for setting up the Common Hazardous Waste Treatment, Storage and Disposal facility (CHWTSDF).

As per the aforesaid notification, CPCB has clearly given the guidelines for the HW Landfills shall not be located within a certain distance of the lakes, ponds, rivers, wetlands, flood plains, highways, habitation, critical habitat area, water supply wells, Airports, coastal zone, etc. Also, as per the said criteria the Habitation is "at-least 500 m from a notified habitated area". A zone of 500 m around a landfill boundary should be declared a no-development buffer zone after the landfill location is finalized.

Thereafter, Maharashtra Industrial Development Corporation (MIDC) has issued Notification under Section 8 of the Hazardous Waste (Management and Handling) Rules, 1989 and amended thereof, for Survey No. 61 (p) & S. No. 68 to 74 and S. No. 77 and 85 of Chal Village in Tal:- Panvel, Dist:- Raigad for setting up the Common Hazardous Waste Treatment, Storage and Disposal facility (CHWTSDF) vide 10.09.2001.

Now, Central Pollution Control Board (CPCB) has published Protocol for assessing proposals of Development Projects in buffer zone of closed TSDF issued on Aug. 2021.

The copy of Protocol for assessing proposals of Development Projects in buffer zone of closed TSDF issued by CPCB in Aug. 2021 is enclosed herewith for your ready reference and further needful, please.

D.A.:- As above.

  
21/03/2023  
(V.V. Killedar)

Sub-Regional Officer, Raigad-I



**Copy for favor of information to:-**

1. The Commissioner, Panvel Municipal Corporation, Panvel, Raigad.
2. The Joint Director (APC), MPC Board Sion, Mumbai.
3. The Regional Officer, Navi Mumbai, Raigad Bhavan, Navi-Mumbai.
4. The Regional Officer, Raigad, Raigad Bhavan, Navi-Mumbai.

## MAHARASHTRA POLLUTION CONTROL BOARD

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Website: [www.mpcb.gov.in](http://www.mpcb.gov.in)  
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Kalpataru Point, 2<sup>nd</sup> - 4<sup>th</sup> Floor  
Opp. Cine Planet Cinema,  
Near Sion Circle, Sion (E)  
Mumbai-400 022.

No. MPCB/RO(BMW)/Circular/2022/B-230327FTS0123 Date : 27.03.2023

To,  
All Commissioner, Municipal Corporations,  
All Chief Officer, Municipal Council,  
All District Magistrate,  
Chief Executive Officer, MIDC.

**Sub: Protocol for assessing proposal of Development Projects in buffer Zone of Closed TSDF.**

**Ref: 1) CPCB Published Criteria for Hazardous Waste Landfill Feb-2001.  
2) Protocol for assessing proposal of Development Projects in buffer zone of Closed TSDF issued in Aug-2021.  
3) CPCB Letter dtd. 07/09/2021.**

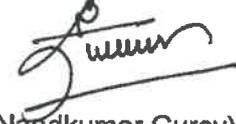
Sir,

Central Pollution Control Board (CPCB) has published the Criteria for Hazardous Waste Landfills in India on Feb. 2001, wherein they have briefly given the applicability, location criteria, site selection, planning and design criteria, waste acceptance criteria, landfill liner criteria and cover criteria, construction and operational criteria, inspection-monitoring and record keeping criteria, post closure criteria, financial assurance criteria and contingency plan for emergencies for setting up the **Common Hazardous Waste Treatment, Storage and Disposal facility (CHWTSDF)**.

Now, Central Pollution Control Board (CPCB) has published Protocol for assessing proposals of Development Projects in buffer zone of closed TSDF issued in Aug. 2021. This protocol presented as per Precautionary Principle of Environment Law that advocates safeguards to be adopted in anticipation of damage even in absence of a scientific study.

Copy of Guidelines for Protocol for assessing proposal of Development Projects in buffer zone of Closed TSDF is available on CPCB website at <https://cpceb.nic.in/technical-guidelines/>. for your ready refence.

In view of above, all Local Authorities/ Planning Authorities are requested to adhere to the said guidelines for ensuring the protection of Environment and safeguarding the public health while considering the grant of permission to the development projects in the buffer Zone of Closed TSDF.



(Nandkumar Gurav)  
RO(BMW), MPCB

Copy submitted for favour of information to:

1. The Hon'ble Principal Secretary, UD-2, Govt. of Maharashtra.
2. The Hon'ble Principal Secretary, Dept. of Env. & CC, Govt. of Maharashtra.
3. The Hon'ble Chairman, M.P.C. Board, Mumbai.
4. The Member Secretary, CPCB, Delhi.
5. The Member Secretary, MPCB, Mumbai.
6. The Director, Municipal Administration.

Copy to :

1. Principal Scientific Officer / Asstt. Secretary (Tech.) / Joint Director (APC) / Joint Director (WPC), M.P.C. Board, Mumbai
2. All Regional Officers/ Sub Regional Officers, M.P.C. Board- They are directed to communicate the above said letter to all concerned Agencies/ Planning Authorities in their jurisdiction.