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BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONE**BENCH AT PUNE****ORIGINAL APPLICATION NO. 85/2020(WZ)**

Suraj Pradeep Kumar Ajmera

Applicant

Versus

Ministry of Environment Forest & Ors.

Respondent(s)

ADDITIONAL AFFIDAVIT**ON BEHALF OF THE RESPONDENT NO 5.**

I, Dr P M Joshi, Regional Officer of the Maharashtra Pollution Control Board Aurangabad having my office at Paryavaran Bhavan Plot No. A-4/A MIDC Chikalhana, behind Dainik Lokpatra Jalna Road, Aurangabad filing this additional affidavit in reply on behalf of answering respondent No. 5 and reserving my right to file again additional reply if required in the matter.

1. I say and submit that the answering Respondent no. 5 in the last hearing of the matter i.e. on 03.09.2021 prayed for short accommodation to submit the file their response, as to further action taken in the light of the finding given by the Joint Committee report dated 12.03.2021.
2. I say and submit that, as per the information received from Respondent no. 3 i.e. Aurangabad Municipal Corporation daily Municipal Solid Waste received from different part of Aurangabad city is approx. 425 MT /day. For the scientific treatment and disposal 04 no's of facilities at Kanchanwadi Biogas Plant (installed capacity is 30TPD), and at Chikalhana, Padegaon (Capacity is 150 TPD of each site)

BEFORE ME

NILKANTA R. PAWADE
Notary Govt. Of India
Reg.No. 15483

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& 3rd site at Harsool (Capacity is 150 TPD) MSW Processing plant is under erection and at Naregaon is old dumping site is there but same is not in operation. Out of 04 sites 03 no's MSW Processing unit of capacity 150 TPD at Padeagaon , capacity 150 TPD Chikalhana and biomethnization plant at Kanchanwadi having capacity 30 TPD are in operation. But the processing plants at Padegaon & Chikalhana are operated for additional capacity by running plant for extra hours so as to treat the total MSW collected on each day and total area provided for Municipal Solid Waste Processing plant is 18 Acres ,3 nos of sheds also provided of total approx. 10,000sq Mtrs.

3. I say and submit that, Respondent no. 3 i.e. Aurangabad Municipal Corporation obtained MSW Authorization from Res no 5 MPCB vide Nno.BO/MSW/B-1901000012 dated 11/01/2019 which is valid up to 31/03/2023.and also obtained NOC from Site Selection Committee for (padegaon , chikalhana, Kanchanwadi & Harssol,) MSW site on 25/04/2018 A copy of said MSW Authorization dated 11/01/2019 is attached as **Annexure 'A'** .
4. I say and submit that, Since the Respondent no. 3 i.e. Aurangabad Municipal Corporation is not complying the with the conditions of Authorization under the provisions of Solid Waste Management Rules, 2016 as per Schedule II Particularly collection, segregation, stroge, transportation

BEFORE ME

NILKANTH R. PAWADE
Notary Govt. Of India
Reg.No. 15438

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2/10/2024

processing and disposal of municipal solid wastes and during visit to padegaon MSW Processing site on 22/07/2020 its observed that you have not made operational any scientific arrangements for collection & treatment of leachate generated during Processing of solid waste therefor leachate found its way outside the Processing site and flowing towards low-lying area about 1-2 Km away and found in stagnant condition which cause smell nuisance to surrounding area with ground water contamination and also regarding not maintain record in respect of daily disposal of leachate effluent collected/treated into treatment plant. There for Board has issued Show Cause Notice dated 25/06/2020 to the Respondent no. 3 i.e. Aurangabad Municipal Corporation. A copy of said Show Cause Notice dated 25/06/2020 is attached as **Annexure 'B'** .

5. I say and submit that, The Board officer visited the checking the compliance of Show Cause Notice dated 25/06/2020 given to the Respondent no. 3 i.e. Aurangabad Municipal Corporation also observed the non-compliances therefor Respondent Board has issued Proposed Direction U/S 33A of the Water (Prevention & Control of Pollution) Act 1974 and U/s 31A of the Air (Prevention & Control of Pollution) Act, 1981. A copy of said Proposed Direction dated 17/08/2020 is attached as **Annexure 'C'** .

BEFORE ME


NILKANTH R. PAWADE
Notary Govt. Of India
Reg.No. 15488


4/10/2024

6. I say and submit that, Since the Respondent no. 3 i.e. Aurangabad Municipal Corporation has not complied with the Proposed Direction dated 17/08/2020 issued by the Board therefor Respondent Board has issued Interim Direction U/S 33A of the Water (Prevention & Control of Pollution) Act 1974 and U/s 31A of the Air (Prevention & Control of Pollution) Act, 1981. A copy of said Interim Direction dated 03/11/2020 is attached as **Annexure 'D'** .
7. I say and submit that, As per the order passed by Hon,ble Tribunal dated 10/12/2020, the joint inspection has been carried out on 12/03/2012 of Respondent no. 3 i.e. Aurangabad Municipal Solid Waste processing sites at Padegaon MSW Processing Site, Harsul MSW Processing Site, Chikalthana MSW Processing Site, and one no of MSW dumping site at Naregaon site and instruction given by the joint committee member the Respondent no. 3 i.e. Aurangabad Municipal has not submitted the detail proposal for Bio-mining to MPCB and has not obtain prior Environmental Clearance from concern authority and also not submitted the time bound proposal for compliance of MSW authorization to the MPCB 7& also BG OF Rs.5 laks is not furnish by the Respondent no. 3 i.e. Aurangabad Municipal Corporation .

BEFORE ME

NILKANTH R. PAWADE
Notary Govt. Of India
Reg.No. 15488

I say and submit that, accordingly the Board has issued Directions for non-compliances of Solid Waste

Management Rules, 2016, Authorization granted under MSW Rules 2016, and also non-compliances of Show Cause Notice dated 25/06/2020, Proposed Direction dated 17/08/2020, by Board dated 11/01/2019, Interim Direction dated 03/11/2020 & for non-compliances of instruction of joint committee the Respondent Board has issued final Direction to the Respondent no. 3 i.e. Aurangabad Municipal Corporation. A copy of said Directions issued dated 01.10.2021 is attached as **Annexure 'E'**. and further necessary legal action be initiated against Respondent no. 3 i.e. Aurangabad Municipal Corporation for the above non-compliances.

Solemnly affirmed on this ^{4th} day of ^{Oct} ~~Sept~~. 2021 at Aurangabad.

For & on behalf respondent No. 5
Maharashtra Pollution Control Board

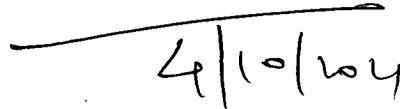


(Dr P.M. Joshi)

Regional Officer- MPCB, Aurangabad

Regional Officer
Maharashtra Pollution Control Board
AURANGABAD

Advocate



BEFORE ME


NILKANTH R. PAWADE
Notary Govt. Of India
Reg.No. 15488

VERIFICATION

I Dr P M Joshi, Regional Officer at the Maharashtra Pollution Control Board at Aurangabad having my office at Paryavaran Bhavan Plot No. A-4/A MIDC Chikalhana behind Dainik Lokpatra Jalna Road, Aurangabad on behalf of respondent No. 5 do hereby state on solemn affirmation that what is stated in this additional affidavit in reply from Para No 1 to 8 are true and correct to the best of my knowledge and record available in my office.

Hence verified on 4th day of Sept. 2021 at Aurangabad.

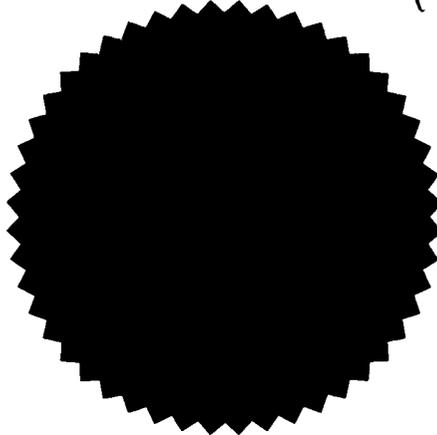
Respondent No. 5
(Dr P M Joshi)

[Signature]
Regional Officer,
Maharashtra Pollution Control Board,
Aurangabad.

~~Regional Officer
Maharashtra Pollution Control Board
Aurangabad.~~

4/9/2021

Identified and Explained by



AFFIDAVIT

Solemnly affirmed by
By shri/Smt. Dr P.M. Joshi
Age 56 yrs Service
R/O Ahmed
Tq. Ahmed Dist. Ahmed
Who Identified By
Whom he/she is Personally Known

NOTED REGISTERED
AT SR.NO. 3486 / 2021
THIS DOCUMENT CONTAINS
06 PAGES

BEFORE ME

[Signature]
NILKANTH RAMESH PAWADE
B.S., LL.B.
Advocate & Notary Govt. Of India
Area- AURANGABAD DIST.
Mob.No. 8275513614
Reg.no. 15484

6
04 OCT 2021

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 4010437/4020781
/4037124/4035273
Fax : 24044532/4024068 /4023516
Email : rohq@mpcb.gov.in



Kalpataru Point, 3rd & 4th floor,
Sion- Matunga Scheme Road No. 8,
Opp. Cine Planet Cinema, Near Sion Circle,
Sion (E),
Mumbai - 400 022

No: BO/MSWA/B-1901000012

Date: 11/01/2019

FORM - II
[See - Rule 16 (1)]

To,
The Municipal Commissioner,
Aurangabad Municipal Corporation
Gut No. 5 & 14 (Reservation no. B 19),
Mauje Harsool, Aurangabad.

Sub: Authorization under Solid Waste Management Rules, 2016.

Ref: Your online application for grant of authorization.

The Maharashtra Pollution Control Board after examining the proposal hereby authorizes The Commissioner, having administrative office at Aurangabad Municipal Corporation, Solid Waste Management Department, 3rd floor, Administrative Building, Town Hall, Aurangabad to set up and operate waste processing/ treatment/disposal facility at Gut No. 231 (Reservation no. A10), Chikalthana, Aurangabad, Gut No. 66, 67, (Reservation no: A 41), Slaughter house extension, Padegaon, Aurangabad and Gut No. 5 & 14, (Reservation no. B 19), Mauje Harsool, Aurangabad (Total 3 Sites) on the terms and conditions (including the standards to be complied with) attached to this authorization.

1. The authorization is hereby granted to operate the facility for processing, recycling, treatment and disposal of solid waste
2. The validity of the authorization is till 31/12/2023 after the validity, renewal of authorizations is to be sought.
3. The authorization is subject to the terms and conditions stated below and such conditions as may be otherwise specified in these rules and the standards laid down in Schedules I and II under these rules
4. The Maharashtra Pollution Control Board may at any time revoke any of the condition applicable under the authorization and shall communicate the same in writing.
5. Any violation of provisions of Solid Waste Management Rules, 2016 attracts the penal provisions of the Environment (Protection) Act, 1986 (29 of 1986).
6. This authorization is granted without prejudice or being prejudice of the order passed/ to be passed by Hon'ble High Court/NGT.
7. The Corporation shall strictly follow the EIA Notification, 2006.
8. The operator of the facility shall design and set up the facility as per the technical guidelines issued by the Central Pollution Control Board in this regard from time to time and the manual on solid waste management prepared by the Ministry of Urban Development
9. The operator of the facility shall be responsible for the safe and environmentally sound operations of the solid waste processing and or treatment facilities as per the guidelines issued by the Central Pollution Control Board from time to time and the Manual on Municipal Solid Waste Management published by the Ministry of Urban Development and updated from time to time.
10. This is issued with the approval of Consent Committee of the Board in its meeting held on 18/12/2018.

(E. Ravediran, IAS)
Member Secretary

: 2 :

Copy f. w. cs-

The District Collector, Aurangabad - He is requested to take review the performance of local bodies at least once in a quarter on waste segregation, processing, treatment and disposal and take corrective measures in consultation with the Commissioner or director of Municipal Administration or Director of local bodies and secretary-in-charge of the State Urban Development

Copy to:

- 1) Regional Officer, MPCB, Aurangabad / Sub-Regional Officer, MPCB, Aurangabad - For necessary action and follow up.
- 2) Master File.

: 3 :

ANNEXURE -I

Terms & Conditions to Operate Municipal Solid Waste Processing/ Waste Disposal Facilities and sanitary landfill site at following locations by **The Municipal Commissioner, Aurangabad Municipal Corporation, 3rd floor, Administrative Building, Town Hall, Aurangabad** as mention below.

1. 450 MT/ Day of Municipal Solid Waste generated shall be processed and disposed as below:

Sr. No	Operating Agency	Location of waste processing site	Municipal Waste	Method of Treatment
1.	Aurangabad Municipal Corporation	Gut No. 231 (Reservation no. A10), Chikalthana, Aurangabad	150 MT/day	Presorting system, windrow composting, compost pad, windrow turning, curing, compost refining
2.	Aurangabad Municipal Corporation	Gut No. 66, 67, (Reservation no. A 41), Slaughter house extension, Padegaon, Aurangabad	150 MT/day	Presorting system, windrow composting, compost pad, windrow turning, curing, compost refining
3.	Aurangabad Municipal Corporation	Gut No. 5 & 14, (Reservation no. B 19), Mauje Harsool, Aurangabad	150 MT/day	Presorting system, windrow composting, compost pad, windrow turning, curing, compost refining

- I. Segregated waste like Metallic paper, plastic etc. shall be Disposed through rag pickers by sale for recycle.
- II. The non-biodegradable inert waste, residues of waste processing facilities as well as pre-processing rejects from waste processing facilities shall be disposed off at authorised landfill site only.

Note :

- 1] The odour nuisance from the site can be controlled by periodic spraying of microbial culture or any suitable method.

1. The municipal authority shall comply with these rules as per the implementation Schedule laid down in Schedule I as per Solid Waste Management Rules, 2016.
2. The corporation shall submit its annual report in Form-IV to Maharashtra Pollution Control Board and the Secretary-in-Charge of the Department of Urban Development of the concerned State or Union Territory in case of metropolitan city and to the Director of Municipal Administration or Commissioner of Municipal Administration or Officer in -Charge of Urban local bodies in the state in case of all other local bodies of state on or before the 30th day of June every year.
3. When an accident occurs of any municipal solid wastes collection, segregation, storage, processing, treatment and disposal facility or landfill site or during the transportation of such wastes, the municipal authorities shall forthwith report the accident in Form-VI to the Secretary In charge of the Urban Development Department in metropolitan cities and to the District Collector in all other cases.
4. The inert created during handling and processing of MSW shall be properly land filled at authorized site.

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5. The municipal authority will have to abide by the provisions of Solid Waste Management Rules, 2016.
6. Tipper and Dumper shall be avoided. Closed body bins can be used or compactor shall be used for MSW collections.
7. Raw waste material shall not be dumped/stored temporary at this site.
8. All recyclable material shall be segregated at source and before receiving at disposal site.
9. All mitigation measures like odour, smoke, fire, dust, nuisance etc. shall be taken by the corporation.
10. Environment Management Plan and Disaster Management Plan shall be prepared and implemented by the corporation.
11. Corporation shall submit the time bound program for implementation of processing facility within 15 days.
12. Corporation shall submit Bank Guarantee of Rs. 5 lacs towards compliance of authorization conditions to the Board within 15 days period from issuance of this authorization, which will be valid for a period of five year.
13. Corporation shall implement the timely action plan for site selection, acquisition of land, treatment and processing of solid waste as per the Minutes of the Order dtd.2/4/2013 passed by Hon'ble High Court, Mumbai against the writ petition No.1740/1998.
14. Corporation has already obtained NOC from District Site Selection Committee on Dtd. 25/04/2018.
15. The operator of the facility shall design and set up the facility as per the technical guidelines issued by the Central Pollution Control Board in this regard from time to time and the manual on solid waste management prepared by the Ministry of Urban Development.
16. The operator of the facility shall be responsible for the safe and environmentally sound operations of the solid waste processing and or treatment facilities as per the guidelines issued by the Central Pollution Control Board from time to time and the Manual on Municipal Solid Waste Management published by the Ministry of Urban Development and updated from time to time.

: 5 :

19. This authorization is granted without prejudice or being prejudice of the order passed/ to be passed by Hon'ble High Court/NGT.
20. Corporation shall apply online for MSW authorization to set up and operate Landfill site at Gut. No. 66-67 Reservation No. A-41, Padegaon, Aurangabad.
21. This is issued pursuant to the decision circulation minutes of Consent Committee dtd. 17.12.2018 & 18/12/2018.

(E. Ravendran, IAS)
Member Secretary

Tel.No. (0240) 2473462
Fax No. (0240) 2473461



Regional Office, Paryavaran Bhavan,
A-4/1, MIDC Area, Chikalthana,
Behind Daynik Lokpatra, Near Seth
Nandlal Dhole Hospital, Jalsa Road,
Aurangabad-431 210.

imnerv B.

By FAX/RPAD / HAND DELIVERY:
MPCB/ROA/SCN/ /2018
2506265003

Date :- 25/06/2020

To,
The Assistant Commissioner,
(Municipal Solid Waste Management),
Aurangabad Municipal Corporation,
Aurangabad.

Sub :- Show Cause Notice.

- Ref:- 1) Solid Waste Management Rules, 2016 and amendment thereof.
2) Orders passed by the Hon'ble Supreme Court and the Hon'ble High Court, Aurangabad in various Writ Petitions and Public Interest Litigations.
3) Authorization granted under MSW Rules by the Board.
4) Complaint received from residents of Gloriya City, Bhavsingpura vide e-mail 18.06.2020.
5) Visit of Board Officers to MSW processing site on 22.06.2020.

WHEREAS, it is obligatory on the part to comply with the conditions of the Authorization under the provisions of Solid Waste Management Rules, 2016 granted by the Maharashtra Pollution Control Board for the municipal solid waste processing unit.

AND WHEREAS, it is also obligatory on your part to comply with the provisions of Schedule-II of the said Rules, particularly collection segregation, storage, transportation, processing and disposal of municipal solid wastes.

AND WHEREAS, the Hon'ble Supreme Court and the Hon'ble High Court, Aurangabad have passed orders in various Writ Petitions and Public Interest Litigations wherein the Corporation authorities have been directed to comply with the MSW Rules, 2016 scrupulously.

AND WHEREAS, the Sub-Regional Officer of the Board at Aurangabad visited Padegaon MSW processing site of Aurangabad Municipal Corporation on 22.06.2020 for the investigation of complaint received vide Ref No 4 above and reported that the Corporation is generating about 450 MT/day of municipal solid waste from Aurangabad city and about 140 to 160 MT/day of MSW is being received at your Padegaon Processing unit for the treatment & further disposal as authorization conditions. However, during visit it is observed that you have not made operational any scientific arrangements for collection & treatment of leachate generated during processing of solid waste thereby leachate found its way outside the processing

site and flowing towards low-lying area about 1-2 Km away & found in stagnant condition which causes smell nuisance to surrounding area with ground water contamination. Also the record regarding daily disposal of leachate effluent collected/treated into sewage treatment plant not maintained at the site.

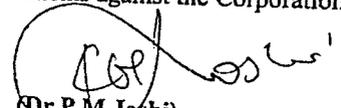
AND WHEREAS, it is also noticed that heaps of huge old mixed municipal solid waste behind the 3 sheds on open area which is highly objectionable.

AND WHEREAS, you have been already instructed by this office vide letter dated 25.07.2019 to take necessary steps towards the noncompliance in context to earlier complaint received from same residents even though you have not taken any corrective steps.

AND WHEREAS, the Board is receiving various complaints regarding smell nuisance, underground contamination, dumping of untreated MSW, etc. against Aurangabad Municipal Corporation.

Thus, you are not serious about the pollution control and contravening the provisions of various enactments and also damaging the surrounding environment knowingly and willfully.

AND NOW, THEREFORE, you are hereby called upon to Show Cause as to why necessary legal action shall not be initiated against the Corporation authorities for the above lacunas. Your reply, if any shall reach this office within a period of seven days from the date or receipt of this notice, failing which, the Board will have no any other option than to initiate necessary legal action under the provisions of the above said enactments against the Corporation authorities, which may please be noted.


(Dr P M Joshi)
Regional Officer-Aurangabad.

Copy submitted to :-

1. The Joint Director (APC), MPCB, Mumbai.
2. The Regional Officer (HQ), MPCB, Mumbai.
3. The Sr. Law Officer, MPCB, Mumbai.

Copy to Sub-Regional Officer, MPCB, Aurangabad for information and necessary follow-up.
Copy to Master File, MPCB, Aurangabad.

O.A 85/2021

ARJUNE, C.

MAHARASHTRA POLLUTION CONTROL BOARD

Tel.No. (0240) 2473462

Fax No. (0240) 2473461



Regional Office,
Paryavaran Bhavan,
A-4/1, MIDC Area, Chikalthana,
Behid Daynik Lokpatra, Near Seth
Nandlal Dhoot Hospital, Jalna Road,
Aurangabad-431 210.

By FAX/R.P.A.D./HAND DELIVERY:

No. MPCB/ROA/PD/ /2020
2008170001

Date:- 17/08/2020

To,
M/s. Aurangabad Municipal Corporation.,
Post Box No 125, Town Hall,
Aurangabad.

Sub :- Proposed Directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31A of the Air (Prevention & Control of Pollution) Act, 1981.

- Ref:-
- 1) Solid Waste Management Rules, 2016 and amendment thereof.
 - 2) Orders passed by the Hon'ble Supreme Court and the Hon'ble High Court, Aurangabad in various Writ Petitions and Public Interest Litigations.
 - 3) Authorization granted under MSW Rules by the Board.
 - 4) Complaint received from residents of Gloriya City, Bhavsingpura vide e-mail 18.06.2020.
 - 5) Visit of Board Officers to MSW processing site on 22.06.2020.
 - 6) Show Cause Notice issued by the Board dt-25.06.2020.
 - 7) Visit of Board Officers to MSW processing site on 20.07.2020
 - 8) Proposal received through the legal module dt-24.07.2020.

WHEREAS, it is obligatory on the part to comply with the conditions of the Authorization under the provisions of Solid Waste Management Rules, 2016 granted by the Maharashtra Pollution Control Board for the municipal solid waste processing unit.

AND WHEREAS, it is also obligatory on your part to comply with the provisions of Schedule-II of the said Rules, particularly collection segregation, storage, transportation, processing and disposal of municipal solid wastes.

AND WHEREAS, the Hon'ble Supreme Court and the Hon'ble High Court, Aurangabad have passed orders in various Writ Petitions and Public Interest Litigations wherein the Corporation authorities have been directed to comply with the MSW Rules, 2016 scrupulously.

AND WHEREAS, the Board office vide reference above No (6) issued you the Show Cause Notice as per the report submitted by the Sub Regional officer of the Board at Aurangabad in spite that there is no any respond from your end to comply with the noncompliance mentioned in the said notice.

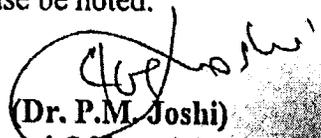
AND WHEREAS, officials of Board at Sub Regional Office at Aurangabad again visited Padegaon MSW processing site of Aurangabad Municipal Corporation on 20.07.2020 for the checking the compliance of show Cause Notice issued & during visit following non complinaces observed-

1. You have not made operational any scientific arrangements for collection & treatment of leachate generated during processing of solid waste thereby leachate found its way outside the processing site and flowing towards low-lying area & found in stagnant condition which causes smell nuisance to surrounding area with ground water contamination.
2. It is noticed that heaps of huge old mixed municipal solid waste found stored in unscientific manner behind the 2 sheds on open area which is highly objectionable.
3. The record regarding regular disposal of leachate to the STP Padegaon not maintained at site.

AND WHEREAS, the Board is receiving various complaints regarding smell nuisance, underground contamination, dumping of untreated MSW, etc. against Aurangabad Municipal Corporation.

AND WHEREAS, from the record of this office and the observations made during the visit, I came to the conclusion that you are not complying with the Consent conditions and the provisions of Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 thereby causing grave injury to the environment.

NOW THEREFORE, in exercise of the powers conferred upon me under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981, I, Dr. Pravin M. Joshi, Regional Officer of the Board at Aurangabad direct you to submit your reply/corrective action plan towards the compliance of above related points/non-compliances alongwith all necessary documents alongwith photographs within a period of fifteen days from the date of receipt of these directions, failing which further necessary action as deem fit in your case as per the provisions of various environmental enactments will be initiated against you, which may please be noted.


(Dr. P.M. Joshi)
Regional Officer-Aurangabad.

Copy submitted to :-

1. The Joint Director (APC), MPCB, Mumbai.
2. The Law Officer (P & L Div), MPCB, Mumbai.

Copy for information and necessary follow-up action to :

1. The Sub-Regional Officer, MPCB, Aurangabad for information and to report the compliance accordingly.

REDMI NOTE 5 PRO
MIDUAL CAMERA

MAHARASHTRA POLLUTION CONTROL BOARD

Tel.No. (0240) 2473462
Fax No. (0240) 2473461



Regional Office, ParyavaranBhavan,
A-4/1, MIDC Area, Chikalhana,
Behind DaynikLokpatra, Near Seth
NandlalDhootHospital, Jalna Road,
Aurangabad-431 210.

By R.P.A.D./FAX/HAND DELIVERY:

No. MPCB/ROA/ID/ /2020
201103-FIS-0128

Date :- 03/11/2020

To,
M/s. Aurangabad Municipal Corporation,
Post Box No 125, Town Hall,
Aurangabad.

Sub:- Interim Directions under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981.

- Ref.:-
- 1) Proposed Directions issued by this office vide letter No. MPCB/ROA/PD/2008170001/2020 dated 17/08/2020.
 - 2) Proposal received through legal module from SRO Aurangabad.
 - 3) Personal Hearing Extended to AMC officials on 27.10.2020.
 - 4) Approval received from HQ through legal module on 31.10.2020

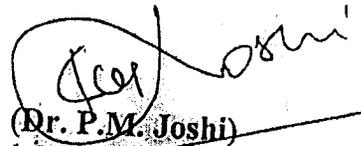
This refers to Proposed Directions and subsequent to the personal hearing extended on 27.10.2020. As agreed by your representative during the personal hearing, you are hereby directed to comply with the followings for your MSW processing site at Gat No 66, 67 Padegaon, Aurangabad.

1. You shall provide leachate collection & treatment system and make it operational within 15 days.
2. You shall not discharge any kind of leachate outside the premises in any manner.
3. You shall store the municipal solid waste with due care and not in haphazard manner to avoid the smell/dust nuisance in the surrounding area.
4. You shall maintain the record of generation & treatment of leachate generated from the site.
5. You shall lift the leachate from low lying area of processing site immediately.
6. You shall dispose/process the legacy of waste as per the directions of Hon'ble NGT in OA No 606 of 2018 / as per the guidelines of MSW Rules, 2016.
7. You shall control odor nuisance at MSW site by periodic spraying of microbial culture or nay suitable method.
8. You shall achieve the Ambient Air Quality standards by proper maintaining the site.
9. You shall scrap the kaccha lagoons which are being used presently for storage of leachate immediately.
10. You shall submit the Bank Guarantee of Rs 5 lacs as per condition of authorization granted by the Board to you within 15 days period.
11. You shall comply with MSW authorization conditions scrupulously.

12. You shall submit the Bank Guarantee of Rs 5 lacs towards compliance of above directions within 15 days period.

In case, you fail to comply with the above directions, the Board will have no any other option than to issue Closure Directions with disconnection of electricity and water supply of your unit, which may be noted.

This is issued with the due deliberation & as agreed by AMC authority and approval of authorities.



(Dr. P.M. Joshi)

Regional Officer-Aurangabad.

3/11/2020

Copy submitted to :-

1. The Joint Director (APC), MPCB, Mumbai.

Copy to :

1. The Sub-Regional Officer, MPCB, Aurangabad for information and necessary follow-up.

Copy to Master File, MPCB, Aurangabad.

Annex - E

MAHARASHTRA POLLUTION CONTROL BOARD

Tel.No. (0240) 2473462
Fax No. (0240) 2473461



Regional Office, Paryavaran Bhavan,
A-4/1, MIDC Area, Chikalthana,
Behind Daynik Lokpatra, Near Seth
Nandlal Dhoot Hospital, Jalna Road,
Aurangabad-431 210.

By FAX/RPAD / HAND DELIVERY:

MPCB/ROA/Directions/ /2021

Date :- 01/10/2021

To,
The Assistant Commissioner,
(Municipal Solid Waste Management),
Aurangabad Municipal Corporation,
Aurangabad.

Sub :- Directions under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981.

- Ref:-** 1) Solid Waste Management Rules, 2016 and amendment thereof.
2) Authorization granted under MSW Rules, 2016 by the Board.
3) Proposed Directions issued by the Board vide dtd.17.08.2020
4) Interim Directions issued by the Board on 03.11.2020.
5) The Joint Committee report dtd.12.03.2021.
6) Orders passed by the Hon'ble National Green Tribunal in O A No 85/2020 Dt-03.09.2021.
7) E-mail received by Law officer on 01.10.2021.

WHEREAS, it is obligatory on your part to comply with the conditions of the Authorization under the provisions of Solid Waste Management Rules, 2016 granted by the Maharashtra Pollution Control Board for the municipal solid waste processing unit.

AND WHEREAS, it is also obligatory on your part to comply with the provisions of Schedule-II of the said Rules, particularly collection segregation, storage, transportation, processing and disposal of municipal solid wastes.

AND WHEREAS, the Hon'ble Supreme Court and the Hon'ble High Court, Aurangabad have passed orders in various Writ Petitions and Public Interest Litigations wherein the Corporation authorities have been directed to comply with the MSW Rules, 2016 scrupulously.

AND WHEREAS, the Hon'ble National Green Tribunal passed the order in O A No 85/2020 Dt-03.09.2021 and directed Board to initiate action against you regarding noncompliance of Solid Waste Management Rules, 2016 and amendment thereof.

AND WHEREAS, the Hon'ble NGT has directed to inspect the fact with respect to application no. 85/2020 by forming the Joint Committee of District Collector, Aurangabad and MPCB Officials.

AND WHEREAS, the joint inspection has been carried out on 12.03.2021 with District Collector, Aurangabad and MPCB Officials at four no of Aurangabad Municipal's solid waste processing sites at Padegaon MSW Processing Site, Harsul MSW Processing Site, Chikalthana MSW Processing site and one no of MSW dumping site at Naregaon.

AND WHEREAS, during the visit to Padegaon MSW Processing site the Joint Committee has instructed that AMC authority shall comply with the following points-

- a. Aurangabad Municipal Corporation shall furnish BG of Rs. 5 lakhs as per the authorization granted by the Board.
- b. AMC shall provide scientific treatment for leachate collection to MSW sites.
- c. AMC shall submit pointwise compliance of the directions, Show Cause Notice issued 25.6.2020, 17.8.2020 and 3.11.2020.
- d. AMC shall maintain the record onsite related to disposal of leachate to STP Padegaon.
- e. AMC shall submit record regarding aerial distance between Padegaon MSW Processing site and Gloria City at the earliest.
- f. AMC shall spray Biosanitizer in regular time interval so as to minimize the foul smell and flies.
- g. AMC shall provide scientific air pollution control measure to coconut shredder machine (i.e. to provide hood, dust collector and stack of adequate height).
- h. AMC shall provide gloves, PPE Kit, Google and Proper Mask to the workers dealing with segregation, MSW processing area.

AND WHEREAS, during the visit to the Kanchanwadi MSW Processing site the Joint Committee has instructed that AMC authority shall comply with the following points-

- a. AMC shall provide scientific treatment for leachate collection to MSW sites.
- b. AMC shall spray Biosanitizer in regular time interval to minimize the foul smell and flies.
- c. AMC shall provide gloves, PPE Kit, Google and Proper Mask to the workers dealing with segregation, MSW processing area.

AND WHEREAS, during the visit to the Chikalthana MSW Processing site the Joint Committee has instructed that AMC authority shall comply with the following points-

- a. AMC shall maintain the record onsite related to daily disposal of leachate to STP, Zalta.
- b. AMC shall spray Biosanitizer in regular time interval to minimize the foul smell and flies.
- c. AMC shall take immediate steps to restrict the entries of stray dogs.
- d. AMC shall provide gloves, PPE Kit, Google and Proper Mask to the workers dealing with segregation, MSW processing area.
- e. AMC shall carry out transportation of Municipal Solid Waste in closed vehicles.

AND WHEREAS, during the visit to the Harsool MSW Processing site the Joint Committee has observed the following facts-

- a. AMC shall provide scientific treatment for leachate collection to MSW sites.

b. During visit construction work of Municipal Solid Waste Processing Plant (150 TPD) is found in progress and approximately 40% work found completed.

AND WHEREAS, during the visit to the Naregaon MSW dumping site the Joint Committee has instructed that AMC authority shall comply with the following points-

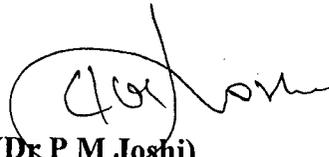
- a. AMC shall submit detail proposal for Bio mining work to Maharashtra Pollution Control Board. Obtain prior Environment Clearance from concerned authority.
- b. AMC shall Immediately start Bio mining activity, submit the target date of completion.

AND WHEREAS, the Joint Committee has submitted the report to the Hon'ble NGT on the basis of observed facts and also instructed to the AMC that AMC shall submit the detail proposal for Bio mining to MPCB and obtain prior Environmental Clearance from concern authority, the AMC shall immediately start the Bio mining activity and submit the target date of completion and submit the time bound proposal for compliance of MSW authorization.

AND WHEREAS, you have been already instructed by this office from time to time to take necessary steps towards the noncompliance Solid Waste Management Rules, 2016 and amendment thereof.

Thus, you are not serious about the pollution control and contravening the provisions of various enactments and damaging the surrounding environment knowingly and willfully.

AND NOW, THEREFORE, you are hereby called upon to why necessary legal action shall not be initiated against the Corporation authorities for the above lacunas. Your reply, if any shall reach this office within a period of seven days from the date or receipt of this notice, failing which, the Board will have no any other option than to initiate necessary legal action under the provisions of the above said enactments against the Corporation authorities, which may please be noted.


(Dr P M Joshi)

Regional Officer-Aurangabad.

Copy submitted to :-

1. The Joint Director (APC), MPCB, Mumbai.
2. The Regional Officer (HQ), MPCB, Mumbai.
3. The Sr. Law Officer, MPCB, Mumbai.

Copy to Sub-Regional Officer, MPCB, Aurangabad for information and necessary follow-up.