

HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

M.A. NO. 19 /2024 (WZ)
ORIGINAL APPLICATION NO.65/ 2015 (WZ)
(DISPOSED OF 07 September 2018) in view of the
ongoing OA No. 606/2018
(FORMERLY O.A. NO. 205/ 2024 (WZ))

Nagari Hakka Sangrsh Samiti Applicants
& Ors

VERSUS

Mira Bhayander Municipal Respondents
Corporation & Ors.

**ADDITIONAL INFORMATION AND
SUBMISSIONS
BY RESPONDENT NO. R1
"MIRA BHAYANDER
MUNICIPAL CORPORATION"**

INDEX ON NEXT PAGE

Date : **11/02/2026**

Place : **Pune**

Filed by :



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Raghunath Mahabal रघुनाथ भालचंद्र महाबळ
BE (Mechanical), ME (Industrial Management) VJTI Mumbai
Chartered Engineer, FIE, Arbitrator-IIE, LLM **ADVOCATE**

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CONTACT DETAILS

.... Applicant

- 1 Nagri Hakka Sangarsh Samiti
- 2 Dongri Chowk Gao Mandal
- 3 Tarodi Dongri Stanik Christian Residence
Sarvajanik Society
- 4 Shree Maruti Devasthan
- 5 Uttan Sunnat Jamaat
- 6 Madrasa Darul Falah Trust

- 7 Vallankini Mata Mahila Mandal
- 8 Dongri Chowk Gao Jamaat
- 9 Dharavi Bet Jana Aakrosh
- 10 Angelleandra's Ray of Hope Foundation

.... Respondents

- 1 Mira Bhayander Municipal Corporation
- 2 Maharashtra Pollution Control Board
- 3 Central Pollution Control Board (CPCB)
- 4 State of Maharashtra
- 5 Union of India - Ministry of Environment
Forest & Climate Change
- 6 District Collector Thane

ABBREVIATIONS

Short form	Full Form
CMSWMF	Common Municipal Solid Waste Management Facility
CV	Calorific Value
EC	Environmental Clearance
MBMC	Mira Bhayander Municipal Corporation
MPCB	Maharashtra Pollution Control Board
MSW	Municipal Solid Waste
MT	Metric Ton = 1000 kg
NGT	National Green Tribunal
NIMB	Not In My Backyard
OA	Original Application
OM	Office Memorandum
RDF	Refuge Derived Fuel
WZ	Western Zone

**MOST RESPECTFULLY
SUBMITTED**

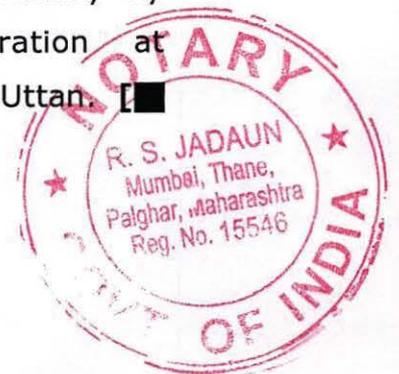
1. The Respondent No.1 – Mira Bhayander Municipal Corporation (MBMC) states that the earlier hearing was on 20/01/2026. Based on the submissions and deliberations, the Hon'ble Tribunal raised few queries in daily Order Point No. 2 & 7 that are required to be responded.

**WE HAVE TO RESPOND TO FOLLOWING
POINTS
(NGT DO 20/01/2026):**

- i. Solid Waste Treatment Plant being run by the Respondent No.1 at Village Pali, Uttan needs to be closed down;
- ii. The said plant needs to be shifted to some other suitable site;
- iii. Solid Waste should be directed to stop at the site in question any further;
- iv. After shifting of the site, capping of the site in question be done within the period of one year.

ANSWERS:

- i. **PLANT AT UTTAN & PALI TO BE CLOSED:** This site allotment, basic studies, preparation, is started from the year 2002 as per Municipal Solid Waste (Management and Handling) Rules 2000. The MPCB granted the authorization on 27/08/2004 for to Set Up and Operate Municipal Solid Waste Processing/Waste Disposal Facility by the Mira-Bhayander Municipal Corporation at S.No.65, Mouje Pali and S.No.25 Mouje Uttan. [■]



Ex. C]. The site is in existence and operative from this date in accordance with terms and conditions of the Authorization.

The Respondent submits that out of total allotted land i.e. 31.02 Hectare at S.No.65, Mouje Pali and S.No.25 Mouje Uttan, the Respondent Corporation is using only certain portion of land for running MSW processing projects, approximately an area of 7 hectare (70787.0 sq.m) land is still open and not being used by the Respondent Corporation. As such the Respondent submits that there is no need or question of shifting from this existing site.

- ii. **SHIFTING OF MSW PLANT FROM EXISTING LOCATION AT UTTAN AND PALI:** There is no question of shifting to any other location. Under pressure and harassment at existing location, MBMC even then tried to locate a new place at village Sakwar, Vasai despite the location being 40 kms beyond from the Corporation limits which was causing escalation in commuting costs. But even at that place there is resistance from nearby residents. Everyone wants the Corporation to collect and treat MSW, but with attitude **Not In My Backyard** (NIMB).
- iii. **SOLID WASTE TO STOPPED AT THIS PLACE:** The daily MSW will to be collected and processed on daily basis. It can't be stopped as it would be disastrous to the environment.
- iv. **CAPPING OF SITE:** The Respondent states that there is no need to shift the site now. As per MSW Rules, the site is required to be operative and



of capacity to handle the waste for 5 to 25 years. Considering the open space available, there is no need of shifting to any other site in the near future. The capping of the site will be done as per the Rules once the space is exhausted.

DIFFERENCE IN CAPACITY OF MSW GENERATED AND TREATED?

2. The Respondent states that each day waste of 500 MT (average) is generated which needs to be processed. Out of this waste, recyclables such as paper, rubber, plastic, metal, glass, wood, is sold to the scarp dealers or vendors. The organic and remaining waste is processed in scientific manner i.e. through Windrows Composting Mechanizm to the tune of 300 MT/day. The RDF produced is about 150 MT/day. Even the dead animals are burnt and disposed of by cremation in dedicated crematorium developed by the Corporation. The remaining waste is inert in nature and is of the nature of debris. This is safely used for filling and levelling the land within the plant site. This leftover inert waste has no potency to damage the environment. This is broad division and any gap is made-up with by increased processing capacity.

SC ORDER DATED 20/09/2019 MENTIONED IN THE LAST AFFIDAVIT.

3. Enclosed SC Orders dated 16/08/2019 and 20/09/2019. [■ Ex. A].

4. Further, the Hon'ble NGT OA 65/2015 (WZ) was disposed off by final order on 07/09/2018. The extracted portion, from the disposal order is:

A full Bench of NGT has, after detailed discussion and deliberations with all the State Pollution Control Boards in the country, concerning Authorities of the States, and experts on the subject, passed a detailed order/directions in O.A. No. 606 of 2018 on 20-08-2018. In the said order various authorities have been directed and supervising Committees at District level, State Level and National Level has been constituted to work within a time schedule. In such circumstances, we grant liberty to the applicant to proceed in accordance to the aforesaid order and approach the concerning authority for expeditious redressal of his grievances. Accordingly, the Original Application No.65 of 2015 stands disposed of, with no order as to cost.

5. Applicants did not obey the directions in this order of this very Hon'ble Tribunal for approaching the concerning authority for any grievances. Instead, filed Original Application under again, without there being any fresh cause of action.

6. The Respondent states that the prayers in the earlier OA 65/2015 were exhaustive and were same as made in the present M.A., amounting to simply re-agitating the same issue without valid fresh cause of action. The prayers in OA 65/2015 and this MA 19/2024 are given in enclosed Table. [■ Ex. D].

These prayers were considered by the very same Hon'ble NGT WZ Pune Bench and then were issued the directions



to the very same Applicant. Therefore, this MA is barred by Res-judicata also. Further this MA is disrespect and dishonor of the earlier directions of this Bench.

WHETHER RESPONDENT NO.1 NEEDS EC OR NOT?

7. The Respondent states that the requirement of EC is rebutted on following grounds.

A. The site was in existence and operative from the year 2004 which is prior to EIA Notification 14/09/2006. As the site was made operative from the year 2004, it is much beyond period of limitation of 5 years. As such the site can't be disputed now on this ground. This contention now is barred by limitation in this present M.A., when it was not sustained even in OA 65/2015, is unsustainable. [■ **Ex. C**].

B. The MoEF&CC Office Memorandum (OM) dated 07/11/2017 was shared across the bar. The same is now enclosed formally. [■ **Ax. B**]. This OM has clarified at Point No.3, that:

*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.

As such it is clear that all other activities 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*, does not need EC.

Further, in this project, there is no standalone landfill site. As such, as per the OM no EC would be required.

- C. The further portion of subsequent landfill site (not a standalone site) is not yet commissioned. The work of the proposed landfill site is under process and is yet to be completed. This landfill site can also accommodate the mixed sanitary waste after treatment.

The Respondent states that considering all these above facts, in light of the grounds from A to C, the EC is not required for the pre-2006, existing ongoing CMSWMF.

8. It can be seen from the Google Map that the entire MSW plant is inside a covered shed. It is not open to sky. As such there is little possibility of any exposure to rain. However, even then if there is any spillage or run off liquid or effluent from this site, the same is treated in the RO Plant.



QUANTITY OF LEGACY WASTE REMAINING AND WHEN ALL WILL BE TREATED AND LAND WILL BE RECLAIMED.

9. The legacy waste treatment is under progress. Out of total legacy waste of 10,41,630 MT, the quantity of 2,11,629 MT has been processed so far till 12/06/2025. The work was stopped during the rainy season. Now the contract has been awarded to 3 nos. of vendors and about 50,000 MT has been further processed. The balance work will be completed within next 18 month.

10. The Respondent states that to speed up the work, the orders have been now placed on three vendors. The total work as per the order is to be completed within 18 months from now.

LEACHATE, LANDFILL SITE AND LANDFILL SITE REJECTS (INERTS / DEBRIS).

11. The Respondent states that during the MSW Processing, all organic waste is segregated and composted in scientific method through windrows composting mechanism.

12. The one that has calorific value (CV) >2500 kCal/kg is converted to RDF. It is generally packaging, wood scrap, corrugated and paperboards, combustible materials, etc.

13. All recyclables such as paper, glass, metal, rubber, plastic, wood, containers, are recovered and sold to the recyclers and vendors.

VERIFICATION AND AFFIDAVIT

I, Nitin Raghunath Mukane, state that I have verified the facts stated above in para from 1 to 16. They are true and correct.

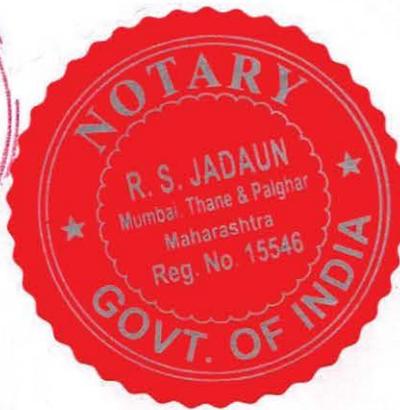
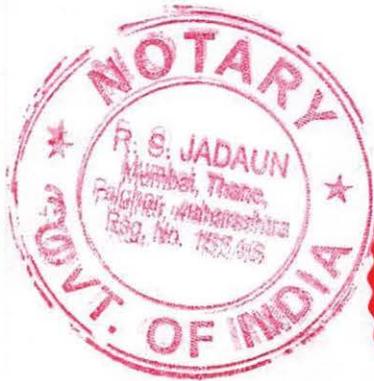
I have not suppressed any relevant facts or material.

I am submitting this affidavit on solemn affirmation and oath.

Date : **11/02/2026**
Place : **Pune**


Nitin Raghunath Mukane
DEPONENT

Executive Engineer
Mira-Bhayander Municipal Corporation

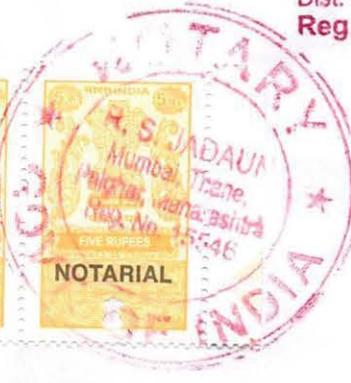


BEFORE ME


R. S. JADAUN

Advocate & Notary Govt. of India
G-1, B-Wing, Shri Gajanan Prashana C.H.S.,
Opp. Police Station, Bhayander (W),
Dist. Thane-401101. Mobile: 9076149537
Reg. No. *05* Serial No. *258/26*





499
BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
MEMORANDUM OF APPLICATION
(Under Section 18(1) read with Section 14 and 15 of the
National Green Tribunal Act 2010)

M.A. NO. 19/2024
IN
O.A. NO. 65 OF 2015

Nagri Hakka Sangharsh Samiti & ors. ...Applicant

V/s.

Mira Bhayandar Municipal Corporation
& ors. ...Respondents

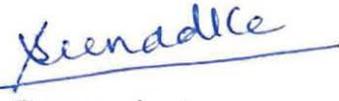
We the abovenamed Respondent Mira-Bhayander Municipal Corporation through Law Officer do hereby appoint and authorise Shri. Raghunath Mahabal alongwith Narayan Bubna Advocate High Court, to appear, plead and to act for me/us in the above matter, and to settle or to compound the matter, to apply for an adjournment, to authorise any advocate to appear and to do all things incidental to the aforesaid purpose.

In witness where of I/We have set my/ our hand/s to this writing

Date this ----- day -----2025

Witness:

Accepted



Respondent

विधी अधिकारी
विधी विभाग
मिरा-भाईंदर महानगरपालिका.


(Narayan Bubna)
Advocate High Court
MAM/2139/1999

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO. 3701 OF 2017

MIRA BHAYANDER MUNICIPAL CORPORATION

Appellant(s)

VERSUS

NAGRI HAKKA SANGARSH SAMITI & ORS.

Respondent(s)

O R D E R

The learned senior counsel appearing for the appellant - Corporation has submitted that as the main matter itself has been decided by the Tribunal, this appeal has been rendered infructuous. The statement is placed on record.

The appeal is, accordingly, dismissed as infructuous.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[ARUN MISHRA]

.....J.
[SURYA KANT]

New Delhi;
AUGUST 16, 2019.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 3701/2017

MIRA BHAYANDER MUNICIPAL CORPORATION

Appellant(s)

VERSUS

NAGRI HAKKA SANGARSH SAMITI . & ORS.

Respondent(s)

(IA No. 51100/2017 - APPLICATION FOR BRINGING ON RECORD THE STATUS REPORT)(IA No. 99555/2017 - I/A FOR BRINGING ON RECORD LATEST PROGRESS REPORT)
(IA No. 2/2017 - STAY APPLICATION)

Date : 16-08-2019 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE SURYA KANTFor Appellant(s) Mr. Vinay Navare, Sr. Adv.
Ms. Gwen Karthika, Adv.
Ms. Abha R. Sharma, AORFor Respondent(s) Mr. Yashraj Singh Deora, AOR
Mr. Sangram Singh Bhonsle, Adv.
Mr. Siddharth Mehta, Adv.
Ms. Sonal Mashankar, Adv.
Mr. Shyam Agarwal, Adv.

Mr. Chirag Joshi, Adv.
Mr. Ghanshyam Joshi, AOR

Mr. Mukesh Verma, Adv.
Mr. Pawan Shukla, Adv.
Mr. Y. P. Dhingra, Adv.UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed
of.(JAYANT KUMAR ARORA)
COURT MASTER(JAGDISH CHANDER)
BRANCH OFFICER

(Signed order is placed on the file)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

MA.1929/2019 IN C.A. NO(S). 3701/2017

MIRA BHAYANDER MUNICIPAL CORPORATION

PETITIONER(S)

VERSUS

NAGRI HAKKA SANGARSH SAMITI & ORS.

RESPONDENT(S)

(FOR ADMISSION)

Date : 20-09-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE M.R. SHAH

By Courts Motion, AOR

For Petitioner(s) Ms. Gwen Karthika, Adv.
Ms. Abha R. Sharma, AORFor Respondent(s) Mr. Chirag Joshi, Adv.
Mr. Ghanshyam Joshi, AORMr. Yashraj Singh Deora, AOR
Mr. Sangram Singh R. Bhonsle, Adv.
Ms. Aditee V. Dongrawat, Adv.
Mr. Siddharth A. Mehta, Adv.
Ms. Samridhi S. Jain, Adv.UPON hearing the counsel the Court made the following
O R D E R

The amount lying in the FDR along with the accrued interest be released to the appellant-Corporation.

The application is, accordingly, disposed of.

(NARENDRA PRASAD)
COURT MASTER(JAGDISH CHANDER)
COURT MASTER

T.C



F. NO, 22-19/2017-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

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.

T.C



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

MAHARASHTRA POLLUTION CONTROL BOARD

505

4019437/4701/24020781

4037124/5273

FAX: 24024068

Visit us on:

<http://mpcb.mah.nic.in>

No: BO/MSWA/B-2675



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

Ax .C

Date- 27/8/04

The Municipal Commissioner,
Mira- Bhayander Municipal Corporation
Dist- Thane.

Sub : Application for grant of authorisation.

Ref : Your application for grant of authorisation received through RO,
Thane.

Sr.

Maharashtra Pollution Control Board after examining the proposal hereby grants approve to Mira- Bhayander Municipal Corporation, Dist- Thane having their administrative office at Bhayander Tal & Dist- Thane for setting up and to operate Municipal Solid Waste processing / disposal facility at S. No- 65, Mouze Pali & S. No- 25 Uttan on the terms and conditions (including the standards to be complied with) attached herewith. As per the Municipal Solid Waste (Management & Handling) Rules, 2000 facilities were supposed to be set up and commissioned before 31st December, 2003.

Any violation of provisions of Municipal Solid Waste (Management & Handling) Rules 2000, attracts the penal provisions of the Environment (Protection) Act, 1986. In view of this, you are directed to set up facilities expeditiously. Time bound programme for the same should be submitted to this office within 15 days.

Yours faithfully,

(D.B. Boraikar)

Member Secretary

A- Annexure-I

Copy f.w.cs-

The District Collector, Dist- Thane

--- Being one of the implementing authorities having overall responsibility for the enforcement of the provisions of Municipal Solid Wastes (M & H) Rules, 2000, it is obligatory on your part to see that the Municipal Solid Waste is processed & disposed off in accordance with the said Rules.

Copy to :

1. Regional Officer, MPCB, Thane for necessary action
2. Sub Regional Officer, MPCB, Thane-II, for information.

T.C

Terms & Conditions to Set Up and Operate Municipal Solid Waste Processing/ Waste Disposal Facility by The Mira- Bhayander Municipal Corporation at S. No- 65, Mouze Pali & S. No- 25 Uttan.

1. Out of 230 MT/ Day of Municipal Solid Waste generated only maximum 50 Tonnes / day of segregated Bio-degredeable part of MSW shall be brought to the site for processing and disposed as below-

- i. Composting or vermi-culture
- ii. Segregated waste like Metallic paper, plastic etc. Shall be Disposed through rag pickers by sale for recycle.
- iii. inert/ non- degradable material shall not to brought to this site for landfilling.
- iv. The separate site (at separate location) shall be developed in accordance with the rule for secured landfill for non biodegradable inert waste, residues of waste processing facilities as well as pre processing rejects from waste processing facilities.
- v. Corporation shall ensure that there will not be any seepages / leachets / run-offs from the facility and Corporation will be fully responsible for environmental damages, if any, caused due to the proposed facility.
- vi. Corporation shall ensure shall that no nuisance is caused due to propose site as well as transportation of MSW from city to the propose site.
- vii. This approval is granted for 3 years only from the date of issuance.

- Note :
- 1] Old quarries and low-lying areas within a city may be earmarked for filling only with construction waste, debris, road- waste, road dust, silt from open drains & similarly non- toxic inert material, without any prior preparation. After filling, such sites should preferably be reserved as open spaces, parks, playgrounds, exhibition- grounds or parking - lots with trees.
 - 2] The odour nuisance from the site can be controlled by periodic spraying of microbial culture or any suitable method.
 - 3] At the initial stage of collection of Municipal Solid Wastes the waste minimization and segregation shall be carried out to avoid burden on the waste processing site.

2. The municipal authority shall comply with these rules as per the implementation schedule laid down in **Schedule I** as per MSW (M &H)Rules 2000.

3. **Conditions for Landfill sites -**

- i. The landfill site shall be planned and designed with proper documentation of phased construction plan as well as closure plan.
- ii. Bio-medical waste shall be disposed off in accordance with the Bio Medical Waste (Management & Handling) Rules, 1998 and Hazardous Waste shall be management in accordance with the Hazardous Waste (Management & Handling) Rules, 1989 as ammended from time to time.
- iii. The landfill site shall be large enough to last for 20 to 25 years.
- iv. The landfill site shall be away from habitation, clusters, forest areas, water bodies, monuments, national parks, wet lands and places of important cultural, historical or religious interests.
- v. ~~A buffer zone shall be maintained around landfill site and shall be~~ incorporated in the Town Planning Department's land-use plans.

- Vi. Landfill site should be 20 Kms away from airport including airbase. Necessary approval of airport or air base authorities prior to the setting up the landfill site shall be obtained in case where the site is to be located within 20 Km of an airport or an airbase.

4. **Facilities at the site :**

- i Landfill site shall be fenced and hedged and provided with proper gate to monitor incoming vehicles or other modes of transportation.
- ii. The landfill site shall be protected to prevent entry of unauthorised persons and stray animals.
- iii. Approach and other internal roads for free movements of vehicles and other machineries shall exists at the landfill site.
- iv. The landfill site shall have wastes inspection facilities to monitor waste brought in for landfill, office facilities for record keeping and shelter for keeping equipments and machineries including pollution monitoring equipments.
- v Provisions like weigh bridge to measure quantity of waste brought at landfill Site, fire protection equipments and other facilities as may be required shall be Provided.
- vi. Utilities such as drinking water (preferably Bathing facilities for workers) and lighting arrangements for easy landfill operations when carried out in night hours shall be provided.
- vii. Safety provisions including health inspection of workers at landfill site shall be periodically made.

5. **Specifications for land filling :**

- i. Waste subjected to landfilling shall be compacted in thin layers using landfill compactors to achieve high density of the wastes. In high rainfall areas where heavy compactors cannot be used, alternative measures shall be adopted.
- ii. Wastes shall be covered immediately or at the end of each working day with minimum 10 cm of soil, inert debris or construction material till such time wastes processing facilities for composting or recycling or energy recovery are set up as per schedule-I.
- iii. Prior to commencement of monsoon season and intermediate cover of 40-65 cm thickness of soil shall be placed on the landfill with proper compaction and gardening to prevent infiltration during monsoon. Proper drainage berms shall be constructed to divert run off away from the active cell of the landfill.
- iv. After completion of landfill, the final cover shall be designed to minimise infiltration and erosion. The final cover shall meet the following specifications viz. -
 - a. The final cover shall have barrier soil layer comprising of 60 cm of clay or amended soil with permeability less than 1×10^{-7} cm/sec.

: 3 :

- b. On top of barrier soil layer, there shall be drainage layer of 15 cm.
- c. On top of the drainage layer there shall be a vegetative layer of 45 cm to support natural plant growth and to minimise erosion.

6. Pollution Prevention -

In order to prevent pollution control problems from landfill operations the following provisions shall be made, namely :-

- a) Diversion of storm water drain to minimize leachates generation and prevent pollution of surface water and also for avoiding flooding and creation of marshy conditions.
- b) Construction of non permeable lining system at the base and walls of waste disposal area. For landfill receiving residues of waste processing facilities or mixed waste or waste having contamination of hazardous materials (such as aerosols, bleaches, polishes, batteries, waste oils, paint products and pesticides) minimum liner specifications shall be composite barrier having 1.5 mm high density polyethylene (HDPE) geomembrane, or equivalent, overlying 90 cm of soil (clay or amended soil) having permeability coefficient not greater than 1×10^{-7} cm/sec.

The highest level of water table shall be at least two meter below the base of clay or amended soil barrier layer.

- c) Provisions for management of leachates collection and treatment shall be made. The treated leachates shall meet the standards specified in Schedule -IV.
- d) Prevention of run-off from landfill area entering any stream, river, lake or pond.

7. Water Quality Monitoring :-

- i. Before establishing landfill site, baseline data of ground water quality in the area shall be collected and kept in record for future reference. The ground water quality within 50 meters of the periphery of landfill site shall be periodically monitored to ensure that the ground water is not contaminated beyond acceptable limit as decided by the Ground Water Board or the State Board. Such monitoring shall be carried out to cover different seasons in a year that is, summer, monsoon and post monsoon period.
- ii. Usage of groundwater in and around landfill sites for any purposes (including drinking and irrigation) is to be considered after ensuring its quality. The following specifications for drinking water quality shall apply for monitoring purpose, namely :-

: 4 :

S. No.	Parameters	IS 10500 1991 Desirable limit (mg/l except for pH)
1	Arsenic	0.05
2	Cadmium	0.01
3	Chromium	0.05
4	Copper	0.05
5	Cynide	0.05
6	Lead	0.05
7	Mercury	0.001
8	Nickel	-
9	Nitrate as NO ₃	45
10	pH	6.5-8.5
11	Iron	0.3
12	Total hardness (as CaCO ₃)	300
13	Chlorides	250
14	Dissolved solids	500
15	Phenolic compounds (as C ₆ H ₅ O ₂)	0.001
16	Zinc	5
17	Sulphate (as SO ₄)	200

8. Ambient Air Quality Monitoring

- i. Ambient air quality at the landfill site and at the vicinity shall be monitored to meet the following specified standards, namely :-

S. No.	Parameters	Acceptable levels
1	Sulphur Dioxide	120 ug/m ³ (24 hrs)
2	Suspended Particulate Matter	500 ug/m ³ (24 hrs)
3	Methane	Not to exceed 25% of the lower explosive limit (equivalent to 650 mg/m ³)
4	Ammonia daily average (sample duration 24 hrs)	0.4 mg/m ³ (400 ug/m ³)
5	Carbon monoxide	1 hour average : 2 mg/m ³ 8 hour average : 1 mg/m ³

- ii. The ambient air quality monitoring shall be carried out by the concerned authority as per the following schedule, viz.
- Six times in a year for cities having population of more than 50 lakhs.
 - Four times in a year for cities having population between 10 & 50 lakhs.
 - Two times in a year for town or cities having population between 1 & 10 lakhs.

9. Plantation at landfill site :

A vegetative cover shall be provided over the completed site in accordance with the following specifications, viz.

: 5 :

- a. Selection of locally adopted non edible perennial plants that resistant to brought an extreme temperatures shall be allowed to grow,
- b. The plants grown be such that their roots do not penetrate more than 30 cm. This condition shall apply till the landfill site is stabilised.
- c. Selected plants shall have ability to thrive low nutrient soil with minimum nutrients addition.
- d. Plantation to be made in sufficient density to minimise soil erosion.

10. Closure of landfill site and Post-care:

- i. The Post-care of landfill site shall be conducted for atleast 15 years and long term monitoring or care plan shall consist of the following, viz.
 - a. Maintaining the integrity and effectiveness of final cover, making repairs and preventing run-on and run-off from eroding or otherwise damaging the final cover,
 - b. Monitoring leachet collection system in accordance with the requirement,
 - c. Monitoring of ground water in accordance with the requirements and maintaining ground water quality.
 - d. Maintaining and operating the landfill gas collection system to meet the Standards.
- ii. Use of landfill site after 15 years of post closure monitoring can be considered for human settiement or otherwise only after ensuring that gases and leachates analysis comply with the specified standards.

11. Standards for Composting and Treated Leachates -

- i. The waste processing or disposal facilities shall include composting, pelletisation, energy recovery or any other facility based on state- of the art technology duly approved by the Central Pollution Control Board.
- ii. In case of engagement of private agency by the municipal authority, a specific agreement between the municipal authority and the private agency shall be made particularly, for supply of solid waste and other relevant terms and conditions.
- iii. In order to prevent pollution problems from compost plant and other processing facilities, the following shall be complied with, namely :-
 - a) The incoming wastes at site shall be maintained prior to further processing. To the extent possible, the waste storage area should be covered. If such storage is done in an open area, it shall be provided with impermeable base with facility for collection of leachate and surface water run-off into lined drains leading to a leachate treatment and disposal facility;
 - b) Necessary precautions shall be taken to minimize nuisance of odour, flies, rodents, bird menace and fire hazard;

- c) Pre-process and post-process rejects shall be removed from the processing facility on regular basis and shall not be allowed to pile at the site. Recyclables shall be routed through appropriate vendors. The non-recyclables shall be sent for well designed landfill sites(s);
- d) In case of compost plant, the windrow area shall be provided with impermeable base. Such a base shall be made of concrete or compacted clay, 50 cm thick, having permeability coefficient less than 10^{-6} cm/sec. The base shall be provided with 1 to 2 percent slope and circled by lined drains for collection of leachate or surface run-off;
- e) Ambient air quality monitoring shall be regularly carried out particularly for checking odour nuisance at down wind direction on the boundary of processing plant;
- f) In case of breakdown or maintenance of plant, waste intake shall be stopped and arrangements be worked out for diversion of waste to the landfill site.

iv. In order to ensure safe application of compost, the following specification for compost quality shall be met, namely

Parameters	Concentration not to exceed * (mg/kg dry basis, except pH value and C/N ratio)
Arsenic	10
Cadmium	5
Chromium	50
Copper	300
Lead	100
Mercury	0.15
Nickel	50
Zinc	1,000
C/N ratio	20-40
pH	5.5 to 8.5

* Compost (final product) exceeding the above stated concentration limit shall not be used for food crops. However, it may be utilised for purpose other than growing food crops.

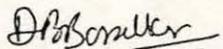
v. The disposal of treated leachates shall follow the following standards, namely

Sr. No.	Parameter	Standards (Mode of disposal)		
		Island surface water	Public sewers	Land disposal
1	Suspended solids, mg/l, max	100	600	200
2	Dissolved solids (inorganic) mg/l, max	2,100	2,100	2,100
3	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
4	Ammonical nitrogen (as N), mg/l, max	50	50	-
5	Total Kjeldahl nitrogen (as N) mg/l, max	100	-	-
6	Biochemical oxygen demand (3 days at 27 C) max, mg/l	30	350	100
7	Chemical oxygen demand, mg/l, max	250	-	-
8	Arsenic (as As), mg/l, max	0.2	0.2	0.2
9	Mercury (as Hg), mg/l, max	0.01	0.01	-
10	Lead (as pb), mg/l, max	0.1	1	-
11	cadmium (as cd), mg/l, max	2	1	-
12	Total chromium (as Cr), mg/l, max	2	2	-
13	Copper (as Cu), mg/l, max	3	3	-
14	Zinc (as zn), mg/l, max	5	15	-
15	Nickel (as Ni), mg/l, max	3	3	-
16	Cynide (as Cn), mg/l, max	0.2	2	0.2
17	Chloride (as Cl), mg/l, max	1,000	1,000	600
18	Fluoride (as F), mg/l, max	2	1.5	-
19	Phenolic Compounds (as C ₆ H ₅ OH), mg/l, max	1	5	-

Note : While discharging treated leachates into inland surface waters, quantity of leachates being discharged and the quantity of dilution water available in the receiving water body shall be given due consideration.

12. Every municipal authority shall, within the territorial area of the municipality, be responsible for the implementation of the provisions of these rules, and for the infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes.
13. All municipal solid waste generated in a city or a town, shall be managed and handled in accordance with the compliance criteria and the procedure laid down in **Schedule-II**.

14. The municipal authority shall furnish its annual report in **Form-II** , to the District Magistrate or the Deputy Commissioner with a copy to the **Maharashtra Pollution Control Board**, on or before of the 30th day of June every year.
15. 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-V** to the Secretary Incharge of the Urban Development Department in metropolitan cities and to the District Collector in all other cases.
16. The waste processing and disposal facilities to be setup by the Municipal Authority On their own or through an operator of a facility shall meet the specifications and Standards as specified in **schedule-III and IV**
17. The municipal authority will have to abide by the provisions of Municipal Solid Waste (Management & Handling) Rules, 2000.


(D B. Boralkar)
Member Secretary

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25. The Applicants seeks the following interim reliefs from this Hon'ble Tribunal Court:-

- a. Pending the hearing of the present Application and final disposal of this Application to restrain the Respondent No.1 and 2 from dumping the solid waste / garbage on the Plot bearing Survey No.25 and 65 on Uttan Pali Village.
- b. Pending the hearing and final disposal of this Application prevent any activity of dumping the solid waste on the said ground.
- c. Pending the hearing of the present Application direct the Respondent No.1 and 2 to treat all the affected citizens resulted in health hazard without any charges.
- d. Pending the hearing of the present Application direct the Respondent No.1 and 2 to make arrangement of setting up latest technology so that air pollution and foul odor emission will be totally stopped.

IT IS THEREFORE PRAYED BY THE APPLICANTS THAT THE FOLLOWING RELIEFS BE GRANTED:-

- a. To pass an order restraining Respondent No.1 and 2 from carrying out the activities of dumping solid waste / garbage / hazardous waste on the ground Survey No.25 and 65 forthwith.
- b. To pass an order restraining Respondent No.1 and 2 from constructing in future, Solid Waste Management treatment plant on the same site since it is already relocated on the other site as per the undertaking submitted in the Affidavit filed by the Respondent No.3.

T.C



- c. To pass an order and issue direction to Respondent No.1 and 2 to utilize the upto date / modern technology of Municipal Solid Waste Management as per the international standards to be used in the area of Thane District and particularly in the jurisdiction of Respondent No.1 and 2.
- d. To pass an order for analyzing soil, air, water, ground water and bio diversity in the vicinity of the affected area due to dumping of waste on the said ground by Respondent No.1 and 2 and submitting the said report forthwith or within a prescribed period not more than 2 months prior to commencing of the monsoon.
- e. To pass an order of collecting survey of the health of the people / residents of the area and to treat the resident who are affected by such air, water, soil and ground water pollution resulting into various types of diseases including skin diseases.
- f. To pass an order restoring the topography and the original topography of the hill situated on Survey No.25 and 65 as roughly observed in the photograph annexed with the Application.
- g. Pending the hearing of the present Application and final disposal of this Application to restrain the Respondent No.1 and 2 from dumping the solid waste / garbage on the Plot bearing Survey No.25 and 65 on Uttan Pali Village.
- h. Pending the hearing and final disposal of this Application prevent any activity of dumping the solid waste on the said ground.

- i. Pending the hearing of the present Application direct the Respondent No.1 and 2 to treat all the affected citizens resulted in health hazard without any charges.
- j. Pending the hearing of the present Application direct the Respondent No.1 and 2 to make arrangement of setting up latest technology so that air pollution and foul odor emission will be totally stopped.
- k. That for such other and further reliefs as this Hon'ble Court may deem fit, just and equitable in the interest of justice.

AND FOR THE SAID ACT OF KINDNESS AND JUSTICE THE PETITIONER ABOVENAMED, AS IN DUTY BOUND SHALL EVER REMAIN GRATEFUL OF YOUR HONOUR.

T.C

A handwritten signature in blue ink, appearing to be 'T.C. Srinivasan', written over a horizontal line.