

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE**

Original Application No. 26/2023(WZ)

Vanashakti & Anr

... Applicant

v/s

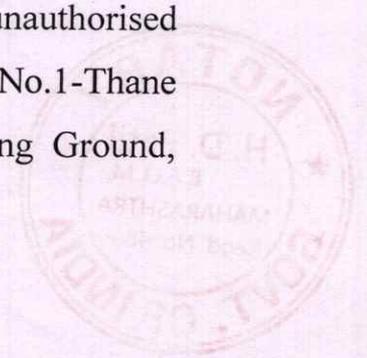
Thane Municipal Corporation & Ors.

... Respondents

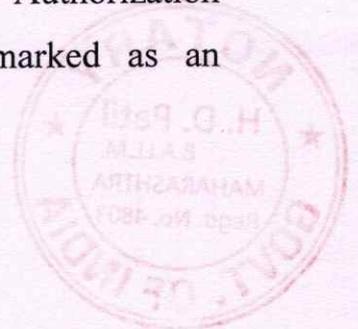
**Affidavit on behalf of the Respondent No. 05-
Maharashtra Pollution Control Board**

I, Shakil Shaikh, Age 41 years, Occupation-Service, the Sub Regional Officer Thane-I of the Maharashtra Pollution Control Board at Thane, having my office at 5th Floor, Office Complex Building, Near Mulund Check Naka, Wagle Estate, Thane-400 604, do hereby state on solemn affirmation as under:-

- (1) I have perused the papers and proceedings in the above matter. I am conversant with the facts of the case and am able to depose the same. I am filing this affidavit in compliance of the Order dated 15/03/2023 passed by this Hon'ble Tribunal.
- (2) I say and submit that the present Application is filed by the Applicant seeking closure of unscientific and unauthorised dumping ground operated by Respondent No.1-Thane Municipal Corporation (TMC) at Diva Dumping Ground, Diva Khardi Road, Tal. & Dist: Thane.



- (3) I say and submit that it is obligatory on the part of every Local Body, Operator of the Facility or any other Agency responsible for processing & disposal of solid waste, to comply with the provisions of the Solid Waste Management Rules, 2016.
- (4) I say and submit that around 1039 MT/ day Municipal Solid waste is generated from the Thane city. The Respondent Board has granted Authorization dtd.06/04/2018 to Respondent No.1-TMC, to set up and operate waste processing/ recycling/ treatment/ disposal facility (Waste to Energy Plant) at S.No. 15,16,17,18 and 19 at Diaghar, Kalyan-Shilphata Road, Thane, which was valid upto 31/3/2023. However, the said facility is not yet operational. A copy of the Authorization dtd.06/4/2018 is enclosed herewith and marked as **Annexure-‘I’**.
- (5) I say and submit that the Respondent Board has granted MSW Authorization dtd 23/3/2022 under the provisions of the Solid Waste Management Rules, 2016 to Respondent No.1-TMC, to set up and operate Solid Waste Processing/Recycling/ treatment/ disposal facility and scientific Sanitary landfill site for capacity of 615 MT/day at S. No. 104/3 to 104/21, Village Bhandarli, Dist: Thane, which is valid upto 31/1/2027. The said plant is in operation. A copy of the Authorization dtd.23/3/2022 is enclosed herewith and marked as an **Annexure-‘II’**.

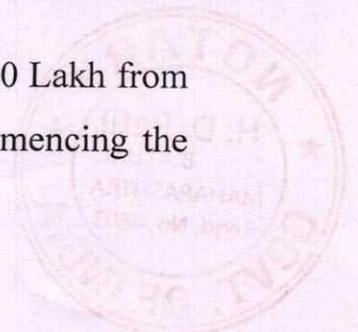


(6) I further say and submit that Respondent No.1-TMC has also applied for Authorization under the provisions of the Solid Waste Management Rules, 2016, for decentralised plants at following locations: -

- a) At Hiranandani Estate, Survey no 278/1 (Bio-Methanation plant - 5TPD x 03 no.; Bio Composting plant - 20 TPD, Organic waste composter – 5TPD x 02 No.)
- b) At Survey no 292, Near Kausa STP Plant, Kausa, Mumbra, 400605 (Organic waste composter – 5TPD x 02 No.)
- c) At Opposite Rutu Business Park, Eastern Express Highway, Panchsheel Nagar, Thane 400601 (Mechanical Composting – 5TPD x 02 No.)
- d) At Survey No 42/1/A, Village Kolshet, Thane (Bio-Methanation plant - 5TPD x 02 no.; Mechanical Composting – 5TPD x 03 No.). The said Applications are under process.

(7) I say and submit that the Respondent-Board has issued following directions to Respondent No.1-TMC vide letter dtd 07/12/2020 and 28/7/2021.

- (i) To deposit Environment compensation of Rs. 80 Lakh towards non-compliances of SWM Rules 2016, for untreated solid waste to the tune of 634 MT/day from 1/4/2020 to 30/11/2020 to comply with the Solid Waste Management Rules, 2016 time to time.
- (ii) Final Environment compensation of Rs. 80 Lakh from 1/4/2020 to 30/11/2020 towards not commencing the work of Legacy waste site remediation.



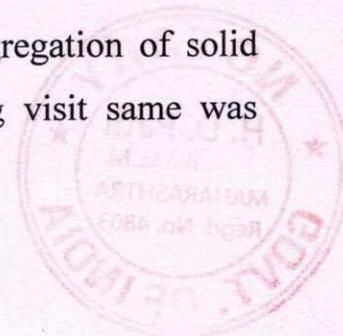
(iii) Rs. 20 Lakh per month for the non-compliance of solid waste management & Legacy waste management from December ,2020 onwards till compliance.

(8) I say and submit that Respondent-Board has also filed Criminal Case No.1095/2019 against the Thane Municipal corporation before the Chief Judicial Magistrate at Thane under Section 15 of the Environment (Protection) Act, 1986 read with provisions of the Solid Waste Management Rules, 2016, for unscientific dumping of MSW and fire burning at Diva Khardi, Thane.The said matter disposed off.

(9) I say and submit that in order to verify the complaint received through e-mail dated 3/2/2023 from the Applicant regarding fire incidence at Diva dumping ground, the Officials of the Respondent-Board at Thane have visited the said dump site along with TMC official on 22/02/2023 and observed as under:

i. During visit, the fire with heavy smoke on dumped solid waste at Diva dumping ground was observed, no fire-fighting arrangement provided at Diva municipal solid waste site. The movement of solid waste carrying dumper was not noticed at the site and the solid waste found dumped unscientifically at said site.

ii. TMC has installed Tro-Mill for segregation of solid waste of capacity 300 TPD, during visit same was observed in idle condition.



- iii. TMC representative informed that, they have stopped dumping of solid waste at Diva dumping site since 31.01.2023 and presently solid waste generated from Thane city is being sent to Bhandarli gaon dumping site.
- iv. Diva dumping site is adjacent to creek, leachate generated from dumping site goes to creek, scientific leachate collection system not provided.
- v. During visit work towards Biomining and legacy waste not observed at Diva dumping site.
- vi. TMC has not submitted any safe closure plan of the site, including action plan for avoiding/ controlling fire incidences, containment provision for leachates run-off to nearby creek, timebound plan for Biomining of legacy waste etc. to the Board.
- vii. Ambient Air Quality Monitoring carried out at said dumping site and observed that the Particulate matter PM_{10} (24-hour) was found exceeding the National Ambient Air Quality standards. A copy of the visit report dated 22/2/2023 is enclosed herewith and marked as an **Annexure-‘III’**.

- (10) I say and submit that in view of the above non-compliances, the Respondent Board has issued show cause notice to the Respondent vide letter dated 27/4/2023. A copy of the show cause notice dtd.27/4/2023 is enclosed herewith and marked as an **Annexure-‘IV’**.



Solemnly affirmed on this 04th day of May 2023 at Thane.

For and on behalf of the
Maharashtra Pollution Control
Board,

Shakil

(Shakil Shaikh)
Sub Regional Officer, Thane-I



BEFORE ME

H. D. Patil

H. D. PATIL B.A.L.L.M
Advocate High Court,
Notary Govt. Of India.
Regd. No. (MAH.) 4803,
Arunodaya Chawl, Tembhi Naka,
Thane (W) - 400 601. Maharashtra, INDIA

NOTED & REGISTERED

Sr. No. 952 Date - 4 MAY 2023



MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701
Fax: 24023516/24024068/24044531

Website: <http://mpcb.gov.in>

E-mail: enquiry@mpcb.gov.in



Kalpataru Point, 2nd, 3rd & 4th Floor
Opp. Cine Planet Cinema,
Near Sion Circle, Sion (E)
Mumbai- 400 022. Date: 06/04/2018

No. BO/SWMA/B
RO-HQ/MSW-AUTH/1804000001 FORM -II
[Rule 16 (1)]

To,

1. The Municipal Commissioner,
Thane Municipal Corporation,
Thane.
2. M/s. Thane Clean Environment Pvt. Ltd.,
Santacruz Mansion, Santacruz (E), Mumbai-400 055.

Sub: Authorization under the Solid Waste Management Rules, 2016.

Ref: Your online application for grant of authorization dated 06/03/2018.

The Maharashtra Pollution Control Board after examining the proposal hereby authorizes The Commissioner, having administrative office at Thane Municipal Corporation, Mahanagarpalika Bhavan, Dr. Almeda Road, Chandanwadi, Panchpakhadi, Thane-400 602 to set up and operate waste processing/recycling / treatment/disposal facility (Waste to Energy Plant) at S. No. 15,16,17,18 & 19, Village- Diaghar, Kalyan Shil Phata Road, Thane site on the terms and conditions (including the standards to be complied with) attached to this authorization in Annexure I.

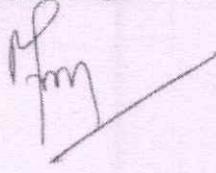
1. The authorization is hereby granted to operate the facility for processing, recycling, treatment and disposal of solid waste
2. The validity of the authorization is till 31/03/2023 after the validity, renewal of authorizations is to be sought.
3. The authorization is subject to the terms and conditions 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 23rd & 24th March, 2018.

D. A. - Annexure-I



(Dr. P. Anbalagan, IAS)
Member Secretary

Copy f. w. cs- The District Collector, Thane - Being one of the implementing authorities having overall responsibility for the enforcement of the provisions of Solid Waste Management Rules, 2016, it is obligatory on your part to see that the Solid Waste is processed & disposed off in accordance with the said Rules.
Copy to: Regional Officer, MPCB, Thane / Sub Regional Officer, Thane-I - For necessary action.



Part A-Responsibilities of Local Body

Terms & conditions to set up and operate Municipal Solid Waste Processing / Waste Disposal Facility i.e. Waste to Energy Plant by **The Commissioner, Thane Municipal Corporation**, Mahanagarpalika Bhavan, Dr. Almeda Road, Chandanwadi, Panchpakhadi, Thane at **S. No. 15,16,17,18 & 19, Village- Diaghar, Kalyan Shil Phata Road, Thane** .

1. The municipal authority shall comply and strictly abide with the conditions stipulated in Schedule I, II, III and IV of Municipal Solid Waste (Management & Handling) Rules 2000.
2. 800 MT/day of Municipal Solid Waste generated shall be processed and disposal as below:
 - I. Waste to energy Plant from which 13 MW energy generated.
 - II. Segregated waste like Metallic paper, plastic etc. shall be Disposed through rag pickers by sale for recycle.
 - III. 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.
3. 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.
4. Whenever an accident occurs due to 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 In charge of the Urban development Department in metropolitan cities and to the District Collector in all other cases.
5. The inert created during handling and processing of MSW shall be properly land filled.
6. The council shall establish / setup and operate the facility within six months to comply with the rules.
7. The authorization is issued without prejudice to Hon'ble High Court/NGT order issued and being issued in the matter.
8. The Corporation shall submit a Bank Guarantee of Rs. 10,00,000/- (Rupees Ten Lacs only) to Regional Officer, Pune, within 15 days from the date of this authorization for compliance of the stipulated conditions of the authorization.
9. This authorization as per Sr. No. 5 of Schedule authorizes only M/s. Thane Clean Environment Pvt. Ltd, Santacruz mansion, Santacruz (E), Mumbai as operator of waste processing facility, on behalf of Thane Municipal Corporation for processing of municipal solid waste.
10. The corporation shall apply and submit the list of other facility provider involved in municipal solid waste management system as per Schedule II of the MSW Rules.
11. The Local Body shall inform to Board on addition, deletion of change of facility provider.

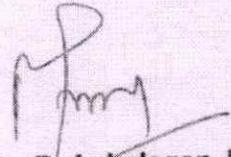


(Dr. P. Anbalagan, IAS)
Member Secretary

Part B- Responsibilities of Operator of Waste Processing Facility

Terms & conditions to set up and Operate Municipal Solid Waste Processing / Waste Disposal Facility i.e Waste to Energy Plant by M/s. Thane Clean Environment Pvt. Ltd, Santacruz mansion, Santacruz (E), Mumbai-400 055 at S. No. 15,16,17,18 & 19, Village- Diaghar, Kalyan Shil Phata Road, Thane.

1. 800 MT/day of Municipal Solid Waste generated shall be processed by the way of Waste to energy Plant from which 13 MW energy generated.
2. The operator of facility shall comply and strictly abide with the conditions stipulated in Schedule-II,III & IV of Solid Waste Management Rules,2016.
3. Whenever an accident occurs due to any municipal solid wastes processing and treatment the operator of the facility shall forthwith report the accident in Form-V to the Secretary In charge of Urban Development, Department in metropolitan cities and to the District Collector with a copy to the Boards in all other cases.
4. The inert created during handling and processing of MSW shall be properly handed over to Corporation for scientific land filled within period of 15 days.
5. The operator of the facility shall establish / setup and operate the facility on behalf of local body, within six months periods.
6. The authorization is issued without prejudice to Hon'ble High Court/NGT order issued and being issued in the matter.
7. The Operator of the facility shall submit a Bank Guarantee of Rs. 10,00,000/- (Rupees Ten Lacs only) to Regional Officer, Pune, within 15 days from the date of this authorization for compliance of the stipulated conditions of the authorization.
8. The Operator of facility shall comply and abide by the conditions of concession agreement made between corporations.


(Dr. P. Anbalagan, IAS)
Member Secretary



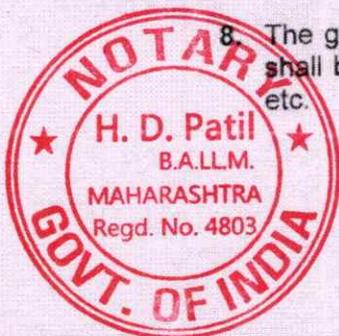
ANNEXURE -I

Terms & Conditions to set up and operate waste processing/recycling/treatment/disposal facility by The Municipal Commissioner, Thane Municipal Corporation, Mahanagarpalika Bhavan, Dr. Almeda Road, Chandanwadi, Panchpakhadi, Thane operated by M/s. Thane Clean Environment Pvt. Ltd at S.No. 15,16,17,18 & 19, Village- Diaghar, Kalyan Shil Phata Road, Thane.

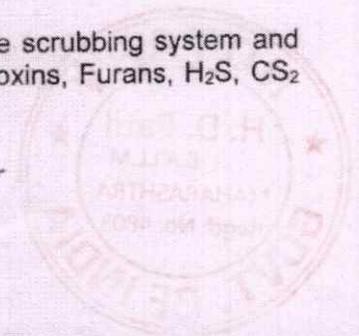
1. 800 MT/ Day of Municipal Solid Waste generated shall be processed and disposed as below-
 - I. Waste to energy Plant from which 13 MW energy generated.
 - II. Segregated waste like Metallic paper, plastic etc. shall be Disposed through rag pickers by sale for recycle.
 - III. The non-biodegradable 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.
 - 2] At the initial stage of collection of Municipal Solid Wastes the waste minimization and segregation shall be carried out at source 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 Solid Waste Management Rules, 2016.
 3. 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.
 4. 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-I**.
 5. 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.
 6. 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.
 7. The ash generated shall be handled properly and shall be stored in a covered shed and disposed off to the enduser and record of it shall be maintained.
 8. The gas cleaning system shall be installed with comprehensive scrubbing system and shall be analyzed monthly for parameters like PCBs, PAHs, Dioxins, Furans, H₂S, CS₂ etc.



[Handwritten Signature]



9. The inert created during handling and processing of MSW shall be properly land filled at authorised
10. The municipal authority will have to abide by the provisions of Solid Waste Management Rules, 2016.
11. Tipper and Dumper shall be avoided. Closed body bins can be used or compactor shall be used for MSW collections.
12. Segregation of MSW at source and frequency as per action plan.
13. Raw waste material shall not be dumped/stored temporary at this site.
14. All recyclable material shall be segregated at source and before receiving at disposal site.
15. Process remediates and inert material upto i.e. 25 % of the waste received for processing shall be disposed scientifically to authorised landfill site.
16. All mitigation measures like odour, smoke, fire, dust, nuisance etc. shall be taken by the corporation.
17. Environment Management Plan and Disaster Management Plan shall be prepared and implemented by the corporation.
18. Corporation shall to measure, continuously improve and achieve the eight items of the Service Level Benchmarking defined and desired by the Ministry of Urban Development, Govt. of India which are as below.

SLB No in UD's GL	Performance Indicator of UD's SLB	Level Desired
SLB 1	House Hold Level Coverage of SWM Services(house hold covered Doorstep/Total House Hold)	100%
SLB 2	Efficiency of Collection of MSW(MSW collected in Tones per day/MSW generated in T/day)	100%
SLB 3	Extent of Segregation of MSW(MSW segregated in Four Components in T/day/Total MSW Collected)	100%
SLB 4	Extend of Recovery of Solid Waste Collected(MSW Processed and Recycled T/d/Total MSW Collected)	80%
SLB 5	Extent of Scientific Disposal of MSW(Total authorized waste component disposed in T/day in SLF/Total MSW Disposed in Dumping sites, grounds, places and SLF)	100%
SLB 6	Efficiency of Redressal of Customer complaints(MSWM complaints received in a month/MSWM complaints Redressed in the month)	80%
SLB 7	Extent of Cost Recovery in SWM Services(Total O & M expenses on MSWM/Total O & M Revenue)in the same period)	100%
SLB 8	Efficiency in Collection of SWM Charges(Revenue Collected/Charges Billed in the same period)	90%

19. Corporation shall submit the time bound program for implementation of processing facility within 15 days.

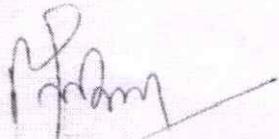
20. Corporation shall submit Bank Guarantee of Rs. 10 lakhs towards compliance of authorization conditions to the Board within 15 days period from issuance of this authorization, which will be valid for a period of one year.



[Handwritten Signature]



21. 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.
22. 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.
23. 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.
24. This authorization is granted without prejudice or being prejudice of the order passed/ to be passed by Hon'ble High Court/NGT
25. This is issued with the approval of Consent Committee of the Board in its meeting held on 23rd & 24th March, 2018.


(Dr. P. Anbalagan, IAS)
Member Secretary



MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010706/24010437
 Fax: 24023516
 Website: <http://mpcb.gov.in>
 Email: rohq@mpcb.gov.in



Kalpataru Point, 2nd and
 4th floor, Opp. Cine Planet
 Cinema, Near Sion Circle,
 Sion (E), Mumbai-400022

No: BO/RO-HQ/MSW_AUTH/2203000001

FORM -II

[See - Rule 16 (1)]

Dated:

23/3/2022



Your Service is Our Duty

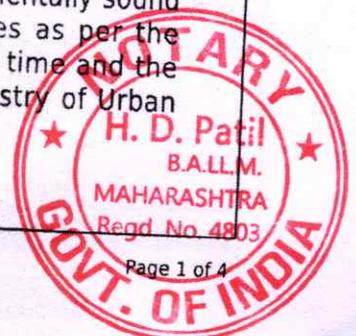
To,
 The Municipal Commissioner,
 Thane Municipal Corporation

Subject: Authorization under Solid Waste Management Rules, 2016

Reference: Your online application for grant of authorization UAN No. MPCB-MSW_AUTH-0000000710 and UAN No. MPCB-MSW_AUTH-0000000711 Dtd. 08/11/2021

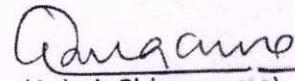
The Maharashtra Pollution Control Board after examining the proposal hereby authorizes The Commissioner/Chief Officer, having administrative office at to set up and operate solid waste processing/ Recycling/ treatment/disposal facility and Scientific Sanitary Landfill site at S. No. 104/3, to 104/21, Vill-Bhandarli, Tal & Dist-Thane on the terms and conditions (including the standards to be complied with) attached to this authorization.

1. The authorization is hereby granted to set up and operate solid waste processing/Recycling/ treatment/disposal facility and Scientific Sanitary Landfill site
2. The Solid Waste Management authorization is valid for the period up to **31-01-2027**
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/Council 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.
8. The Corporation/Council 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.



9. Corporation/Council shall provide Buffer Zone around the solid waste processing and disposal facility as per CPCB guidelines by carrying out study of area and solid waste management Rules, 2016.
10. Corporation/Council shall make an application for renewal of the Authorization at least 60 days before the date of the expiry of the Authorization.
11. This is issued with the approval of Consent Committee of the Board in its meeting held on 30.12.2021
12. The Corporation shall strictly follow the EIA Notification,2006.
13. Segregated Wet Waste at source only shall be received at the Windrow Composting site.

For and on behalf of the
Maharashtra Pollution Control Board.


(Ashok Shingare IAS),
Member Secretary

Copy f. w. cs-

1. The District Collector, Thane - Being one of the implementing authorities having overall responsibility for the enforcement of the provisions of Solid Waste Management Rules, 2016, it is obligatory on your part to see that the Solid Waste is processed & disposed off in accordance with the said Rules.

Copy To:

1. Regional Officer, MPCB, Thane / Sub Regional Officer, MPCB, Thane | For necessary action and follow up.
2. Master File.



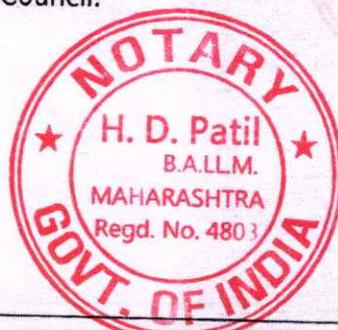
ANNEXURE -I

Terms & Conditions to Operate Municipal Solid Waste Processing/ Waste Disposal Facilities and sanitary landfill site at following location by The Municipal Commissioner, Thane as mention below.

- 1 615 MT/Day of Solid Waste generated shall be processed and disposed as below:

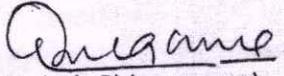
Sr.No.	Operating Agency	Location of waste processing site	Municipal Waste	Method of Treatment
1	Thane Municipal Corporation	S. No. 104/3, to 104/21, Vill-Bhandarli, Tal & Dist-Thane	473.00 MT/ Day	1. Windrow composting 2. Mechanized material recovery facility (MRF facility)
2	Thane Municipal Corporation	S. No. 104/3, to 104/21, Vill-Bhandarli, Tal & Dist-Thane	142.00 MT/ Day	1. Sanitary landfill of Rejected waste.

2. 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.
3. The Corporation/Council 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.
4. 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.
5. The inert created during handling and processing of MSW shall be properly land filled at authorized site.
6. The municipal authority will have to abide by the provisions of Solid Waste Management Rules, 2016.
7. Tipper and Dumper shall be avoided. Closed body bins can be used or compactor used for MSW collections.
8. Raw waste material shall not be dumped/stored temporary at this site.
9. All recyclable material shall be segregated at source and before receiving at disposal site.
10. All mitigation measures like odour, smoke, fire, dust, nuisance etc. shall be taken by the Corporation/Council
11. Environment Management Plan and Disaster Management Plan shall be prepared and implemented by the Corporation/Council.



12. Corporation/Council 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/Council 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. The Corporation/Council 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
15. The Corporation/Council 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.
16. Corporation/Council of the facility shall disposed off inert material/ residue, as per Solid Waste Management Rule, 2016.
17. Corporation/Council of the facility shall not extract ground water without approval from Central Ground Water Authority (CGWA).
18. Corporation/Council of the facility shall ensure that, during the Manson adequate preventive measures are taken to erosion of MSW from site and doesn?t flow in to the drain and adjacent area.
19. Corporation/Council of the facility shall provide proper leachate collection and treatment system for treatment of generated leachates.
20. This authorization is granted without prejudice or being prejudice of the order passed/ to be passed by Hon?ble High Court/NGT.
21. Corporation/Council shall provide Buffer Zone around the solid waste processing and disposal facility as per CPCB guidelines by carrying out study of area and solid waste management Rules, 2016.
22. This is issued with the approval of Consent Committee of the Board in its meeting held on 30.12.2021

For and on behalf of the
Maharashtra Pollution Control Board.


(Ashok Shingare IAS),
Member Secretary

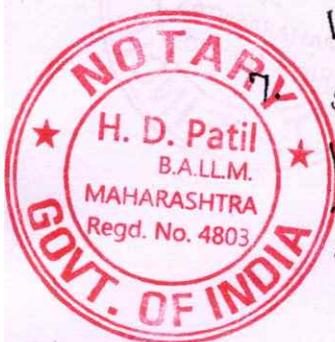


22/02/2023

Visit Report

This office is in receipt of complaint through e mail on 03/02/2023, regarding illegal dumping of solid waste by Thane Municipal Corporation (TMC) and fire on ~~that~~ dumping ground. Visited Diva dumping site on 22/02/2023, along with TMC officials & made following observations;

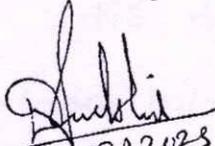
1. During visit fire with heavy smoke observed on dumped solid waste at Diva dumping ground.
2. No any fire fighting arrangement provided at Diva municipal solid waste site.
3. During visit movement of solid waste carrying dumper not noticed at site.
4. During visit solid waste found dumped at site unscientifically & illegally on diva dumping site.
5. At the time of visit TMC Representative informed that they have stopped dumping of municipal solid waste to Diva dumping site since 31.01.2023 and presently solid waste generated from Thane city is send to Bhandarli gaon dumping site.
6. At a distance of @ 50 to 60 mtr about 2000 to 3000 people are staying in chawl type small houses adjacent to Diva dumping site. said dumping site is adjacent to creek, leachate generated from dumping site goes to creek, scientific leachate collection system not provided

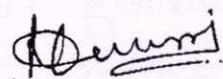


MAHARASHTRA
No. 4803

8. Tmc has installed teamill for segregation of solid waste of capacity 300 TPD, during visit teamill was ^{not in operation &} observed idle in condition.
9. During visit waste towards biomining & legacy waste not observed at st. Dirga dumping site.
10. ~~At~~ Ambient Air monitoring carried out at said dumping site.

Instructed to submit action plan of tmc towards fire, legacy waste & biomining.


 (Ms. Dongar Pandrshi)
 Tmc- Representative
 By CSI, Thane
 Municipal Corporation


 (f. s. same)
 Field officer



MAHARASHTRA POLLUTION CONTROL BOARD

Tel : 25802272		Regional Office, Thane
Fax : 25805398		5 th Floor, Office Complex Bldg.,
Website: http://mpcb.gov.in		Near Mulund Check Naka,
E-mail Id: rothane@mpcb.gov.in		Wagale Estate, Thane-400 604.
No. MPCB/ROT/SCN-PI/ 178		Date:- 27/04/2023

To,
Deputy Municipal Commissioner (Solid Waste Management),
Thane Municipal Corporation,
Ground Floor, Mahapalika Bhavan,
Panchpakhadi, Thane(W)

Sub:- Show cause notice u/s Water (Prevention & Control of Pollution) Act, 1974, & the Air (Prevention & Control of Pollution) Act, 1981 and Solid Waste Management Rules, 2016

Ref :- 1. Complaint received from Vanashakti vide email dtd 03.02.203
2. Board officials visit dtd. 22.02.2023

WHEREAS, your corporation area falls under the Water (Prevention & Control of Pollution) Act, 1974, & the Air (Prevention & Control of Pollution) Act, 1981 and Solid Waste Management Rules, 2016 are applicable to your corporation.

AND WHEREAS, a complaint was received from Vanashakti vide mail dtd 03.02.2023 regarding illegal dumping of municipal solid waste and fire incidence at Dumping Ground, Diva Khardi Road, Thane. Board officials of Sub-Regional Office, Thane-I visited the Solid Waste disposal site on 22/03/2023 and the observations / non-compliances are reported as below:

- 1) You have not obtained Municipal solid waste (MSW) Authorization from MPC Board for Diva dumping site.
- 2) Municipal solid wastes observed dumped unscientifically and illegally on Diva dumping site.
- 3) During the visit, heavy smoke from solid waste heaps observed due to fire incidence occurred at Diva Dumping Site.
- 4) No permanent firefighting arrangements were provided at Diva municipal solid waste dumping site.
- 5) You have not made provisions for management of leachates i.e. collection and treatment. Leachates from Solid Waste dumping site were found mixed into the creek.
- 6) Tro-mill installed for bio-mining were observed as idle. No Bio-Mining activity found in progress.
- 7) Legacy waste lying at Diva dumping ground is in CRZ area
- 8) The site is observed closed unscientifically.
- 9) You have not submitted any safe closure plan of the site, including action plan for avoiding/ controlling fire incidences, containment provision for leachates run-off to nearby creek, timebound plan for Biomining of legacy waste etc. to the Board.

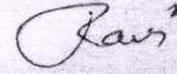
AND WHEREAS, this amounts to blatant violation of Solid Waste Management Rules, 2016 and clearly shows your gross negligence attitude towards pollution control.

NOW THEREFORE, you are hereby directed to show cause as to why legal action shall not be initiated against your corporation?



: 2 :

Your reply shall reach this office within a week of receipt of this Show Cause notice failing which, it will be assumed that you have no say to offer, and the Board may initiate the appropriate legal action as may be deemed fit in your case.



(Ravindra Andhale)
Regional Officer, Thane

Copy to:-

Sub-Regional Officer, MPC Board, Thane – I – For follow-up & reporting.

