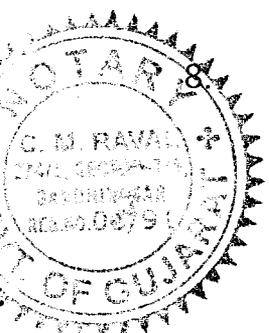


6. This Hon'ble Tribunal, after hearing the parties, felt that the renewal of authorisation granted by the Board in the year 2019 after introduction of the Solid Waste Management Rules, 2016 "may not be justified when changed norms have become applicable". The Tribunal, however, did not quash and set aside the authorisation granted by the Board. Instead, the Tribunal directed "relocation of the Facility within a reasonable time" and further directed that "till the Facility operates at the site, it should be compliant with the norms". Finally, the Tribunal ordered the concerned parties to "explore relocation of the site preferably within one year from today" and "remediation and handling of legacy waste and current waste" in accordance with the Solid Waste Management Rules, 2016. A copy of order dated 10.02.2022 passed by this Hon'ble Tribunal is annexed to the application as Annexure A-4 (page 51).
7. I submit that the Hon'ble Tribunal, as is clear from the order, did not quash and set aside the authorisation granted to the Nagarpalika by the Board to operate solid waste processing facility over land bearing Survey No. 727paiki, Village Juna Deesa. On the contrary, the Hon'ble Tribunal observed that "cancellation of authorisation will create chaos" and permitted the Nagarpalika to continue operating the solid waste processing facility by ensuring that the waste is processed in accordance with the provisions of law. Independently, the Nagarpalika was required to clear the unprocessed waste which had accumulated over the years and was lying at the site.

In July 2022, Deesa Nagarpalika was given in-principal sanction of monetary relief by the Mission Director, Swachchh Bharat Mission, Gujarat for remediation of the legacy waste lying at the site. It appears that the Nagarpalika thereafter awarded the work for processing and disposal of the legacy waste to Shri Nagesh Corporation in October 2022. Such awarding of contract to the contractor, after following the due tender process, was sent for approval to the Regional Municipal Commissioner, Gandhinagar. Approval, as contemplated in law, was granted on 12.12.2022. Thereupon, the contractor – Shri Nagesh Corporation,



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commenced the work of processing the legacy waste. The contractor proposed to deal with the legacy waste in a staged manner, starting with pre-stabilization of waste, segregation or waste separation of stabilised waste, and disposal of aggregates. At the time of commencement of work in December 2022, the estimated quantity of accumulated waste lying at the site which was to be processed and thereafter disposed in accordance with law was about 2,50,000 tonnes.

9. The site is being regularly inspected by officials of the Board. The work of processing the legacy waste is continuing regularly and the waste is being processed properly. The last inspection was carried out on 20.06.2023. As on the date of last inspection, the contractor had processed about 1,39,000 tonnes of legacy waste. This entire waste has been processed scientifically and strictly in accordance with law. No complaint has been received from any person about the contractor improperly processing the waste or illegally disposing the waste. Even otherwise, no illegality has been observed or noticed by the Board during the periodic inspections. The waste is segregated at the site into biodegradable waste, inert waste, recyclable waste, non-recyclable waste, combustible waste and other waste. Each nature of waste is then disposed of by the contractor in the manner specified in law. It is expected that the entire quantity of legacy waste shall be processed within a period of about 6-8 months.

10. The processing of about 140,000 tonnes legacy waste has resulted in clearance of an area of about 7,900 square meters at the site. Nagarpalika was instructed to have a vegetative cover over the cleared area of the site. Accordingly, the Nagarpalika has planted non-edible perennial plants in an area of about 1,300 square meters and an additional area of 2,800 square meters is being readied for developing a garden.

11. A copy of the report of inspection carried out on 20.06.2023 and photographs taken at the time of site visit are annexed herewith and marked as Annexure R-1(colly.).

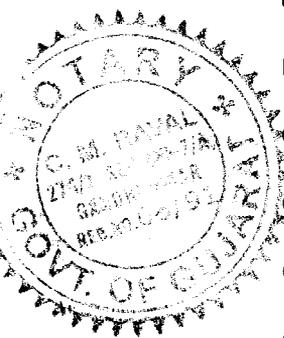


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12. As regards current waste or the daily waste generated, the Nagarpalika has hired an agency for door to door collection of the solid waste. On the date of passing of the order by this Hon'ble Tribunal in February 2022, this agency would bring the daily generated waste to the site and the Nagarpalika was processing the collected solid waste at the facility. Subsequent to the passing of the order by this Hon'ble Court on 10.02.2022 which permitted the Nagarpalika to continue operating the facility and process the collected solid waste, the Nagarpalika resolved to appoint a contractor who would handle and process the daily generated solid waste on its own and not use or utilise the facility of the Nagarpalika at the site for the purpose of processing the solid waste. After following the due tender process, the Nagarpalika awarded contract to one M/s Matru Energy Service Corporation in January 2023. This contractor – M/s Matru Energy Service Corporation, today receives the waste collected from within the limits of the municipality at the site and then sorts and segregates the daily waste. It thereafter takes the separated waste from the site for processing in accordance with law. The contractor does not process the waste at the site.

13. I state that because of the arrangement entered into by the Nagarpalika with the contractor, today no fresh or newly generated waste is processed at the site. The site is only used for receiving solid waste from collection areas and thereafter for sorting and segregating the collected solid waste; no processing of any part of the daily generated solid waste is undertaken at the site by the contractor or otherwise. The contractor possesses requisite permissions for scientific processing of solid waste as well as disposal of inert waste and undertakes such work of processing and disposing of the daily generated waste in conformity with law. It is being ensured by the Nagarpalika that the daily generated waste is lifted by the contractor for proper disposal and that no freshly received solid waste gets storage and/or accumulated at the site.

14. I say that because of the dual arrangement worked out by the Nagarpalika, the daily generated solid waste is regularly treated and disposed of by one



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contractor in accordance with law and the legacy waste is being processed at site by a different contractor. There is therefore no addition to the existing unprocessed waste and every day the old waste is getting cleared in small proportions.

15. The say of applicants that "continuing unscientific and illegal dumping" is being undertaken at the site is incorrect and contrary to record. The Board has not found any new dumping of unprocessed solid waste, much less in an unscientific manner, at the site. On the contrary, as stated hereinabove, the only thing noticed by the Board is clearance of the legacy waste at the site. The further say of applicants that "dumping ground continues to function as it was before in complete violation of the 2016 rules" is also incorrect and denied. Today, the facility is non-operational. No new waste is being processed at the site. Only the legacy waste is being remedied at the site. This activity is being done in conformity with the provisions of law. The contention of applicants that "no remedial measures in accordance with the 2016 Rules have been taken by Respondent No. 1, which is the nodal agency for compliance" is also not correct and hence denied. I say that the Board has been overseeing the entire process of remediation of legacy waste, and also ensuring that no new waste remains unprocessed and thereby get accumulated at the site.
16. I submit that the basis for maintaining the present application, containing allegations of non-compliance of the directions issued by this Hon'ble Court as contained in order dated 10.02.2022, is non-existent. The entire application appears to have been based on imaginative and unfounded facts. The applicants have not placed the true and correct facts before the Hon'ble Tribunal. I restate that legacy waste lying at the site is being processed and removed from the site. I further state that no newly generated waste is processed at the site by the Nagarpalika. In that sense, the facility of processing the solid waste is not functional at site. Even though this Hon'ble Tribunal had clearly permitted the Nagarpalika to continue processing the newly generated waste at the site, the Nagarpalika has outsourced the work of processing the daily generated



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solid waste and the said work of processing the waste is being undertaken by the contractor at a different site. The present site, as stated hereinabove, is only used for sorting and segregation.

17. I submit that there has been no non-compliance with the directions issued by this Hon'ble Court, particularly by the State Pollution Control Board. I say that the directions issued by this Hon'ble Court are being complied with by the Deesa Nagarpalika, and such compliance is being supervised and overseen by the Pollution Control Board. No illegality is found to have been committed by the Nagarpalika in processing the legacy waste or the daily generated waste. The entire solid waste is being processed strictly in accordance with the Solid Waste Management Rules, 2016.
18. I submit that for these and other reasons that may be argued at the time of hearing the present application alleging non-compliance of the directions given by this Hon'ble Court in order dated 10.02.2022 passed in Appeal No. 57 of 2019 is thoroughly misconceived and bereft of any merit. The application is liable to be dismissed and it therefore humbly prayed that the Hon'ble Tribunal may be pleased to reject application by imposing exemplary costs.

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DEPONENT

VERIFICATION

Verified at Gandhinagar on this 5th day of August 2023 that the contents of the above affidavit are true and correct, nothing stated therein is false and nothing material has been concealed therefrom.

Ayane

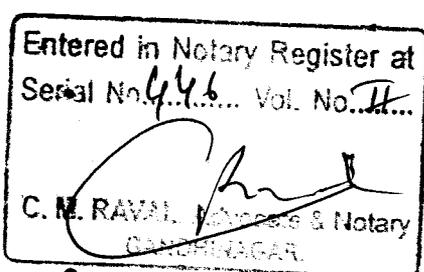
DEPONENT

Solemnly Affirmed
Before Me

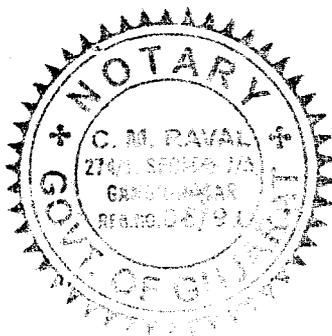
(C. M. RAVAL)

NOTARY
Govt. of Gujarat

05 AUG 2023



05 AUG 2023





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GUJARAT POLLUTION CONTROL BOARD

Annexure - R-1.

Regional office-Palanpur
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Joravar Palace, Palanpur-385001, Dist.-Banaskantha
Phone: (02742) 251300, 251301

INSPECTION REPORT – SWM RULES-2016

1.	Name of Municipality	Deesa Nagarpalika
2.	Taluka	Deesa
3.	District	Banaskantha
4.	Name of Chief Officer	Mr. Pankaj I. Barot (C.O.)- 9974650055
5.	Name and designation of person contacted	Mr. Pankaj I. Barot (C.O.)- 9974650055 & Mr. Rohan Saini (Clerk)
6.	Population as per 2011 census	1,11,160 Persons
7.	Waste generation per day (Tones /day)	@ 40 - 50 MT/Day of solid waste
8.	House to house collection system Implemented?	Yes
9.	Method of collection of waste from slums and squatter areas or localities including hotels, restaurants, office complexes and commercial areas	17 Nos of chhottahathi and 3 Nos of Eicher vehicles are provided on contract basis for collection and transportation of municipal solid waste. Dust bins are provided in commercial area.
10.	Method of waste collection from slaughter houses, meat and fish markets, fruit and vegetable markets	There is no slaughter house in Nagarpalika. Other waste is being disposed at dumping site.
11.	Has mixing of biomedical wastes and industrial wastes been noticed with MSW?	No
12.	Method of transportation of house hold waste to Community Bin/transportation vehicle	17 Nos of chhottahathi and 3 Nos of Eicher vehicles are provided on contract basis for collection and transportation of municipal solid waste. Dust bins are provided in commercial area.
13.	Whether horticultural and construction or demolition wastes or debris mixed with MSW or not? If not, what methods are adopted for collection and disposal?	Not mixed with MSW. C & D waste is used for land filling in low laying area.
14.	Is waste (garbage/dry leaves) being burned? If yes, give location	No
15.	Whether Stray animals are observed near waste storage facilities or not?	No stray animal is observed at solid waste dumping site, as boundary of said site is covered wall/fencing.
16.	Does the municipal authority notify the waste collection schedule and the likely method?	Yes, Door to door collection is carried on daily basis.
17.	Have Segregation facilities been developed ? If yes, give brief description	Segregation / processing plants for Legacy waste and presently generated MS Waste are provided separately. During visit, both these plants are found in operation.
18.	Storage of municipal solid waste (give size/ capacity of bin/container)	Yes, Door to door collection is carried on daily basis and dust bins is provided in commercial area.



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19.	Transportation method of MSW (Give numbers of persons engaged, Number of vehicles used, MSW covered while transportation, Are vehicles over loaded? etc.)	17 Nos of chhottahathi and 3 Nos of Eicher vehicles are provided on contract basis for collection and transportation of municipal solid waste. Dust bins are provided in commercial area. Vehicle is covered during transportation. No over loading observed.
Processing of municipal solid wastes		
20.	Is biodegradable waste treated by methods of composting/digestion)?	Vermi compost plant (@ 34 no's of compost bed), but during visit, found not in use.
21.	Is Incinerable waste disposed of by energy: recovery?	Yes
22.	Is Recyclable waste segregated and sent for recycling?	Yes, Plastic waste is segregated and processed from mix solid waste & sent to recycler. During visit, segregation/processing by machineries are going on.
23.	Brief details of design of land fill site	-----
24.	Disposal facilities of MSW. Is biodegradable waste allowed in land fill?	Yes, Solid waste is collected in closed compart vehicle under door to door collection scheme, which is (Mix solid waste) dump at land fill site.
25.	Dimensions of land fill	-----
26.	Design Life of land fill site in years	-----
27. Facilities at the site		
28.	Fenced or hedged and provided with proper gate to monitor incoming vehicles.	Fencing and compound wall is provided around dumping site.
29.	Approach and other internal roads provided and maintained to avoid dusting/ fugitive emissions.	Approach road is provided. Local body has provided internal road periphery of the site.
30.	Weigh bridge to measure quantity of waste brought at landfill site, fire protection equipments and other facilities provide.	Weighbridge, Security cabin, lighting & sanitation facility for worker are provided.
31.	Utilities such as drinking water (preferably bathing facilities for workers) and lighting arrangements for easy land fill operations when carried out in night hours provided	Drinking & sanitation facility are provided at solid waste dumping site by provided one bore well.
32.	Safety provisions	Yes, PPE are provided to worker.
33.	Specifications for land filling	--
34.	Compaction using land fill compactors/road rollers etc.	--
35.	Daily cover (soil/inert debris or construction material)	No



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36.	During monsoon intermediate cover with proper compaction and grading provided? Proper drainage berms constructed to divert run off away from the active cell of the land fill provided? Brief details of final cover	No
37.	Whether Storm water drains are diverted to minimize leachate?	No
38.	Whether Leachate collection and treatment facilities provided?	No
39.	Whether samples collected to check the ground water quality within 50 meters of the periphery of the land fill site during summer, monsoon and post monsoon periods from upstream and downstream of land fill?	No
40.	Details of installation of landfill gas control system including gas collection system.	No
41.	Is bad odor felt around land fill?	During visit, mild odour is felt in the premises of dumping site.
42.	Is ambient air quality monitoring at the land fill site and at the vicinity done two times in a year for town or cities having population between one and ten lakhs	No
43.	Details of plantation at land fill site.	Plantation (@ 100 small plants) is carried out at periphery of compound wall & at entry gate.
44.	Details of closure of land fill site and post closure care	--
45.	Whether composting facility provided?	Provided.
	Quantity of waste composted /day	--
	Quantity of compost generated/ day:	--
	Measures taken to prevent foul odor	No
46.	<p>Any other information:</p> <ul style="list-style-type: none"> • MSW facility of Deesa Nagarpalika is visited with reference to telephonic instruction from H.O. dated 19-06-23. • Deesa Nagarpalika had requested, vide their letter dt. 19-03-22 for land allotment to the District Collector and reply in this regard was given to Chief Officer from Collector Office letter dt. 9-06-22. Further correspondence in this matter was also made from both the sides. All letters/correspondences made in this matter submitted by Deesa Nagarpalika was sent through e-mail on 13-04-2023. • Nagarpalika is collecting solid waste from their jurisdiction through dedicated vehicle, which is (Mix solid waste) segregated at existing site. 	

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Regional office-Palanpur

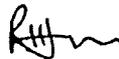
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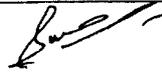
- Separate Segregation / processing plants for Legacy waste and presently generated MS Waste are provided at site. I.e. M/s. Nagesh Corporation, Ahmedabad -for Legacy waste and M/s. Matru Energy Service Corporation, Vadodara for daily to daily waste. During visit both these plants are found in operation.
- For Legacy waste- Nagarpalika has given work order for segregation / processing of Mix solid waste for legacy waste to M/s. Nagesh Corporation, Ahmedabad. They have installed Trommel machines (3-nos). During visit, processing of legacy waste is going on. As per the information furnished by contacted person during visit, they have processed total @ 1,39,000 MT of legacy waste and segregated plastic waste is sent to recycler i.e. M/s Neelam Recycling Solutions, Village Virol, Tal Mehmedabad, Dist. Kheda. During visit, stock of segregated plastic waste @ 450 – 500 MT observed at site. Segregated biodegradable waste is used as manure by farmers and its stock @ 15 MT observed at dumping site. Segregated inert material is dumped in low-lying area outside dumping site.
- Till date they have lifted legacy waste (for processing) in area @ 7900 sq. mts. Out off that garden is developed in area @ 1300 sq. mts (with water sprinkler) and soil filling is carried out in area @ 2800 sq. mts. (for developing garden) and area cleared near entry gate is @ 3800 sq. mts.
- For daily to daily basis waste ---Nagarpalika has also given separate work order for segregation / processing of Mix solid waste for presently generated day to day waste to M/s. Matru Energy Service Corporation, Vadodara and it is processed on daily to daily basis. They have installed pre-sorting plant (sorting & segregation machine), which is found in operation as day-to-day waste received is segregated and processed regularly. Manually segregated plastic waste @ 4 MT (packed in PP bags) observed, which is sent to recycler i.e. Dutt Polymer, Chansama, Dist. Patan. During visit, stock of segregated plastic waste from processing @ 500 MT observed at site, which is sent to Cement Industry, Sanchor, Rajasthan. Segregated biodegradable waste is used as manure by farmers and its stock @ 3 MT observed at dumping site during visit. Segregated inert material is dumped in low-lying area outside dumping site.

During visit, following written instruction is given to contacted person of Nagarpalika.

1. During visit, processing of legacy waste & day to day waste is going on and expedite processing of remaining stock of Legacy waste.
2. To increase plantation at periphery of the site and expedite site-cleaning work & develop garden in the legacy waste vacated area.
3. To comply all the conditions of authorization and SWM Rules 2016.
4. To submit details regarding disposal of segregated plastic waste generated from processing of solid waste.

Date: 20.06.2023
Place: Deesa


R.H. Jivani
(S.O.)


J.M. Chaudhary
(R.O.)

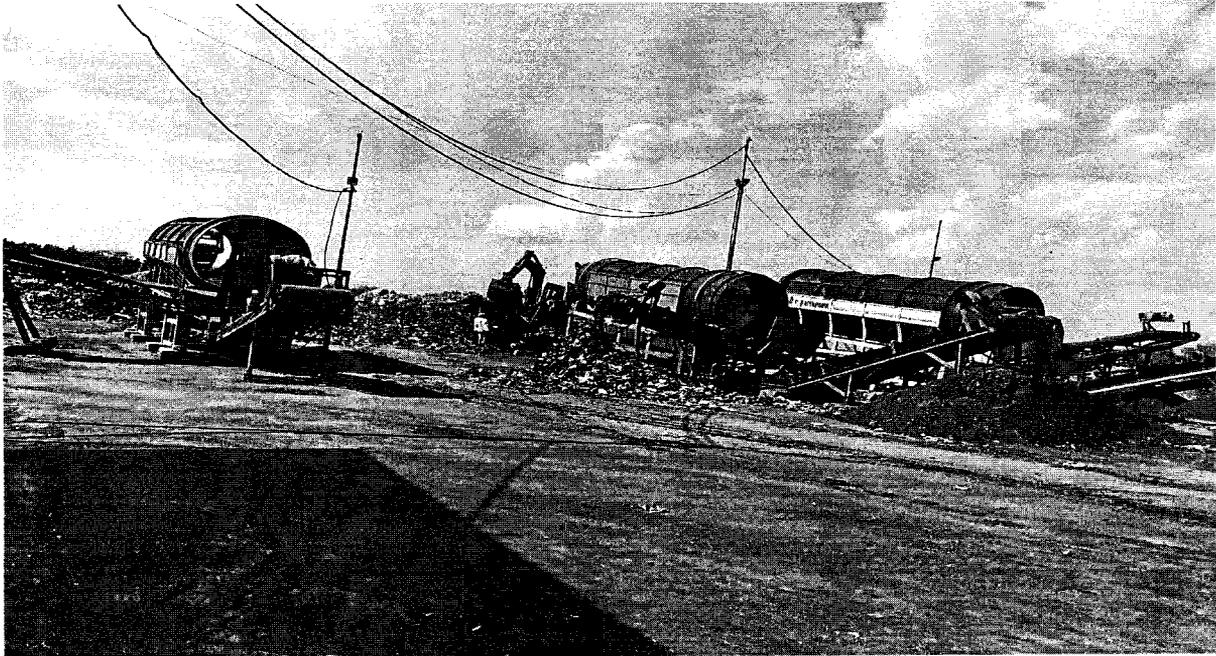
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Processing of Legacy waste





Processing of Day to Day generation waste

