

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

ORIGINAL APPLICATION NO. 51 OF 2023 / EZ

IN THE MATTER OF:

Chinmaya Das

...Appellant

VERSUS

State of Odisha & Others

...Respondents

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| 2. | Photocopy of the letter No.1987 dtd.21.06.2023, along with its enclosure of the Regional Officer, Bhubaneswar of the R.No.6 Board. (ANNEXURE – R6/1 Colly) | |

By the Respondent No.6

Through

Kolkata

Date:

Sri Papiya Banerjee Bihani,
Advocates for the Respondent No.6
(State Pollution Control Board, Odisha)
e-mail:pbanerjeebihani@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTER ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 51 OF 2023 / EZ

07 JUL 2023

IN THE MATTER OF:

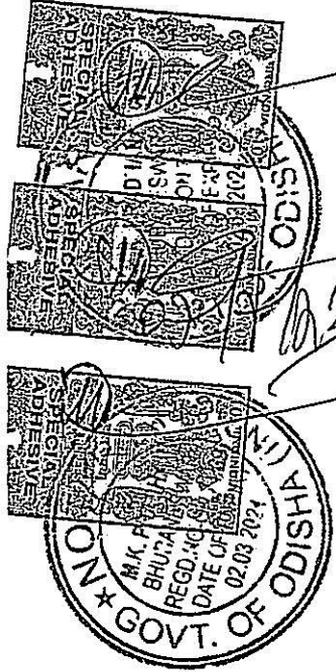
Chinmaya Das ...Appellant

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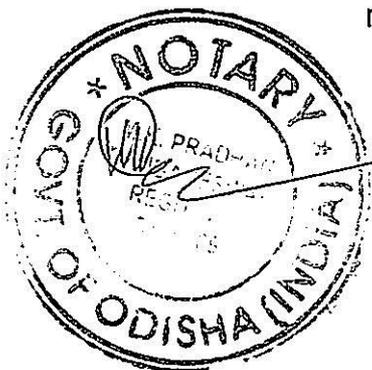
AFFIDAVIT ON BEHALF OF THE STATE
POLLUTION CONTROL BOARD, ODISHA, R.NO.6

I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam Kailasam aged around 55 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:



MAHJILA KIMAR PRADHAN
 NOTARY PUBLIC
 BHUNESHWAR
 REGD. NO. GN-1980/19
 PH-9437627191

1. That I am the Member Secretary of the Respondent No.6 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.
2. That I have gone through the averments made in the OA and understood the contents thereof.
3. That in the OA the applicant has alleged that within the Puri Municipality jurisdiction, there is a dumping area known as Baliapanda which is situated just about 50-100 meters away from Puri Sea Beach. It is also alleged that the said dumping area is used as material recovery facility rather than using those wastes for composting purpose. The same are burnt which badly pollutes nearby area most specifically Balisahi, Gourbatsahi, Swargadwara and Baliapanda. Polythene and other plastic wastes are mostly burnt in the said area which badly pollute the air quality of the said area with harmful chemicals. Baliapanda is regarded as one of the sweet water zone area.



MANJULA KUMAR PRADHAN
 NOTARY PUBLIC
 BHUBANESWAR
 REGD. NO. ON-71/2009
 PH:-9437627119 (99)

4. That in order to verify the allegations raised in the OA, Dr.Rebati Kanta Mishra, Sr.Env. Scientist, Regional Office, Bhubaneswar of the R.No.6 Board along with Sri Saroj Kumar Swain, Executive Officer of R.No.8 Municipality have inspected the site on dtd.24.05.2023 and submitted their report. In addition to this Dr.R.K.Mishra, Sr.Env.Scientist has also submitted an independent report. Both the joint inspection report and the report of Dr.R.K.Mishra, Sr.Env.Scientist of the R.No.6 Board have been forwarded to the Central Pollution Control Board, New Delhi vide Regional Officer, Bhubaneswar letter No.1987 dtd.21.06.2023. Copy of the said letter along with its enclosure is annexed to this affidavit and marked as ANNEXURE – R6/1 Colly.

5. That the Respondent No.6 Board craves leave of this Hon'ble Tribunal to file further affidavit if required for proper adjudication of this case.

That the annexure annexed to the present affidavit is true and correct copy of its original.



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH:-9437627119 (M)



7. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.



DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

VERIFICATION:

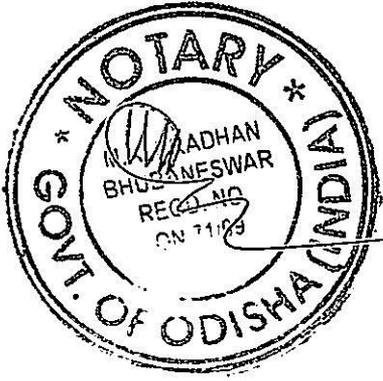
I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 7th day of July, 2023.

SWORN BEFORE ME



DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH:-9437627119 (M)



ANNEXURE - R6/1 Colly.

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OFFICE OF THE REGIONAL OFFICER, BHUBANESWAR
STATE POLLUTION CONTROL BOARD, ODISHA
 [DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]
 Plot No.-B-59/2 & B-59/3, Chandaka Industrial Estate, Patia, Po-KIIT, Bhubaneswar -751024

No. 1987 / RO - Misc.24

Dt. 21/06/2023
By Speed Post/ By E-mail

To,

Mr. Smriti Upadhay,
 UPC-II Division, Head Office
 Central Pollution Control Board, Delhi

Sub: Burning of Solid Waste in Baliapanda, Dumping area Puri, Odisha ... reg.

Ref: Grievances Petition of Afraaz Suhail received by mail on dt.10.05.2023

Sir,

Please find enclosed here with the inspection report, site visit photographs of dump yard, MCC & MRF etc. at Baliapanda in the Puri District, Odisha along with the joint report with Executive Officer, Puri, Municipality, Puri, Odisha on dt. 24/05/2023.

Enclosed: As above

Yours Faithfully

[Signature]
 19/6/2023
 REGIONAL OFFICER

Memo No. 1988 / Dtd. 21/06/2023 /

Copy forwarded to the Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar for kind information.

[Signature]
 19/6/2023
 REGIONAL OFFICER

Memo No. 1989 / Dtd. 21/06/2023 /

Copy forwarded to Private Secretary In charge of Public Complain Cell, SPC Board, Bhubaneswar for kind information.

[Signature]
 19/6/2023
 REGIONAL OFFICER

**SITE INSPECTION REPORT OVER THE COMPLAIN RECEIVED THROUGH PCI
DIVISION-II OF CPCB, HEAD OFFICE, NEW DELHI ON DTD. 10.05.2023 ABOUT
TE BURNING OF WASTE IN BALIAPANDA AREA**

An inspection was conducted by the undersigned of the Regional Office, State Pollution Control Board, Odisha, Bhubaneswar on dtd. 24.05.2023 w.r.t. complaint filed by one Mr. Chinmay Das, At. Markandeswar Sahi, Puri Town, Dist. Puri, Odisha.

⇒ Issued raised by the complainant:-

- a) Huge dumping of Municipal solid waste at Baliapanda of Puri Town.
- b) Burning of Municipal Solid waste at various location of dumping yard.
- c) Burning of rejected plastic /polythene near dumping yard.
- d) Inhabitant to the nearby dumping yard are being affected due emission of smoke during burning.

⇒ Person present during site inspection:-

On the day of inspection the Executive Officer, Puri Municipality had deployed Sri Bishnu Prasad Mishra (Sanitary Expert) and another Sri Dola Gobinda Mohanty (Staff of Dumping yard) to accompany during site inspection. As there is not Mobile No. has been cited in complain so the complainant could not be contacted during inspection.

⇒ Observation during inspection:- (site photographs enclosed)

- a) Puri Municipality is dumping the Municipality Solid Waste by transporting through trucks, Tractors etc. to the Baliapanda dumping yard since years back till date which is the designated dumping the area at present.
- b) All over dumping yard site years back un-segregated wastes are being dumped in huge quantity till date.
- c) The entire dumping yard is covering an area of nearby 2 Ac. Of land without any boundary wall for which the said area is becoming easy passage to the unauthorized rack pickers and stray dogs and cows etc.
- d) Since few years back Puri Municipality has set-up MCC Centre where all the wet and dry waste those are being collected on daily basis and they are undergoing the process of manual segregation by the SHG Workers segregation i.e. the wet waste are undergoing the process of converting those into manure i.e. MO KHATA Scheme followed by making them a pack of 5 Kg. Capacity each and sold to outside agency by self-help Group (Women workers on payment basis).

- e) For the dry waste the Municipality has set-up a MRF Plant and now -a-days there the plastic bottles undergoes pressing & are being sent to some registered recycling unit and the rejected polythene are being disposed off to cement factory (As reported).
- f) Regarding burning of waste at various locations of old existing dump yard that the issue was also observed during the time of inspection. But the Executive Officer, Puri Municipality along with their site staffs had apprised off that as that is a very vast area without any high raising boundary wall so the inhabitants i.e. the persons residing in vasti area are creating nuisance through out the year without any interest.
- g) During site visit the odour nuisance was also observed in & around dumping yard which is a natural phenomenon can not be ruled out.
- h) Various colonies are existing at the close proximity all around the dumping yard, so the impact of smoke during burning of Municipal Solid Waste by the miscreants is a fact. As now a day hot summer season is going on it is not becoming practically possible to control the blown of smoke to the nearby areas, even if at interval Municipal tractor is throwing/sprinkling manually the water with help of Tanker. (As Reported by the Executive Officer, Puri Municipality) Near by the Baliapanda dumping yard so many illegal vastis have been grown up and they are main creator of such type waste burning inspite of constant request by Municipality authority and people at various time.

Conclusion:-

- a) The present effort those are being taken off by the Puri Municipality since year back are as follows i.e. functioning of MCC, MRF Plant, Compost Making Unit (MO KHATA Yojana) by SHG.
- b) The residential colonies those are existing, they are developed much latter than the dumping of Municipal Solid Waste at Baliapanda, Puri area.
- c) The dispersal of dry dust and rejected polythene during the blowing wind during winter & summer to the nearby area with the present context from old dumping yard might be the fact.
- d) Regarding the contamination of ground water at the nearby area can only be ascertained by the study/ survey of Central Ground Water Board.
- e) As has been ascertained from Executive Officer, Puri Municipality that in the present context the drinking water facility have been provided to all most all the areas coming under Puri Municipality jurisdiction through AAMRUT YOJANA and not supplying through sweet water zone of Puri.

Remark:-

- a) To bring out the permanent and clear solution a project with time bound action plan should be framed by the concern Department Govt. Department, Odisha so that another vast area far away from town locality of Puri should be identified and to be developed as per guideline of CPCB.
- b) After completion of the new site the present practices at Baliapanda Dumping yard can be stopped gradually and the day to day problem can be sorted out in the course of time.
- c) Also the joint report with Executive Officer, Puri Municipality may please be perused where present work practices of the Municipality has been well defined w.r.t municipal Solid waste Management.


Dr. R.K. Mishra, Sr. Env. Scientist
Regional Office, SPC Board, Bhubaneswar

**JOINT VERIFICATION REPORT OF EXECUTIVE OFFICER, PURI MUNICIPALITY
AND SCIENTIST OFFICE OF R.O., SPCB, BHUBANESWAR ON 24.05.2023
ON THE GRIEVANCE PETITION RECEIVED REGARDING BURNING OF
LEGACY WASTE AT BALIAPANDA**

The facts detailed in the grievance petition filed by Afraaz Suhail are denied as Puri Municipality has taken up decentralized Solid Waste Management as per the instructions of H & U. D. Department, Govt. of Odisha. The Baliapanda dumping ground has been a place where the Solid wastes were dumped since 90's. It has been closed by Puri Municipality in the year 2020-21 after construction of 9 nos. of Micro Composting Centers and 6 nos of Material Recovery Facilities centers. The legacy wastes dumped there has already been taken care by Govt. of Odisha by selecting an agency for Bio-mining of the waste through a tender process. A team from H & U.D. Department has visited to Baliapanda to ascertain the volume of legacy wastes dumped there. Some unauthorized occupants who have encroached the Govt. land set fire in the dumping ground and create nuisance. Puri Municipality with the help of the Fire Department usually extinguish the fire set by antisocials. The solid waste generated in Puri Municipality is processed as follows.

Solid Waste Management

1. Puri Municipality has employed 60 numbers of compartmentalized waste collection vehicles to collect domestic waste with source segregation. Further under the Express Cleaning service waste from the commercial establishment's i.e. hotels and restaurants are being collected. All the wet waste so collected are being processed in 9 Micro Composting Centers (MCC) and the dry recyclable waste are being recycled in 6 Material Recovery Facilities (MRFs). The organic waste termed as "Mo Khata" is being sold to different departments and farmers for use in different types of cultivation, Plantation etc.
2. The refuse from the MCCs and MRFs which are non recyclable waste including those collected through road sweeping were sent to Cement Factory through an agency named "Waste Tech". The agency discontinued to receive RDF stating the distance to Rajgangpur as a matter. However Puri Municipality is in the process of signing of MOU with an expert agency for disposal of refuse etc. as RDF with cement factories.
3. Further the H&UDD is in the process of selecting expert agency for bio-mining of the legacy waste at the dump yard at Baliapanda which will eventually help to reclaim the present dumping area. The RFP No.1/HUD (SAN) dt.19.11.2022 has already been floated and the pre-bid queries have already been submitted by the intending bidders and the pre bid meeting was held on 14.12.2022

SP. EM/Scientist



Executive Officer

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4. Puri Municipality has taken visible steps to curb Single Use Plastic (SUP) in the town, which included mass citizen mobilization, engagement with vendors, awareness rallies and robust enforcement through Notification and fine against SUP use.
5. In order to eliminate Single Use Plastic pollution in the Beach and consequently in the ocean Puri Municipality has been active through introduction of innovative campaigns such as "Mo Beach", Tourist and Citizen awareness drive against SUP, Mass pledge to avoid SUP. To convert the awareness against use of SUP into action a Novel Programme named "Beach Connect" involving citizens, tourists, vendors etc. has been initiated on alternate Sundays.
6. "Badadanda Seva" an unique collaborative initiative by Puri Municipality with participation of citizen and vendors was introduced on the Grand Road to mobilize vendors, tourists and general public on non littering, SUP ban and use of double dustbins in all Commercial Establishments etc. Plastic exchange and promotion of Jhute Bags, Kiosks were put up along the Grand Road at several points to collect Plastic Waste and to educate the Mass on recycling of plastic waste.
7. Puri has been awarded with the Plastic Waste Management Award 2020 by Department of Drinking Water and Sanitation, Ministry of Jalashakti, Govt. of India for better management of Plastic Waste.
8. Previously Puri Municipality has achieved rank of 125 in all India basis under Swachha Surveskhyan 2021 but this year Puri has worked hard and enhanced his performance from 125 to 58 in Swachha Surveskhyan 2022 organized by Gol. besides this Puri also achieved an award in "Best Innovation and Practices" under 1 to 3 Lakh population in all over India.

Sweet Water Zones of Puri

1. OCZMA is taking care of Sweet Water Zone. In the 42nd meeting of OCZMA held on 26.08.2022 under the Chairmanship of Additional Chief Secretary, Forest, Environmental Climate Change Department, the authority agreed for modification of the direction issued by OCZMA on 16.09.2017 u/s 5 of EP Act. 1986 for conservation and protection of sweet water zone of Puri town to the extent that only drawl of ground water is prohibited in CRZ-II area of Puri".


 27/5/23
 SR. Env. Scientist

2. Forrest, Environment and Climate change Department has notified vide notification no. 18116, dt 11/10/2022 restricting withdrawal of ground in sweet water zone including CRZ-II area, avoid contamination of ground water and encroachment of Govt. Land.

Lifting of ground water without permission

1. Puri is the 1st town in the country to have implemented "Drink from Tap" scheme under which more than 32000 households have benefited through piped water supply and the number is still growing. Further commercial establishment like hotels and restaurant etc. are being added to the list. Hence there is no need for exploitation of ground water and the dependence of ground water is steadily declining.

R.K. Mishra
24/5/23
Dr. R.K. Mishra (SES),
R.O., SPCB, Bhubaneswar

SR. Env. Scientist
Regional Office
S.P.C. Board
Bhubaneswar (Odisha)

Sri Saroj Ku. Swain
24/5/23
Sri Saroj Ku. Swain (OAS-S)
E.O., Puri Municipality, Puri

Executive Officer,
Puri Municipality, Puri