

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

Original Application No. 16/2023(WZ)

Mrs. Alka Sunil Kale,

---Applicant

Versus

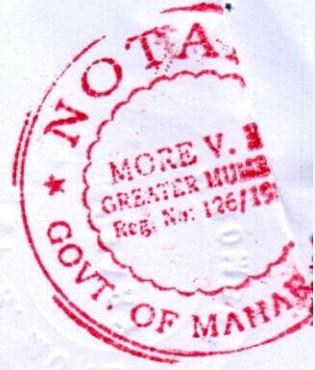
State of Maharashtra & Ors.

---Respondent(s)

Affidavit in Reply on behalf Maharashtra Pollution Control Board i.e. Respondent No. 4.

I, Dr. Seema Uday Dalavi, Age- Adult, Occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Head Quarter, having my office address at Kalpataru Point, 3rd Floor, Sion-Matunga Scheme Road No.8, Near Sion Circle, Sion (East), Mumbai-400 022, do hereby state on solemn affirmation as under –

- 1) I have perused the papers and proceedings of the above matter. I am thus conversant with the facts of the case and I am able to depose the same. I am filing the said Affidavit in Reply on behalf of Respondent No. 4 - Maharashtra Pollution Control Board (MPCB).



- 2) At the outset, the Applicant has filed this application seeking modification of the standards of incinerator stated in the tender condition issued by Respondent No.1- State of Maharashtra through the Maharashtra Prathamik Shikshan Parishad Mumbai, for providing sanitary napkin vending machine and incinerators to the 9940 schools in the State of Maharashtra, wherein, one of the specification is that the burning temperature should be 800°C and the said specification does not provide for twin chamber condition, which is in contravention of standards of incineration stated in the Solid Waste Management Rules, 2016.
- 3) I submit that the Ministry of Environment, Forest and Climate Change, Government of India in exercise of the powers conferred by Section 3, 6 & 25 of the Environment (Protection) Act, 1986 (29 of 1986) and in supersession of the Municipal Solid Waste (Management & Handling) Rules, 2000, has published the Solid Waste Management Rules, 2016 vide Notification bearing S.O.No.1357(E), dtd.8/4/2016.
- 4) I say & submit that the "Incinerator" as defined under the Solid Waste Management Rules specifies that the solid waste should be burnt at high temperature. However temperature has not defined anywhere.



- 427 -

- 5) I say and submit that Part C of Schedule-2 of the Solid Waste Management Rules, 2016 provides that “all the facilities in Twin Chamber Incinerators shall be designed to achieve a minimum temperature of 950°C in secondary combustion chamber and with a gas residence time in secondary combustion chamber not less than 2 seconds”.
- 6) I say and submit that the Central Pollution Control Board(CPCB) has published the Guidelines for Management of Sanitary Waste in May, 2018, wherein, the CPCB has given the Waste Management options for incinerators at Clause-6.0 of the said Guidelines, which is enclosed to the Application as an Annexure-A-5.
- 7) I say and submit that while setting out the tender conditions, for providing sanitary napkin vending machine and incinerator to the 9940 schools in the State of Maharashtra, the Respondent No.1 shall strictly follow the Guidelines for Management of Sanitary Waste issued by the Central Pollution Control Board of May, 2018.

- 8) I say & submit that the present Applicant is not seeking any prayer against the answering Respondent.

Solemnly affirmed on this 3rd day of April, 2023 at Mumbai.

I know the affiant.

For and on behalf of Maharashtra
Pollution Control Board i.e.
Respondent No. 4

ADVOCATE

(Dr. Seema Uday Dalavi)
Sub-Regional Officer(HQ)



BEFORE ME
Ume
25/4/2023
Vasant B. More
Notary Gr. Mumbai

REGISTER Sr. No. 27.9.12023

