

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE.

Original Application No.111/2024(WZ)
Earlier Original Application No.273/2024(PB)

News Item titled "Layer of toxic foam floats on surface of Indrayani river in Pune" appearing in Hindustan Times dated 12.2.2024.

REPLY AFFIDAVIT ON BEHALF OF LONAVALA
MUNICIPAL COUNCIL i.e. RESPONDENT No.5

INDEX

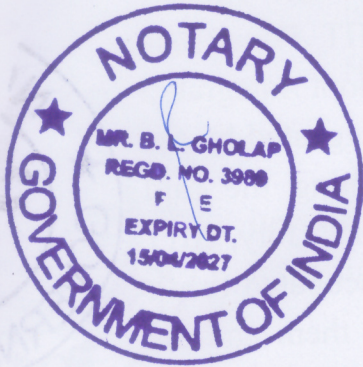
Sr. No	Particulars	Page No. (Internal)	Final Pg.No
1	Reply Affidavit	1	103
2	Annexures	4	106

Pune

Dated: 9.01.2025


Advocate for Respondent 5

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION No.111/2024 (WZ)



In the matter of

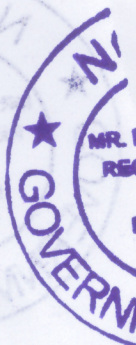
In re: News item titled "Layer of toxic foam floats On surface of Indrayani River in Pune", Appearing in Hindustan Times dated 12.02.2024

AFFIDAVIT IN REPLY ON BEHALF OF LONAVALA MUNICIPAL COUNCIL i.e., RESPONDENT NO.5.

I, Mr. Ashok Sabale, the Chief Officer, Lonavala Municipal Council, the Respondent No. 5 herein, do hereby state on solemn affirmation, as under :

- 1) I am filing this Reply Affidavit on behalf of Lonavala Municipal Council. I say that the Hon'ble Principal Bench at New Delhi had registered a News article published in Hindustan times relating to the layer of toxic foam floats on surface of Indrayani river in Pune. Consequently a status report was filed by the MPCB. The said matter was thereafter transferred vide order 22.03.2024 to the Hon'ble NGT Pune (Western zone).
- 2) I am filing this Affidavit in compliance of the order dated 16th October, 2024 passed by the Hon'ble National Green Tribunal (WZ), Pune.
- 3) I say that, the Respondent No. 5 herein has installed STP having 6 MLD capacity to treat the industrial and domestic waste. The said STP was installed in the year 2023.

- 4) I say that the said STP was operating as per the MBBR technology. However, after a thorough survey, IIT Powai has suggested the Lonavala Municipal Council to adopt Integrated wetland technology for treatment of sewage. As suggested by the IIT Powai and for further consultation for adopting the said technology, an agreement has been entered into on 19th July, 2017 with Emergy Enviro Pvt. Ltd. (Sine IIT Bombay Incubated firm), Powai. Accordingly, a DPR has been prepared by them and the same has been given technical approval by the Maharashtra Jeevan Pradhikaran, Pune.
- 5) I say that a total of 9 STPs at different locations in Lonavala are proposed and the Lonavala Municipal Council have further proposed a decentralized STP system for better treatment of sewage.
- 6) I say that the Maharashtra Pollution Control Board had issued proposed directions under section 33A of Water (Prevention and Control of Pollution) Act, 1974 on 04.12.2023. The same is annexed herewith and marked as Exhibit A.
- 7) I say that the Lonavala Municipal Corporation vide its reply dated 19.12.2023 apprised the MPCB about the measures undertaken by them and the technical approved by the Maharashtra Jeevan Pradhikaran, Pune for proposal of 9 STPs to be set up in Lonavala. The same is annexed herewith and marked as Exhibit B.
- 8) PMRDA has incorporated Lonavala Municipal Council Detailed project report of 9 STP in its DPR of Pollution abatement of the River Indrayani at Pune Metropolitan Region, Maharashtra. Moreover, I say that PMRDA has taken the responsibility of constructing STP plant for all the towns situated on Indrayani river, including Lonavala Municipal Council.
- 9) I further say that the incidence of toxic foam had not occurred within the jurisdiction of Lonavala Municipal Council or in the near vicinity of the river of Lonavala Municipal Council, are



taking every effort to operate the STP Plant at maximum capacity, so as to minimize the pollution of Indrayani River.

Whatever has been stated hereinabove is true and correct to the best of my knowledge, belief and information and, in witness whereof, I have signed this at , this th day of January, 2025.

AFFIANT

I know the Affiant

Cashok V. Sabale
CASHOK V. SABALE
Chief Officer
Lonavla Municipal Council

Advocate



BEFORE ME

B. L. Gholap
MR. B. L. GHOLAP
NOTARY, GOVT. OF INDIA
PUNE

Noted and Registered
at Serial Number 16 / 2025
Date 08 JAN 2025

MAHARASHTRA POLLUTION CONTROL BOARD

REGIONAL OFFICE - PUNE

Phone No. 020-25811694
 Fax No. 020-25811701
 e-mail : ropune@mpcb.gov.in
 visit us : www.mpcb.gov.in



"Your Service is our Duty"

Jog Centre, 3rd Floor,
 Wakdevadi,
 Old-Pune Mumbai Road,
 Pune- 411003

MPCB/ROP/PD/2312040006

Date: 04/12/2023

To,
 Chief Officer,
 Lonavala Municipal Council,
 Tal. Maval, Dist. Pune.

Sub: Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974.

Ref : 1) News published in electronic media and print media regarding pollution of River Inrayani and also foam formation in river observed on 11/11/2023.
 2) Proposal for legal actions submitted by the Sub Regional Officer, MPC Board, Pune-II vide letter no. MPCB-LEGAL-ACTIONS-301123013, Dtd. 30/11/2023

AND WHEREAS, you are operating Sewage Treatment Plant located in the "Pollution Prevention Area" under the Water (Prevention and Control of Pollution) Act, 1974, and Hazardous and Other Wastes (M and TM) Rules, 2016 followed by further amendments made therein from time to time ANDWHEREAS, it is obligatory on your part to operate the STPs with valid consent to operate of the Board.

AND WHEREAS, it is obligatory on your part to treat the entire sewage generating from your Municipal Council jurisdiction by providing adequate sewage treatment plants and full-fledged network of sewage carrying system, so as to achieve the standards prescribed under the Water (Prevention & Control of Pollution) Act, 1974 r/w the Environment (Protection) Act, 1986.

AND WHEREAS, it is obligatory on your part to maintain the wholesomeness of Water Quality of the Natural Water Bodies including aquatic flora and fauna life by avoiding contamination of water.

AND WHEREAS, news published in electronic and newspaper regarding the Indrayani River pollution with foam formation and water hyacinth and also the Board office have received the complaints of the same.

AND WHEREAS, Sub Regional Officer, Pune-II has submitted legal action proposal vide reference (2) above and therein reported below non-compliances:

- (1) You are discharging approx. 4.5 MLD untreated domestic effluent into the river Indrayani and approx. 7.0 MLD untreated effluent into the river Ulhas
- (2) You have not provided the adequate capacity of Sewage Treatment Plant to treat total domestic effluent generated.
- (3) You have provided 06 MLD STP and same was not found in operation and untreated domestic effluent discharging into water bodies.

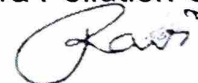
AND WHEREAS, after examining the record of your case and reports of the officers of the Board, it has been concluded that, you are discharging untreated domestic effluent into the River Indrayani and river Ulhas through various Nallas thereby causing pollution thereof, and you have failed to comply with the conditions stipulated in the Consent granted by the Board and provisions of the Water (Prevention and Control of Pollution) Act, 1974 and thereby causing water pollution into the environment.

NOW THEREFORE, in exercise of the powers conferred upon me under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, I, Ravindra Andhale, Regional Officer of the M.P.C. Board, at Pune hereby issue directions as under:-

1. Why the prosecution proposal shall not be filled against you and persons who are responsible for day to day affairs of the council before the court of Law under section 41(2), 43, 44 & 48 read with sections 33A, 24, 25, 26 of the (Water Prevention and Control of Pollution) Act, 1974?
2. Why Environmental Compensation shall not be levied to the maximum amount recommended for untreated / partially treated sewage discharge as mentioned in the Hon'ble NGT order in O.A. No. 593/2017 in the matter Paryavaran Suraksha Samiti and Others V/s. Union of India?

You are hereby given an opportunity to respond within 15 days with corrective action plan along with the short term measures and long term measures for treatment of 100% domestic effluent generating in your jurisdictions, from issuance of these directions, failing which, MPCB will initiate legal action against your unit without giving any further notice in accordance with the provisions of the Water (prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, which please note.

For and on behalf of
Maharashtra Pollution Control Board



(Ravindra Andhale)
Regional Officer, MPCB, Pune

Copy submitted for information to:

- Hon'ble The Member Secretary, MPCB, Mumbai.

Copy f.w.cs.to :

1. Joint Director (APC), M.P.C. Board, Mumbai.
2. Joint Director (WPC), M. P. C. Board, Mumbai.
3. Law Officer, M.P.C. Board, Mumbai.

Copy to- The Sub-Regional Officer, M.P.C. Board, Pune-II :- He is directed to take follow up and ensure the compliance of the aforesaid directions.

लोणावळा नगरपरिषद, लोणावळा

ता.मावळ, जि.पुणे 410 401

दूरध्वनी क्र.: 02114-275464, 275463 टोल फ्री क्र.: 18002335463

E-mail : lmc1877@gmail.com

Website: www.lmc.org.in, www.lonavalamahaulb.maharashtra.gov.in



स्थापना : १८७७

जा.क्र. लोनप 7 /MPCB / नदी प्रदूषण /2023-24 /१०९

दि.18/12/2023

प्रति,

विभागीय अधिकारी,

महाराष्ट्र प्रदूषण नियंत्रण मंडळ,

जाॅग सेंटर, तिसरा मजला, वाकडेवाडी,

जुना-पुणे मुंबई रोड, पुणे - 411003.

१७/१२/२०२३

विषय - जल (प्रदूषण प्रतिबंध आणि नियंत्रण) अधिनियम, 1974 च्या कलम 33 अ अंतर्गत प्रस्तावित निर्देशाबाबत.

संदर्भ - आपले कार्यालयाकडील पत्र क्रमांक MPCB/ROP/PD/2312040006 दि.04/12/2023

महोदय,

उपरोक्त विषयाच्या अनुषंगाने, आपल्या कार्यालयाकडील संदर्भीय पत्र या कार्यालयास प्राप्त झालेले आहे. त्या अनुषंगाने लोणावळा नगरपरिषदेकडील विषयांकित प्रकरणाची वस्तुस्थिती पुढीलप्रमाणे आहे. लोणावळा शहरामधून उल्हास नदीमध्ये जोडणा-या ओढ्याचा काही भाग व इंद्रायणी नदीच्या प्रवाहाचा काही भाग हा लोणावळा नगरपरिषद हद्दीमध्ये येतो. लोणावळा शहरात निर्माण होणा-या सांडपाण्यामुळे उल्हास नदी व इंद्रायणी नदीमध्ये प्रदूषण होऊ नये याकरीता नगरपरिषदेकडून खालीलप्रमाणे उपाययोजना केल्या जात आहेत.

लोणावळा नगरपरिषद हद्दीत Integrated Wetland Technology based प्रमाणे मलशुद्धीकरण केंद्र उभारणेकरीता नगरपरिषद प्रशासन संचालनालय वरळी मुंबई यांच्या पत्रानुसार सविस्तर प्रकल्प अहवाल तयार करणेकामी भारतीय प्रौद्योगिक संस्थान (IIT) पवई मुंबई यांनी Emery Enviro Pvt. Ltd. (Sine IIT Bombay Incubated firm) Pawai, Mumbai यांची नेमणूक करणेस सुचित केलेले होते. त्यानुसार लोणावळा शहरात विविध ठिकाणी मलशुद्धीकरण केंद्र उभारणेचे काम करणेसाठी आय. आय. टी. मुंबई यांच्या Technology प्रमाणे सविस्तर डी.पी.आर. तयार करणे करीता Emery Enviro Pvt. Ltd. (Sine IIT Bombay Incubated firm) Pawai, Mumbai यांची नेमणूक करणेस मा. विशेष सभा ठ.क्र.03 दि. 11/04/2017 अन्वये वित्तीय प्रशासकीय मान्यता देणेत आलेली होती. मंजूर कॅन्सलटंट Emery Enviro Pvt. Ltd. Pawai, Mumbai यांनी याकामी दि.19/07/2017 रोजी करारनामा करून त्यांना 1397 दि. 07/08/2017 अन्वये कायदेशि देणेत आलेला आहे.

त्यानुसार मंजूर कॅन्सलटंट Emery Enviro Pvt. Ltd. Pawai, Mumbai यांनी लोणावळा नगरपरिषद हद्दीत विविध ठिकाणी मलशुद्धीकरण केंद्र उभारणे कामी रक्कम रुपये 42,16,02,020/- इतक्या रक्कमेचा सविस्तर प्रकल्प अहवाल माहे फेब्रुवारी 2018 रोजी नगरपरिषदेस सादर केलेला होता.



मा. सर्वसाधारण सभा ठराव क्रमांक 132 दि. 17/05/2018 अन्वये लोणावळा नगरपरिषद हद्दीत विविध ठिकाणी मलशुध्दीकरण केंद्र उभारणे कामी सविस्तर प्रकल्प अहवाल रक्कम रुपये 42,16,02,020/- ला व सदर कामाचा खर्च मा. शासनाच्या महाराष्ट्र सुवर्ण जयंती नगरोत्थान अंतर्गत निधीतून व 15 % खर्च मा. शासनाच्या 14 वित्त आयोगातून व नगरपरिषद फंडातून करणेस आर्थिक व प्रशासकीय मंजूरी दिलेली आहे.

सदर DPR सविस्तर प्रकल्प अहवालास तांत्रिक मंजूरी मिळणेकामी मा. मुख्य अभियंता महाराष्ट्र जीवन प्राधिकरण पुणे यांचेकडे जा.क्र. 226 दि. 08/06/2018 रोजी प्रस्ताव सादर करणेत आले होता. परंतु IWT आधारीत STP चे दर दरसुचीत नसल्याने त्यानुसार त्रुटींची पुर्तता करून मे. इमर्जी एनव्हीरो प्रा. लि. पवई मुंबई यांनी नविन चालू दरसुची नुसार सुधारीत अंदाजपत्रक रक्कम रुपये 40,10,55,496/- इतक्या रक्कमेचे तयार करून मा. मुख्य अभियंता महाराष्ट्र जीवन प्राधिकरण पुणे यांचेकडे जा.क्र. 971 दि.25/01/2022 अन्वये तांत्रिक मंजूरी मिळणेकरीता प्रस्ताव सादर करणेत आलेला होता. मा. मुख्य अभियंता (प्र), महाराष्ट्र जीवन प्राधिकरण, पुणे यांनी सदर कामाचे अंदाजपत्रक रक्कम रुपये 39,36,64,638/- ला जा.क्र. 1590 दि. 28/06/2023 रोजी तांत्रिक मंजूरी प्रदान केलेली आहे.

त्यानुसार नगरपरिषदेने स्वच्छ भारत मिशन 2.0 अंतर्गत निधी उपलब्धतेसाठी सदरचा प्रस्ताव मान्यतेसाठी स्वच्छ महाराष्ट्र अभियान संचालनालय, मुंबई यांच्या कार्यालयाकडे जा.क्र.348 दि.27/07/2023 रोजी प्रस्ताव सादर करण्यात आलेला आहे. सदर प्रस्तावास शासन स्तरावर मान्यता प्राप्त झालेनंतर Decentralized STP उभारणेची कार्यवाही करण्यात येणार आहे.

तसेच लोणावळा नगरपरिषदेकडून जुनी भुयारी गटार योजना दुरुस्ती प्रकल्पा अंतर्गत नादुरुस्त झालेल्या ड्रेनज लाईन काढून त्याठिकाणी नविन ड्रेनेज लाईन टाकणेत आलेली आहे व 3.69 MLD क्षमतेचा मलशुध्दीकरण प्रकल्प पाडून त्याठिकाणी नविन 6 MLD क्षमतेचा मलशुध्दीकरण प्रकल्प (STP) बांधण्यात आलेला आहे. हा मलशुध्दीकरण प्रकल्प MBBR या तंत्रज्ञानावर आधारित आहे. या STP चे काही काम शिल्लक असल्याने व लोणावळा शहरात पावसाचे प्रमाण जास्त असल्याने पावसाळ्यात काम करू न शकल्याने दि.15 ऑक्टोबर 2023 पासून देखभाल दुरुस्तीसाठी बंद करण्यात आला होता. सदरील STP चे काम पूर्ण झाले असून प्रकल्प कार्यान्वित करणेत आलेला आहे. या प्रकल्पा अंतर्गत इंद्रायणी नदीमध्ये जाणा-या सांडपाण्यावर प्रक्रिया करणेत येत आहे.

तसेच लोणावळा नगरपरिषद हद्दीतील भाजी मार्केट परिसर (सुपर मार्केट इंद्रायणी नदीजवळ), FFBM सिस्टीमचे 10 KLD क्षमतेचे STP व रायवुड विभागात छत्रपती शिवाजी महाराज गार्डनजवळ, रामनगर येथील सार्व. शौचालयजवळ, खंडाळा विभागातील खंडाळा तलाव, ठाकर / कातकरी वस्तीजवळ FFBM सिस्टीमचे 15 KLD क्षमतेचे STP यंत्रणा बसविणेत आलेली असून कार्यान्वित केलेली आहे.

लोणावळा नगरपरिषदेमार्फत उल्हास नदी व इंद्रायणी नदी प्रदुषण रोखणेसाठी 100% सांडपाण्यावर प्रक्रिया करणेकरीता वरीलप्रमाणे उपाययोजना करणेत येत आहे.

अपिला विश्वासू,



(अशोक साबळे)

मुख्याधिकारी

लोणावळा नगरपरिषद

