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

Original Application No 112 of 2022(WZ)

Suraj Pradeepkumar Ajmera .

...

Appellants

Versus

MoEF&CC &Ors

...

Respondents

AFFIDAVIT REPLY ON BEHALF OF RESPONDENT NO. 5: -

I, Dr. Prakash Prabhakar Munde, Age 57 Years, Occupation Service, Sub Regional officer of the Maharashtra Pollution Control Board at A having my office at Paryavaran Bhavan ,Plot No.A-4/1, MIDC Chikalhana, Jalna Road, Chhatrapati Sambhajinagar (Aurangabad)-431210, filing this Affidavit in Reply on behalf of answering Respondent No.5 as I am authorized to file the same.

1. I say and submit that(Aurangabad) Chhatrapati Sambhajinagar Municipal Corporation has obtained Authorisation under Solid Waste Management Rule 2016 for set up and operate waste processing /treatment /disposal facility from Maharashtra Pollution Control Board vide no BO/MSW/B-1901000012 DATED 11.01.2019 which was valid upto 31.12.2023 **Hereto annexed and marked as Exh. "A is the copy of** Authorisation under Solid Waste Management Rule 2016 DATED. 27/01/2022.

Prakash

BEFORE ME

SUNIL PANDIT DOUND
Notary Public of India
Reg. No. 3435

BEFORE ME

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2. I say and submit that in compliance of Hon'ble NGT order in OA no. 606/2018 and in compliance of Municipal Solid Waste Management Rules, 2016, Board has issued Directions to The Municipal Commissioner, (Aurangabad) Chhatrapati Sambhajinagar Municipal Corporation vide letter no. MPCB/RO(HQ)/B- 564 dated 07/12/2020 for assessment of Environmental Compensation as per directions of Hon'ble NGT in OA no. 606/2018 dated 24.01.2020 & 02.07.2020 and other environmental issues. In view of the non-compliances and as directed by Hon'ble NGT, AMC was directed to pay- i) Final Environmental compensation of Rs. 80 lakhs towards the non-compliance of Solid waste management Rules, 2016 untreated solid waste to the tune of 150 MT/Day from 01/04/2020 to 30/11/2020, ii) Final Environmental compensation of Rs. 80 lakhs from 01/04/2020 to 30/11/2020 towards not commencing of the work of legacy waste site remediation iii) AMC shall pay Rs. 20 lakh per month for non-compliance of Solid waste management & Legacy waste management from December 2020 onwards till the compliance. **Hereto annexed and marked as Exh. "B" is the copy of Directions Dated 7/12/2020.**

3.

I say and submit that, with respect to non-compliances of Hon'ble NGT orders related to Municipal Solid Waste Management Rules, 2016

BEFORE ME

SUNIL PANDIT DOUND
Notary Public of India
Reg. No.: 2425



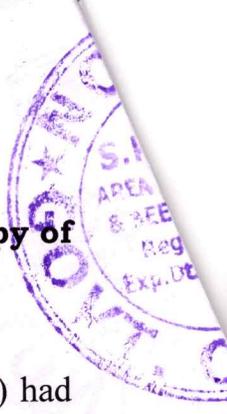
made by (Aurangabad) Chhatrapati Sambhajinagar Municipal Corporation Regional Officer, MPCB, Aurangabad has issued direction on 25/06/2020, 17/08/2020, 03/11/2020, 01/10/2021, towards the compliances, assessment of compensations **Hereto annexed and marked as Exh. "C" is the copy of Directions Dated 25/06/2020, 17/08/2020, 03/11/2020, 01/10/2021.**

4. I say and submit that, non-compliance Municipal Solid Waste Management Rules,2016 and failed to comply with the time frame for the implementation of Municipal Solid Waste Management Rules,2016 the Member Secretary, MPCB vide letter no. MPCB/RO(HQ)/B-1665 dated 28/07/2021 directed (Aurangabad) Chhatrapati Sambhajinagar Municipal Corporation to pay final Environmental compensation at the rate of Rs. 10 lakh per month from 01/04/2020 till compliance towards non-compliances of MSW Rules 2016 and final Environmental Compensation at the rate of Rs. 10 lakh per month from 01/04/2020 till compliance towards noncompliance of legacy waste management as AMC has not started work of bio- remediation of legacy waste. It was directed to deposit the amount towards the environment compensation to the concerned Regional Officer of MPCB for restoration of environment within 10

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BEFORE ME
[Handwritten signature]
SUNIL PANDIT, Notary Public for India, Reg. No.: 3435

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BEFORE ME
[Faint handwritten signature]



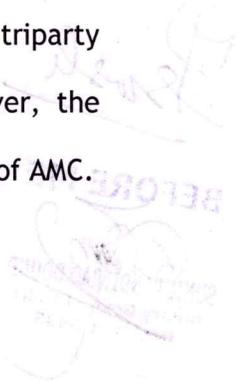
days. **Hereto annexed and marked as Exh. "D" is the copy of Directions Dated 28/07/2021.**

5. I say and submit that, Central Pollution Control Board (CPCB) had issued direction under Section 5 of Environment (Protection) Act, 1986 to all State Pollution Control Board/ Pollution Control Committees regarding fire incidents at MSW Dumpsites, vide letter No. CP-99/143/2021-UPC-II-HO-CPCB-HO dated May 26, 2022 **Hereto annexed and marked as Exh. "E" is the copy of Directions issued by CPCB Dated 26/5/2021 .**

6. I say and submit that Maharashtra Pollution Control Board had issued directions under Section-5 of the Environment (Protection) Act, 1986 for the implementation of the Solid Waste Management Rules, 2016 regarding fire incidents at MSW dumpsites to Urban Development Department, Govt of Maharashtra and District Collectors. on 15.07.2022 **Hereto annexed and marked as Exh. "F" is the copy of Directions issued by MPCB Dated 15/7/2022. .**

7. I say and submit that, since Maharashtra Pollution Control Board has issued Directions time to time as mentioned above. Specifically Maharashtra Pollution Control Board issued directions on scientific disposal of legacy waste by imposing environmental compensation. The report of triparty committee is submitted before the Hon'ble NGT by AMC. However, the environmental compensation amount imposed is awaited at the end of AMC.

Densh
BEFORE ME
(Signature)
SUNIL PANDITRAO DOUND
Notary Public of India
Reg. No.: 3435





For and on behalf of
Maharashtra Pollution Control Board

[Signature]

(Dr. Prakash P. Munde)

Sub- Regional Officer- Aurangabad

[Signature]

M.D. GITTE
Advocate High Court
Aurangabad

Advocate for Respondent No. 5

Date:-07/07/2023

Place:-Aurangabad

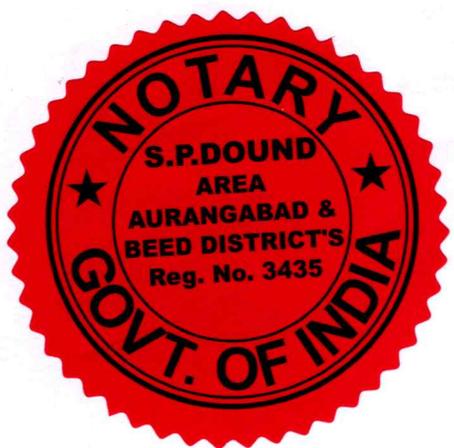
AFFIDAVIT

Solemnly affirmed before me At Aurangabad
by Shri/Smt. Dr. Prakash P. Munde
R/o Aurangabad Age 57 yrs.
T. Aurangabad Dist. Aurangabad OCC-Service
Who identified by self
Whom He/ She is personally known.

BEFORE ME

[Signature]
SUNIL PANDITRAO DOUND
Advocate Notary Govt. of India
AREA-AURANGABAD & BEED DIST'S
☎: (0240)-2481952 (M)9371003334
Reg. No. 3435
06/07/2023

NOTED & REGISTERED
AT Sr. No. 15729/2023
THIS DOCUMENT CONTAINS
05 PAGES



[Signature]

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Annexure-I

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NO.-2

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 4010437/4020781
4037124/4035273
Fax : 24044532/4024088 /4023516
Email : rohq@mpcb.gov.in



Kalpatearu Point, 3rd & 4th floor,
Sion- Matunga Scheme Road No. 8,
Opp. Cine Planet Cinema, Near Sion Circle,
Sion (E),
Mumbai - 400 022

No: BO/MSWA/B-1901000012

Date: 11/01/2015

FORM-II
[See - Rule 16 (1)]

To,
The Municipal Commissioner,
Aurangabad Municipal Corporation
Gut No. 5 & 14 (Reservation no. B 19),
Mauje Harsool, Aurangabad.

Sub: Authorization under Solid Waste Management Rules, 2016.
Ref: Your online application for grant of authorization.

The Maharashtra Pollution Control Board after examining the proposal hereby authorizes The Commissioner, having administrative office at Aurangabad Municipal Corporation, Solid Waste Management Department, 3rd floor, Administrative Building, Town Hall, Aurangabad to set up and operate waste processing/ treatment/disposal facility at Gut No. 231 (Reservation no. A10), Chikaltheria, Aurangabad, Gut No. 66, 67, (Reservation no. A 41), Slaughter house extension, Padgaon, Aurangabad and Gut No. 5 & 14, (Reservation no. B 19), Mauje Harsool, Aurangabad (Total 3 Sites) on the terms and conditions (including the standards to be complied with) attached to this authorization.

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 31/12/2023 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 18/12/2018.

(E. Rayedran, IAS)
Member Secretary

D.A.-Annexure-I
Aurangabad Municipal Corporation

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Copy to:-

The District Collector, Aurangabad - He is requested to take note the performance of local bodies at least once in a quarter on waste collection, processing, treatment and disposal and take corrective measures in consultation with the Commissioner or director of Municipal Administration or Director of local bodies and secretary-in-charge of the State Urban Development

Copy to:

- 1) Regional Officer, MPCB, Aurangabad / Sub-Regional Officer, MPCB, Aurangabad - 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 locations by The Municipal Commissioner, Aurangabad Municipal Corporation, 3rd floor, Administrative Building, Town Hall, Aurangabad as mention below.

1. 450 MT/Day of Municipal 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.	Aurangabad Municipal Corporation	Gut No. 231 (Reservation no. A10), Chikalthana, Aurangabad	150 MT/day	Presorting system, windrow composting, compost pad, windrow turning, curing, compost refining
2.	Aurangabad Municipal Corporation	Gut No. 66, 67, (Reservation no. A 41), Slaughter house extension, Padegaon, Aurangabad	150 MT/day	Presorting system, windrow composting, compost pad, windrow turning, curing, compost refining
3.	Aurangabad Municipal Corporation	Gut No. 5 & 14, (Reservation no. B 19), Mauje Harsool, Aurangabad	150 MT/day	Presorting system, windrow composting, compost pad, windrow turning, curing, compost refining

- I. Segregated waste like Metallic paper, plastic etc. shall be Disposed through rag pickers by sale for recycle.
- II. 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.
1. 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.
 2. 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.
 3. 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.
 4. The inert created during handling and processing of MSW shall be properly land filled at authorized site.

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5. The municipal authority will have to abide by the provisions of Solid Waste Management Rules, 2016.
6. Tipper and Dumper shall be avoided. Closed body bins can be used or compactor shall be used for MSW collections.
7. Raw waste material shall not be dumped/stored temporary at this site.
8. All recyclable material shall be segregated at source and before receiving at disposal site.
9. All mitigation measures like odour, smoke, fire, dust, nuisance etc. shall be taken by the corporation.
10. Environment Management Plan and Disaster Management Plan shall be prepared and implemented by the corporation.
11. Corporation shall submit the time bound program for implementation of processing facility within 15 days.
12. Corporation 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 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 dt. 2/4/2013 passed by Hon'ble High Court, Mumbai against the writ petition No. 1740/1998.
14. Corporation has already obtained NOC from District Site Selection Committee on Dtd. 25/04/2018.
15. 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.
16. 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.

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19. This authorization is granted without prejudice or being prejudice of the order passed/ to be passed by Hon'ble High Court/NGT.
20. Corporation shall apply online for MSW authorization to set up and operate Landfill site at Gut. No. 66-67 Reservation No. A-41, Padgaon, Aurangabad.
21. This is issued pursuant to the decision circulation minutes of Consent Committee dtd. 17/12/2018 & 18/12/2018.

(E. Ravendran, IAS)
Member Secretary

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MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701
Fax: 24023516/24024068/24044531
Website: www.mpcb.gov.in



Kalpataru Point, 2nd - 4th Floor
Opp. Cine Planet Cinema,
Near Sion Circle, Sion (E)
Mumbai- 400 022.

NO.MPCB/RO(HQ)/B- 564

Date : 07/12/2020

To
The Municipal Commissioner,
Aurangabad Municipal Corporation,
Aurangabad.

Sub : Assessment of Environment Compensation as per directions of Hon'ble National Green Tribunal dated 02/07/2020 in Original Application No.606/2018–In the matter of Compliance of Municipal Solid Waste Management Rules, 2016 and other Environmental issues.

Ref : 1.Orders dated 24/01/2020 & 2/7/2020 passed by Hon'ble NGT in Original Application No.606/2018.
2.D.O. Letter dated 11/07/2020 issued by the Environment Department, Govt. of Maharashtra.

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The Hon'ble National Green Tribunal, Principal Bench, New Delhi has passed orders dated 24/01/2020 & 2/7/2020 in Original Application No.606/2018– In the matter of Compliance of Municipal Solid Waste Management Rules, 2016 and other Environmental issues.

In terms of order dated 24/01/2020 in O.A. No.606/2018, Order dated 28/08/2019 in O.A. 593/2017 and Order dated 06/12/2019 in O.A. No.673/2018, the Hon'ble NGT has directed to all the Local Bodies and or the concerned Department of the State Government have to ensure 100% collection, segregation, treatment and disposal of solid waste including legacy waste & liquid waste and in default to pay compensation which is to be recovered by the State with effect from 01/04/2020.

The Hon'ble NGT vide order dated 02/07/2020 in Original Application bearing No.606/2018 directed as follows:

- (i) In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020.
- (ii) Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance.
- (iii) Continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01/04/2020 till the compliance will result in liability to pay compensation @ Rs.10 Lakhs per month per local body for

population above 10 lakhs, Rs.5 Lakhs per month per local body for population between 5 lakhs to 10 lakhs and Rs.1 Lakh per month per other local body.

- (M) If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.

In this regard, the Environment Department, Govt. of Maharashtra vide D.O. letter dated 11/7/2020 brought to the notice of non-compliances towards solid waste management, liquid waste management & legacy waste management of your Local Body and requested to submit the compliance report within 15 days, which is still awaited.

The officials of the Board at Regional Office Aurangabad reported the following non-compliances as on 1/4/2020

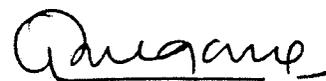
1. Your Local Body is generating solid waste to the tune of 450 MT/day, out of that 300 MT/day is treated and 150 MT/day of the solid waste is being dumped without treatment.
2. Your Local Body has not developed or established sanitary landfill for disposal of inert material.
3. Your Local Body has failed to commence the work of legacy waste sites remediation.

It has been observed that you have failed to comply with the timeframe for the implementation of the Solid Waste Management Rules, 2016 and timelines given by the Hon'ble NGT in various orders.

In view of the non-compliances and as directed by the Hon'ble NGT, you are hereby directed to pay final compensation from 01.04.2020 till compliance as follows:

1. Final Environmental Compensation of Rs.80 Lakh towards the non-compliance of Solid Waste Management Rules, 2016 untreated Solid waste to the tune of 150 MT/day from 1/4/2020 to 30/11/2020.
2. Final Environmental Compensation of Rs.80 Lakh from 1/4/2020 to 30/11/2020 towards not commencing of the work of legacy waste sites remediation.
3. You shall pay of Rs.20 Lakh per month for the non-compliance of solid waste management & Legacy waste management from December, 2020 onwards till the compliance.

You are requested to deposit aforesaid amount towards the environment compensation with the Central Pollution Control Board for restoration of environment, within one month from the receipt of this letter.



(Ashok Shingare, IAS)
Member Secretary

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Copy submitted to:

1. The Chairman, Maharashtra Pollution Control Board, Mumbai – for favour of information.
2. The Principal Secretary, Environment Department, Govt. of Maharashtra, Mantralaya, Mumbai-32- for favour of information.
3. The Principal Secretary, Urban Development Deptt.-II, Govt. of Maharashtra, Mantralaya, Mumbai-32- if the aforesaid local Body fails to pay the compensation within the stipulated time then it is requested to recover the same from the grant sanctioned to the said Local Body and deposit the same to MPC Board.

Copy to:

1. Regional Officer (HQ)/Law Officer, MPCB, Mumbai – for information.
2. Regional Officer, MPCB, Aurangabad /Sub-Regional Officer, MPCB, Aurangabad-I for information and necessary action.- They are directed to take follow up with the concerned corporation & councils

Tel.No. (0240) 2473462
Fax No. (0240) 2473461



Regional Office, Paryavaran Bhavan,
A-4/1, MIDC Area, Chikalthana,
Behind Daynik Lokpatra, Near Seth
Nandlal. Dhote Hospital, Solana Road,
Aurangabad-431 210.

By FAX/RPAD / HAND DELIVERY:
MPCB/ROA/SCN/ /2018
2506260003

Date :- 25/06/2020

To,
The Assistant Commissioner,
(Municipal Solid Waste Management),
Aurangabad Municipal Corporation,
Aurangabad.

Sub :- Show Cause Notice.

- Ref:- 1) Solid Waste Management Rules, 2016 and amendment thereof.
2) Orders passed by the Hon'ble Supreme Court and the Hon'ble High Court, Aurangabad in various Writ Petitions and Public Interest Litigations.
3) Authorization granted under MSW Rules by the Board.
4) Complaint received from residents of Gloriya City, Bhavsingpura vide e-mail 18.06.2020.
5) Visit of Board Officers to MSW processing site on 22.06.2020.

WHEREAS, it is obligatory on the part to comply with the conditions of the Authorization under the provisions of Solid Waste Management Rules, 2016 granted by the Maharashtra Pollution Control Board for the municipal solid waste processing unit.

AND WHEREAS, it is also obligatory on your part to comply with the provisions of Schedule-II of the said Rules, particularly collection segregation, storage, transportation, processing and disposal of municipal solid wastes.

AND WHEREAS, the Hon'ble Supreme Court and the Hon'ble High Court, Aurangabad have passed orders in various Writ Petitions and Public Interest Litigations wherein the Corporation authorities have been directed to comply with the MSW Rules, 2016 scrupulously.

AND WHEREAS, the Sub-Regional Officer of the Board at Aurangabad visited Padegaon MSW processing site of Aurangabad Municipal Corporation on 22.06.2020 for the investigation of complaint received vide Ref No 4 above and reported that the Corporation is generating about 450 MT/day of municipal solid waste from Aurangabad city and about 140 to 160 MT/day of MSW is being received at your Padegaon Processing unit for the treatment & further disposal as authorization conditions. However, during visit it is observed that you have not made operational any scientific arrangements for collection & treatment of leachate generated during processing of solid waste thereby leachate found its way outside the processing

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site and flowing towards low-lying area about 1-2 Km away & found in stagnant condition which causes smell nuisance to surrounding area with ground water contamination. Also the record regarding daily disposal of leachate effluent collected/treated into sewage treatment plant not maintained at the site.

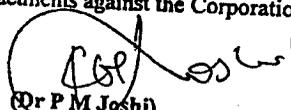
AND WHEREAS, it is also noticed that heaps of huge old mixed municipal solid waste behind the 3 sheds on open area which is highly objectionable.

AND WHEREAS, you have been already instructed by this office vide letter dated 25.07.2019 to take necessary steps towards the noncompliance in context to earlier complaint received from same residents even though you have not taken any corrective steps.

AND WHEREAS, the Board is receiving various complaints regarding smell nuisance, underground contamination, dumping of untreated MSW, etc. against Aurangabad Municipal Corporation.

Thus, you are not serious about the pollution control and contravening the provisions of various enactments and also damaging the surrounding environment knowingly and willfully.

AND NOW, THEREFORE, you are hereby called upon to Show Cause as to why necessary legal action shall not be initiated against the Corporation authorities for the above lacunas. Your reply, if any shall reach this office within a period of seven days from the date of receipt of this notice, failing which, the Board will have no any other option than to initiate necessary legal action under the provisions of the above said enactments against the Corporation authorities, which may please be noted.


(Mr P M Joshi)
Regional Officer-Aurangabad.

Copy submitted to :-

1. The Joint Director (APC), MPCB, Mumbai.
2. The Regional Officer (HQ), MPCB, Mumbai.
3. The Sr. Law Officer, MPCB, Mumbai.

Copy to Sub-Regional Officer, MPCB, Aurangabad for information and necessary follow-up.
Copy to Master File, MPCB, Aurangabad.

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O. A 85/2021

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ARJUN, C.

MAHARASHTRA POLLUTION CONTROL BOARD

155 (84)

Tel.No. (0240) 2473462

Fax No. (0240) 2473461



Regional Office,
Paryavaran Bhavan,
A-4/1, MIDC Area, Chikalthana,
Behid Daynik Lokpatra, Near Seth
Nandlal Dhoot Hospital, Jalna Road,
Aurangabad-431 210.

By FAX/R.P.A.D./HAND DELIVERY:

No. MPCB/ROA/PD/ /2020
2008170001

Date:- 17/08/2020

To,
M/s. Aurangabad Municipal Corporation.,
Post Box No 125, Town Hall,
Aurangabad.

Sub :- Proposed Directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31A of the Air (Prevention & Control of Pollution) Act, 1981.

- Ref:-
- 1) Solid Waste Management Rules, 2016 and amendment thereof.
 - 2) Orders passed by the Hon'ble Supreme Court and the Hon'ble High Court, Aurangabad in various Writ Petitions and Public Interest Litigations.
 - 3) Authorization granted under MSW Rules by the Board.
 - 4) Complaint received from residents of Gloriya City, Bhavsingpura vide e-mail 18.06.2020.
 - 5) Visit of Board Officers to MSW processing site on 22.06.2020.
 - 6) Show Cause Notice issued by the Board dt-25.06.2020.
 - 7) Visit of Board Officers to MSW processing site on 20.07.2020
 - 8) Proposal received through the legal module dt-24.07.2020.

WHEREAS, it is obligatory on the part to comply with the conditions of the Authorization under the provisions of Solid Waste Management Rules, 2016 granted by the Maharashtra Pollution Control Board for the municipal solid waste processing unit.

AND WHEREAS, it is also obligatory on your part to comply with the provisions of Schedule-II of the said Rules, particularly collection segregation, storage, transportation, processing and disposal of municipal solid wastes.

AND WHEREAS, the Hon'ble Supreme Court and the Hon'ble High Court, Aurangabad have passed orders in various Writ Petitions and Public Interest Litigations wherein the Corporation authorities have been directed to comply with the MSW Rules, 2016 scrupulously.

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AND WHEREAS, the Board office vide reference above No (6) issued you the Show Cause Notice as per the report submitted by the Sub Regional officer of the Board at Aurangabad in spite that there is no any respond from your end to comply with the noncompliance mentioned in the said notice.

AND WHEREAS, officials of Board at Sub Regional Office at Aurangabad again visited Padegaon MSW processing site of Aurangabad Municipal Corporation on 20.07.2020 for the checking the compliance of show Cause Notice issued & during visit following non complinaces observed-

1. You have not made operational any scientific arrangements for collection & treatment of leachate generated during processing of solid waste thereby leachate found its way outside the processing site and flowing towards low-lying area & found in stagnant condition which causes smell nuisance to surrounding area with ground water contamination.
2. It is noticed that heaps of huge old mixed municipal solid waste found stored in unscientific manner behind the 2 sheds on open area which is highly objectionable.
3. The record regarding regular disposal of leachate to the STP Padegaon not maintained at site.

AND WHEREAS, the Board is receiving various complaints regarding smell nuisance, underground contamination, dumping of untreated MSW, etc. against Aurangabad Municipal Corporation.

AND WHEREAS, from the record of this office and the observations made during the visit, I came to the conclusion that you are not complying with the Consent conditions and the provisions of Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 thereby causing grave injury to the environment.

NOW THEREFORE, in exercise of the powers conferred upon me under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981, I, Dr. Pravin M. Joshi, Regional Officer of the Board at Aurangabad direct you to submit your reply/corrective action plan towards the compliance of above related points/non-compliances alongwith all necessary documents alongwith photographs within a period of fifteen days from the date of receipt of these directions, failing which further necessary action as deem fit in your case as per the provisions of various environmental enactments will be initiated against you, which may please be noted.

(Dr. P.M. Joshi)
Regional Officer-Aurangabad

14/8/20

Copy submitted to :-

1. The Joint Director (APC), MPCB, Mumbai.
2. The Law Officer (P & L Div), MPCB, Mumbai.

Copy for information and necessary follow-up action to :

1. The Sub-Regional Officer, MPCB, Aurangabad for information and to report the compliance accordingly.

REDMI NOTE 5 PRO
MIDUAL CAMERA

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Annex - Q

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MAHARASHTRA POLLUTION CONTROL BOARD

Tel.No. (0240) 2473462
Fax No. (0240) 2473461



Regional Office, Paryavaran Bhavan,
A-4/1, MIDC Area, Chikalthana,
Behind Daynik Lokpatra, Near Seth
Nandlal Dhoot Hospital, Jalna Road,
Aurangabad-431 210.

By R.P.A.D./FAX/HAND DELIVERY:

No. MPCB/ROA/ID/ /2020
201103-FTS-0128

Date :- 03/11/2020

To,
M/s. Aurangabad Municipal Corporation,
Post Box No 125, Town Hall,
Aurangabad.

Sub:- Interim Directions under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981.

- Ref:-
- 1) Proposed Directions issued by this office vide letter No. MPCB/ROA/PD/2008170001/2020 dated 17/08/2020.
 - 2) Proposal received through legal module from SRO Aurangabad.
 - 3) Personal Hearing Extended to AMC officials on 27.10.2020.
 - 4) Approval received from HQ through legal module on 31.10.2020

This refers to Proposed Directions and subsequent to the personal hearing extended on 27.10.2020. As agreed by your representative during the personal hearing, you are hereby directed to comply with the followings for your MSW processing site at Gat No 66, 67 Padegaon, Aurangabad.

1. You shall provide leachate collection & treatment system and make it operational within 15 days.
2. You shall not discharge any kind of leachate outside the premises in any manner.
3. You shall store the municipal solid waste with due care and not in haphazard manner to avoid the smell/dust nuisance in the surrounding area.
4. You shall maintain the record of generation & treatment of leachate generated from the site.
5. You shall lift the leachate from low lying area of processing site immediately.
6. You shall dispose/process the legacy of waste as per the directions of Hon'ble NGT in OA No 606 of 2018 / as per the guidelines of MSW Rules, 2016,
7. You shall control odor nuisance at MSW site by periodic spraying of microbial culture or nay suitable method.
8. You shall achieve the Ambient Air Quality standards by proper maintaining the site.
9. You shall scrap the kaccha lagoons which are being used presently for storage of leachate immediately.
10. You shall submit the Bank Guarantee of Rs 5 lacs as per condition of authorization granted by the Board to you within 15 days period.
11. You shall comply with MSW authorization conditions scrupulously.

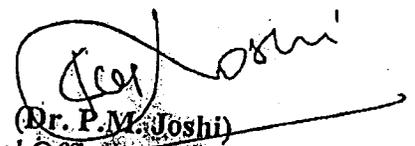
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12. You shall submit the Bank Guarantee of Rs 5 lacs towards compliance of above directions within 15 days period.

In case, you fail to comply with the above directions, the Board will have no any other option than to issue Closure Directions with disconnection of electricity and water supply of your unit, which may be noted.

This is issued with the due deliberation & as agreed by AMC authority and approval of authorities.


(Dr. P.M. Joshi)

Regional Officer-Aurangabad.

3/11/2020

Copy submitted to :-
1. The Joint Director (APC), MPCB, Mumbai.

Copy to :

1. The Sub-Regional Officer, MPCB, Aurangabad for information and necessary follow-up.
Copy to Master File, MPCB, Aurangabad.

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Annex - E

MAHARASHTRA POLLUTION CONTROL BOARD

Tel.No. (0240) 2473462
Fax No. (0240) 2473461



Regional Office, Paryavaran Bhavan,
A-4/1, MIDC Area, Chikalthana,
Behind Daynik Lokpatra, Near Seth
Nandlal Dhoot Hospital, Jalna Road,
Aurangabad-431 210.

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By FAX/RPAD / HAND DELIVERY:

MPCB/ROA/Directions/ /2021

Date :- 01/10/2021

211001 - PFS - 0146

To,
The Assistant Commissioner,
(Municipal Solid Waste Management),
Aurangabad Municipal Corporation,
Aurangabad.

Sub :- Directions under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981.

- Ref:-**
- 1) Solid Waste Management Rules, 2016 and amendment thereof.
 - 2) Authorization granted under MSW Rules, 2016 by the Board.
 - 3) Proposed Directions issued by the Board vide dtd.17.08.2020
 - 4) Interim Directions issued by the Board on 03.11.2020.
 - 5) The Joint Committee report dtd.12.03.2021.
 - 6) Orders passed by the Hon'ble National Green Tribunal in O A No 85/2020 Dt-03.09.2021.
 - 7) E-mail received by Law officer on 01.10.2021.

WHEREAS, it is obligatory on your part to comply with the conditions of the Authorization under the provisions of Solid Waste Management Rules, 2016 granted by the Maharashtra Pollution Control Board for the municipal solid waste processing unit.

AND WHEREAS, it is also obligatory on your part to comply with the provisions of Schedule-II of the said Rules, particularly collection segregation, storage, transportation, processing and disposal of municipal solid wastes.

AND WHEREAS, the Hon'ble Supreme Court and the Hon'ble High Court, Aurangabad have passed orders in various Writ Petitions and Public Interest Litigations wherein the Corporation authorities have been directed to comply with the MSW Rules, 2016 scrupulously.

AND WHEREAS, the Hon'ble National Green Tribunal passed the order in O A No 85/2020 Dt-03.09.2021 and directed Board to initiate action against you regarding noncompliance of Solid Waste Management Rules, 2016 and amendment thereof.

AND WHEREAS, the Hon'ble NGT has directed to inspect the fact with respect to application no. 85/2020 by forming the Joint Committee of District Collector, Aurangabad and MPCB Officials.

AND WHEREAS, the joint inspection has been carried out on 12.03.2021 with District Collector, Aurangabad and MPCB Officials at four no of Aurangabad Municipal's solid waste processing sites at Padegaon MSW Processing Site, Harsul MSW Processing Site, Chikalthana MSW Processing site and one no of MSW dumping site at Naregaon.

AND WHEREAS, during the visit to Padegaon MSW Processing site the Joint Committee has instructed that AMC authority shall comply with the following points-

- a. Aurangabad Municipal Corporation shall furnish BG of Rs. 5 lakhs as per the authorization granted by the Board.
- b. AMC shall provide scientific treatment for leachate collection to MSW sites.
- c. AMC shall submit pointwise compliance of the directions, Show Cause Notice issued 25.6.2020, 17.8.2020 and 3.11.2020.
- d. AMC shall maintain the record onsite related to disposal of leachate to STP Padegaon.
- e. AMC shall submit record regarding aerial distance between Padegaon MSW Processing site and Gloria City at the earliest.
- f. AMC shall spray Biosanitizer in regular time interval so as to minimize the foul smell and flies.
- g. AMC shall provide scientific air pollution control measure to coconut shredder machine (i.e. to provide hood, dust collector and stack of adequate height).
- h. AMC shall provide gloves, PPE Kit, Google and Proper Mask to the workers dealing with segregation, MSW processing area.

AND WHEREAS, during the visit to the Kanchanwadi MSW Processing site the Joint Committee has instructed that AMC authority shall comply with the following points-

- a. AMC shall provide scientific treatment for leachate collection to MSW sites.
- b. AMC shall spray Biosanitizer in regular time interval to minimize the foul smell and flies.
- c. AMC shall provide gloves, PPE Kit, Google and Proper Mask to the workers dealing with segregation, MSW processing area.

AND WHEREAS, during the visit to the Chikalthana MSW Processing site the Joint Committee has instructed that AMC authority shall comply with the following points-

- a. AMC shall maintain the record onsite related to daily disposal of leachate to STP, Zalta.
- b. AMC shall spray Biosanitizer in regular time interval to minimize the foul smell and flies.
- c. AMC shall take immediate steps to restrict the entries of stray dogs.
- d. AMC shall provide gloves, PPE Kit, Google and Proper Mask to the workers dealing with segregation, MSW processing area.
- e. AMC shall carry out transportation of Municipal Solid Waste in closed vehicles.

AND WHEREAS, during the visit to the Harsool MSW Processing site the Joint Committee has observed the following facts-

- a. AMC shall provide scientific treatment for leachate collection to MSW sites.

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b. During visit construction work of Municipal Solid Waste Processing Plant (150 TPD) is found in progress and approximately 40% work found completed.

AND WHEREAS, during the visit to the Naregaon MSW dumping site the Joint Committee has instructed that AMC authority shall comply with the following points-

a. AMC shall submit detail proposal for Bio mining work to Maharashtra Pollution Control Board. Obtain prior Environment Clearance from concerned authority.

b. AMC shall Immediately start Bio mining activity, submit the target date of completion.

AND WHEREAS, the Joint Committee has submitted the report to the Hon'ble NGT on the basis of observed facts and also instructed to the AMC that AMC shall submit the detail proposal for Bio mining to MPCB and obtain prior Environmental Clearance from concern authority, the AMC shall immediately start the Bio mining activity and submit the target date of completion and submit the time bound proposal for compliance of MSW authorization.

AND WHEREAS, you have been already instructed by this office from time to time to take necessary steps towards the noncompliance Solid Waste Management Rules, 2016 and amendment thereof.

Thus, you are not serious about the pollution control and contravening the provisions of various enactments and damaging the surrounding environment knowingly and willfully.

AND NOW, THEREFORE, you are hereby called upon to why necessary legal action shall not be initiated against the Corporation authorities for the above lacunas. Your reply, if any shall reach this office within a period of seven days from the date or receipt of this notice, failing which, the Board will have no any other option than to initiate necessary legal action under the provisions of the above said enactments against the Corporation authorities, which may please be noted.

(Dr P M Joshi)

Regional Officer-Aurangabad.

Copy submitted to :-

1. The Joint Director (APC), MPCB, Mumbai.
2. The Regional Officer (HQ), MPCB, Mumbai.
3. The Sr. Law Officer, MPCB, Mumbai.

Copy to Sub-Regional Officer, MPCB, Aurangabad for information and necessary follow-up.

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MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701
Fax: 24023516/24024068/24044531
Website: www.mpcb.gov.in



Kalpataru Point, 2nd - 4th Floor
Sion Matunga Scheme Road No.8,
Near Sion Circle, Sion (E)
Mumbai- 400 022.

Your Service is our duty

NO.MPCB/RO(HQ)/B-1665

Date : 28/07/2021

To
The Municipal Commissioner,
Aurangabad Municipal Corporation,
Dist- Aurangabad

Sub : Directions for non-compliance of Hon'ble National Green Tribunal Order dated 02/07/2020 in Original Application No.606/2018-In the matter of Compliance of Municipal Solid Waste Management Rules, 2016 and other Environmental issues.

- Ref :
1. Orders dated 24/01/2020 and 2/7/2020 passed by Hon'ble NGT in Original Application No.606/2018
 2. D.O. Letter dated 11/07/2020 issued by the Environment Department, Govt. of Maharashtra.
 3. Letter dtd.07/12/2020 regd. Assessment of Environment Compensation issued by MPCB to the Local Bodies.

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The Hon'ble National Green Tribunal, Principal Bench, New Delhi has passed orders dated 24/01/2020 & 2/7/2020 in Original Application No.606/2018- In the matter of Compliance of Municipal Solid Waste Management Rules, 2016 and other Environmental issues.

In terms of Order dated 24/01/2020 in O.A. No.606/2018, Order dated 28/08/2019 in O.A. 593/2017 and Order dated 06/12/2019 in O.A. No.673/2018, the Hon'ble NGT has directed to all the Local Bodies and or the concerned Department of the State Government have to ensure 100% collection, segregation, treatment and disposal of solid waste including legacy waste & liquid waste and in default to pay compensation which is to be recovered by the State with effect from 01/04/2020.

The Hon'ble NGT vide order dated 02/07/2020 directed to impose Environment Compensation on the non-complied Local Bodies towards non-compliance of Solid Waste Management and non-compliance of Legacy Waste Management.

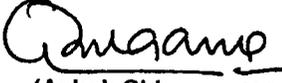
The officers of the Maharashtra Pollution Control Board reported that your Local Body have failed to comply with the time frame for the implementation of the Solid Waste Management Rules, 2016 and timeline given by the Hon'ble NGT in various orders. Therefore you were directed to pay Environment Compensation for the period of 01/04/2020 to 30/11/2020 vide letter dated 07/12/2020 and to deposit the Environment Compensation amount to the concerned Regional Officers of the Maharashtra Pollution Control Board within a period of one month.

: 2 :

It has been observed that your Corporation has not paid the aforesaid Environment Compensation till the date. Further it is also observed that still your Corporation has not complied with the time frame for the implementation of the Solid Waste Management Rules, 2016 and timeline given by the Hon'ble NGT in various orders.

In view of the non-compliances and as directed by the Hon'ble NGT, you are hereby directed to pay final compensation at the rate of Rs. 10.0 Lakh per month from 01/04/2020 till compliances towards the Solid Waste Management Rules, 2016 and final compensation at the rate of Rs. 10.0 Lakh per month from 01/04/2020 till compliances towards the non-compliance of Legacy Waste Management as you have not started work of bioremediation of Legacy Waste.

You are hereby directed to deposit aforesaid amount towards the environment compensation to the concerned Regional Officer of the Maharashtra Pollution Control Board for restoration of environment, within 10 days from the receipt of this letter, failing which, MPCB will initiate legal action against your Corporation and the persons responsible for day to day affairs of your Corporation, without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986 read with the Solid Waste Management Rules, 2016, which please note.


(Ashok Shingare, IAS)
Member Secretary

Copy submitted to:

1. The Chairman, Maharashtra Pollution Control Board, Mumbai – for favour of information.
2. The Principal Secretary, Environment Department, Govt. of Maharashtra, Mantralaya, Mumbai-32- for favour of information.
3. The Principal Secretary, Urban Development Deptt.-II, Govt. of Maharashtra, Mantralaya, Mumbai-32- if the aforesaid local Body fails to pay the compensation within the stipulated time then it is requested to recover the same from the grant sanctioned to the said Local Body and deposit the same to MPC Board.

Copy to:

1. Regional Officer (HQ)/Law Officer, MPCB, Mumbai – for information.
2. Regional Officer, MPCB, Aurangabad/Sub-Regional Officer, MPCB, Aurangabad- for information and necessary action.- They are directed to take follow up with the concerned corporation & councils

93397/2023/UPC-II-HO



CP-99/143/2021-UPC-II-HO-CPCB-HO

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

May 26, 2022

To,

The Chairman
All SPCBs/ PCCs

Sub: Directions under Section 5 of Environment (Protection) Act, 1986 for implementation of the Solid Waste Management Rules, 2016-regarding Fire Incidents at MSW Dumpsites.

WHEREAS, the Ministry of Environment, Forest & Climate Change has notified Solid Waste Management Rules on April 08, 2016 which inter-alia state procedures for Solid Waste Management;

WHEREAS, in accordance with Rule 11(d) of the Rules, it is the duty of the State/UT Urban Development Department to ensure implementation of provisions of these Rules by all local authorities;

WHEREAS, in accordance with Rule 15(a) of the Solid Waste Management (SWM) Rules, 2016, the local authorities and Panchayats should prepare a solid waste management plan as per state policy and strategy on solid waste management within six months from the date of notification;

WHEREAS, in accordance with provision of Rule 15(zd) of the SWM Rules, 2016, the local authorities and Panchayats shall ensure that the operator of a facility provides personal protection equipment including uniform, fluorescent jacket, hand gloves, raincoats, appropriate foot wear and masks to all workers handling solid waste and the same are used by the workforce;

WHEREAS, in accordance with provision of Rule 16 (1a) of SWM Rules, 2016, the State Pollution Control Board or Pollution Control Committee shall enforce these rules in their State through local bodies and review implementation of these rules at least twice a year in close coordination with concerned Directorate of Municipal Administration or Secretary-in-charge of State Urban Development Department;

WHEREAS, MSW is being disposed of unscientifically in most cases which is one of the major causes for public nuisance due to frequent fire incidents, foul odour, generation of leachate and other adverse environmental impacts;

WHEREAS, waste disposed at dumpsites is prone to catching fire in view of inadequate waste management practices adopted at these sites;

WHEREAS, several fire incidents have been reported recently at Ghazipur & Bhalsawa dumpsites in Delhi, Manesar in Haryana and Ludhiana in Punjab;

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

WHEREAS, fire incidents at dumpsites may lead to severe adverse impact on environment and related health hazards. People living in and around the dumpsites are likely to be affected due to the frequent outbreaks of fire

WHEREAS, Hon'ble NGT in OA No. 286 of 2022, in reference to News item published in The Indian Express dated 20th April, 2022, titled "7 Charred to death in fire near Ludhiana dumpsite" issued the following Directions:

"CPCB to collect information about garbage dumpsites from all States/ UTs in respect of at least Metro cities and issue statutory directions / guidelines for preventing such fires and handling them effectively if they take place, specifying serious consequences of delay in dealing with the issue, in violation of binding rules."

WHEREAS, as per the information provided by SPCBs/PCCs there are 3,184 dumpsites in the country, of which XXX are located in your State/UT;

WHEREAS, CPCB had issued Directions dated October 20, 2018 regarding fire at Bhalsawa site to North Delhi Municipal Corporation in which specific measures to be taken for prevention of fire at the dumpsites had been identified which amongst others included using Construction & Demolition waste material to immediately check fire, stopping dumping of fresh waste, installation of CCTV cameras, setting up of decentralized facilities for biodegradable waste;

WHEREAS, as per Guidelines for Disposal of Legacy Waste (Old Municipal Solid Waste) issued by CPCB, it is important to carry out comprehensive risk assessment and develop onsite emergency plan which should be kept handy prior to commencement of dumpsite bio-remediation & bio-mining;

WHEREAS, CPCB had issued following Directions dated January 27, 2021 to SPCBs/PCCs regarding biomining of legacy waste

- i. SPCBs/PCCs to provide complete list of legacy waste dumpsite in their States /UTs as per format enclosed
- ii. SPCBs/PCCs to ensure that necessary action for biomining and bio-remediation of these dumpsites is done by the concerned Local authorities in compliance with provisions of SWM Rules 2016
- iii. SPCBs/PCCs shall ensure that concerned Local authorities engaged in the biomining process of legacy waste follow procedures as per CPCB Guidelines for disposal of legacy waste with specific compliance to the following points:
 - a. Analysis of various screened fractions i.e. RDF, fine earth / bio earth etc. prior to its disposal / utilization
 - b. Preparation of action plan for utilization / disposal of screened fractions
 - c. Adequate provisions for leachate treatment
 - d. Maintenance of records / documents for disposal / utilization of the RDFs or fine earth and other material

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- iv. SPCBS shall ensure that the local bodies prepare time targeted Action Plan for biomining / bio-remediation of these dumpsites in compliance with points listed above. The timeline as specified in SWM Rules and Hon'ble NGT Directions on the matter are to be adhered to for remediation of these sites
- v. SPCBs/PCCs to ensure that no fresh waste is disposed at these dumpsites and local authorities make proper arrangement for management of fresh solid waste
- vi. SPCBs/PCSS to ensure that at least one legacy waste dumpsite is remediated in their jurisdiction which can be considered as model for compliance for other legacy waste dumpsites in Non-Attainment Cities

WHEREAS Hon'ble NGT in its Order dated April 22, 2022 in O.A No. 288/ 2022 regarding News item published in the Times of India dated April 22, titled "Delhi: Another long-drawn effort to douse fire at Ghazipur landfill" has stated that dumpsite may be considered as isolated and vulnerable site which require On-site and Off-site Fire and other disaster management plans; **AND**

WHEREAS, CPCB made the following observations based on inspected various dumpsites, where bioremediation of legacy waste is being carried out:

- i. Fresh solid waste continued to be dumped at these dumpsites.
- ii. Fire incidents have been reported at locations where fresh waste is being dumped
- iii. Inaccessible slopes of garbage were observed
- iv. No standard operating plan in place for prevention and management of dumpsite fires
- v. Cause of fire incident reported is excess release of Methane (CH₄) gas due to anaerobic decomposition of the bio-degradable organic waste, high temperature and dry atmospheric conditions.
- vi. Partial fencing with barbed wire provided at the boundary observed.
- vii. Police patrolling the site not observed.
- viii. No fire tender observed at site.
- ix. Anti-Smog Gun have been installed which were not found in use; **AND**

NOW THEREFORE, in view of above and in exercise of powers vested under section 5 of Environment (protection) Act, 1986 to the Chairman, Central Pollution Control Board (CPCB) the following directions are issued for compliance;

- i. Provide updated information w.r.t Directions dated 27.1.21 regarding biomining issued to SPCBs/PCCs. It is to be ensured that updated information w.r.t at least all Metro cities is provided in accordance with NGT Directions
- ii. Direct State UDDs to conduct comprehensive risk assessment studies and accordingly prepare detailed On-site Emergency Plan for each dumpsite located in their jurisdiction addressing the following issues:
 - a. The onsite emergency plan to cover potential risks / emergencies due to fire, obnoxious / flammable emissions, odour, vector borne diseases,

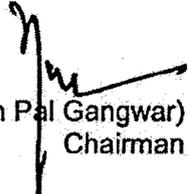
rodents, bird nuisance, seasonal affects i.e. summer / winter / monsoon (rainy season) and all other potential risks at the dumpsites.

- b. The onsite emergency plans to address the worst possible case scenarios preferably using appropriate risk assessment softwares covering any or all of the potential emergency issues / scenarios cited above.
 - c. The on-site emergency management plan to cover likely affected geographical area including population, flora & fauna in and around the dumpsites
 - d. The on-site emergency plan to contain detailed remedial measures both hardware and software based for mitigating various emergency situations, which should finally be available with respective control rooms and on-site emergency notice boards.
- iii. To direct District Collector or District Emergency Authority designated by the State Government for integrating such (dumpsites) On-site Emergency Plans with the existing Off-site District Disaster Management Plans in their respective Districts, prepared by the Local Authorities in compliance with Rule 14 of The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989
 - iv. The State / UT Authorities to prepare the on-site & off-site (or update off-site) emergency management plans preferably through an expert agency on the subject.
 - v. The following interim measures to be implemented on priority till the time On-site/Off-site Emergency Plans are prepared and implemented.
 - a. **Disposal of Waste:** Fresh waste not to be disposed at the dumpsite where bio-remediation is being undertaken. Organic waste from slaughter house, fish market etc., industrial waste not to be disposed at the dumpsite. It is to be further ensured that industrial waste / E-waste / lithium battery is not dumped at the site. Waste that is being unloaded at the site should be examined visually for potential fire sources when located, should be neutralized with cover material immediately. Emergency tipping area to be provided to set aside from the immediate working area where incoming loads of material known to be on fire or suspected of being so can be deposited, inspected and dealt with. Adequate compacting of waste to be done to minimize formation of air or methane pockets which can lead to subsurface fire at site
 - b. **Monitoring at dumpsites:** Methane Gas Detectors (on downwind side) to be installed at site so that area with high methane concentration can be identified and preventive actions be undertaken. Further temperature at windrows to be monitored with non-contact infrared thermometer (as used for monitoring human body temperature under COVID circumstances) and records be maintained for any major deviations. The temperature is to be in the range of 35°C to 59°C. Treated leachate / water to be sprayed on the waste when rise in temperature is observed

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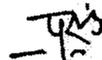
- at the bioremediation site. Suitable mechanism to be in place. Installation of CCTV cameras at the site and provision of fencing & frequent patrolling to be done for checking unauthorized entry at dumpsite
- c. **Arrangements for Fire Extinguishing:** Arrangements for adequate storage of sand / chemical fire extinguishing medias such as foam or powder at site to be made to douse fire in case a fire incident is reported. Usage of water for dousing fire to be avoided. Isolation and allowing rapid natural burnout or smothering with soil to be done for dousing dumpsite fires. Dedicated fire tenders (preferably chemical extinguishing media) and adequate fire safety measures are to be deputed, specifically during summer season when dumpsites fire is more likely to take place. All mobile equipment or vehicles should be fitted with fire extinguisher and spark arrester
- d. **Health & Safety of Workers:** Fire protection measures and safety equipment to be provided to all workers at the site and checked before entry to the dumpsite. Workers to be trained for detection of fire and necessary action to be taken in case of fire. Periodic training of workers be conducted in Safe handling of Waste, PPE's, Health & Safety issues etc
- e. **Mock Drills & safety audits:** Periodic mock drills to be conducted to prevent fire accidents at dumpsites. Quarterly, Fire Safety and Hazardous Emissions Audits to be conducted.

SPCBs/PCCs are hereby directed to submit action taken report within 15 days for Action Point listed at (v) above. Action taken report for Points (i-iv) to be provided within thirty days of receipt of these Directions


(Naresh Pal Gangwar)
Chairman

Copy to:

1. **Additional Secretary (CP Division)** : for information please
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhawan, Jor Bagh Road,
New Delhi - 110003
2. **DH-IT Division, CPCB** : for uploading on website please


(Prashant Gargava)
Member Secretary

o/c

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ए. एल. जन्हाड भाप्रसे (से.नि.)
अध्यक्ष
A. L. Jarhad IAS (Retd.)
CHAIRMAN



महाराष्ट्र प्रदूषण नियंत्रण मंडळ
MAHARASHTRA POLLUTION CONTROL BOARD

"Your Service is our Duty"

No. MPCB/RO-HQ/B-22071SFTS0037

Date: 15/07/2022

To,
District Collector,

Subject: Directions under Section (5) of the Environment Protection Act, 1986 for the implementation of the Solid Waste Management Rules, 2016 regarding fire incidents at MSW dumpsites.

Reference: (1) Directions issued by Chairman, Central Pollution Control Board, New Delhi dated 26/05/2022
(2) Hon'ble National Green Tribunal order dated 22/04/2022 in OA No. 288/2022.

WHEREAS, in accordance with provisions of Rule 12 of the Solid Waste Management (SWM) Rules, 2016, it is the duty of District Magistrate or District Collector to review the performance of local bodies, at least once in a quarter on waste segregation, processing, treatment and disposal and take corrective measures in consultation with the Commissioner or Director of Municipal Administration or Director of local bodies and Secretary-in-charge of the Stare Urban Development.

WHEREAS, in accordance with provisions of Rules 15 (a) of the Solid Waste Management (SWM) Rules, 2016, the local authorities and panchayats should prepare a solid waste management plan as per state policy and strategy on solid waste management within six months from the date of notification.

WHEREAS, in accordance with provisions of Rule 15 (zd) of the SWM Rules, 2016, the local authorities and panchayats shall ensure that the operator of a facility provides personal protective equipment including uniform, fluorescent jacket, hand gloves, raincoats, appropriate footwear and masks to all workers handling solid waste and the same are used by the workforce.

WHEREAS, solid waste is being disposed of unscientifically in most cases which is one of the major cause for public nuisance due to frequent fire incident, foul odour, generation of leachate and other adverse environmental impacts. Also, waste disposed at dumpsites is prone to catching fire in view of inadequate waste management practices adopted at these sites. Fire incidents at dumpsites may lead to severe adverse impact on environment and related health hazards. People living in and around the dumpsites are likely to be affected due to frequent outbreaks of fire.

WHEREAS, as per the guidelines for disposal of legacy waste (old municipal solid waste) issued by CPCB, it is important to carry out comprehensive risk assessment and develop onsite emergency plan which should be kept handy prior to commencement of dumpsite bioremediation and bio-mining.

WHEREAS, Hon'ble NGT is its order dated 22/04/2022 in O.A. No. 288/2022 regarding news item published in daily Times of India dated 22 April titled 'Delhi: Another long-drawn effort to douse fire at Ghazipur landfill' has stated that dumpsite may be considered as isolated and vulnerable site which require on-site and off-site fire and other disaster management plans. CPCB had observed several non-compliances at the various dumpsites of the country where bioremediation of legacy waste is being carried out.

WHEREAS, Chairman, CPCB has issued Directions under Section 5 of the Environment (Protection) Act, 1986 to the State Pollution Control Boards vide reference (1) above for the effective implementation of SWM Rules, 2016 and guidelines of CPCB for disposal of legacy waste.

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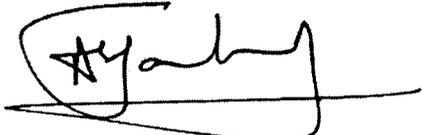
NOW THEREFORE, in view of above and in exercise of powers vested under Section (5) of the Environment (Protection) Act, 1986 to the Chairman, Maharashtra Pollution Control Board (MPCB), the following directions are issued for compliance:

- 1) **Integrate the legacy waste dumpsite(s) on-site emergency plans with the existing off-site District Disaster Management Plans, prepared by local authorities in compliance with Rule 14 of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.**

The following interim measures to be implemented on priority till the time on-site / off-site emergency plans are prepared and implemented.

- a) **Disposal of Waste:** Fresh waste not to be disposed at the dumpsite where bioremediation is being undertaken. Organic waste from slaughterhouse, fish market, etc., industrial waste not to be disposed at the dumpsite. It is to be further ensured that industrial waste / E-waste / lithium battery is not dumped at the site. Waste that is being unloaded at the site should be examined visually for potential fire sources, when located, should be neutralized with cover material immediately. Emergency tipping area to be provided to set aside from the immediate working area where incoming loads of material known to be on fire or suspected of being so can be deposited, inspected and dealt with adequate compacting of waste to be done to minimize formation of air of methane pockets which can lead to subsurface fire at site.
- b) **Monitoring at dumpsites:** Methane Gas Detectors (on downward side) to be installed at site so that area with high methane concentration can be identified and preventive actions be undertaken. Further temperature at windrows to be monitored with non-contact infrared thermometer (as used for monitoring human body temperature under COVID circumstances) and records be maintained for any major deviations. The temperature is to be in the range of 35 °C to 59 °C. Treated leachate / water to be sprayed on the waste when rise in temperature is observed at the bioremediation site. Suitable mechanism to be in place. Installation of CCTV cameras at the site and provision of fencing and frequent patrolling to be done for checking unauthorized entry at dumpsite.
- c) **Arrangements for Fire Extinguishing:** Arrangements for adequate storage of sand / chemical fire extinguishing medias such as foam or powder at site to be made to douse fire in case a fire incident is reported. Usage of water for dousing fire to be avoided. Isolation and allowing rapid natural burnout or smothering with soil to be done for dousing dumpsite fires. Dedicated fire tenders (preferably chemical extinguishing media) and adequate fire safety measures are to be deputed, specifically during summer season when dumpsites fire is more likely to take place. All mobile equipment or vehicles should be fitted with fire extinguisher and spark arrestor.
- d) **Health & Safety of Workers:** Fire protection measures and safety equipment to be provided to all workers at the site and checked before entry to the dumpsite. Workers to be trained for detection of fire and necessary action to be taken in case of fire. Periodic training of workers be conducted in safe handling of waste. PPE, Health & Safety issues etc.
- e) **Mock Drills & Safety Audits:** Periodic mock drills to be conducted to prevent fire accidents at dumpsites. Quarterly, fire safety and hazardous emissions audits to be conducted.

The action taken report shall be communicated to this office within 30 days from the issuance of these directions for further submission to CPCB.



(A. L. Jarhad)
Chairman

Copy submitted to:

- (1) The Chairman, Central Pollution Control Board, New Delhi
- (2) The Principal Secretary, Environment Department, Mantralaya, Mumbai

Copy to:

- (1) Member Secretary, Maharashtra Pollution Control Board
- (2) Regional Officer (HQ), Maharashtra Pollution Control Board