

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
(BY VIDEO CONFERENCING)**

**I.A No. 67 of 2021
IN
O.A No. 190 of 2016 (WZ)**



IN THE MATTER OF:

**MAJ. GEN. S. C. N. JATAR
(RETD.)**

APPLICANT

VERSUS

**THE MUNICIPAL
CORPORATION OF THE
CITY OF PUNE & ORS**

RESPONDENT(S)

**REPLY AFFIDAVIT ON BEHALF OF CENTRAL POLLUTION
CONTROL BOARD (CPCB)**

I, Shri Bharat Kumar Sharma, S/o Shri. D.P Vishwakarma, aged 48 years, working as Scientist 'E' and Regional Director in the Regional Directorate, Pune, Central Pollution Control Board, do hereby solemnly affirm and declare as under:

1. That the present I.A is filed by the Applicant requesting to implead CPCB as party Respondent in O.A No. 190/2016 (WZ) and prayed

for filing of its report to review the composting technology of Respondent No. 5. On 01.09.2021, the Hon'ble Tribunal issued notice to CPCB "as to why CPCB should not be impleaded as party".

2. That the I.A under reply is about the operation of facility i.e. Compost-based technology for processing of Municipal Solid Waste set up by the Respondent No. 5 at seven locations reportedly in the State of Maharashtra. The Applicant mentioned about the non-compliances of standards prescribed in Schedule-II of Solid Waste Management Rules, 2016 for Organic Compost (FCO-2009) i.e. in exceedance of prescribed standards for nutrients viz. carbon, nitrogen and presence of heavy metals particularly chromium, copper and lead. Further, it has also been submitted by the applicant that the composting technology of the Respondent No. 5 is not reviewed and approved by the CPCB in compliance with the Solid Waste Management Rules, 2016. The application also reveals that Pune Municipal Corporation and Maharashtra Pollution Control Board have already taken actions separately against the Respondent No. 5 for the various reported non-compliances.
3. That it is humbly submitted that as per Rule 15(v) of Solid Waste Management Rules, 2016, local authorities and village panchayats shall facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on their own or with private sector participation or through any agency for optimum utilisation of various components of solid waste adopting suitable technology including the following technologies and adhering to the guidelines issued by the Ministry of Urban Development from time to time and standards prescribed by the Central Pollution Control Board. Preference shall be given to

decentralised processing to minimize transportation cost and environmental impacts such as:

- a) bio-methanation, microbial composting, vermi-composting, anaerobic digestion or any other appropriate processing for bio-stabilisation of biodegradable wastes;
- b) waste to energy processes including refused derived fuel for combustible fraction of waste or supply as feedstock to solid waste-based power plants or cement kilns;

It is also humbly submitted that:

- i. Standards of processing and treatment of solid waste including composting and treated Leachate are specified in the Schedule II of Solid Waste Management Rules, 2016.
- ii. As per provision 16(1) (a) of SWM Rules, 2016 “The State Pollution Control Board or Pollution Control Committee shall enforce these rules in their States through local bodies in their respective jurisdiction 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.”
- iii. As per provision 14 of Solid Waste Management Rules, 2016, role of CPCB is to coordinate with the State Boards, formulate and review standards for solid waste processing facilities and technologies, prepare & publish guidelines and provide guidance to the State Boards.
- iv. As per Annual Report on Solid Waste Management submitted by the State Boards, several composting facilities are already operational in all the States/ UTs in the country.



4. In view of above, it is respectfully prayed that CPCB may not be impleaded as party Respondent and that Central Pollution Control Board (CPCB) shall abide by any order/ direction passed by the Hon'ble Tribunal.



COUNSEL FOR CPCB

DEPONENT

भरत कुमार शर्मा/Bharat Kumar Sharma
क्षेत्रीय निदेशक / Regional Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे/Regional Directorate, Pune
पर्यावरण, वन एवं जलवायु विभाग, भारत सरकार
Forest & Environment Deptt., Govt. of India
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VERIFICATION

It is verified that the contents of this Reply Affidavit are based on the copy of IA furnished by the Applicant and information available in the office, and the contents are true and correct. Nothing has been concealed therein.

Signed and verified on this 19th day of October, 2021 at Pune.

Noted and Registered
at Serial Number
Date

2158

19.10.2021

DEPONENT

भरत कुमार शर्मा/Bharat Kumar Sharma
क्षेत्रीय निदेशक / Regional Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे/Regional Directorate, Pune
पर्यावरण, वन एवं जलवायु विभाग, भारत सरकार
Forest & Environment Deptt., Govt. of India
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BEFORE ME

P. J. YELWANDE
NOTARY GOVT. OF INDIA
PUNE.

14 OCT 2021



CANCELLED