

**REPORT OF THE JOINT COMMITTEE IN THE MATTER OF ORIGINAL
APPLICATION NO. 115 OF 2023 (WZ).**

DR. ATUL SETH

VS

THE GUHAGAR NAGAR PANCHAYAT, GUHAGAR

IN COMPLIANCE WITH HON'BLE NGT (WZ) ORDER DATED 01.09.2023.

**FOR SUBMISSION TO
HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE**

OCTOBER- 2023

**REPORT OF THE JOINT COMMITTEE IN THE MATTER OF ORIGINAL
APPLICATION NO. 115 OF 2023 (WZ), PUNE.**

DR. ATUL SETH

VS

M/S. GUHAGAR NAGAR PANCHAYAT, GUHAGAR

IN COMPLIANCE WITH HON'BLE NGT (WZ) ORDER DATED 01.09.2023.

In compliance with the aforesaid order of the Hon'ble Tribunal, MPCB being the Nodal Agency, A Joint Committee was constituted vide office order dated 03.10.2023. The members comprising from :

Name	Department/ Organization	Signature
Shri. Prasad Shingte, Chief Officer, (Committee Member)	Guhagar Nagar Panchayat, Guhagar. District Ratnagiri.	
Shri Chetan Vispute, I/C District Joint Commissioner Municipal Administration, (Committee Member)	District Collector Office, Ratnagiri.	
Shri Sanjay Jirapure, Sub Regional Officer, (Nodal Officer)	Maharashtra Pollution Control Board, Chiplun.	

Date : 17.10.2023

CONTENT

SR. NO.	DETAILS/ITEMS	PAGE NO
1.0	BACKGROUND	01
2.0	THE COMMITTEE	01
3.0	APPROACH OF THE COMMITTEE	02
4.0	GUHAGAR NAGAR PANCHYAT STATUS OF SOLID WASTE MANAGEMENT	02
5.0	SITE VISIT AND OBSERVATIONS	04
6.0	ACTIONS TAKEN BY MPCB	06
7.0	SUMMARY	06
8.0	CONCLUSIONS	08

LIST OF IMAGES

IMAGE NO.	DETAILS	PAGE NO
IMAGE-01	GOOGLE IMAGE OF SITE S. NO 134/9 WAKI ROAD, AT. GUHAGAR.	04

LIST OF ANNEXURES

ANNEXURE NO.	DETAILS
ANNEXURE-I	COPY OF THE HON'BLE TRIBUNAL ORDER DATED 01.09.2023
ANNEXURE-II	COPY OF CONSTITUTED JOINT COMMITTEE VIDE OFFICE LETTER DATED 03.10.2023.
ANNEXURE-III	COPY OF SWM AUTHORIZATION GRANTED BY MPCB ON 16-10-2023.
ANNEXURE-IV	COPY OF JOINT COMMITTEE VISIT REPROT OF SWM SITE DATED 06-10-2023.
ANNEXURE-V	COPY OF MPCB PROPOSED DIRECTION DATED 17-03-2022.
ANNEXURE-VI	COPY OF MPCB PROSECUTION NOTICE ISSUED DATED 28-06-2022.
ANNEXURE-VII	COPY OF MPCB SHOW CAUSE NOTICE DATED 20-07-2023.
ANNEXURE-VIII	ENVIRONMENTAL COMPENSATION VIDE LETTER DATED. 13-09-2023.
ANNEXURE-IX	COPY OF MPCB PROPOSED DIRECTION DATED 16-10-2023.
ANNEXURE-X	DISTRICT COMMITTEE LETTER DATED. 08.02.2021.

REPORT OF THE JOINT COMMITTEE IN THE MATTER OF ORIGINAL APPLICATION NO. 115 OF 2023 (WZ) (DR. ATUL SETH VS THE GUHAGAR NAGAR PANCHAYAT, GUHAGAR) IN COMPLIANCE WITH HON'BLE NGT (WZ) ORDER DATED 01.09.2023.

1.0 BACKGROUND

The Original Application (OA) No. 115 of 2023 (WZ) was filed by Dr. Atul Seth, regarding non-compliances of Solid Waste Management Rules, 2016 and identify a suitable site for the establishment of the Municipal Solid Waste Facility and relocate the proposed SWM Site, by Guhagar Nagar Panchyat (Respondent No.1). The directions issued by the Hon'ble NGT vide Para-15 to 17 of the aforesaid order dated 01.09-2023 are reproduced below;

15. *“ We also deem it just and proper to call for a report from a Joint Committee comprising one Member each of:- (i). The Guhagar Nagar Panchayat, Guhagar; (ii). The District Collector, Ratnagiri; and (iii). The Maharashtra Pollution Control Board (MPCB).*
16. *The MPCB shall be the nodal agency for coordination and logistic support..”*
17. *The Committee is directed to visit the site and assess the present status of the Solid Waste Management at Guhagar, assess the suitability of the site, in terms of the Solid Waste Management Rules, 2016 and also identify the alternative sites available, if any and submit a report within a period of four weeks”.*

The copy of the aforesaid order dated 01.09.2023 of the Hon'ble Tribunal is given at **Annexure-I.**

2.0 CONSTITUTION OF COMMITTEE

In compliance with the aforesaid order of the Hon'ble Tribunal, MPCB being the Nodal Agency, constituted Joint Committee vide office order dated 03.10.2023. The comprising members from I) Guhagar Nagar Panchayat, Guhagar, II) The District Collector, Ratnagiri and III) Maharashtra Pollution Control Board (MPCB), as below-

- I. Shri. Prasad Shingte, Chief Officer, The Guhagar Nagar Panchayat, Guhagar.
- II. Shri Chetan Vispute, I/C District Joint Commissioner Municipal Administration, Ratnagiri , District Collector Office, Ratnagiri.
- III. Shri Sanjay Jirapure, Sub Regional Officer, MPCB, Chiplun (Nodal Officer). **Annexure-II.**

3.0 APPROACH OF THE COMMITTEE

As per the Hon'ble NGT order dated 01.09.2023, the committee was directed to-

- I. To visit the site and assess the present status of the Solid Waste Management at Guhagar.
- II. Assess the suitability of the site, in terms of the Solid Waste Management Rules, 2016 and also identify the alternative sites available, if any.

Accordingly, the Joint Committee adopted the following approach-

- Site visit and verify the location of SWM site with compliance of SWM Rules, 2016.
- The site visits along with applicant and also discussed the points raised in application.
- Compilation of information/data from Nagar Panchayat, GWSDA & MPCB.
- Preparation of draft report, deliberation amongst the members of the Joint Committee and finalization of the Report.

4.0 GUHAGAR NAGAR PANCHYAT

STATUS OF SOLID WASTE MANAGEMENT:

Guhagar Nagar Panchayat [C- Class] was established in 2012 and population is around 7299 souls. As per the population the solid waste generation

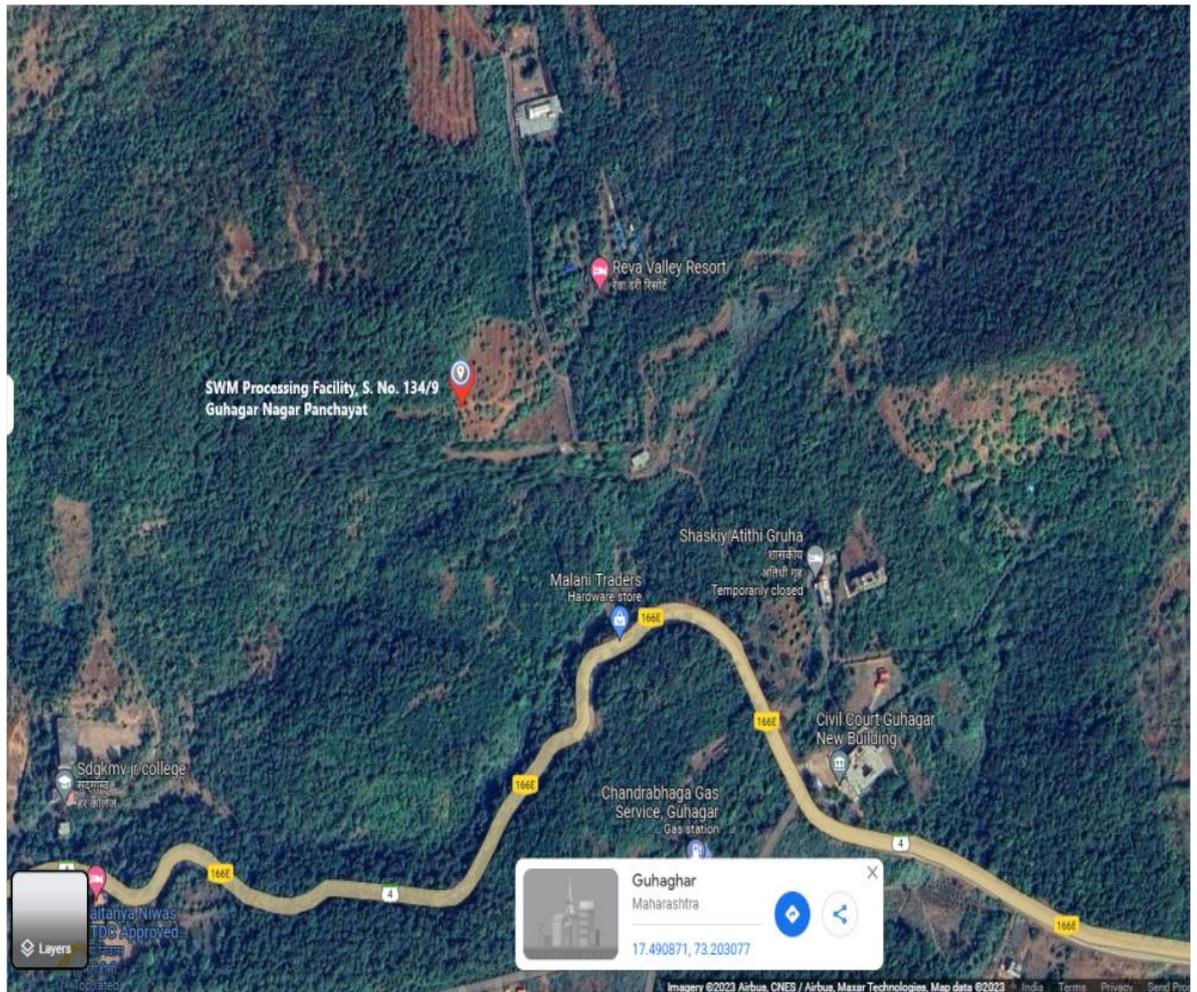
approximately is 0.4 to 0.7 tons per day. Before the present site S. No.134/9 Waki road, at Guhagar, Tal. Guhagar Dist. Ratnagiri, Guhagar Nagar Panchayat had provided composting pits for treatment of wet municipal solid wastes along with segregation shed & dumping for dry municipal solid wastes at plot no. 191, Mouje Guhagar, Dist. Ratnagiri in CRZ area since 2012 till 20 Jan 2022 without obtaining SWM Authorization from MPCB & non provision of scientific treatment & disposal according to SWM Rules. The Municipal solid wastes were collected by 3 nos of vehicles & wet wastes was directly disposed to nearby farmers who are doing vermi-composting through their pits and composted material is used as manure. Collected dry wastes were stored in separate area near Guhagar Municipal Council's office building. All dry wastes was used to be segregated & disposed by sale to recycler.

In this context the NGT in Original Application No.108/2021 [WZ] I.A. No.05/2022, was filed by Shri. Balwant Parchure Vs Guhagar Nagar Panchayat. As directed by Hon'ble NGT environmental compensation was imposed on Guhagar nagar Panchyat on dtd.13-9-2023.

Further, Guhagar Nagar Panchyat is dumping at present site at S. No. 134/9 waki road, At. Guhagar, Tal. Guhagar, Dist. Ratnagiri having area 126 Guntha Approx. 1,26,000 sq.ft. This site is located on the land having hill slope i.e. this is not a plane land. The ariel distance of the seashore is approx. 1.8 km away, the ordinary road from Guhagar PWD rest house to Waki village is adjacent to this SWM site. Two houses including applicant house is approximately 170 meters away from the processing facility being developed by Guhagar Nagar panchayat. The third residential unit is found to be away more than 200 meters from processing facility. This site has been started around May- 2023.

Guhagar Nagar panchayat has submitted application to MPCB for obtaining Authorization under SWM Rules,2016 for present site at S. No. 134/09, Waki road, At. Guhagar, Tal. Guhagar, Dist. Ratnagiri on dtd. 27.04.2023. The MSW Authorization is granted by MPCB on 16-10-2023.**Annexure-III.**

Image 01: GOOGLE IMAGE OF PRESENT SITE S. NO 134/9 WAKI ROAD, AT. GUHAGAR.



5.0. SITE VISIT AND OBSERVATIONS

Site visit of SWM Guhagar was carried out by the Joint Committee on 06.10.2023 along with Shri. Prasad Shingte, Chief Officer, Guhagar Nagar Panchayat, Guhagar. Shri Chetan Vispute, I/C District Joint Commissioner Municipal Administration, Ratnagiri, District Collector Office, Ratnagiri. Shri Sanjay Jirapure, Sub Regional Officer, MPCB, Chiplun (Nodal Officer) were present during the visit

and provided the information and data. The following observations are made during the visit:

- 5.1** This site is located at Sr. No 134/9 Waki road, At. Guhagar, Tal. Guhagar, Dist. Ratnagiri having area 126 Guntha Approx. 1,26,000 sq.ft.
- 5.2** The site is located on the land having hill slope i.e. this is not a plane land. The ariel distance of the seashore is approx. 1.8 km away, the ordinary road from Guhagar PWD rest house to Waki village is adjacent to this SWM site.
- 5.3** This site has started around in May--2023.
- 5.4** Two houses including applicant house is approximately 170 meters away from the processing facility being developed by Guhagar Nagar panchayat. The third residential unit is found to be away more than 200 meters from processing facility.
- 5.5** One abandoned well is observed at about 146 meters and another well is observed at about 258 meters away from the processing facility being developed by Guhagar Nagar Panchyat.
- 5.6** The Guhagar Nagar Panchayat generates approximately 400 to 700 kg/day municipal solid waste which is dumped at the above site. The heaps of municipal solid waste garbage containing empty plastic, glass bottle, bags, other materials, vegetable waste, papers, boxes broken glass etc.\
- 5.7** Partially (60%) constructed RCC & brick work having six composting pits and MRF (Material Recovery Facility) is observed. The Municipal Council reported that the shed is for MSW processing unit. The Municipal council is intending start actual processing by March-2024.
- 5.8** There is no segregation of municipal solid waste, only waste is dumped in the present survey no 134/9. The Guhagar Nagar panchayat has not provided compound wall, barbed wire fencing to prevent stray animals, weigh bridge, fire extinguisher to control fire incidents, water tanks,

drinking water facility, etc at site. Also rotten smell nuisance notice during visit. **Annexure- IV.**

6.0 ACTIONS TAKEN BY MPCB

- 6.1 Due to non-compliances of Guhagar Nagarpanchayat , MPCB have issued Proposed Directions u/s 33A of the Water (Prevention and Control of Pollution) Act,1974 vide letters dtd. 17.03.2022. (Earlier MSW Site S.No.191) **Annexure –V.**
- 6.2 The Prosecution Notice under section 41(2)/44 with section 26 & 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act,1981 vide letter dtd. 28.06.2022 . (Earlier MSW Site S.No.191) **Annexure –VI.**
- 6.3 Show Cause Notice issued 33A of the Water (Prevention and Control of Pollution) Act, 1974 and 31A Air (Prevention and Control of Pollution) Act,1981and SWM Rules, 2016 issued vide letter dtd. 20.07.2023. (present site s. no. 134/9) **Annexure –VII.**
- 6.4 The Environmental Compensation As per the Hon'ble NGT order in OA 108/2021 & OA No 05/2022 vide letter dtd. 13-09-2023. **Annexure – VIII.**
- 6.5 Proposed Directions u/s 33A of the Water (Prevention and Control of Pollution) Act,1974 & 31A Air (Prevention and Control of Pollution) Act,1981and MSW Rules, 2016 (Present site s. no. 134/9) dtd. 16-10-2023. **Annexure -IX.**

7.0 SUMMARY

- 7.1 The earlier SWM site at plot no. 191, Mouje Guhagar, Dist. Ratnagiri was neither approved by the district committee nor authorized by MPCB. Since the said site was falling in CRZ area and nagar panchayat stopped the dumping of solid waste pursuant to the matter filed by

Shri.Balwant Parchure in the Hon'ble NGT (WZ) Pune vide it's Original Application No.108/2021 [WZ] I.A. No.05/2022.

- 7.2 This present site s. no. 134/09 was selected by the site selection committee. The committee comprising following members:
- a) Hon'ble District Collector Ratnagiri.
 - b) Superintendent Engineer, Irrigation Project Construction Division, Rantagiri.
 - c) Divisional Forest Officer, Ratnagiri.
 - d) Sr. Geologist GSDA Ratnagiri.
 - e) District Administrative Officer, Ratnagiri.
 - f) Town Planning Officer, Ratnagiri
 - g) Chief Officer, Guhagar Nagar Panchyat,
 - h) Sub Regional Officer, MPCB, Chiplun
- 7.3 The District committee has approved the above site vide letter dtd. 08.02.2021. **Annexure - X**
- 7.4 The generation of municipal solid waste 0.4 to 0.7 tons per day from Guhagar Nagar Panchayat jurisdiction. At present about 30 to 40 tons municipal solid waste dumped at site s.no. 134/09 , Waki Tal Guhgar Dist. Ratnagiri.
- 7.5 The heaps of municipal solid waste garbage containing empty plastic, glass bottle, bags, other materials, vegetable waste, papers, boxes broken glass etc.
- 7.6 There is no segregation of municipal solid waste, only dumping in the present site. The rotten smell was noticed during the visit.
- 7.7 The Guhagar Nagar panchayat has not provided compound wall, barbet wire fencing to prevent stray animals, weigh bridge, fire extinguisher to control fire incidents, water tanks, drinking water facility to the site, as per SWM, Rules 2016.

- 7.8** Partially (60%) constructed RCC & brick work having six composting pits and MRF (Material Recovery Facility) is observed. The Municipal Council reported that the shed is for MSW processing unit. The Municipal council is intending start actual processing by March-2024.
- 7.9** There is no other suitable land available with Guhagar Nagar Panchayat as per SWM Rules, 2016 except present at S. No.134/09.

8.0 CONCLUSIONS:

As per the direction of the Hon'ble NGT in the OA No. 115/2023 Order dtd. 01.09.2023, committee has visited the SWM site and two houses including applicant house is approximately 170 meters away from the processing facility being developed by Guhagar Nagar panchayat. The third residential unit is found to be away more than 200 meters from processing facility. The existing survey no. 134/9 said site is already approved by District Committee. Committee letter /District Collector letter dtd. 08.02.2021.

As per site selection checklist for present survey no 134/9 distance from habitation i.e village (Waki) was found to be 300 meters approx.

As per site visit the existing site survey no. 134/9 is suitable for SWM processing as it is approved by the District Committee on 08-02-2021.

Presently 400 to 700 Kg/day solid waste is generated from Guhagar Municipal Council and same is received to the site, without proper segregation. As per site inspection SWM Rule 2016 proper segregation storage & treatment is required to avoid the smell nuisance. Also, proper site development with boundary wall fencing is required. As existing site is approved by "Site Selection Committee" & it is away from Guhagar city & major habitation, no alternative site is required to be identified.

===0===

Item No.3

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.115/2023(WZ)

Dr. Atul Sheth & Ors.

.....Applicant(s)

Versus

The Guhagar Nagar Panchayat, Guhagar & Ors.

....Respondent(s)

Date of hearing: 01.09.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Sangramsingh R. Bhonsle, Advocate along-with
Mr. Nrupal A. Dingankar, Advocate and
Ms. Aarti Bhonsle, Advocate

ORDER

1. This Original Application has been filed with the prayers that Municipal Solid Waste Facility, which is being set up by the respondent No.1/The Guhagar Nagar Panchayat, Guhagar at Survey No.134/9, Village: Guhagar, Taluka: Guhagar, District: Ratnagiri should be declared to be illegal, being contrary to the Rule 15(a) read-with Rule 19 of the Solid Waste Management Rules, 2016 (herein after to be referred in short as "Rules of 2016"); direction be issued to respondent No.1 to prepare Municipal Solid Waste Management Plan in compliance with Rule 15 (a) of the Rules of 2016; direction be issued to respondent No.1 to identify a suitable site for the establishment of the Municipal Solid Waste Facility, in accordance with Rule 15(a) read-with Rule 19(2) of the Solid Waste Management Rules, 2016 and relocate the Proposed Municipal Solid Waste Facility from the Proposed MSW Site i.e. Survey No.134/9, Village: Guhagar, Taluka: Guhagar, District: Ratnagiri; an Expert Committee of

the representatives of the respondent No.3/MPCB with respondent No.5/State Environment Department, respondent No.6/Divisional Forest Officer and respondent No.7/GWSDA be constituted to examine and inspect the factual aspect and violation at the proposed site, in order to submit a report, as to whether there is any violation of Rules of 2016 in setting up Solid Waste Management Processing Facility at the site in question; the respondent No.1 be directed to stop the construction at the proposed site in question of the said facility and further it is prayed that the respondent No.1 be directed to stop dumping at the proposed site in question.

2. The learned Counsel Mr. Sangramsingh R. Bhonsle for applicants has submitted that applicant No.1 is a medical professional practicing being a Radiologist in Ratnagiri District, who is also running a tourism activity at Survey No.134/4/1 and Survey No.134/4/2 at Village: Guhagar, District: Ratnagiri adjacent to which the survey number in question i.e. 134/9 is located where the MSW processing facility is being set up illegally.

3. Our attention is drawn by the learned Counsel for applicants to Rule 12 (a) of the Solid Waste Management Rules, 2016 which provides as follows:-

“facilitate identification and allocation of suitable land as per clause (f) of rules 11 for setting up solid waste processing and disposal facilities to local authorities in his district in close coordination with the Secretary-in-charge of State Urban Development Department within one year from the date of notification of these rules”

4. Thereafter, the learned Counsel for applicants has further drawn our attention to Rule 11 Sub-Clause (f) and Rule 15 Sub-Clause (a) of the Solid Waste Management Rules, 2016, which provide as follows:-

“Rule-11(f):- *ensure identification and allocation of suitable land to the local bodies within one year for setting up of processing and*

disposal facilities for solid wastes and incorporate them in the master plans (land use plan) of the State or as the case may be, cities through metropolitan and district planning committees or town and country planning department;”

“Rule- 15(a):- *prepare a solid waste management plan as per state policy and strategy on solid waste management within six months from the date of notification of state policy and strategy and submit a copy to respective departments of State Government or Union territory Administration or agency authorised by the State Government or Union territory Administration;”*

5. Based on these provisions made in this Rule, it is argued by the learned Counsel that the District Collector has granted approval for the purchase of land in question on 01.04.2021 for the establishment of MSW Plant without the Secretary, Urban Development Department through Commissioner or Director of Municipal Administration or Local Body having ensured identification and allocation of suitable land to the local body and without its incorporation in the master plan, which was required as per the Rule-11 Sub-Clause (f) of the Rules of 2016. Till date, no Solid Waste Management Plan has been prepared as per Section 15 Sub-Clause (a) of the said Rules. Therefore, the District Collector was not empowered to grant approval for the purchase of land in question for the establishment of MSW Plant.

6. The learned Counsel for applicants has also drawn our attention to page no.83 of the paper book, which is a reply dated 02.06.2023 given by the respondent No.1 to the applicant No.1, which is sought under RTI, which though finds reference to the letter of applicant No.1 dated 30.05.2023, whereby some documents were required to be provided, the said information has not been furnished so far.

7. Thereafter, our attention is drawn by the learned Counsel for applicants to page no.62 of the paper book, which is a Public Notice dated 10.11.2020 issued by the respondent No.1, where-by the respondent No.1 issued a notice requiring a land admeasuring 2-3 Acres for setting up of

Solid Waste Management Facility. In response to which, one Shri Bhalchandra Vitthal Mhadik came forward and offered his Gat No.134/9 (land in question), where-in it is indicated by the learned Counsel for applicants at page no.64 of the paper book that the distance from habitation is recorded as 300 mtrs. approximately, while the prescribed limit is shown as 200 mtrs. In this regard, it is submitted by the learned Counsel that this information is wrong based on the distance of house of applicant No.1 being found located from the site in question, which is mentioned at page no.120 to be 90.1 mtrs. from boundary to boundary but from the middle point of the property of applicant No.1 to the middle point of the site in question, the distance was found to be 150 mtrs. Similarly, the distance of the residence of applicant No.6 from the site in question was found to be 172 mtrs. as per the Google Map, which is provided at page no.121 of the paper book.

8. Thereafter, the learned Counsel for applicants has drawn our attention to the present condition of the site, photographs of which are annexed at page nos.118-119 of the paper book, shows the solid waste being dumped at the site in question. Based on this, he submits that direction may be issued to stop dumping at the site in question.

9. Thereafter, the learned Counsel for applicants has drawn our attention to page no.99 of the paper book, which is a Show-Cause Notice dated 26.07.2023 issued by the MPCB under Section 33(A) of the Water (Prevention and Control of Pollution) Act- 1974, Section 31(A) of the Air (Prevention and Control of Pollution) Act- 1981 and Hazardous Waste (M, H & T) Rules, 2008 as amended & MSW Rules 2016, pursuant to a complaint received from the applicant No.1 on 09.06.2023, where-in several non-compliances have been noted and it is also recorded therein that why legal action be not taken against the respondent No.1. But this

notice was issued only on 26.07.2023. Therefore, it is likely that the action might be in the process. But even then, we find *prima facie* case adversely impacting on environment is made out, therefore, we deem it appropriate to admit this application and accordingly admit the same.

10. Registry is directed to issue Notice to the respondents, returnable within 04(four) weeks.

11. Applicants are directed to take necessary steps for service to the respondents by both ways (Dasti as well as by Registered Post) and also on available e-mail/WhatsApp and submit service affidavit within one week.

12. Applicants are also directed to provide copy of the application and relevant documents to the respondents within a week.

13. Respondents are directed to submit their reply affidavit within three weeks and also circulate the same to applicants as also other respondents by available e-mail.

14. Rejoinder, if any, is directed to be submitted within one week thereafter.

15. We also deem it just and proper to call for a report from a Joint Committee comprising one Member each of:-

- (i). The Guhagar Nagar Panchayat, Guhagar;
- (ii). The District Collector, Ratnagiri; and
- (iii). The Maharashtra Pollution Control Board (MPCB).

16. The MPCB shall be the nodal agency for coordination and logistic support.

17. The Committee is directed to visit the site and assess the present status of the Solid Waste Management at Guhagar, assess the suitability of the site, in terms of the Solid Waste Management Rules, 2016 and also identify the alternative sites available, if any and submit a report within a period of four weeks.

18. The Committee is further directed to issue a prior notice to the applicants before conducting the inspection of the site in question.

19. Applicants are further directed to supply the required documents and copy of the application to MPCB for circulation to the members of the Committee within one week.

20. The report in the matter be submitted by MPCB through e-filing by using portal of NGT in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

Put up this matter for further consideration on 19.10.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 01, 2023
Original Application No.115/2023(WZ)
P.Kr

महाराष्ट्र प्रदूषण नियंत्रण मंडळ

दूरध्वनी

०२३५५-२६१५७०

Visit Us At

Website: www.mpcb.gov.in

Email: srochiplun@mpcb.gov.in. आपली सेवा आमचे कर्तव्य



उप प्रादेशिक कार्यालय,

परकार कॉम्प्लेक्स, २ रा मजला

२२४, नगर परिषदे मागे चिपळूण

ता. चिपळूण, जि. रत्नागिरी.

जा.क्र. मप्रनि/उप्राकाचि/५४८/२३

दिनांक ०३/१०/२०२३

प्रति,

१. मा. जिल्हाधिकारी, यांचे वतीने जिल्हा सह आयुक्त, नगर पालिका प्रशासन.
२. मुख्याधिकारी, गुहागर नगर पंचायत, गुहागर.
३. उप प्रादेशिक अधिकारी, महाराष्ट्र प्रदूषण नियंत्रण मंडळ, चिपळूण.
४. श्री. डॉ. अतुल शेठ, गुहागर.

विषय:- मा. राष्ट्रीय हरित न्यायाधिकरण, पुणे (NGT), क्रं. ११५/२०२३
डॉ. अतुल शेठ, गुहागर, विरूध्द गुहागर नगर पंचायत, गुहागर.

संदर्भ:- १. मा. राष्ट्रीय हरित न्यायाधिकरण, पुणे (NGT), आदेश क्रं. ११५/२०२३.
२. मुख्यालय, मुंबई येथुन या कार्यालयास ई-मेल प्राप्त दि. ०८/०९/२०२३.

मा. महोदय,

वरिल विषयाच्या अनुषंगाने संदर्भ क्रं. १ अन्वये डॉ. अतुल शेठ, गुहागर, विरूध्द गुहागर नगर पंचायत, गुहागर या मा. राष्ट्रीय हरित न्यायाधिकरण, पुणे (NGT), क्रं. ११५/२०२३ च्या आदेशान्वये तात्काळ समिती गठीत करून सदर ठिकाणाची संयुक्त पाहणी करून त्याचा अहवाल मा. राष्ट्रीय हरित न्यायाधिकरण, पुणे (NGT) यांना दि. १९/१०/२०२३ पुर्वी सादर करावयाचा आहे. त्या अनुषंगाने आदेशामध्ये नमुद केलेप्रमाणे जिल्हाधिकारी, रत्नागिरी, गुहागर नगर पंचायत, गुहागर व महाराष्ट्र प्रदूषण नियंत्रण मंडळ यांची समिती स्थापन करण्यात आली असुन सदर समिती मध्ये तीनही विभागाच्या प्रतिनिधींनी सदर ठिकाणची संयुक्त स्थळपाहणी करावयाची आहे.

तरी आपणास कळविणेत येते कि, सदर प्रकरणी संयुक्त स्थळ पाहणी करणेकरिता दि. ०६/१०/२०२३ रोजी सकाळी १०.०० वाजता गुहागर नगर पंचायत येथे उपस्थित रहावे, ही विनंती.

सोबत:- वरिलप्रमाणे.

आपला विश्वासु,

३१/१०/२३

उप-प्रादेशिक अधिकारी,
मप्रनि मंडळ, चिपळूण

प्रत माहितीस्तव सादर:-

प्रादेशिक अधिकारी, म.प्र.नि. मंडळ, कोल्हापूर.

प्रत :-

श्री. सुशिलकुमार शिंदे, क्षेत्र अधिकारी, मप्रनि मंडळ, चिपळूण

वरिल संयुक्त स्थळपाहणीसाठी आपण उप प्रादेशिक अधिकारी यांचे समवेत सर्व कागदपत्रांसहित उपस्थित रहावे.

DR. Abh. Shekhar

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR

Tel. No. (0231) 652952,
660448
Fax No. (0231) 652952
e-mail -
rokolhapur@mpcb.gov.in



"Your Service is Our Duty"

Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
<http://mpcb.gov.nic.in>

Auth. No : RO-KOLHAPUR/MSW_AUTH/2310000003

Date: 16/10/2023

FORM -III

[See - Rule 6 (3)]

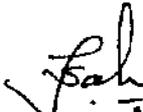
To,
The Chief Officer
Guhagar Nagar panchayat,
For MSW Site at :- Survey No.134/9 ,Waki Road Guhagar,
Tal. Guhagar, Dist. Ratnagiri.

Sub: Application under Municipal Solid Waste (Management & Handling) Rules, 2016.

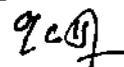
Ref: Your application for grant of authorization received through SRO Ratnagiri, dated 13.10.2023

The Maharashtra Pollution Control Board after examining the proposal hereby authorizes Chief Officer, Guhagar Nagarpanchayat, Guhagar, Tal. Guhagar, District: Ratnagiri having their administrative office at to set up and operate waste processing / waste disposal facility At: Survey No.134/9 ,Waki road Guhagar Tal. Guhagar, Dist. Ratnagiri. on the terms and conditions (including the standards to be complied with) attached to this authorization.

1. The validity of the authorization is up to **31.12.2023**. After the validity, renewal of authorizations is to be sought.
2. 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.
3. Any violation of provisions of **Municipal Solid Waste (Management & Handling) Rules, 2000 and as amended in 2016** attracts the penal provisions of the Environment (Protection) Act, 1986 (29 of 1986).


16.10.23

(J. S. Salunkhe)
Regional Officer, Kolhapur



D.A- Annexure-I

Copy Submitted to:-

The Member Secretary, MPCB , Mumbai- for information.

Copy f.w.cs-

The District Collector, Ratnagiri

--- Being one of the implementing authorities having overall responsibility for the enforcement of the provisions of Municipal Solid Wastes (M & H) Rules, 2000 and as amended in 2016, it is obligatory on your part to see that the Municipal Solid Waste is processed & disposed off in accordance with the said Rules.

Copy Submitted for Information to:-

1. Joint Director (APC), M.P.C. Board, Mumbai.
2. Regional officer (HQ), M.P.C. Board, Mumbai.

Copy to: Sub Regional Officer, SRO Chiplun for necessary action.



ANNEXURE -I

Terms & Conditions to Set Up and Operate Municipal Solid Waste Processing/ Waste Disposal Facility by The Chief Officer, Guhagar Nagar panchayat, Guhagar , For MSW Site at :- Survey No.134/9 ,Waki road Guhagar ,Tal. Guhagar , Dist. Ratnagiri.

1. 0.7 MT/ Day of Municipal Solid Waste generated shall be processed and disposed as below-

- I. MRF & Bio-Methenation plant.
- II. Segregated waste like Metallic paper, plastic etc. Shall be Disposed through rag pickers by sale for recycle.
- III. Construction debris/ and such other innocuous material shall be disposed off by sanitary land filling.
- IV. The non-biodegradable inert waste, residues of waste processing facilities as well as preprocessing rejects from waste processing facilities shall be disposed off by secured landfill.

Note:-

- a. Old quarries and low-lying areas within a city may be earmarked for filling only with construction waste, debris, road- waste, road dust, silt from open drains & similarly non- toxic inert material, without any prior preparation. After filling, such sites should preferably be preserved as open spaces, parks, playgrounds, exhibition- grounds or parking - lots with trees.
- b. The odour nuisance from the site can be controlled by periodic spraying of microbial culture or any suitable method.
- c. At the initial stage of collection of Municipal Solid Wastes the waste minimization and segregation shall be carried out to avoid burden on the waste processing site.

2. The municipal authority shall comply with these rules as per the implementation Schedule laid down in Schedule I as per MSW (M &H) Rules, 2000.

3. Conditions for Landfill sites -

- I. The landfill site shall be planned and designed with proper documentation of phased construction plan as well as closure plan.
- II. Bio-medical waste shall be disposed off in accordance with the Bio Medical Waste (Management & Handling) Rules, 1998 and Hazardous Waste shall be management in accordance with the Hazardous Waste (Management & Handling) Rules, 1989 as amended from time to time.
- III. The landfill site shall be large enough to last for 20 to 25 years.
- IV. The landfill site shall be away from habitation, clusters, forest areas, water bodies, monuments, national parks, wet lands and places of important cultural, historical or religious interests.
- V. A buffer zone shall be maintained around landfill site and shall be incorporated in the Town Planning Department's land-use plans.
- VI. Landfill site should be 20 Kms away from airport including airbase. Necessary approval of airport or air base authorities prior to the setting up the landfill site shall be obtained in case where the site is to be located Within 20 Km of an airport or an airbase.



4. Facilities at the site :

- i. Landfill site shall be fenced and hedged and provided with proper gate to Monitor incoming vehicles or other modes of transportation.
- ii. The landfill site shall be protected to prevent entry of unauthorized persons and stray animals.
- iii. Approach and other internal roads for free movements of vehicles and other machineries shall exist at the landfill site.
- iv. The landfill site shall have wastes inspection facilities to monitor waste brought in for landfill, office facilities for record keeping and shelter for keeping equipments and machineries including pollution monitoring equipments.
- v. Provisions like weigh bridge to measure quantity of waste brought at landfill Site, fire protection equipments and other facilities as may be required shall be provided.
- vi. Utilities such as drinking water (preferably Bathing facilities for workers) and lighting arrangements for easy landfill operations when carried out in night hours shall be provided.
- vii. Safety provisions including health inspection of workers at landfill site shall be periodically made.

5. Specifications for land filling:

- i. Waste subjected to land filling shall be compacted in thin layers using landfill compactors to achieve high density of the wastes. In high rainfall areas where heavy compactors cannot be used, alternative measures shall be adopted.
- ii. Wastes shall be covered immediately or at the end of each working day with Minimum 10 cm of soil, inert debris or construction material till such time wastes processing facilities for composting or recycling or energy recovery are set up as per schedule-I.
- iii. Prior to commencement of monsoon season and intermediate cover of 40-65 cm thickness of soil shall be placed on the landfill with proper compaction and gardening to prevent infiltration during monsoon. Proper drainage berms shall be constructed to divert run off away from the active cell of the landfill.
- iv. After completion of landfill, the final cover shall be designed to minimize infiltration and erosion. The final cover shall meet the following specifications viz.
 - a. The final cover shall have barrier soil layer comprising of 60 cm of clay or amended soil with permeability less than 1×10^{-7} cm/sec.
 - b. On top of barrier soil layer, there shall be drainage layer of 15 cm.
 - c. On top of the drainage layer there shall be a vegetative layer of 45 cm to support natural plant growth and to minimize erosion.

6. Pollution Prevention -

In order to prevent pollution control problems from landfill operations the following provisions shall be made, namely:-

- i. Diversion of storm water drain to minimize leachates generation and prevent Pollution of surface water and also for avoiding flooding and creation of marshy conditions.
- ii. Construction of non permeable lining system at the base and walls of waste disposal area. For landfill receiving residues of waste processing facilities or mixed waste or waste having contamination of hazardous materials (such as aerosols, bleaches, polishes, batteries, waste oils, paint products and pesticides) minimum liner specifications shall be composite barrier having 1.5 mm high density polyethylene (HDPE) geo-membrane, or equivalent, overlying 90 cm of soil (clay or amended soil) having permeability coefficient not greater than 1×10^{-7} cm/sec.
- iii. The highest level of water table shall be at least two meter below the base of clay or amended soil barrier layer.

- iv. Provisions for management of leachates collection and treatment shall be made. The treated leachates shall meet the standards specified in Schedule-IV.
- v. Prevention of run-off from landfill area entering any stream, river, lake or pond.

7. Water Quality Monitoring :-

- v. Before establishing landfill site, baseline data of ground water quality in the area shall be collected and kept in record for future reference. The ground water quality within 50 meters of the periphery of landfill site shall be periodically monitored to ensure that the ground water is not contaminated beyond acceptable limit as decided by the Ground Water Board or the State Board. Such monitoring shall be carried out to cover different seasons in a year that is, summer, monsoon and post monsoon period.
- vi. Usage of groundwater in and around landfill sites for any purposes (including drinking and irrigation) is to be considered after ensuring its quality. The following specifications for drinking water quality shall apply for monitoring purpose, namely:-

S. No.	Parameters	IS 10500 1991 Desirable limit (mg/l except for pH)
1	Arsenic	0.05
2	Cadmium	0.01
3	Chromium	0.05
4	Copper	0.05
5	Cynide	0.05
6	Lead	0.05
7	Mercury	0.001
8	Nickel	-
9	Nitrate as NO ₃	45
10	pH	6.5-8.5
11	Iron	0.3
12	Total hardness (as CaCO ₃)	300
13	Chlorides	250
14	Dissolved solids	500
15	Phenolic compounds (as C ₆ H ₅ OH)	0.001
16	Zinc	5
17	Sulphate (as SO ₄)	200

8. Ambient Air Quality Monitoring

- i. Ambient air quality at the landfill site and at the vicinity shall be monitored to meet the following specified standards, namely :-

S. No.	Parameters	Acceptable levels
1	Sulpher Dioxide	80 ug/m ³ (24 hrs)
2	Particulate Matter PM ₁₀	100 ug/m ³ (24 hrs)

3	Methane	Not to exceed 25% of the lower explosive limit (equivalent to 650 mg/m ³)
4	Ammonia daily average (sample duration 24 hrs)	0.4 mg/m ³ (400 ug/m ³)
5	Carbon monoxide	1 hour average : 2 mg/m ³ 2 hour average : 1 mg/m ³

ii. The ambient air quality monitoring shall be carried out by the concerned authority as per the following schedule, viz.

- a. Six times in a year for cities having population of more than 50 lakhs.
- b. Four times in a year for cities having population between 10 & 50 lakhs.
- c. Two times in a year for town or cities having population between 1 & 10

lakhs.

9. Plantation at landfill site :

A vegetative cover shall be provided over the completed site in accordance with the following specifications, viz.

- i. Selection of locally adopted non edible perennial plants that resistant to brought an extreme temperatures shall be allowed to grow.
- ii. The plants grown be such that their roots do not penetrate more than 30 cm. This condition shall apply till the landfill site is stabilized.
- iii. Selected plants shall have ability to thrive low nutrient soil with minimum nutrients addition.
- iv. Plantation to be made in sufficient density to minimized soil erosion.

10. Closure of landfill site and Post-care:

i. The Post-care of landfill site shall be conducted for at least 15 years and long term monitoring or care plan shall consist of the following, viz.

- a. Maintaining the integrity and effectiveness of final cover, making repairs and preventing run-on and run-off from eroding or otherwise damaging the final cover,
- b. Monitoring leachate collection system in accordance with the requirement,
- c. Monitoring of ground water in accordance with the requirements and maintaining ground water quality.
- d. Maintaining and operating the landfill gas collection system to meet the Standards.

ii. Use of landfill site after 15 years of post closure monitoring can be considered for human settlement or otherwise only after ensuring that gases and leachates analysis comply with the specified standards.

11. Standards for Composting and Treated Leachates -

- i. The waste processing or disposal facilities shall include composting, pelletisation, energy recovery or any other facility based on state-of the art technology duly approved by the Central Pollution Control Board.
- ii. In case of engagement of private agency by the municipal authority, a specific agreement between the municipal authority and the private agency shall be made particularly, for supply of solid waste and other relevant terms and conditions.
- iii. In order to prevent pollution problems from compost plant and other processing facilities, the following shall be complied with, namely:-
 - a] The incoming wastes at site shall be maintained prior to further processing. To the extent possible, the waste storage area should be covered. If such storage is done in an open area, it shall be provided with impermeable base with facility

J.S.

- for collection of leachate and surface water run-off into lined drains leading to a leachate treatment and disposal facility;
- b) Necessary precautions shall be taken to minimize nuisance of odour, flies, rodents, bird menace and fire hazard;
 - c) Pre-process and post-process rejects shall be removed from the processing facility on regular basis and shall not be allowed to pile at the site. Recyclables shall be routed through appropriate vendors. The non-recyclables shall be sent for well designed landfill sites(s);
 - d) In case of compost plant, the windrow area shall be provided with impermeable base. Such a base shall be made of concrete or compacted clay, 50 cm thick, having permeability coefficient less than 10^{-7} cm/sec. The base shall be provided with 1 to 2 percent slope and circled by lined drains for collection of leachate or surface run-off;
 - e) Ambient air quality monitoring shall be regularly carried out particularly for checking odour nuisance at down wind direction on the boundary of processing plant;
 - f) In case of breakdown or maintenance of plant, waste infect shall be stopped and arrangements be worked out for diversion of waste to the landfill site.
- iv. In order to ensure safe application of compost, the following specification for compost quality shall be met, namely

Parameters	Concentration not to exceed * (mg/kg dry basis, except pH value and C/N ratio)
Arsenic	10
Cadmium	5
Chromium	50
Copper	300
Lead	100
Mercury	0.15
Nickel	50
Zinc	1,000
C/N ratio	20-40
pH	5.5 to 8.5

* Compost (final product) exceeding the above stated concentration limit shall not be used for food crops. However, it may be utilized for purpose other than growing food crops.

- v. The disposal of treated leachates shall follow the following standards, namely:-

Sr. No.	Parameter	Standards (Mode of disposal)		
		Island surface water	Public sewers	Land disposal
1	Suspended solids, mg/l, max	100	600	200
2	Dissolved solids (inorganic) mg/l, max	2,100	2,100	2,100
3	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
4	Ammonical nitrogen (as N), mg/l, max	50	50	-
5	Total Kjeldahl nitrogen (as N) mg/l, max	100	-	-
6	Biochemical oxygen demand (3 days at 27 C) max, mg/l	30	350	100

F.

7	Chemical oxygen demand, mg/l, max	250	-	-
8	Arsenic (as As), mg/l, max	0.2	0.2	0.2
9	Mercury (as Hg), mg/l, max	0.01	0.01	-
10	Lead (as pb), mg/l, max	0.1	1	-
11	cadmium (as cd), mg/l, max	2	1	-
12	Total chromium (as Cr), mg/l, max	2	2	-
13	Copper (as Cu), mg/l, max	3	3	-
14	Zinc (as zn), mg/l, max	5	15	-
15	Nickel (as Ni), mg/l, max	3	3	-
16	Cynide (as Cn), mg/l, max	0.2	2	0.2
17	Chloride (as Cl), mg/l, max	1,000	1,000	600
18	Fluoride (as F), mg/l, max	2	1.5	-
19	Phenolic Compounds (as C6H5OH), mg/l, max	1	5	-

Note : While discharging treated leachates into inland surface waters, quantity of leachates being discharged and the quantity of dilution water available in the receiving water body shall be given due consideration.

12. Every municipal authority shall, within the territorial area of the municipality, be responsible for the implementation of the provisions of these rules, and for the infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes.
13. All municipal solid waste generated in a city or a town, shall be managed and handled in accordance with the compliance criteria and the procedure laid down in Schedule-II.
14. The municipal authority shall furnish its annual report in Form-II, to the District Magistrate or the Deputy Commissioner with a copy to the Maharashtra Pollution Control Board, on or before of the 30th day of June every year.
15. 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-V to the Secretary In charge of the Urban Development Department in metropolitan cities and to the District Collector in all other cases.
16. The waste processing and disposal facilities to be setup by the Municipal Authority On their own or through an operator of a facility shall meet the specifications and Standards as specified in schedule-III and IV
17. The municipal authority will have to abide by the provisions of Municipal Solid Waste (Management & Handling) Rules, 2000 and as amended in 2016.
18. The inert created during handling and processing of MSW shall be properly land filled.

V.S.

19. The Municipal Council shall comply the direction issued by Board vide letter No MPC/NRO/MSW/Dir-24/1584/2013 dtd 24/05/2013.
20. This consent issued subject to NGT OA No. 115 of 2023 filed by Dr. Atul Sheth & Ors. Vs. The Guhagar Nagarpanchayat Guhagar & Ors.



(J. S. Salunkhe)
Regional Officer, Kolhapur

o/c

MAHARASHTRA POLLUTION CONTROL BOARD
SUB REGIONAL OFFICE, CHIPLUN

Telephone:
(02355) 261570

Visit Us At

website: www.mpcb.gov.in

Email: srochiplun@mpcb.gov.in



"Your Service is our Duty"

2nd floor Parkar Complex,
224, Behind Nagar
Parishad,
Tal. Chiplun, Dist.
Ratnagiri 415605.

Dt. 06/10/2023

Actual Site Visit Report

OA No. 115/2023 (WZ) Dr. Atul Seth Vs the Guhagar Nagar Panchayat, Guhagar. The Hon'ble NGT has passed an order dt. September. 01, 2023 as to call for a report from a joint Committee Comprising one member each of

- i. The Guhagar Nagar Panchayat Guhagar,
- ii. The District Collector, Ratnagiri,
- iii. The Maharashtra Pollution Control Board (MPCB).

Also Committee is further directed to issue a Prior notice to the applicants before conducting the inspection of the site in question.

Accordingly a Committee has been formed vide MPCB letter no. 548/23 dt. 03/10/2023 & joint committee visited the site on 06/10/2023.

This site is Located at Sr. No 134/9 waki road, At. Guhagar, Tal. Guhagar, Dist. Ratnagiri having area 126 Guntha Approx. (1,26,000 sq.ft.) This site is located on the land having hill slope i.e. this is not a plane land. The ariel distance of the seashore is approx. 1.8 km, the ordinary road from Guhagar PWD rest house to waki village is adjacent to this SWM site. The distance from the SWM site to the applicant Dr. Atul Shet, Shri. Palshetkar & other applicant home shall be confirmed by the competent authority.

This site is started in operation around From May 2023.

The Guhagar Nagar Panchayat generates MSW approx. 700kg/day which is dumped at the above site. The heaps of MSW garbage containing empty plastic, glass bottle, bags, other materials, vegetable waste, papers, boxes broken glass etc.

Partially constructed RCC & brick work observed, having six pits which is not completed. This shed is for SWM processing unit as per Municipal Council statement.

There is no segregation of MSW, only waste is dumped in the yard. This site has not provided compound wall, barbed, wire fencing to prevent stray animals, weigh bridge, fire extinguisher to control fire incidents, water tanks, drinking water facility, are not available at site, Also Rotten smell observed during visit.

There is no land site owned with Guhagar Nagar Panchayat which is suitable as per SWM Rules 2016 except present are as per discussion with Mr. Pranol Khatal, Civil Engineer of Guhagar Nagar Panchayat.

During visit applicants Advocate Mr. Nrupal Abhay Dingankar has submitted their representation copy which is submitted for kind Information.

Submitted for consideration.



**District Joint Commissioner,
Municipal Administration,
Ratnagiri.**



**Chief Officer,
Guhagar Nagar Panchayat.**



**Dr. Atul Sheth,
Applicant**



**Sub Regional Officer,
M.P.C. Board, Chiplun**

MAHARASHTRA POLLUTION CONTROL BOARD

Regional office-Kolhapur

Tel: 0231-2652952, 0231- 2660448		Udyog Bhavan
Fax: 0231-2652952		Near Collector Office
Website: http://mpcb.gov.in		Kolhapur
E-mail: rokolhapur@mpcb.gov.in		Kolhapur-416 003.

No. MPCB/ROK/Chiplun/ 2203170003

Date: -17/03/2022.

To,
The Chief Officer.
 Guhagar NagarPanchayat
 At. Guhagar,, Dist. Ratnagiri.

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

Ref: - 1. Notice received from Registrar, NGT in Original Application No.108/2021 [WZ] I.A. No.05/2022, Shri.Balwant Parchure Vs Guhagar Nagar Panchayat;
 2. Visit of Board officials dated 16/03/2022
 3. Proposal submitted by SRO Chiplun.

.....
WHEREAS, it was obligatory on your part to obtain valid consent/ Authorization and to provide full fledged effluent treatment plant & proper disposal arrangements for effluent & MSW generated from the local body & to operate the same round the clock so as to meet the standards prescribed by the Board and to obtain consent under the Water (Prevention & Control of Pollution) Act, 1974 & under the Air (Prevention & Control of Pollution) Act, 1981.

AND WHEREAS, you have not yet applied for the consent to Establish/ operate to you the Board under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 and Hazardous Waste (M & H) Rules, 1989 as amended in 2003.& not obtained MSW Authorization from MPCB

AND WHEREAS, treatment & disposal of municipal solid wastes is also not as per the provisions of MSW Rules.

Municipal Council has not applied for grant of Authorization for new site under MSW Rules to this office.

AND WHEREAS, the Officials of the Board visited the village on 16/03/2022 and observed following non compliance.



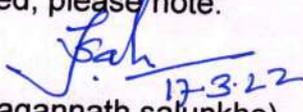
1. As per verification report of MPCB officials mixed MSW/Legacy waste was dumped unscientifically on unauthorized site, also you are not collecting & segregating the biodegradable & non-biodegradable municipal solid waste properly.
2. You are not provided treatment & disposal facility for the municipal solid waste generated from Guhaghar Nagarpanchayat. It is violation of MSW Rules, 2016.
3. You are failed to obtain MSW authorization under the MSW Rules, 2016.
4. You are not provided STP for treatment of sewage generated from Guhaghar Nagarpanchayat. Untreated sewage is directly mixed in to arebian sea.

AND WHEREAS, after examining the record of your case, the reports of officers of the Board & making necessary inquires, I am satisfied that you are causing Environmental Pollution problems in the surrounding area and knowingly & wilfully causing grave injury to the environment thereby violating various Environmental enactments.

NOW THEREFORE, in exercise of the powers conferred on the undersigned by the Board under section 33A of the by the Water (Prevention & Control of Pollution) Act, 1974 and section 31A of Air (Prevention & Control of Pollution) Act, 1981 it is proposed to issue the following directions (for avoidance of doubt, the directions include closure, prohibition or regulation of your activities).

1. Why your industry shall not be closed down forthwith?
2. Why competent authorities shall not be directed to disconnect your water/electricity supply till you comply with the provision of the said Acts?

You are directed to file your reply within a period of seven days from the receipt of this notice, failing which further legal action will be initiated, please note.


 (Jagannath salunkhe)
 Regional Officer, Kolhapur

Copy to:

The Sub-Regional Officer, M.P.C.Board, Chiplun

- He is directed to serve keep vigil on the Local Body and report the compliance made time to time after issuance of these directions.

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.

<p>Tel. No. (0231) 2652952, 2660448 Fax No. (0231) 2652952. <u>E-mail:</u> <u>rokolhapur@yahoo.com</u></p>		<p>Udyog Bhavan, Near Collector Office, Kolhapur - 416 003. Website:http://mpcb.mah.nic.in</p>
--	---	---

"Your Service is Our Duty"

MPCB/RO/KOP/ PR/ 2206280001

Date: 28/06/2022

To,
The Chief Officer, Guhagar.
Guhagar Nagar Panchayat.
At. Guhagar, Dist. Ratnagiri. 415703

Sub :- Prosecution Notice under section 41(2)/ 44 read with section 26 & 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Ref. 1. Original NGT Application No.108/2021 [WZ] I.A. No.05/2022 filed by Shri.Balwant Parchure
2. Proposed Directions issued by the Board dated 17.03.2022.
3. Visit of Board officials.
4. NGT Order dated 01.04.2022.
5. Online Video Conference conducted by JD Water dated 16.06.2022.
6. Proposal submitted by SRO Chiplun dated 27.06.2022.

.....
WHEREAS you are operating your Slaughtering activity in 'Pollution Prevention Area' declared under Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M & TM) Rules, 2008 as amended.

AND WHEREAS, it is obligatory on your part to obtain valid consent from the Board for your activity and to provide full fledged / adequate Sewage Treatment Plant / facility and air pollution control techniques for treatment & disposal of the sewage/ leachate and to operate it round o'clock so as to prevent any sort of pollution in the surrounding area and to achieve the standards laid down under the provisions of Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M & TM) Rules, 2008 & Environment (Protection) Act, 1986 & MSW Management Rules 2016.

AND WHEREAS, this office vide letter referred at Sr. No. (2) has issued you Proposed Directions to your Nagar Panchayat. As per remarks of Board officials dated 27.06.2022 your MSW activity is still in operation illegally. i.e. you are not complying / obeying the Proposed Directions issued by the Board. Board officials also submitted following non compliances.

1. You (Guhagar Nagar Panchayat) yet not submitted the application for grant of Authorization under MSW Rules for collector approved new developing MSW site vide letter dated 31/03/2021 at Gut no. 134/9, Mouje Guhagar, Dist. Ratnagiri which is out of CRZ area even after issuance of Proposed Directions.
2. Till date, this new site is not in operation for treatment & disposal of municipal solid wastes
3. Your Nagar Panchayat has not provided a Scientific Solid waste processing facility at Gut no. 134/9, Mouje Guhagar, Dist. Ratnagiri even after collector approval & issuance of Proposed Direction dated 17/03/2022 & NGT Order dated 01/04/2022.



4. You have not provided Sewage Treatment Plant [STP] for the sewage generated through your council.
5. You are disposing the untreated sewage directly into the Arabian sea.
6. JD [Water] through their online meeting dated 16/06/2022 instructed to issue Prosecution Notice to non-complying councils/Nagar panchayats.
7. You have failed to submit your reply to Proposed Direction dated 17/03/2022 which shows their negligent attitude.
8. NGT vide their Order dated 1/4/2022 has instructed MPCB to see compliance of environmental rules and also take necessary legal action in addition to imposing environmental compensation, in case of violation.

AND WHEREAS , after examining the record of your case, the reports of the officers of the Board , I am satisfied that you have failed to comply/ follow various conditions / directions issued by MPCB and shows your negligence attitude towards Environment and compliance of MSW Reles 2016 which causes grave injury to the Environment.

AND WHEREAS ,you are hereby called upon to show cause as to why prosecution shall not be launched against your Nagar Panchayat and persons who are responsible for day to day affairs of the Nagar Panchayat under section 41(2)/ 44 read with section 26 & 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and why Environmental Composition can not be applicable to your Nagar Panchayat and persons who are responsible for day to day affairs

Your reply to the said Prosecution Notice shall reach this office within a period of seven days from the date of receipt of this notice, failing which, necessary legal action shall be initiated against you further opportunity, which please note.

This is issued with the approval of competent authority.

(J. S. Salunkhe)

Regional Officer MPCB Kolhapur

Copy submitted for information

1. Member secretary, MPCB, Mumbai for information.
2. Joint Director (WPC) MPCB Mumbai.
3. Law Officer (P & L Divn), MPCB, Mumbai

Copy f.w.c.s to i -for information and necessary follow up.

1. The Collector, Ratnagiri. Ratnagiri Municipal Council, Ratnagiri.
2. Sub Regional Officer, MPCB, Chiplun - You are directed to submit the compliance report as per point no. (7) of NGT Order dated 01.04.2022.

**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.**

Tel. No. (0231) 2652952,
2660448
Fax No. (0231) 2652952
E-mail:
rokolhapur@mpcb.gov.in



Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website: <http://mpcb.mah.nic.in>

"Your Service is Our Duty"

No. MPCB/RO/KOP/SCN/2307200006

Date: 20/07/2023.

To,
The Administrative Officer,
Guhagar Nagar Panchayat(MSW site)
Tal-Chiplun, Dist. Ratnagiri.

Sub: Show Cause Notice under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M, H & T) Rules, 2008 as amended & MSW Rules 2016.

Ref: 1. Compliant received from Shri. Atul Vasant Shet, Guhagar
2. Visit of Board Officials dtd. 15.06.2023
3. Proposal submitted by SRO Chiplun.

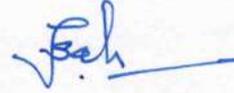
.....
WHEREAS, it was obligatory on your part to obtain valid consent/ Authorization and to provide full-fledged effluent treatment plant & proper disposal arrangements for effluent & MSW generated from the local body & to operate the same round the clock so as to meet the standards prescribed by the Board and to obtain consent under the Water (Prevention & Control of Pollution) Act, 1974 & under the Air (Prevention & Control of Pollution) Act, 1981.

AND WHEREAS, the Maharashtra Pollution Control Board has issued various Directions from time to time to your council and directed to implement long term and short term measures for the treatment and disposal of MSW generated through out your local body.

AND WHEREAS, Board Officials visited your unit on 15.06.2023 & observed that:-

1. You have failed to obtain MSW Authorization.
2. You have failed to provide MSW segregation, Scientific Solid waste processing facility and also not provided Composting. Also burned the MSW at site thereby violation of Consent conditions.
3. You have failed to provide Compositing.
4. You have failed to provide compound wall at the MSW site.
5. You have failed to provide STP for generated sewage waste from the Nagar panchayat area.
6. You have failed to operate & maintain the said processing facility at your site.
7. You have failed to provide adequate infrastructure and measures for the collection, treatment & disposal of MSW (M&H), Rules 2016 and MSW Authorization granted to your Municipal Council vide reference no. (1) above. Including boundary wall, pump & motor on bore well, & also not monitored ground water quality & Ambient Air Quality.

NOW THEREFORE, you are now directed to show cause as to why legal action under provisions of the Water (P &CP) Act, 1974 & Air (P &CP) Act, 1981 & Hazardous Waste (Management & Transboundry Movement) Rules, 2016 shall not be initiated against your unit. You are hereby directed to file your reply/ objection to this office within seven days after receipt of this notice, failing which; the Board will have no option than to initiate appropriate further legal action as deem fit in your case, which may please be noted.



(J. S. Salunkhe)
Regional Officer,
M.P.C. Board, Kolhapur

Copy submitted for information.

- 1) Member Secretary, M.P.C. B, Mumbai.
- 2) Joint Director (Water Pollution Control) Mumbai.

Copy to:

Sub-Regional Officer, M. P. C. Board, Chiplun.

- He is directed to keep vigil on the Local Body and the compliance made time to time after issuance of these directions.

**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.**

Tel. No. (0231) 2652952,
2660448
Fax No. (0231) 2652952
E-mail:
rokolhapur@mpcb.gov.in



Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website: http://mpcb.mah.nic.in

No. MPCB/RO/KOP/NGT- 08/2022(WZ)/ 2309130001 Date: 13/09/2023.

To,
**M/s. The Chief Officer, Guhagar
Guhagar Nagar Panchayat ,
At. Guhagar , Dist.:- Ratnagiri 415703**

Sub: Environmental Compensation as per NGT Order in 108/2021 & IA No.05/2022. Filed by Balvant Parchure Vs. Guhagar Nagar Panchayat & Ors.on 01/04/2022.

Ref: 1. NGT Order Dated 09.02.2023 in the Original application No. 05/2022(WZ)
2. Prosecution Notice issued by this office on 28/06/2022.
3. Show Cause Notice issued by this office on 20/07/2023
4. Proposal submitted to Higher authority HQ Mumbai.
5. Approval received from Competent authority

Sir,

Order No. 05/2022 (WZ) has been passed by Honourable NGT dated 09.02.2023. In the last order passed, NGT has directed to levy Environmental Compensation & penalty to your unit. Environmental Compensation has been calculated by MPCB.

In view of the above you are directed to deposit the amount of **Rs. 57,68,000/-** to the Maharashtra Pollution Control Board within 15 days. The details of Account of Maharashtra Pollution Control Board is as below

Bank Name and address : State Bank Of India. Kolhapur Treasury.
Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 11303165287
IFSC Code : SBIN0007249

Failure on your part to comply with this Directions Board will take necessary steps for recovery of the said amount which please be noted.

This is issued with the approval of competent Authority.

(J.S. Salunkhe)
Regional Officer, MPCB Kolhapur.

Copy submitted to

1. Member Secretary, MPCB, Mumbai.
2. Joint Director (APC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.

2.

Copy for further follow up :

- Sub Regional Officer, MPCB, Chiplun :- He is directed to utilize the said amount of compensation within a period of 6 months for the District Environment Plan in consultation with the Collector, Ratnagiri & to ensure the compliance of the above direction and submit ATR to this office & HOD for necessary record under intimation.

MAHARASHTRA POLLUTION CONTROL BOARD Regional office-Kolhapur

Tel: 0231-2652952, 0231-2660448		Udyog Bhavan
Fax: 0231-2652952	"Your Service is Our Duty"	Near Collector Office
Website: http://mpcb.gov.in		Kolhapur
E-mail: rokolhapur@mpcb.gov.in		Kolhapur-416 003.

No. MPCB/RO/Kolhapur/ *m PCB/PD/2310160004* Date: - 16/10/2023.

To,
The Chief Officer,
 Guhagar Nagar Panchayat
 For MSW Site at :- Survey No.134/9 ,waki Road
 At :- Guhagar , Dist. Ratnagiri..

Sub: Proposed Direction under section 33 A of the Water (Prevention & Control of Pollution) Act, 1974. & MSW Rules,

Ref: -1. Various Directions issued by the Board time to time .
 2. This office has issued Show Cause Notice dtd.20/07/2023
 3. Visit of Board officials on 06/10/2023.
 4. Proposal submitted by SRO Chiplun

WHEREAS, it was obligatory on your part to obtain valid consent/ Authorization and to provide full-fledged effluent treatment plant & proper disposal arrangements for effluent/ MSW generated from the local body & to operate the same round the clock so as to meet the standards prescribed by the Board and to obtain consent under the Water (Prevention & Control of Pollution) Act, 1974 & under the Air (Prevention & Control of Pollution) Act, 1981 and also to obtain MSW Authorization under MSW Rules 2016.

AND WHEREAS, the Maharashtra Pollution Control Board has already issued directions to your Nagar Panchayat and directed to implement long term and short-term measures for the treatment and disposal of MSW generated through your local body & to obtained MSW authorization under the MSW Rules 2016.

AND WHEREAS, OA No.115/2023 (WZ) Dr.Atul Sheth Vs The Guhagar Nagar Panchayat ,Guhagar , Hon'ble NGT passed an Order dtd.01/09/2023, as to call for a report from Joint Committee, & accordingly a committee has been formed vide MPCB letter No.548/23 dt.03/10/2023 & Joint Committee visited the site on 06/10/2023, and during visit following observations were observed:-

1. Your Site is Located at Survey.No.134/9 waki road ,At Guhagar ,Tal:-Guhagar, Dist :Ratnagiri having area 126 Guntha Approx.(1,26,000 Sq.ft.).This site is located on the land having hill slope i.e. this is not a plane land.The ariel distance of the Sea shore is approx.. 1.8 Km,the ordinary road from Guhagar PWD rest house to waki village is adjacent to this SWM site.The distance from the SWM site to the applicant Dr.Atul Shet ,Shri .Palshetkar &

[Signature]

2.

other applicant home shall be confirmed by the competent authority.

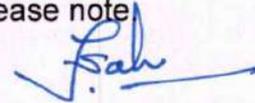
2. During visit, it was observed that the site was started in operation since May 2023.
3. Your Nagar Panchayat generated MSW approximately 700 Kg/day. which is dumped at the above site, The heaps of MSW garbage containing empty plastic, glass bottle, bags & other materials, vegetable waste, papers, boxes broken glass etc.,
4. During visit, it was observed that the Partially constructed RCC & brick work observed & having six pits which is not completed.
5. During visit, it was observed that the there is no proper segregation of MSW, only waste is dumped in the yard. This site has not provided compound wall, barbed, wire fencing to prevents stray animals, weigh bridge, fire extinguisher to control fire incidents and also Rotten smell noticed during visit.
6. During visit Guhagar Nagar panchayat representative Mr.Pranol Khatal ,Civil Engineer informed that there is no land site owned with Guhagar Nagar Panchayat which is suitable as per SWM Rules 2016 except present site.
7. You have failed to comply earlier SCN & direction issued by the MPCB, to Guhagar Nagar Panchayat dtd.17/03/2022 and 20/07/2023.

AND WHEREAS, after examining the record of your case, the reports of officers of the Board & making necessary inquires, I am satisfied that you have failed to comply with various direction issued by the Board from time to time which shows your negligent attitude towards the control of pollution problems thus causing great threat to the environment.

NOW THEREFORE, in exercise of the powers conferred on the undersigned by the Board under section 33A of the by the Water (Prevention & Control of Pollution) Act, 1974 and section 31A of Air (Prevention & Control of Pollution) Act, 1981, with MSW Rules 2016.It is proposed to issue following directions (for avoidance of doubt, the directions include prosecution, prohibition or regulation of your activities).

1. Why further legal action shall not be initiated against you considering of above non-compliances.

You are hereby directed to file your objection/reply to these proposed directions within a period of 15 days from the receipt of this notice, failing which further stringent legal action may be issued in the matter, please note



(J. S. Salunkhe)
Regional Officer,
M.P.C.B. Kolhapur

Copy submitted to:

The Member Secretary, M.P.C. Board, Mumbai.

Copy f.w.cs.to:

1. The Joint Director (APC) , M.P.C. Board, Mumbai.
2. The Law Officer (P&L Div.II), M.P.C. Board, Mumbai.
3. The Regional Officer (HQ), M.P.C. Board, Mumbai.

Copy to:

The Sub-Regional Officer, M.P.C.Board, Chiplun

- He is directed to keep vigil on the Local Body, submit separate proposal for MSW and report the compliance made time to time after issuance of these directions.



 महाराष्ट्र शासन महसूल व वन विभाग जिल्हाधिकारी, रत्नागिरी यांचे कार्यालय ❖ नगरपालिका प्रशासन शाखा ❖	
❖ ई-मेल आयडी :- dpoduda.ratnagiri@gmail.com ❖	
क्रमांक: नपाप्र-4/गुहागर न.पं.क्षेपणभूमी/2020-21	दिनांक:- 08/02/2021

प्रति,

मुख्याधिकारी,
गुहागर नगरपंचायत

विषय: गुहागर नगरपंचायतीच्या घनकचरा क्षेपणभूमीसाठी पाहणी केलेल्या जागेस मान्यता दिल्याबाबत.

संदर्भ: आपलेकडील पत्र जावक क्र.नपंगु/847/2020, दि.14/12/2020.

उक्त विषयाच्या अनुषंगाने कळविण्यात येते की, गुहागर नगरपंचायतीच्या प्रस्तावित घनकचरा प्रकल्पाच्या जागेसाठी जिल्हास्तरीय समितीकडून मान्यता देण्यात आलेली आहे. सदर जागा खरेदी करणेबाबत आपलेस्तरांवरून आवश्यक ती कार्यवाही करणेत यावी. त्याबाबतचा प्रस्ताव या कार्यालयाकडे सादर करावा.

सोबत जिल्हास्तरीय समितीचे प्रमाणपत्र.



(तुषार बाबर)

प्र.जिल्हा प्रशासन अधिकारी,
जिल्हाधिकारी कार्यालय रत्नागिरी

प्रत माहितीसाठी सादर:-

मा.उपजिल्हाधिकारी, भूसंपादन शाखा, जिल्हाधिकारी कार्यालय यांचेकडे.

गुहागर नगरपंचायत कार्यालय	
आवक क्र. : 9494	दि. 20/2/2021
कार्यवाही खाते :	लिपिक
कार्यालय अधिक्षक / मुख्याधिकारी / नगराध्यक्ष	

MUNICIPAL SOLID WASTE MANAGEMENT & HANDING RULES, 2016
Site Selection Checklist for ~~Santa~~ Nagar Panchayat, Guhagar
Shri. Bhalchandra Vitthal Mhadik Gat No. 134/9

Sr.No	Site Details	Prescribed Limits (more than)	Remarks & Actual site details
1	Location	-	Mauje-Guhagar - 134/9
2	Total Land Available	-	1.25 HR
3	Distance From habitation	200 m.	300 m Approximately
4	Distance From river	100 m.	More than 1 Km
5	Distance From water supply well	200 m.	500 m Approximately
6	Distance From Highway	200 m.	600 m Approximately
7	Development Plan (zoning)	-	Not Applicable
8	Geomorphology, Geology, Hydrogeology	-	Geomorphology – hilly area. High Slope towards south-east Geology – Area mainly consisting of laterite overlain by lateritic soil cover. Hydrogeology – No major drainage found near site. laterite acts as an aquifer.
9	Distance From pond	200 m.	800 m Approximately
10	Distance From public park	200 m.	More than 1 Km
11	Distance From Airport/Airbase	20 km. away	110 Km (Ratnagiri)
12	CRZ	Not permitted	Out of CRZ
13	Flood Plains	Site not permitted within the flood plains as recorded for last 100 years.	Out of Flood Area
14	Critical Habitat Areas, Sensitive eco-fragile areas	Not Permitted	Away from Critical Habitat Areas, Sensitive Eco fragile areas
15	Any other remarks		Slope should be minimum

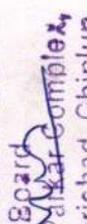
Conclusion – As per the guideline of Solid Waste Management Rule 2016 & Survey (joint inspection) carried on

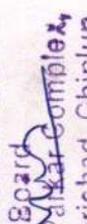
on the proposed site at Gat No.134/9 Guhagar, Tal. Guhagar, Dist. Ratnagiri

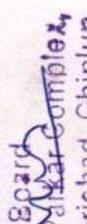

 Chief Officer,
 Municipal Council Guhagar

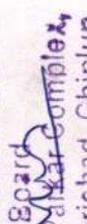

 District Administration Officer,
 Ratnagiri


 Sub-Regional Officer,
 Ratnagiri

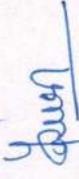

 Regional Officer,
 Ratnagiri

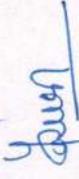

 Regional Officer,
 Ratnagiri

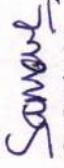

 Regional Officer,
 Ratnagiri

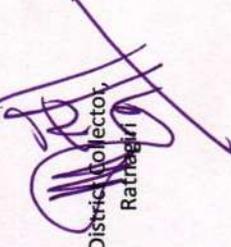

 Regional Officer,
 Ratnagiri


 Division Forest Officer,
 Ratnagiri


 Superintendent Engineer,
 Irrigation Project Construction,
 Division Ratnagiri


 Superintendent Engineer,
 Irrigation Project Construction,
 Division Ratnagiri
 Superintending Engineer,
 Ratnagiri Irrigation Circle,
 Kuwarbay, Ratnagiri.


 Sr. Geologist,
 GSDA, Ratnagiri


 District Collector,
 Ratnagiri