

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI**

**Original Application No. 413 of 2021**

Bikramjit Singh Shergill

.....Applicant

Versus

State of Punjab

.....Respondents

Reply of Environmental Engineer, Regional Office, Bathinda on behalf of Punjab Pollution Control Board i.e. respondent no.4

**Respectfully Showeth:**

1. That the above-mentioned original application was entertained by the Hon'ble National Green Tribunal in exercise of suo-moto jurisdiction under Sections 14 and 15 of National Green Tribunal Act, 2010 on the basis of a letter petition dated 07.07.2021 written by Bikramjit Singh Shergill thereby informing about the dumping of solid waste at Bhatinda by Municipal Corporation, Bathinda and a fire incident occurred on 06.06.2021 was reported. It was alleged that the fire erupted from the large quantity of inflammable material lying in the open space at dumpsite. Municipal Corporation, Bathinda has engaged M/S JITF, Urban Waste Management, Bhatinda for handling, management and disposal of Municipal Solid Waste but it was not properly functioning and processing municipal waste as per agreement.
2. That briefly submitted the Hon'ble Tribunal had constituted a Joint Committee comprising of the Central Pollution Control Board; State Pollution Control Board; Commissioner, Municipal Corporation and District Magistrate, Bathinda and vide order dated 02.02.2022 factual and action taken report was sought from the Joint Committee. In compliance to order dated 02.02.2022, the Joint Committee has filed

  
Environmental Engineer  
Punjab Pollution Control Board  
Regional Office, Bathinda.

- factual and action taken report before the Hon'ble National Green Tribunal on 24.08.2022.
3. That after further consideration of the matter, the Hon'ble Tribunal vide order dated 05.07.2024 has observed that the prime responsibility with regard to management, handling and processing of solid waste is that of Municipal Corporation, Bathinda in view of Rule 15 of Solid Waste Management Rules, 2016. There is large scale of violation of statutory provisions on the part of Municipal Corporation, Bathinda, but no appropriate action has been taken by the Punjab Pollution Control Board. Vide the said order dated 5.7.2024, the Punjab Pollution Control Board has been impleaded as respondent no.4 with direction to file reply within 10 days particularly to show what action has been taken by the Punjab Pollution Control Board in this matter and if no action has been taken, the Member Secretary, Punjab Pollution Control Board shall explain as to why no action has been taken and who is the person responsible for such failure.
  4. That in compliance to the order dated 05.07.2024 of this Hon'ble Tribunal, it is submitted that the Punjab Pollution Control Board is taking appropriate action against Municipal Corporation, Bathinda for violation of the Solid Waste Management Rules, 2016 from time to time in accordance with the provisions of Law and the directions of the Hon'ble National Green Tribunal.
  5. That in pursuance to the order dated 10.01.2020 and 17.09.2020 passed by the Hon'ble National Green Tribunal in OA No. 606 of 2018, the Punjab Pollution Control Board is taking action against the Urban Local Bodies in the State of Punjab including the Municipal Corporation, Bathinda for their failure to make compliance of the Solid Waste Management Rules, 2016 and legacy waste remediation.

The Punjab Pollution Control Board has imposed Environmental Compensation amounting to Rs. 43.00 Lakh upon Municipal Corporation, Bathinda for non-compliance of Solid Waste Management Rules, 2016 and legacy waste remediation for the period of violation from 01.07.2020 to 31.03.2024. The Government of Punjab, Department of Local Government being the Administrative Department of Urban Local Bodies in the State of Punjab has deposited an amount of Rs. 4.00 Lakh towards Environmental Compensation in respect of

Municipal Corporation, Bathinda out of the total amount of Environmental Compensation of Rs.43.00 Lakh.

6. That it is relevant to mention here that the Board is pursuing the matter with the Municipal Corporation, Bathinda for compliance of the provisions of Environmental Laws from time to time. Earlier, the site of solid waste facility of Municipal Corporation, Bathinda was visited by the officer of the Board in reference to the application made by the Corporation for extension in the validity of consents to operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for processing of municipal solid waste @ 120 TPD. The observations of the visiting officer are mentioned below:
- a) The facility was in operation and the servicing of the non-working nozzles (to spray the eco solution to mitigate the odour) was going on at site.
  - b) The facility has failed to install ambient air quality monitoring stations.
  - c) The MCB has developed a part of the site as SLF (100\*150\*11') for disposal of inert material, however the same has not been commissioned yet.
  - d) The MCB failed to submit upgraded Risk Management and Disaster Management plan.
  - e) As per the MC authorities the total legacy waste which was lying at site was 3,50,000 cum out of which 2,00,000 cum of legacy waste has been processed. The MC authorities informed that the proposed deadline to treat the legacy waste has been extended.
  - f) The facility is discharging its leachate into sludge carrier for domestic effluent further leading to STP installed by MC, Bathinda.
7. Considering the violations of the provisions of Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981, a show cause notice for refusal of consents to operate under the provisions of said Acts was issued to the Municipal Corporation, Bathinda vide letter no. 1389 dated 22.03.2024 with an opportunity of personal hearing before the Chairman of the Board on 26.03.2024. A

copy of letter no. 1389 dated 22.03.2024 is enclosed as **Annexure R 4/A**.

8. That the meeting was attended by the officer of Municipal Corporation, Bathinda on 26.03.2024 and submitted written reply to the notice issued by the Board, which was taken on record. The officer stated as under:-

- a) The MSW plant at Bathinda is run by JITF on the behalf of MCB. The spray nozzles are working fine to mitigate the odour and timely servicing is done as per requirement by the agency. The agency is also instructed to keep regular check the defunct nozzles if any.
- b) Municipal Corporation, Bathinda has already initiated the process of procuring the air quality monitoring stations and same will be installed by 15.04.2024.
- c) MC, Bathinda has already developed temporary SLF adjoining to MWS site and the same will be commissioned by 31.03.2024.
- d) The upgraded Risk Management and Disaster Management Plan will be submitted by 15.04.2024.
- e) MC, Bathinda already completed the processing of bio-remediation of approx. 2,25,000 cum of legacy waste against the work order quantity of 2,77,000 cum. However, the remaining area is under the control of JITF & the litigation is be decided soon. It is also informed that the fractions of bio-remediation like RDF, inert etc. is to be disposed off yet and MC, Bathinda is in consultation with Bio mass plants, NHA I and others to use this as raw material in their various ongoing projects.
- f) The agency is instructed to discharge its leachate with proper concentration with maintaining the dilution factor (say 1:100) to avoid sudden loading of STP.

9. That after hearing the officer of the Municipal Corporation, Bathinda and the officers of the Board, the Chairman of the Board decided that consents to operate under the Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981 be granted to the Municipal Corporation, Bathinda upto 31.12.2024, subject to the following special conditions that:-

- i. The Municipal Corporation shall install Ambient Air Quality Monitoring Stations, within one month.
- ii. The MCB shall upgrade Risk Management and Disaster Management plan, within one month.
- iii. The MCB shall commission the site developed as SLF for disposal of inert material by 31.03.2024.
- iv. The Municipal Corporation, Bathinda shall speed-up the processing of legacy waste and shall submit the progress in this regard to the Regional Office, Bathinda of the Board on monthly basis.
- v. The MCB shall ensure to mitigate the odour problem by spraying ecoo herbal solution and shall operate its air pollution control device regularly & scientifically.

The proceedings of the hearing held on 26.03.2024 were conveyed to Municipal Corporation, Bathinda for compliance vide Board's letter no. 1577 dated 01.04.2024 and a copy of the same is enclosed herewith as **Annexure R4/B**. Accordingly, consent to operate under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 was granted to the Municipal Corporation, Bathinda valid upto 31.12.2024 by imposing the suitable conditions including the conditions mentioned above.

10. That it is pertinent to mention here that the Punjab Pollution Control Board has issued a notice for violation of the provisions of Solid Waste Management Rules, 2016 to Commissioner, Municipal Corporation, Bathinda as well as M/s JITF Urban Waste Management (Bathinda) Ltd., Bathinda vide letter no. 3165-66 dated 09.07.2024 with an opportunity of hearing before the Chairman of the Board on 12.07.2024. A copy of the notice issued u/s 5 of the Environment (Protection) Act, 1986 vide letter no. 3265-66 dated 09.07.2024 to Municipal Corporation, Bathinda and Waste Management Company for violation of the provisions of the Solid Waste Management Rules, 2016 is enclosed as **Annexure R 4/C**.
11. That in pursuance to the notice dated 09.07.2024 issued by the Board, Sh. Sandeep Gupta, Superintending Engineer and Sh. Neeraj Garg, Sub Divisional Officer on behalf of Municipal Corporation, Bathinda and Sh. Ramesh Chandra, AGM and Sh. Sanjeev Verma, AM on behalf of M/s JITF Urban Waste Management (Bathinda) Ltd., Bathinda attended the hearing before the Chairman of the Board on 12.07.2024 at Patiala. The

representatives of Municipal Corporation, Bathinda as well as M/s JITF Urban Waste Management (Bathinda) Ltd., Bathinda submitted written replies during the hearing and the same were taken on record. Though Municipal Corporation, Bathinda has entered into an agreement with M/s JITF Urban Waste Management (Bathinda) Ltd., Bathinda for the management of solid waste of Bathinda but the matter is pending in arbitration due to some administrative as well as financial reasons. The submissions made by representatives of Municipal Corporation, Bathinda and that of the representatives of M/s JITF Urban Waste Management (Bathinda) Ltd., Bathinda are summarized herein below:

**A) Submissions made by Municipal Corporation, Bathinda**

- a) The responsibility of processing of MSW is with M/s JITF, transferred to them by way of a Concession Agreement executed between MC Bathinda & JITF in Nov. 2011. The MSW Processing Plant at Bathinda is run by JITF. As per order passed by Hon'ble Court, M/S JITF has been directed to continue the operations till the litigation/arbitration is decided. The agency i.e. JITF is running the facility on daily basis.
- b) The M/s JITF has been asked to keep the facility serviceable, to keep regular check on the defunct nozzles, to repair the faulty nozzles and to keep regular check on the defunct nozzles to mitigate the odour, to keep regular check on the defunct plant/machinery.
- c) Municipal Corporation Bathinda vide letter no 1719 dated 05.07.2024 asked JITF submit action plan for clearing of MSW dump from site under their jurisdiction. M/S JITF in reply to this letter vide their letter dated 01.07.24 has written that they are storing the RDF temporarily and will supply the same to Biomass based power plants and will share the action plan within two to three months' time. In this way they are neither clearing the site themselves nor allowing MCB to clear the dump site. However, on insistence by MC Bathinda, the demarcation of additional approximately 3 acres has been done on 08.07.2024 in the

- presence of JITF officials and the remediation work on this additional land has been started. As per signed Concession Agreement M/s JITF is to run facility in accordance with the prevailing MSW Rules/ guidelines issued by PPCB/CPCB/ Hon'ble NGT at all times.
- d) It is submitted that Municipal Corporation, Bathinda is executing the work of bio-remediation of legacy waste as per NGT/PPCB guidelines and approximately 2,35,000 cum of legacy waste has been processed till date in an area of 10 acres. The remaining area is under the control of JITF. The litigation is pending before Hon'ble Arbitral Tribunal, which is to be decided soon. However, Municipal corporation Bathinda vide letter no 1719 dated 05.07.2024 asked JITF to demarcate and give more land to MC Bathinda for remediation and/or submit action plan for clearing of MSW dump from site under their jurisdiction. The demarcation of additional approximately 4.5 acre has been done on 08.07.2024 in the presence of JITF officials and the remediation work on this additional land has been started.
- e) MCB has already developed temporary SLF and commissioned it along with MWS site. It is submitted that some of the inert material from the bio remediate legacy waste has been disposed off in it. However, some of the lighter RDF material such as polythene was there in SLF area due to stormy weather which have been now removed.
- f) It is submitted that green belt is already developed all along the perimeter of the facility with the width varies from 5 mtr to 15 mtr as per land availability. However, recently very few plants got damaged due to excessive heat, which have been replaced now in rainy season.
- g) Municipal Corporation Bathinda has already initiated the process of procuring the air quality monitoring stations and supply order has been placed and same will be installed by 15.07.2024. Imposition of model code of conduct due to Parliament elections delayed the procurement.

- a. The upgraded Risk Management and disaster Management plan is submitted.

**B) Submissions made by M/s JITF Urban Waste Management (Bathinda) Ltd., Bathinda**

- a) At the outset, the Concessionaire denies and disputes each and every contention of the Notice dated 09.07.2024 under reply. Mere non-traversal of any fact/contention of the Notice ought not to be treated as an admission on the part of the Concessionaire and the same ought to be treated as denied.
- b) The Concessionaire denies that it has violated any of the provisions of the Solid Waste Management Rules, 2016. It is submitted that the Concessionaire is in compliance of and has always complied with the conditions of the Applicable Laws.
- c) It is stated that MCB did not comply with its terms, conditions and obligations as per the Concession Agreement dated 23.11.2011 executed between Municipal Corporation, Bathinda, Concessionaire and the Department of Local Govt, Punjab. Therefore the Concessionaire was constrained to terminate the Concession Agreement vide its Termination Notice dated 05.12.2018. However, the Concessionaire is continuing its operations in compliance of the order dated 04.12.2019 read with interim order dated 15.01.2019 of the Ld. District Court of Bathinda.
- d) It is stated that on 06.07.2024 i.e. the day of visit of the PPCB team, some part operations of the processing facility were only temporarily halted for a limited time due to rain as well as repair and maintenance of the said part for proper and smooth functioning of the plant. Further, the operations of the Processing Facility were resumed on the same day i.e. on 06.07.2024 around 3 PM. Therefore, it is stated that there is no violation of any of applicable laws and provisions of the Solid Waste Management Rules, 2016.

  
Environmental Engineer  
Punjab Pollution Control Board  
Regional Office, Bathinda.

- e) The damage to the shed is due to normal wear and tear. We are in the process of replacing the damaged shed sheeting and the new sheets have arrived at the site also. The damaged sheets shall be replaced by 20th August 2024
- f) It is denied that on the date of the visit i.e. 06.07.2024, only 20-30% of the spray nozzles were in working condition and the remaining were not in operation.
- g) Kindly note that the spray nozzles provided by the Concessionaire to spray the Ecolo Herbal solution for odour mitigation are fully operational. It is clarified, that since there is a continuous ingress of dust and other foreign particles in the spray nozzles, thus, the same require regular maintenance. On the date of the visit i.e. 06.07.2024, the 10-20% of the nozzle sprays were under maintenance and being cleaned. Further at the time of the visit due to rain few nozzle sprays were affected, but remaining and most of the nozzle sprays were working. Please note all the nozzle sprays are in operation.
- h) It is denied that there was a lot of odour problem inside or outside the shed, as alleged. The facility has provided suction hoods along with suction ducts to improve the odour problem. Additionally, along with suction hoods, the facility is continuously sprayed with ECOLO (odour neutralizer) to cure the odour. We are taking measures to control the odour at the Processing Facilities. Further, our odour control system is operational and there have not been any complaints from anybody regarding the odor emanating from the processing facilities. Due to weather condition (rain), the secondary system was precautionary shut down for a limited time to prevent any electrical hazardous.
- i) Please note the secondary stage odour control system is in operation. Odour absorbing solution PH 10 is being maintained as per recommendation of SAI Labs using Sodium Hydroxide & Hypochlorite. Therefore, it is stated that there is no violation of any of applicable laws and provisions of the Solid Waste Management Rules, 2016.

- j) The damage to the shed is due to normal wear and tear. We are in the process of replacing the damaged shed sheeting and the new sheets have arrived at the site also. The damaged sheets shall be replaced by 20th August 2024.
- k) It is denied that the processing facility might not have operated for few days, as alleged. It is stated that the MSW is being processed regularly in the processing facility. Due to rainy season from around last 2 weeks, extra repair and maintenance is being done by the Concessionaire. On the date of the visit, due to the ongoing repair and maintenance of the plant and rain on the date of the visit some quantity of fresh solid waste was stored in the pits temporarily. Please note the same is processed.
- l) The stock of RDF is stored for sale and disposal to the Biomass power plants as per requirements. It is denied that any fresh waste is being stored near the RDF storage, as alleged.
- m) It is denied that the green belt is between 5 to 10 meters around periphery and 3 meters towards the STP, as alleged. It is submitted that a green belt of 15 meters has been developed and is being maintained by us around the periphery and towards the STP side, the width of the green belt is 5 meters. The same has also been certified by an Independent Assessor, namely G.S. Associates.
12. That during the hearing of the case on 12.07.2024, it was deliberated that the prime responsibility with regard to the management of Solid Waste is with the Municipal Corporation, Bathinda as per rule 15 of the Solid Waste Rules, 2016. M/s JITF, Bathinda is a concessionaire of Municipal Solid Waste processing facility at Bathinda as per the agreement executed between Municipal Corporation, Bathinda and M/s JITF. During visit by the officer of the Board on 06.07.2024, the Solid Waste processing facility was found violating the Solid Waste Management Rules, 2016 and the Municipal Corporation, Bathinda being the custodian in the matter is responsible for the violations observed under the said rules. The visiting officer of the Board who visited the site on 06.07.2024 and present during the hearing before the

Chairman of the Board on 12.07.2024 informed that the agency engaged by the Municipal Corporation, Bathinda namely M/s JITF is not complying with the provisions of the Solid Waste Management Rules, 2016.

13. That the Chairman of the Board observed that Municipal Corporation, Bathinda has been given numerous opportunities to make compliance of the Solid Waste Management Rules, 2016 from time to time. The Board is also imposing Environmental Compensation from time to time for violations of Solid Waste Management Rules, 2016. The main responsibility for compliance of the Solid Waste Management Rules, 2016 lies with Municipal Corporation Bathinda. The officers of Municipal Corporation, Bathinda cannot escape liability by pointing towards the lapses of the Waste Management Company. The MC Bathinda has entered into an agreement with the Waste Management Company for collection, segregation, transportation, processing and disposal of Municipal Solid Waste. Hence, it is for the Corporation to deal with the Waste Management Company according to the clauses of agreement. The Municipal Corporation, Bathinda in the given circumstances has to show and make compliance of Solid Waste Management Rules, 2016, failing which officers / official of Municipal Corporation Bathinda shall be liable for prosecution under the provisions of Environment (Protection) Act, 1986 for violation of the said Solid Waste Management Rules, 2016. Any laxity on the part of Municipal Corporation Bathinda has to be dealt with in accordance with the provisions of law. Polluter Pays Principle has to be invoked to restrain the Corporation from further violation of Solid Waste Management Rules, 2016. To a specific query raised by the Chairman of the Board to the representative officers of Municipal Corporation, Bathinda as to when the Solid Waste will be properly managed, the officers of Municipal Corporation Bathinda stated that they undertake to clear the Solid Waste by 30.09.2024. The officers present on behalf of Municipal Corporation Bathinda were directed to make sincere efforts to make compliance of Solid Waste Management Rules, 2016.
14. That after hearing the officials of the Municipal Corporation, Bathinda, representatives of the M/s JITF and the officers of the Board and considering the relevant facts available on record, the Chairman of the Board decided as under that: -

  
Environmental Engineer  
Punjab Pollution Control Board  
Regional Office, Bathinda.

- a) A D.O. letter be issued to Principal Secretary, Local Government; Director, Local Government with a copy to Secretary, Department of Science, Technology and Environment regarding the non-compliance of the Solid Waste Management Rules, 2016 by the Municipal Corporation, Bathinda and the status of violation of the Solid Waste Processing Facility located at Mansa Road, Bathinda.
- b) The Municipal Corporation, Bathinda shall deposit Rs. 39 lacs (Rs. 43 lacs – Rs. 4 lacs) as balance amount of Environmental Compensation imposed by the Board in compliance to the orders dated 10.01.2020 and 17.09.2020 passed by the Hon'ble National Green Tribunal in O.A. No. 606 of 2018 for failure to comply with the Solid Waste Management Rules, 2016 for the period of violation from 01.07.2020 to 31.03.2024, within 2 working days with the Regional Office, Bathinda of the Board.
- c) The Municipal Corporation, Bathinda shall deposit an amount of Rs. 3 lacs as Environmental Compensation in compliance to the orders dated 10.01.2020 and 17.09.2020 passed by the Hon'ble National Green Tribunal in O.A. No. 606 of 2018 for failure of the ULB to comply with the Solid Waste Management Rules, 2016 for the period of violation from 01.04.2024 to 30.06.2024, within 2 working days with the Regional Office, Bathinda of the Board.
- d) Over and above the amount of Environmental Compensation already being imposed by the Board, the Municipal Corporation, Bathinda shall deposit an amount of Rs. 25 Lacs towards interim Environmental Compensation within 7 working days with the Board for failure to manage and process the Solid Waste at the Solid Waste Processing Facility.
- e) The Municipal Corporation, Bathinda shall ensure to manage the Solid Waste in compliance to the Solid Waste Management Rules, 2016 by 30.09.2024 and in case of failure to do so, criminal prosecution of the concerned officers of the Municipal Corporation, Bathinda responsible

for the management of the Solid Waste Management Rules, 2016 for the period of violation will be initiated by the Board, without any further notice / opportunity.

15. That the proceedings of the hearing held on 12.07.2024 were conveyed to the Commissioner, Municipal Corporation, Bathinda and M/s JITF Urban Waste Management (Bathinda) Ltd., Bathinda vide letter no. 3355-57 dated 15.07.2024 for compliance and a copy of the same is enclosed herewith as **Annexure R 4/D**.

16. That in view of the above recorded facts, it is submitted that the Punjab Pollution Control Board has taken and is taking appropriate action in accordance with the provisions of Law and the directions of the Hon'ble Tribunal against Municipal Corporation, Bathinda for violation of the provisions of Solid Waste Management Rules, 2016. The actions taken by the Board against Municipal Corporation; Bathinda are summarized herein below:

i. The Board has imposed Environmental Compensation amount to Rs. 43.00 Lakh upon Municipal Corporation, Bathinda for non-compliance of Solid Waste Management Rules, 2016 for the period of violation from 01.07.2020 to 31.03.2024 in accordance with the mandate of the orders dated 10.01.2020 and 17.09.2020 passed by the Hon'ble National Green Tribunal in O.A No. 606 of 2018. The Department of Local Government, Punjab has deposited an amount of Rs. 4.00 Lakh towards Environmental Compensation out of the total Environmental Compensation of Rs. 43.00 Lakh.

ii. During the hearing of the case on 12.07.2024, the Board has directed the Municipal Corporation, Bathinda

a) to deposit Rs. 39 lacs (Rs. 43 lacs – Rs. 4 lacs) as balance amount of Environmental Compensation (imposed for the period of violation from 01.07.2020 to 31.03.2024) within 2 working days with the Regional Office, Bathinda of the Board.

b) to deposit an amount of Rs. 3 lacs as Environmental Compensation in compliance to the orders dated 10.01.2020 and 17.09.2020 passed by the Hon'ble National Green Tribunal in O.A. No. 606 of 2018 for failure of the ULB to comply with the Solid Waste Management

  
Environmental Engineer  
Punjab Pollution Control Board  
Regional Office, Bathinda.

Rules, 2016 for the period of violation from 01.04.2024 to 30.06.2024, within 2 working days with the Regional Office, Bathinda of the Board.

- c) to deposit an amount of Rs. 25 Lacs towards interim Environmental Compensation within 7 working days with the Board for failure to manage and process the Solid Waste at the Solid Waste Processing Facility, over and above the amount of Environmental Compensation already imposed by the Board.
- iii. If the Municipal Corporation, Bathinda fails to manage the Municipal Solid Waste upto 30.09.2024, the Board will initiate Criminal Proceedings against the responsible persons of Municipal Corporation, Bathinda for violation of the provisions of Solid Waste Management Rules, 2016 without any further notice.
18. That the reply of the Board is hereby submitted in compliance to order dated 05.07.2024 for kind consideration of the Hon'ble Tribunal.

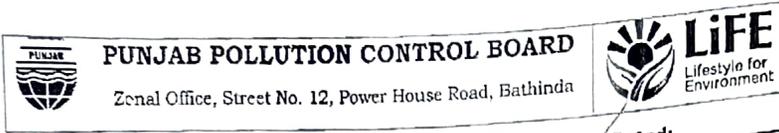
Submitted by



**Environmental Engineer  
Punjab Pollution Control Board,  
Regional Office, Bathinda.**

Date: 19-07-2024

Place: Bathinda



**PUNJAB POLLUTION CONTROL BOARD**

Zonal Office, Street No. 12, Power House Road, Bathinda



No: \_\_\_\_\_

**Registered**

Dated: \_\_\_\_\_

To

The Commissioner,  
Municipal Corporation,  
Bathinda.

ਜ਼ੋਨਲ ਦਫ਼ਤਰ, - 12/11/11/ਪੁ. ਡੀ. ਆ. ਸ.  
ਨਵੀਂ ਮੁਕਤ ਸਾਹਿਬ

ਦਫ਼ਤਰੀ ਨਿਰਦੇਸ਼

15/12/2023

**Subject: - Show cause notice before refusal of consents to operate under the provisions of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.**

Whereas, it is mandatory on the part of the authorities concerned to obtain 'consent to operate' of the Board u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 to operate an outlet for discharge of sewage.

And whereas, it is also mandatory on the part of the authorities concerned to install adequate and appropriate wastewater treatment facilities to contain the concentration of various pollutants in the sewage within the permissible limits prescribed by the Board.

And whereas, Municipal Corporation, Bathinda was granted consents to operate under the provisions of Water Act, 1974 and Air Act, 1981 on 29.08.2023 (validity upto 31.12.2023) for processing of Municipal Solid Waste @ 350 TPD (full capacity) to manufacture compost, RDF and inert, with suitable conditions mentioned therein along with special conditions that:-

1. The Municipal Corporation, Bathinda shall install Ambient Air Quality Monitoring Stations, within two months.
2. The Municipal Corporation, Bathinda shall upgrade Risk Management and Disaster Management plan, within one month.
3. The Municipal Corporation, Bathinda shall commission the site developed as secured land fill for disposal of inert material, within 1 month.
4. The Municipal Corporation, Bathinda shall speed-up the processing of legacy waste and shall submit the progress in this regard to the Regional Office, Bathinda of the Board on monthly basis.
5. The Municipal Corporation, Bathinda shall ensure to mitigate the odour problem by spraying eco herbal solution and shall operate its air pollution control device regularly & scientifically.

And whereas, MC Bathinda has applied for renewal of consent to operate of the Board under the provisions of Water Act, 1974 and Air Act, 1981 for processing of Municipal Solid Waste @ 120 TPD.

And whereas, the facility was visited by officer of the Board on 06.03.2023 and it was observed that: -

1. The facility was in operation and the servicing of the non-working nozzles (to spray the eco solution to mitigate the odour) was going on at site.
2. The facility has failed to install ambient air quality monitoring stations.
3. The MCB has developed a part of the site as SLF (100\*150\*11') for disposal of inert material, however the same has not been commissioned yet.

- 4. The MCB failed to submit upgraded Risk Management and Disaster Management plan.
- 5. As per the MC authorities the total legacy waste which was lying at site was 3,50,000 cum out of which 2,00,000 cum of legacy waste has been processed. The MC authorities informed that the proposed deadline to treat the legacy waste has been extended.
- 6. The facility is discharging its leachate into sludge carrier for domestic effluent further leading to STP installed by MC, Bathinda.

And whereas, it is also pertinent to mention here that an application bearing OA no. 413 of 2021 is pending before Hon'ble NGT in the matter of Bkramjit Singh Shergill Vs State of Punjab related to the fire incident which occurred at the solid waste dump site on 06.06.2021. The matter is listed for hearing on 02.04.2024.

And whereas, Municipal Corporation, Bathinda is violating the provisions of Water Act, 1974 & Air Act, 1981 as well as conditions imposed in the consents granted to it under the said Acts.

And whereas, the matter has been considered and decided to afford an opportunity of personal hearing to the Municipal Corporation before refusal of 'consents to operate' applied by it under the provisions of the Water Act, 1974 & Air Act, 1981.

As such, you are, hereby, afforded an opportunity to show cause in person before the **Chairman of the Board in his office at Vatavaran Bhawan, Nabha Road, Patiala on 26.03.2024 at 1:00 p.m.**, to explain your position w.r.t. above, failing which, it will be presumed that the Municipal Corporation has nothing to say in the matter and action as proposed will be taken as per provisions of the said Acts without any further notice / opportunity.

**Environmental Engineer (ZB)**  
**For Chairman, PPCB**  
 Dated 22.03.2024

Endst. No. 1380

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda for information & necessary action. He is requested to intimate the Municipal Corporation regarding date, time & venue of the hearing well before the date of hearing.

**Environmental Engineer (ZB)**  
**For Chairman, PPCB**



Environmental Engineer  
 Punjab Pollution Control Board  
 Regional Office, Bathinda.

JTF

**PUNJAB POLLUTION CONTROL BOARD**

Zonal Office, Street No. 12, Power House Road, Bathinda

No.  
To**Registered**

Dated

The Commissioner,  
Municipal Corporation,  
Bathinda.

**Subject:** Proceedings of the personal hearing given to The Commissioner, Municipal Corporation, Bathinda before refusal of consents to operate under the provisions of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 by the Chairman on 26.03.2024.

**The following were present:**

**From Board's side:**

Rakesh Kumar, SEE, ZO, Bathinda

**From industry side:**

Sh. Rajinder Kumar, Xen, MC, Bathinda

Sh. Neeraj Garg, SDO, MC, Bathinda

It was brought out that the Municipal Corporation, Bathinda was granted consents to operate under the provisions of Water Act, 1974 and Air Act, 1981 on 29.08.2023 (validity upto 31.12.2023) for processing of Municipal Solid Waste @ 350 TPD (full capacity) to manufacture compost, RDF and inert, with suitable conditions mentioned therein along with special conditions that:-

1. The Municipal Corporation, Bathinda shall install Ambient Air Quality Monitoring Stations, within two months.
2. The Municipal Corporation, Bathinda shall upgrade Risk Management and Disaster Management plan, within one month.
3. The Municipal Corporation, Bathinda shall commission the site developed as secured land fill for disposal of inert material, within 1 month.
4. The Municipal Corporation, Bathinda shall speed-up the processing of legacy waste and shall submit the progress in this regard to the Regional Office, Bathinda of the Board on monthly basis.
5. The Municipal Corporation, Bathinda shall ensure to mitigate the odour problem by spraying eco herbal solution and shall operate its air pollution control device regularly & scientifically.

MC Bathinda has applied for renewal of consent to operate of the Board under the provisions of Water Act, 1974 and Air Act, 1981 for processing of Municipal Solid Waste @ 120 TPD.

The facility was visited by officer of the Board on 06.03.2023 and it was observed that:-

1. The facility was in operation and the servicing of the non-working nozzles (to spray the eco solution to mitigate the odour) was going on at site.
2. The facility has failed to install ambient air quality monitoring stations.

3. The MCB has developed a part of the site as SLF (100'x150'x11') for disposal of inert material, however the same has not been commissioned yet.
4. The MCB failed to submit upgraded Risk Management and Disaster Management plan.
5. As per the MC authorities the total legacy waste which was lying at site was 3,50,000 cum out of which 2,00,000 cum of legacy waste has been processed. The MC authorities informed that the proposed deadline to treat the legacy waste has been extended.
6. The facility is discharging its leachate into sludge carrier for domestic effluent further leading to STP installed by MC, Bathinda.

It is also pertinent to mention here that an application bearing OA no. 413 of 2021 is pending before Hon'ble NGT in the matter of Bikramjit Singh Shergill Vs State of Punjab related to the fire incident which occurred at the solid waste dump site on 06.06.2021. A Joint Committee was formed in the matter, the report of which has been submitted on 24.08.2022. The matter is listed for hearing on 02.04.2024.

Municipal Corporation, Bathinda is violating the provisions of Water Act, 1974 & Air Act, 1981 as well as conditions imposed in the consents granted to it under the said Acts.

In view of above, show cause notice before refusal of consents to operate under the provisions of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 has been issued to the MC, Bathinda with an opportunity of personal hearing on 26.03.2024.

During hearing, the officers of the MC, Bathinda submitted written reply of the notice issued to it, which has been taken on record. They further stated that:-

1. The MSW plant at Bathinda is run by JITF on the behalf of MCB. The spray nozzles are working fine to mitigate the odour and timely servicing is done as per requirement by the agency. The agency is also instructed to keep regular check the defunct nozzles if any.
2. Municipal Corporation, Bathinda has already initiated the process of procuring the air quality monitoring stations and same will be installed by 15.04.2024.
3. MC, Bathinda has already developed temporary SLF adjoining to MWS site and the same will be commissioned by 31.03.2024.
4. The upgraded Risk Management and Disaster Management Plan will be submitted by 15.04.2024.
5. MC, Bathinda already completed the processing of bio-remediation of approx. 2,25,000 cum of legacy waste against the work order quantity of 2,77,000 cum. However, the remaining area is under the control of JITF & the litigation is to be decided soon. It is also informed that the fractions of bio-remediation like RDF, Inert etc. is to be disposed off yet and MC, Bathinda is in consultation with Bio mass plants, NHAI and others to use this as raw material in their various ongoing projects.
6. The agency is instructed to discharge its leachate with proper concentration with maintaining the dilution factor (say 1:100) to avoid sudden loading of STP.

After hearing the officials of the MC, Bathinda and the officers of the Board, the Chairman of the Board decided that consents to operate under the Water Act, 1974 & Air Act, 1981 be granted to the MC, Bathinda upto 31.12.2024, subject to the following special conditions that:-

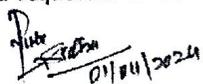
- a) The Municipal Corporation shall install Ambient Air Quality Monitoring Stations, within one month.
- b) The MCB shall upgrade Risk Management and Disaster Management plan, within one month.
- c) The MCB shall commission the site developed as SLF for disposal of Inert material by 31.03.2024.
- d) The Municipal Corporation, Bathinda shall speed-up the processing of legacy waste and shall submit the progress in this regard to the Regional Office, Bathinda of the Board on monthly basis.
- e) The MCB shall ensure to mitigate the odour problem by spraying ecoo herbal solution and shall operate its air pollution control device regularly & scientifically.

You are requested to ensure the compliance of the above decisions of the personal hearing.

Endst. No. 1578

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda for information and requested to ensure the compliance of decision of hearing within stipulated period.

**Environmental Engineer (ZB)**  
**For Chairman, PPCB**  
Dated 11/4/2024

  
**Environmental Engineer (ZB)**  
**For Chairman, PPCB**



No. **Registered** Dated

To  
 1. The Commissioner,  
 Municipal Corporation,  
 Bathinda.  
 2. M/s JITF Urban Waste Management (Bathinda) Limited,  
 Mansa Road, Near ITI Chowk,  
 Bathinda.

ਸ.ਵ.ਪੰ. - 1/11/2024 ਈ.ਵ.ਪੰ. / ਸੀ.ਸ.  
 ਮੁਖੀ ਕਮਿਸ਼ਨਰ  
 ਮੁਕਾਮ: ਮੰਸਾ ਰੋਡ, ਨੇੜੇ ਆਈ ਟੀ ਚੌਕ  
 ਬਠਿੰਡਾ



**Subject: - Notice to issue directions u/s 5 of Environment (Protection) Act, 1986 for violation of the provisions of the Solid Waste Management Rules, 2016.**

The, MoEF&CC, Govt of India in exercise of the powers conferred by Environment (Protection) Act, 1986 has notified the Solid Waste Management Rules, 2016 vide no. S.O. 1357(E) published in the Official Gazette on 08.04.2016 in supersession of the Municipal Solid Waste (Management & Handling) Rules, 2000.

Whereas, the Ministry of Environment & Forests, Government of India, New Delhi in exercise of the powers conferred under the Environment (Protection) Act, 1986 has notified the Solid Waste Management Rules, 2016, wherein the Municipal Authority is responsible for implementation of the provisions of the Solid Waste Management Rules, 2016, including infrastructure development for collection, storage, segregation transportation, processing & disposal of municipal solid waste, and the preparation of action plan for management of solid waste.

And whereas, timelines for compliance of various activities laid down in the Solid Waste Management Rules, 2016, as well as extended times fixed by the Hon'ble National Green Tribunal have already lapsed.

And whereas, in compliance to the orders dated 10.01.2020 & 17.09.2020 of Hon'ble NGT in O.A. no. 606 of 2018 titled as "Compliance of Municipal Solid Waste Management Rules, 2016", the Board has imposed total Environmental Compensation of Rs. 43.0 lac on the MCB in regard to non-compliance of Solid Waste Management Rules, 2016 for the period 01.07.2020 to 31.03.2024.

And whereas, the MCB has failed to obtain authorization under the Solid Waste Management Rules, 2016 for handling & management of solid waste (s) under the said Rules.

And whereas, the MCB has obtained consents to operate under the Water Act, 1974 & Air Act, 1981 on 29.08.2023 (valid upto 31.12.2023), which was extended upto 31.12.2024 for processing of Municipal Solid Waste @ 120 TPD, subject to the following special conditions that:-

1. The Municipal Corporation shall install Ambient Air Quality Monitoring Stations, within one month.

  
 Environmental Engineer  
 Punjab Pollution Control Board  
 Regional Office, Bathinda.

2. The Municipal Corporation, Bathinda shall upgrade Risk Management and Disaster Management plan, within one month.
3. The Municipal Corporation, Bathinda shall commission the site developed as SLF for disposal of inert material at the earliest.
4. The Municipal Corporation, Bathinda shall speed-up the processing of legacy waste and shall submit the progress in this regard to the Regional Office, Bathinda of the Board on monthly basis.
5. The Municipal Corporation, Bathinda shall ensure to mitigate the odour problem by spraying ecoo herbal solution and shall operate its air pollution control device regularly & scientifically.

And whereas, the Board has been impleaded as a respondent by the Hon'ble National Green Tribunal in O.A No. 413 of 2021 titled as Bikramjit Singh Shergill v/s State of Punjab relating to dumping of Solid Waste by Municipal Corporation, Bathinda where a fire incident has occurred on 06.06.2021. The Hon'ble National Green Tribunal has passed order dated 05.07.2024 and the Board has been directed to file reply within 10 days.

And whereas, the solid waste processing site was visited by the officer of the Board on 06.07.2024 and it was observed that:-

1. The processing facility i.e. solid waste processing plant being run by M/s JITF Urban Waste Management (Bathinda) Limited was in operation during visit and the facility was managing the fresh waste in the 12 no. pits, however the other process machinery was not in operation due to the rain.
2. The shed of the facility was found rusted and broken at most of the places and due to rain the shed was leaking rain water in the processing shed. The representative available informed that the mechanical separation machinery has been shut down in the morning due to rain as it may cause short circuit due to rain water leakages.
3. The facility has installed 283 nozzles in the shed as well as outside the shed, as a part of mist spray system for spraying of odour neutralization agent called ECOLO as a primary stage odour neutralization for controlling the odour. During visit it was observed that the ECOLO solution was being sprayed inside and outside the shed however not all the nozzles were in operation, approx 20-30% of the nozzles were in operation mainly near the vehicle shed entry point and at the office side of the shed.
4. There was lot of odour problem sensed inside the shed and outside the shed.
5. The facility has also provided secondary stage odour control system consisting of an ID fan to suck the odorous gases from the entire shed through two parallel running ducts along the composting pits and processing area. The emissions arrested through the ducts are further treated in two stage scrubbing system using diluted ECOLO solution for scrubbing, however no system has been maintained to adjudge the conc. of odour absorbing chemical in the scrubbing solution of APCD. The whole of secondary system was un-operational during visit.
6. The agency has provided a leachate collection underground pit (cemented) having capacity of 950 KL. As per the representative the leachate is re-circulated in 12 no. pits

and excess is discharged into the inlet sullage carrier drain of terminal STP. The shed of the leachate pit was also found rusted and broken leading to infiltration of the rain water.

7. Huge quantities of the fresh solid waste was observed stored in form of huge heaps in the 12 pits in organic composting section showing the plant might not have been operated for few days, however the representative denied saying that the plant has never been shut down.
8. During visit, huge quantity of semi-finished RDF was found lying outside near the processing shed. Also fresh waste was observed near the semi-finished RDF storage.
9. Legacy waste treatment is being done by the MC Bathinda at own level and MC has installed 3 no. trommel machines to process the legacy waste. During visit the process was not in operation.
10. The MCB has developed a secured land fill (SLF) (100' \* 150' \* 11') for disposal of inert material and the same has been commissioned however legacy waste instead of inert was found disposed in the in the said SLF.
11. A green belt has been developed around the site and the width of the same varies between 5 meters to 10 meters around periphery and 3 meters towards the terminal STP against the prescribed width of 15 meter and 05 meter, respectively.
12. The MCB has failed to install ambient air quality monitoring stations.
13. The MCB failed to submit upgraded Risk Management and Disaster Management plan.

And whereas, in exercise of powers conferred by Section 23 of the Environment (Protection) Act, 1986, the Central Government has delegated the powers vested in it u/s 5 of the Environment (Protection) Act, 1986 vide notification no. 327 (E) dated 10.04.2001 to the Chairman of the State Pollution Control Boards to issue directions to the industry for violations of any standard and rules relating to the Solid Waste Management Rules, 2016.

Now, the Chairman, Punjab Pollution Control Board in exercise of the powers delegated upon him by the Ministry of Environment & Forests, Government of India, New Delhi, after considering the entire case, has proposed to issue the following directions u/s 5 of Environment (Protection) Act, 1986 :-

1. That the MCB/facility shall not restart its processes for processing of the solid waste unless it takes all necessary measures for scientific management of the solid waste in compliance to the Solid Waste Management Rules, 2016.
2. That the environmental compensation as per methodology evolved by the CPCB shall be levied & recovered from the MCB/facility for the environmental damage caused by it, by improper management of the solid waste in violation to the Solid Waste Management Rules, 2016.
3. That the legal action will be initiated against the MCB/facility and the responsible officer (s)/official(s) engaged in its regular operation for violating the provisions of the Solid Waste Management Rules, 2016.



As such, you are, hereby, given an opportunity to file objections, if any, on the proposed directions before **the Chairman, Punjab Pollution Control Board in his office at Vatavarn Bhawan, Nabha Road, Patiala on 12.07.2024 at 11:00 A.M.**, failing which, it will be presumed that the MCB/facility has nothing to say and further action for confirmation of above directions will be Initiated by the Board without giving any further notice / opportunity.

Environmental Engineer (ZB)  
For Chairman, PPCB

Dated

Endst. No \_\_\_\_\_

A copy of the above is forwarded to the Senior Environmental Engineer (HQ-3), Punjab Pollution Control Board, Patiala for information alongwith the request to be present in the personal hearing.

Environmental Engineer (ZB)  
For Chairman, PPCB

Dated 9/7/2024

Endst. No 3168

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda for information & necessary action. He is requested to intimate the MCB/facility regarding date, time & venue of the hearing well before the date of hearing and also ensure their presence in the personal hearing.

Environmental Engineer (ZB)  
For Chairman, PPCB



Environmental Engineer  
Punjab Pollution Control Board  
Regional Office, Bathinda.



No. Registered Dated

To

- (i) The Commissioner,  
Municipal Corporation, Bathinda.
- (ii) M/s JITF Urban Waste Management (Bathinda) Limited,  
Mansa Road, Near ITI Chowk,  
Bathinda.

**Subject:** Proceedings of the personal hearing given to the Commissioner, Municipal Corporation, Bathinda and M/s JITF Urban Waste Management (Bathinda) Limited, Mansa Road, Near I.T.I. Chowk, Bathinda with notice to issue directions u/s 5 of Environment (Protection) Act, 1986 for violation of the provisions of the Solid Waste Management Rules, 2016 by the Chairman of the Board on 12.07.2024.

**The following were present:**

**From Board's side:**

Er. G.S. Majithia, Member Secretary  
Er. Sandeep Bahl, CEE, Bathinda  
Er. Rakesh Kumar, SEE, ZO, Bathinda  
Er. Hardeep Kaur, EE, HQ-3, Patiala  
Er. Ruby Sidhu, EE, ZO, Bathinda  
Er. Ravideep Singla, AEE, RO, Bathinda

**From MC side:**

Sh. Sandeep Gupta, SE  
Sh. Neeraj Garg, SDO

**From JITF side:**

Sh. Ramesh Chandra, AGM  
Sh. Sanjeev Verma, AM  
Sh. Maneesh Lekhawat, Advocate

It was brought out that SEIAA granted environment clearance under the EIA Notification 2006 on 30.8.2012 to the Municipal Corporation, Bathinda for development of Integrated Municipal Solid Waste Treatment Processing facility at Mansa Road, Bathinda in an area of 20 acre for processing of municipal solid waste @ 350 TPD for the manufacture of RDF @ 170 TPD, Compost @ 32 TPD, Inert Material @ 67 TPD and Recyclables @ 3 TPD.....

The facility is operated by M/s JITF Urban Waste Management (Bathinda) Ltd., Bathinda and earlier obtained consents to operate under the Water Act, 1974 & Air Act, 1981 on 23.03.2016, which was subsequently extended from time to time with validity upto 31.12.2022 for processing of municipal solid waste @ 350 TPD (full capacity) to manufacture compost, RDF and inert, subject to the conditions mentioned therein.

The facility was visited by the officer of the Board on 13.12.2022 and it was observed that: -

1. The facility was not in operation.
2. Most of the spray nozzles provided to spray Ecolo Herbal solution for odour mitigation were not in working condition.
3. The facility has failed to install 2 no. ambient air quality monitoring stations.

4. The MCB/Facility has yet not developed the secured land fill (SLF) site for disposal of inert material.
5. The processing of the legacy waste is in progress, however at a very slow pace and no progress report w.r.t. same is being submitted with the Board by MCB.
6. The facility is discharging its leachate without any treatment into the STP Installed by MC, Bathinda. The effluent sample of the leachate was collected by the officer of the Board on 10.12.2019 and as per the analysis report, the concentration of various parameters were found beyond the permissible limits prescribed for discharge into the sewer/STP.

The facility/MCB was Issued show cause notice before refusal of consents to operate under the Water Act, 1974 & Air Act, 1981 with an opportunity of personal hearing on 28.02.2023, wherein it was decided that:-

1. The consent applications applied by the facility under the Water Act, 1974 & Air Act, 1981 be returned as the consents are to be obtained by the Custodian i.e. Municipal Corporation, Bathinda.
2. The Municipal Corporation, Bathinda shall ensure to attend all the observations pointed out by the Board and shall apply for obtaining consents to operate under the Water Act, 1974 & Air Act, 1981, within 15 days.
3. Notice u/s 33-A of the Water Act, 1974 & u/s 31-A of the Air Act, 1981 be issued to the Municipal Corporation, Bathinda with the proposed directions to initiate legal action against the concerned authorities and to impose Environmental Compensation (EC) for violation of the provisions of the Water Act, 1974 & Air Act, 1981.
4. Environmental Engineer, Regional Office, Bathinda shall visit the facility, process the consent application to be applied under Water Act, 1974 & Air Act, 1981 by MC, Bathinda on merit.
5. During hearing, it was made clear to the officer of the Municipal Corporation, Bathinda that in case of failure to comply with the decisions of the hearing and in case of any violation(s) in future, further action as deemed fit shall be initiated under the provisions of the Water Act, 1974, Air Act, 1981 & MSW Rules, 2016, without any further notice/opportunity.

In compliance to the decision of the personal hearing, the consent applications applied by the facility under the Water Act, 1974 & Air Act, 1981 were returned and the Municipal Corporation, Bathinda applied for obtaining consents to operate under the Water Act, 1974 & Air Act, 1981 for processing of the solid waste @ 120 TPD in the processing plant of capacity @ 350 TPD.

The application was considered by the Competent Authority and accordingly CTOs under the Water Act, 1974 & Air Act, 1981 was granted to the MCB on 29.08.2023 (valid upto 31.12.2023) for processing of Municipal Solid Waste @ 120 TPD, subject to the following special conditions that:-

1. The Municipal Corporation, Bathinda shall Install Ambient Air Quality Monitoring Stations, within two months.
2. The Municipal Corporation, Bathinda shall upgrade Risk Management and Disaster Management plan, within one month.

3. The Municipal Corporation, Bathinda shall commission the site developed as secured land fill for disposal of inert material, within 1 month.
4. The Municipal Corporation, Bathinda shall speed up the processing of legacy waste and shall submit the progress in this regard to the Regional Office, Bathinda of the Board on monthly basis.
5. The Municipal Corporation, Bathinda shall ensure to mitigate the odour problem by spraying ecoo herbal solution and shall operate its air pollution control device regularly & scientifically.
6. The Municipal Corporation, Bathinda shall also develop the vermicomposting/composting to manage the biodegradable solid waste and shall not throw burn or bury any solid wastes in open, outside premises or in drain / water bodies.
7. The Municipal Corporation, Bathinda shall promote use of alternatives of single use plastics (SUP) and awareness to discourage use of plastic, through their Corporate Environment Responsibility (CER) activities.
8. The Municipal Corporation, Bathinda shall ensure that there are no usages of single use plasticthermoccol disposable items such as water bottles / water pouches/water cups, plates, forks, spoons, straw etc. and single use decorating material made of plastic-thermoccol or any other non-biodegradable material in the premises.
9. The Municipal Corporation, Bathinda shall properly handle and manage the solid wastages as per the provisions of the Municipal Solid Waste Rules 2016 and ensure that the solid waste is segregated & disposed of in an environmentally sound manner.

Thereafter, MC Bathinda applied for extension in the validity of consents to operate of the Board under the provisions of Water Act, 1974 and Air Act, 1981 for processing of Municipal Solid Waste @ 120 TPD. The site of solid waste facility was visited by officer of the Board on 06.03.2024 and it was observed that: -

1. The facility was in operation and the servicing of the non-working nozzles (to spray the ecoo solution to mitigate the odour) was going on at site.
2. The facility has failed to install ambient air quality monitoring stations.
3. The MCB has developed a part of the site as SLF (100\*150\*11') for disposal of inert material, however the same has not been commissioned yet.
4. The MCB failed to submit upgraded Risk Management and Disaster Management plan.
5. As per the MC authorities the total legacy waste which was lying at site was 3,50,000 cum out of which 2,00,000 cum of legacy waste has been processed. The MC authorities informed that the proposed deadline to treat the legacy waste has been extended.
6. The facility is discharging its leachate into sludge carrier for domestic effluent further leading to STP installed by MC, Bathinda.

Municipal Corporation, Bathinda is violating the provisions of Water Act, 1974 & Air Act, 1981 as well as conditions imposed in the consents granted to it under the said Acts.

Show cause notice before refusal of consents to operate under the provisions of Water Act, 1974 & Air Act, 1981 was issued to the MC, Bathinda alongwith an opportunity of personal hearing before the Chairman of the Board on 26.03.2024. During hearing, the officers of the MC, Bathinda submitted written reply of the notice issued to it, which was taken on record. They further stated that:-

1. The MSW plant at Bathinda is run by JITF on the behalf of MCB. The spray nozzles are working fine to mitigate the odour and timely servicing is done as per requirement by the agency. The agency is also instructed to keep regular check the defunct nozzles if any.
2. Municipal Corporation, Bathinda has already initiated the process of procuring the air quality monitoring stations and same will be installed by 15.04.2024.
3. MC, Bathinda has already developed temporary SLF adjoining to MWS site and the same will be commissioned by 31.03.2024.
4. The upgraded Risk Management and Disaster Management Plan will be submitted by 15.04.2024.
5. MC, Bathinda already completed the processing of bio-remediation of approx. 2,25,000 cum of legacy waste against the work order quantity of 2,77,000 cum. However, the remaining area is under the control of JITF & the litigation is be decided soon. It is also informed that the fractions of bio-remediation like RDF, inert etc. is to be disposed off yet and MC, Bathinda is in consultation with Bio mass plants, NHA1 and others to use this as raw material in their various ongoing projects.
6. The agency is instructed to discharge its leachate with proper concentration with maintaining the dilution factor (say 1:100) to avoid sudden loading of STP.

After hearing the officials of the MC, Bathinda and the officers of the Board, the Chairman of the Board decided that consents to operate under the Water Act, 1974 & Air Act, 1981 be granted to the MC, Bathinda upto 31.12.2024, subject to the following special conditions that:-

- a) The Municipal Corporation shall install Ambient Air Quality Monitoring Stations, within one month.
- b) The MCB shall upgrade Risk Management and Disaster Management plan, within one month.
- c) The MCB shall commission the site developed as SLF for disposal of inert material by 31.03.2024.
- d) The Municipal Corporation, Bathinda shall speed-up the processing of legacy waste and shall submit the progress in this regard to the Regional Office, Bathinda of the Board on monthly basis.
- e) The MCB shall ensure to mitigate the odour problem by spraying eco herbal solution and shall operate its air pollution control device regularly & scientifically.

It is also pertinent to mention here that an application bearing **OA no. 413 of 2021** is pending before Hon'ble NGT in the matter of Bikramjit Singh Shergill Vs State of Punjab related to the fire incident which occurred at the solid waste dump site on 06.06.2021. The Hon'ble National Green Tribunal has passed an order dated 05.07.2024 and the Board has been impleaded as a respondent and directed to file reply within 10 days, particularly to show what action has been taken by PPCB in the matter and if no action has been taken, Member Secretary, PPCB shall explain as to why no action has been taken and who is the person responsible for such failure. The matter is listed for hearing on 01.08.2024.

The Board has already imposed total Environmental Compensation of Rs. 43.0 lacs on the MCB in regard to non-compliance of Solid Waste Management Rules, 2016 for the period 01.07.2020 to 31.03.2024.

The MCB has failed to obtain authorization under the Solid Waste Management Rules, 2016 for handling & management of solid waste (s) under the said Rules.

Immediately after the passing of order dated 05.07.2024 by the Hon'ble Tribunal the solid waste processing site was visited by the officer of the Board on 06.07.2024 and it was observed that:-

1. The processing facility i.e. solid waste processing plant being run by M/s JITF Urban Waste Management (Bathinda) Limited was in operation during visit and the facility was managing the fresh waste in the 12 no. pits, however the other process machinery was not in operation due to the rain.
2. The shed of the facility was found rusted and broken at most of the places and due to rain the shed was leaking rain water in the processing shed. The representative available informed that the mechanical separation machinery has been shut down in the morning due to rain as it may cause short circuit due to rain water leakages.
3. The facility has installed 283 nozzles in the shed as well as outside the shed, as a part of mist spray system for spraying of odour neutralization agent called ECOCO as primary stage odour neutralization for controlling the odour. During visit it was observed that the ECOCO solution was being sprayed inside and outside the shed however not all the nozzles were in operation, approx 20-30% of the nozzles were in operation mainly near the vehicle shed entry point and at the office side of the shed.
4. There was lot of odour problem sensed inside the shed and outside the shed.
5. The facility has also provided secondary stage odour control system consisting of an ID fan to suck the odorous gases from the entire shed through two parallel running ducts along the composting pits and processing area. The emissions arrested through the ducts are further treated in two stage scrubbing system using diluted ECOCO solution for scrubbing, however no system has been maintained to adjudge the conc. of odour absorbing chemical in the scrubbing solution of APCD. The whole of secondary system was un-operational during visit.
6. The agency has provided a leachate collection underground pit (cemented) having capacity of 950 KL. As per the representative the leachate is re-circulated in 12 no. pits and excess is discharged into the inlet sullage carrier drain of terminal STP. The shed of the leachate pit was also found rusted and broken leading to infiltration of the rain water.
7. Huge quantities of the fresh solid waste was observed stored in form of huge heaps in the 12 pits in organic composting section showing the plant might not have been operated for few days, however the representative denied saying that the plant has never been shut down.
8. During visit, huge quantity of semi-finished RDF was found lying outside near the processing shed. Also fresh waste was observed near the semi-finished RDF storage.
9. Legacy waste treatment is being done by the MC Bathinda at own level and MC has installed 3 no. trommel machines to process the legacy waste. During visit the process was not in operation.
10. The MCB has developed a secured land fill (SLF) (100' \* 150' \* 11') for disposal of inert material and the same has been commissioned however legacy waste instead of inert was found disposed in the In the said SLF.

11. A green belt has been developed around the site and the width of the same varies between 5 meters to 10 meters around periphery and 3 meters towards the terminal STP against the prescribed width of 15 meter and 05 meter, respectively.
12. The MCB has failed to install ambient air quality monitoring stations.
13. The MCB failed to submit upgraded Risk Management and Disaster Management plan.
14. The MCB has deposited an amount of Rs. 4 lacs as Environmental Compensation imposed upon it for violating the Solid Waste Rules, 2016.

In view of the violations, Notice to issue directions u/s 5 of Environment (Protection) Act, 1986 for violation of the provisions of the Solid Waste Management Rules, 2016 has been issued to the MC, Bathinda and M/s JITF Urban Waste Management Limited, Bathinda alongwith an opportunity of personal hearing before the Chairman of the Board on 12.07.2024.

The officers of Municipal Corporation, Bathinda and representatives of M/s JITF Urban Waste Management Limited, Bathinda came present to attend the hearing before the Chairman of the Board on 12.07.2024.

During hearing, the officers of the MC, Bathinda submitted written reply to the notice issued to it, which has been taken on record. The representative officers stated that-

1. The responsibility of processing of MSW is with M/s JITF, transferred to them by way of a Concession Agreement executed between MC Bathinda & JITF in Nov. 2011. The MSW Processing Plant at Bathinda is run by JITF. As per order passed by Hon'ble Court, M/S JITF has been directed to continue the operations till the litigation/arbitration is decided. The agency i.e. JITF is running the facility on daily basis.
2. The M/s JITF has been asked to keep the facility serviceable, to keep regular check on the defunct nozzles, to repair the faulty nozzles and to keep regular check on the defunct nozzles to mitigate the odour, to keep regular check on the defunct plant/machinery.
3. Municipal Corporation Bathinda vide letter no 1719 dated 05.07.2024 asked JITF submit action plan for clearing of MSW dump from site under their jurisdiction. M/S JITF in reply to this letter vide their letter dated 01.07.24 has written that they are storing the RDF temporarily and will supply the same to Biomass based power plants and will share the action plan within two to three months' time. In this way they are neither clearing the site themselves nor allowing MCB to clear the dump site. However, on insistence by MC Bathinda, the demarcation of additional approximately 3 acres has been done on 08.07.2024 in the presence of JITF officials and the remediation work on this additional land has been started. As per signed Concession Agreement M/s JITF is to run facility in accordance with the prevailing MSW Rules/ guidelines issued by PPCB/CPCB/ Hon'ble NGT at all times.
4. It is submitted that Municipal Corporation, Bathinda is executing the work of bio-remediation of legacy waste as per NGT/PPCB guidelines and approximately 2,35,000 cum of legacy waste has been processed till date in an area of 10 acres. The remaining area is under the control of JITF. The litigation is pending before Hon'ble Arbitral Tribunal, which is to be decided soon. However, Municipal corporation Bathinda vide letter no 1719 dated 05.07.2024 asked JITF to demarcate and give more land to MC Bathinda for remediation and/or submit action plan for clearing of MSW dump from site under their jurisdiction. The

demarcation of additional approximately 4.5 acre has been done on 08.07.2024 in the presence of JITF officials and the remediation work on this additional land has been started.

5. MCB has already developed temporary SLF and commissioned it along with MWS site. It is submitted that some of the inert material from the bio remediate legacy waste has been disposed off in it. However, some of the lighter RDF material such as polythere was there in SLF area due to stormy weather which have been now removed.
6. It is submitted that green belt is already developed all along the perimeter of the facility with the width varies from 5 mtr to 15 mtr as per land availability. However, recently very few plants got damaged due to excessive heat, which have been replaced now in rainy season.
7. Municipal Corporation Bathinda has already initiated the process of procuring the air quality monitoring stations and supply order has been placed and same will be installed by 15.07.2024. Imposition of model code of conduct due to Parliament elections delayed the procurement.
8. The upgraded Risk Management and disaster Management plan is submitted.

During hearing, the representatives of M/s JITF Urban Waste Management (Bathinda) Limited, submitted written reply in the matter, which is taken on record. The representatives stated that: -

1. At the outset, the Concessionaire denies and disputes each and every contention of the Notice dated 09.07.2024 under reply. Mere non-traversal of any fact/contention of the Notice ought not to be treated as an admission on the part of the Concessionaire and the same ought to be treated as denied.
2. The Concessionaire denies that it has violated any of the provisions of the Solid Waste Management Rules, 2016. It is submitted that the Concessionaire is in compliance of and has always complied with the conditions of the Applicable Laws.
3. It is stated that MCB did not comply with its terms, conditions and obligations as per the Concession Agreement dated 23.11.2011 executed between Municipal Corporation, Bathinda, Concessionaire and the Department of Local Govt, Punjab. Therefore the Concessionaire was constrained to terminate the Concession Agreement vide its Termination Notice dated 05.12.2018. However, the Concessionaire is continuing its operations in compliance of the order dated 04.12.2019 read with interim order dated 15.01.2019 of the Ld. District Court of Bathinda.
4. It is stated that on 06.07.2024 i.e. the day of visit of the PPCB team, some part operations of the processing facility were only temporarily halted for a limited time due to rain as well as repair and maintenance of the said part for proper and smooth functioning of the plant. Further, the operations of the Processing Facility were resumed on the same day i.e. on 06.07.2024 around 3 PM. Therefore, It is stated that there is no violation of any of applicable laws and provisions of the Solid Waste Management Rules, 2016.
5. The damage to the shed is due to normal wear and tear. We are in the process of replacing the damaged shed sheeting and the new sheets have arrived at the site also. The damaged sheets shall be replaced by 20th August 2024

6. It is denied that on the date of the visit i.e. 06.07.2024, only 20-30% of the spray nozzles were in working condition and the remaining were not in operation.
7. Kindly note that the spray nozzles provided by the Concessionaire to spray the Ecolo Herbal solution for odour mitigation are fully operational. It is clarified, that since there is a continuous ingress of dust and other foreign particles in the spray nozzles, thus, the same require regular maintenance. On the date of the visit i.e. 06.07.2024, the 10-20% of the nozzle sprays were under maintenance and being cleaned. Further at the time of the visit due to rain few nozzle sprays were affected, but remaining and most of the nozzle sprays were working. Please note all the nozzle sprays are in operation.
8. It is denied that there was a lot of odour problem inside or outside the shed, as alleged. The facility has provided suction hoods along with suction ducts to improve the odour problem. Additionally, along with suction hoods, the facility is continuously sprayed with ECOLO (odour neutralizer) to cure the odour. We are taking measures to control the odour at the processing facilities. Further, our odour control system is operational and there have not been any complaints from anybody regarding the odor emanating from the processing facilities. Due to weather condition (rain), the secondary system was precautionary shut down for a limited time to prevent any electrical hazardous.
9. Please note the secondary stage odour control system is in operation. Odour absorbing solution PH 10 is being maintained as per recommendation of SAI Labs using Sodium Hydroxide & Hypochlorite. Therefore, it is stated that there is no violation of any of applicable laws and provisions of the Solid Waste Management Rules, 2016.
10. The damage to the shed is due to normal wear and tear. We are in the process of replacing the damaged shed sheeting and the new sheets have arrived at the site also. The damaged sheets shall be replaced by 20th August 2024.
11. It is denied that the processing facility might not have operated for few days, as alleged. It is stated that the MSW is being processed regularly in the processing facility. Due to rainy season from around last 2 weeks, extra repair and maintenance is being done by the Concessionaire. On the date of the visit, due to the ongoing repair and maintenance of the plant and rain on the date of the visit some quantity of fresh solid waste was stored in the pits temporarily. Please note the same is processed.
12. The stock of RDF is stored for sale and disposal to the Biomass power plants as per requirements. It is denied that any fresh waste is being stored near the RDF storage, as alleged.
13. It is denied that the green belt is between 5 to 10 meters around periphery and 3 meters towards the STP, as alleged. It is submitted that a green belt of 15 meters has been developed and is being maintained by us around the periphery and towards the STP side, the width of the green belt is 5 meters. The same has also been certified by an Independent Assessor, namely G.S. Associates.

During hearing, it was deliberated that the prime responsibility w.r.t. management of Solid Waste is with the Municipal Corporation, Bathinda as per rule no. 15 of the Solid Waste Rules, 2016. M/s JITF, Bathinda is a concessionaire of Municipal Solid Waste processing facility at Bathinda as per the agreement executed between Municipal Corporation, Bathinda and M/s JITF. During visit by the officer of the Board on 06.07.2024, the Solid Waste

processing facility was found violating the Solid Waste Management Rules, 2016 and the Municipal Corporation, Bathinda being the custodian in the matter is responsible for the violations observed under the said rules. The visiting officer of the Board who visited the site on 06.07.2024 and present during the hearing on 12.07.2024 informed that the agency engaged by the Municipal Corporation, Bathinda namely M/s JITF is not complying with the provisions of the Solid Waste Management Rules, 2016 at site as it is evident from the report submitted along with the photographs of the site taken during the visit. Thus the contention / written submission of M/s JITF is factually not correct.

Chairman of the Board observed that Municipal Corporation, Bathinda has been given numerous opportunities to make compliance of the Solid Waste Management Rules, 2016 from time to time. The Board is also imposing Environmental Compensation from time to time for violations of Solid Waste Management Rules, 2016. The officers present on behalf of MC Bathinda were directed to make sincere efforts to make compliance of Solid Waste Management Rules, 2016. The main responsibility for compliance of the Solid Waste Management Rules, 2016 lies with MC Bathinda. The officers of MC, Bathinda cannot escape liability by pointing towards the lapses of the Waste Management Company. The MC Bathinda has entered into an agreement with the Waste Management Company for collection, segregation, transportation, processing and disposal of Municipal Solid Waste. Hence, it is for the Corporation to deal with the Waste Management Company according to the clauses of agreement. The Municipal Corporation, Bathinda in the given circumstances has to show and make compliance of Solid Waste Management Rules, 2016, failing which officers / official of Municipal Corporation Bathinda shall be liable for prosecution under the provisions of Environment (Protection) Act, 1986 for violation of the said Solid Waste Management Rules, 2016. Any laxity on the part of Municipal Corporation Bathinda has to be dealt with in accordance with the provisions of law. Pollution Pays Principle has to be invoked to restrain the Corporation from further violation; of Solid Waste Management Rules, 2016. Higher officers of the Government of Punjab, Department of Local Government are also required to be appraised about the seriousness of the case in the background of the orders dated 05.07.2024 passed by the Hon'ble National Green Tribunal in O.A. No. 413 of 2021 wherein Suo Moto Cognizance of dumping of Municipal Solid Waste by Municipal Corporation Bathinda is taken by the Hon'ble Tribunal. To a specific query raised by the Chairman of the Board to the representative officers of Municipal Corporation, Bathinda as to when the Solid Waste will be properly managed, the officers of Municipal Corporation Bathinda stated that they undertake to clear the Solid Waste by 30.09.2024.

After hearing the officials of the Municipal Corporation, Bathinda, representatives of the M/s JITF and the officers of the Board and considering the relevant facts available on record, the Chairman of the Board decided that: -

1. A D.O. letter be Issued to Principal Secretary, Local Government; Director, Local Government with a copy to Secretary, Department of Science, Technology and Environment regarding the non-compliance of the Solid Waste Management Rules, 2016 by the Municipal Corporation, Bathinda and the status of violation of the Solid Waste Processing Facility located at Mansa Road, Bathinda.
2. The Municipal Corporation, Bathinda shall deposit Rs. 39 lacs (Rs. 43 lacs – Rs. 4 lacs) as balance amount of Environmental Compensation imposed by the Board in compliance

to the orders dated 10.01.2020 and 17.09.2020 passed by the Hon'ble National Green Tribunal in O.A. No. 606 of 2018 for failure to comply with the Solid Waste Management Rules, 2016 for the period of violation from 01.07.2020 to 31.03.2024, within 2 working days with the Regional Office, Bathinda of the Board.

3. The Municipal Corporation, Bathinda shall deposit an amount of Rs. 3 lacs as Environmental Compensation in compliance to the orders dated 10.01.2020 and 17.09.2020 passed by the Hon'ble National Green Tribunal in O.A. No. 606 of 2018 for failure of the ULB to comply with the Solid Waste Management Rules, 2016 for the period of violation from 01.04.2024 to 30.06.2024, within 2 working days with the Regional Office, Bathinda of the Board.
4. Over and above the amount of Environmental Compensation already being imposed by the Board, the Municipal Corporation, Bathinda shall deposit an amount of Rs. 25 Lacs towards interim Environmental Compensation within 7 working days with the Board for failure to manage and process the Solid Waste at the Solid Waste Processing Facility.
5. The Municipal Corporation, Bathinda shall ensure to manage the Solid Waste in compliance to the Solid Waste Management Rules, 2016 by 30.09.2024 and in case of failure to do so, criminal prosecution of the concerned officers of the Municipal Corporation, Bathinda responsible for the management of the Solid Waste Management Rules, 2016 for the period of violation will be initiated by the Board, without any further notice / opportunity.

You are requested to ensure the compliance of the above decisions of the personal hearing.

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ਨਵੀਂ ਕਾਲ

Endst. No. 3357

ਦਾਤਾ ਸਿੰਘੀ  
15/07/2024

Environmental Engineer (ZB)  
For Chairman, PPCB  
Dated 15/7/2024

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda for information and requested to ensure the compliance of decision of hearing within stipulated period.

15/07/2024

Environmental Engineer (ZB)  
For Chairman, PPCB



*[Handwritten Signature]*

Environmental Engineer  
Punjab Pollution Control Board  
Regional Office, Bathinda.