

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

**ORIGINAL APPLICATION NO. 112/2022 (WZ)**

**IN THE MATTER OF:-**

**SURAJ PRADEEPKUMAR  
AJMERA**

**APPLICANT**

**VERSUS**

**MINISTRY OF  
ENVIRONMENT, FORESTS  
AND CLIMATE CHANGE &**

**RESPONDENT(S)**

**ORS**  
Central Pollution Control Board  
Regional Director, Pune  
Ministry of Environment, Forests & Climate Change  
Govt. of India  
No. 112/2022 (WZ)

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Place : Pune

Date :



(Bharat K. Sharma)

**Regional Director**

भरत कुमार शर्मा / Bharat Kumar Sharma  
 क्षेत्रीय निदेशक / Regional Director  
**केंद्रीय प्रदूषण नियंत्रण बोर्ड**  
**Central Pollution Control Board**  
 क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune  
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
 M/o Env't. Forest & Climate Change, Govt. of India  
 सर्वे नं. ११०, हीराबाई धनकुडे हॉल, बाणेर रोड, बाणेर, पुणे - ४११०४५  
 Sr. No. 110, Hirabai Dhankude Hall, Baner Road, Baner, Pune-411045

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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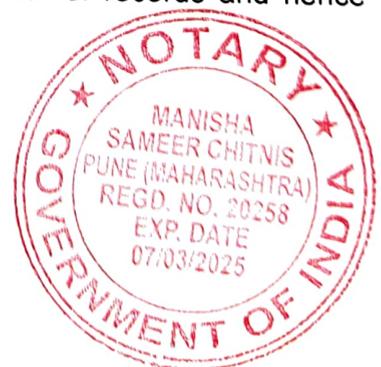
RESPONDENT(S)

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 6,  
CENTRAL POLLUTION CONTROL BOARD (CPCB)

I, Bharat Kumar Sharma, S/o Shri. D.P Vishwakarma, aged 49 years, working as Scientist 'F' and Regional Director in the Regional Directorate, Central Pollution Control Board, Pune, do hereby solemnly affirm and declare as under:

That I, in the capacity of Scientist 'F' of the Central Pollution Control Board (hereinafter referred as CPCB) am fully conversant with the facts of the case and hence, competent to swear this reply affidavit on behalf of the Respondent No. 6 (CPCB)

1. That the averments made in Para 1 to 8 are about address, details of the Applicant and Respondents. Further averments are about the various government authorities / statutory bodies and their responsibilities, which are matter of records and hence need no comments from this Answering Respondent.



2. In response to averments made in Para 9, it is humbly submitted that Central Pollution Control Board had issued a direction under Section 5 of the Environment (Protection) Act, 1986 to all State Pollution Control Boards and Pollution Control Committees on May 26, 2022. The direction was regarding management of fire in dumpsite. Copy of the direction issued by CPCB is provided in **Annexure I**. In compliance to the direction of CPCB, Maharashtra SPCB had issued directions to District Collector and to Principal Secretary, UDD. Both the directions were issued on 15/07/2022. Copies of the directions are provided in **Annexure II** and **Annexure III** respectively.
3. That the averments made in Para 10 and 11 are about the Original Application under reference seeking to raise substantial question relating to environment, implementation and adjudication with respect to alleged violation of Solid Waste Management Rules, 2016 which are matter of records and need no comments from this Answering Respondent. It is further humbly submitted that violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.
4. That the averments made in Para 12 are about order dated 19/01/2022 in Original Application No. 85/2020 constituting the monitoring committee comprising of members from Urban Development Dept., Central Pollution Control Board (CPCB) and Maharashtra Pollution Control Board (MPCB) and directions issued therein to the monitoring committee by the Hon'ble NGT. It is humbly submitted that the Hon'ble NGT has directed MPCB to be nodal agency for co-ordination and compliance. It is also further humbly submitted that the aforesaid monitoring committee convened meeting on 12/05/2022 in compliance with aforesaid order dated 19/01/2022. The Minutes of Meeting along with Action Plan (submitted by Aurangabad Municipal Corporation) has been submitted to the Hon'ble NGT by the nodal agency (i.e. MPCB) vide email dated 17/05/2022 (**Annexure IV**).



5. That the averments made in Paras 13 to 16 are about details of municipal solid waste sites viz. Naregaon, Padegaon, Harsul, Chikalthana and Kanchanwadi & quantity of waste in the said sites, alleged incidences of fires at the said sites of Aurangabad city. Further averments are about application dated 18/06/2022 filed by the Applicant under RTI Act to the Respondent no. 3 i.e. Aurangabad Municipal Corporation regarding seeking information about the fire breakouts at the Chikalthana and Padegaon municipal solid waste sites, reply to the said RTI application by the Respondent No. 3 to the Applicant, Joint Committee report dated 17/03/2021 filed by the Respondent no.4 and 5 i.e. The District Collector, Aurangabad and MPCB, which are matter of records and hence need no comments from this Answering Respondent.
6. That the averments made in Para 17 and 18 are about application dated 20/05/2022 filed by the Applicant under RTI Act to the Respondent no. 5 i.e. MPCB regarding seeking information about compliance of the Hon'ble NGT matter in OA no. 85/2020 order dated 19/01/2022 w.r.t. conducting monitoring committee meeting, reply to the said RTI application by the Respondent no. 5 to the Applicant, observations pointed out & submitted by the Applicant in the present original application, based on the said monitoring committee meeting dated 12/05/2022. The same are matter of records and hence need no comments from this Answering Respondent. However, submissions by this Answering Respondent No. 6 as made at Para 3 above may kindly be referred.
7. That the averments made in Para 19 under the heading "GROUNDS" (A to C) and under the heading "PRAYER" (a to f) are about the cause of action for filing the present application, grounds for filing the present application and various prayers submitted by the Applicant, which have already been mentioned/commented in the above paras of this affidavit by this Answering Respondent and need no further comments by this Answering Respondent.



8. It is also humbly stated that Central Pollution Control Board had issued direction under Section 5 of Environment (Protection) Act, 1986 to all State Pollution Control Board/ Pollution Control Committees regarding fire incidents at MSW Dumpsites. The direction was issued vide letter No. CP-99/143/2021-UPC-II-HO-CPCB-HO dated May 26, 2022. Copy of the direction is provided in **Annexure I**. Relevant sections of the direction is represented as under:

- I. Provide updated information w.r.t Directions dated 27.1.2021 regarding biomining issued to all SPCBs/ PCCs. It is to be ensured that updated information w.r.t at least all Metro cities is provided in accordance with NGT Directions.
- II. Direct State UDDs to conduct comprehensive risk assessment studies and accordingly prepare detailed On-site Emergency Plan for each dumpsite located in their jurisdiction addressing the following issues:
  - a. The onsite emergency plan to cover potential risks/ emergencies due to fire, obnoxious/ flammable emissions, odour, vector borne diseases, rodent, bird nuisance, seasonal affects i.e. summer/ winter/ monsoon (rainy season) and all other potential risks at the dumpsites
  - b. The onsite emergency plans to address the worst possible case scenarios preferably using appropriate risk assessment softwares covering any or all the potential emergency issues/ scenarios cited above
  - c. The on-site emergency management plan to cover likely affected geographical area including population, flora & fauna in and around the dumpsites.



- d. The on-site emergency plan to contain detailed remedial measures both hardware and software based for mitigating various emergency situation, which should finally be available with respective control rooms and on-site emergency notice boards.
- III. To direct District Collector or District Emergency Authority designation by the State Government for integrating such (dumpsites) On-site Emergency Plans with the existing Off-site District Disaster Management Plans in their respective Districts, prepared by the Local Authorities in compliance with Rules 14 of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.
- IV. The State/ UT Authorities to prepare the on-site & off-site (or update of off-site) emergency management plans preferably through an expert agency on the subject.
- V. The following interim measures to be implemented on priority till the time On-site/ Off-site Emergency Plans are prepared and implemented.
- a. **Disposal of Waste:** Fresh waste not to be disposed at the dumpsite where bio-remediation is being undertaken. Organic waste from slaughter house, fish market etc., industrial waste not be disposed at the dumpsite. It is also to be further ensured that industrial waste/ E-waste/ lithium battery is not dumped at the site. Waste that is being unloaded at the site should be examined visually for potential fire sources, fire sources when located, should be neutralized with cover material immediately. Emergency tipping area to be provided to set aside from the immediate working area where incoming loads of material known to be on fire or suspected of being so can be deposited, inspected and dealt with. Adequate compacting of waste to be done to minimize formation of air or



methane pockets which can lead to subsurface fire at site.

- b. **Monitoring at dumpsites:** Methane Gas Detectors (on downwind site) to be installed at site so that area with high methane concentration can be identified and preventative actions be undertaken. Further temperature at windrows to be monitored with non-contact infrared thermometer (as used for monitoring human body temperature under COVID circumstances) and records be maintained for any major deviations. The temperature is to be in the range of 35°C to 59°C. Treated leachate/ water to be sprayed on the waste when rise in temperature is observed at the bioremediation site. Suitable mechanism to be in place. Installation of CCTV cameras at the site and provision of fencing & frequent patrolling to be done for checking unauthorized entry at dumpsite.
- c. **Arrangement for Fire Extinguishing:** Arrangements for adequate storage of sand/ chemical fire extinguishing media such as foam or powder at site to be made to douse fire in case a fire incident is reported. Usage of water for dousing fire to be avoided. Isolation and allowing rapid natural burnout or smothering with soil to be done for dousing dumpsite fires. Dedicated fire tenders (preferably chemical extinguishing media) and adequate fire safety measures are to be deputed, specifically during summer season when dumpsite fire is more likely to take place. All mobile equipment or vehicles should be fitted with fire extinguisher and spark arrester.
- d. **Health & Safety of Workers:** Fire protection measures and safety equipment to be provided to all workers at the site and checked before entry to the dumpsite. Workers to be trained for detection of fire and necessary action to be taken in case of fire. Periodic training of workers be conducted in Safe handling of Waste, PPE's,

Health & Safety issues, etc.

- e. **Mock drills & safety audits:** Periodic mock drills to be conducted to prevent fire accidents at dumpsites. Quarterly, Fire Safety and Hazardous Emissions Audits to be conducted

That in light of the above submissions, it is respectfully prayed that this Answering Respondent No. 6 i.e. CPCB shall abide by any order or directions passed by this Hon'ble Tribunal.

DEPONENT

**VERIFICATION**

Verified at Pune on this ..... day of April, 2023 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.



COUNSEL for Respondent No. 6

DEPONENT – Respondent No. 6

भरत कुमार शर्मा / Bharat Kumar Sharma  
 क्षेत्रीय निदेशक / Regional Director  
 केंद्रीय प्रदूषण नियंत्रण बोर्ड  
 Central Pollution Control Board  
 क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune  
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
 Mo Env. Forest & Climate Change, Govt. of India  
 सर्वे नं. ११०, हीराबाई धनकुंडे हॉल, बाणेर रोड, बाणेर, पुणे - ४११०४५  
 Sr. No. 110, Hirabai Dhankude Hall, Baner Road, Baner, Pune-411045



ATTESTED

MANISHA SAMEER CHITNIS  
 NOTARY  
 GOVERNMENT OF INDIA

11 APR 2023



100

Annexure-I

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

CENTRAL POLLUTION CONTROL BOARD

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

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

May 26, 2022

To,

The Chairman  
All SPCBs/ PCCs

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

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

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

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

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

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

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

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

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

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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

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

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

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

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

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

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

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

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

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

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

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

- i. Fresh solid waste continued to be dumped at these dumpsites.
- ii. Fire incidents have been reported at locations where fresh waste is being dumped
- iii. Inaccessible slopes of garbage were observed
- iv. No standard operating plan in place for prevention and management of dumpsite fires
- v. Cause of fire incident reported is excess release of Methane (CH<sub>4</sub>) gas due to anaerobic decomposition of the bio-degradable organic waste, high temperature and dry atmospheric conditions.
- vi. Partial fencing with barbed wire provided at the boundary observed.
- vii. Police patrolling the site not observed.
- viii. No fire tender observed at site.
- ix. Anti-Smog Gun have been installed which were not found in use; **AND**

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

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

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

at the bioremediation site. Suitable mechanism to be in place. Installation of CCTV cameras at the site and provision of fencing & frequent patrolling to be done for checking unauthorized entry at dumpsite

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

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

(Naresh Pal Gangwar)  
Chairman

Copy to:

1. **Additional Secretary (CP Division)**  
**Ministry of Environment, Forests & Climate Change,**  
Indira Paryavaran Bhawan, Jor Bagh Road,  
New Delhi - 110003

: for information please

2. **DH-IT Division, CPCB**

: for uploading on website please

(Prashant Gargava)  
Member Secretary

o/c

ए. एल. जर्हाड भाप्रसे (से.नि.)  
अध्यक्ष

A. L. Jarhad IAS (Retd.)  
CHAIRMAN



महाराष्ट्र प्रदूषण नियंत्रण मंडळ

MAHARASHTRA POLLUTION CONTROL BOARD

"Your Service is our Duty"

No. MPCB/RO-HQ/B-220715FTS0037

Date: 15/07/2022

To,  
District Collector,

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

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

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

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

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

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

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

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

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

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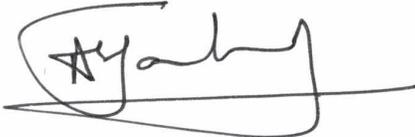
NOW THEREFORE, in view of above and in exercise of powers vested under Section (5) of the Environment (Protection) Act, 1986 to the Chairman, Maharashtra Pollution Control Board (MPCB), the following directions are issued for compliance:

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

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

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

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



(A. L. Jarhad)  
Chairman

Copy submitted to:

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

Copy to:

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



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

"Your Service is our Duty"

No. MPCB/RO-HQ/B-220715FTS0040

Date: 15/07/2022

To,  
The Principal Secretary,  
Urban Development Department,  
Mantralaya, Mumbai

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

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

WHEREAS, in accordance with provisions of Rules 11 (d) of the Solid Waste Management (SWM) Rules, 2016, it is the duty of State Urban Development Department to ensure implementation of provisions of these rules by local authorities.

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

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

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

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

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

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

Page 1 of 3

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

- 1) Conduct comprehensive risk assessment studies and accordingly prepare detailed on-site emergency plan for each dumpsite addressing the following issues.
  - a) The on-site emergency plan to cover potential risks / emergencies due to fire, obnoxious / flammable emissions, odour, vector borne diseases, rodents, bird nuisance, seasonal affects i. e. summer / winter / monsoon (rainy season) and all other potential risks at the dumpsites.
  - b) The onsite emergency plans to address the worst possible case scenario preferably using appropriate risk assessment software covering any or all the potential emergency issues / scenarios cited above.
  - c) The on-site emergency plan to cover likely affected geographical area including population, flora and fauna in and around the dumpsites.
  - d) The on-site emergency plan to contain detailed remedial measures both hardware and software based for mitigating various emergency situations, which should finally be available with respective control rooms and on-site emergency boards.

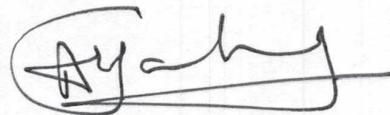
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The action taken report shall be communicated to this office within 30 days from the issuance of these directions for further submission to CPCB.



(A. L. Jarhad)  
Chairman

Copy submitted to:

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Copy to:

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

Email

Pratik Bharne

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**Fwd: Compliance of Hon'ble NGT order dt-19.01.2022 in OA No 85 of 2020 reg..**

---

**From :** Pratik Bharne <pratik.cpcb@gov.in> Fri, Jun 10, 2022 11:39 AM  
**Subject :** Fwd: Compliance of Hon'ble NGT order dt-19.01.2022 in OA No 85 of 2020 reg.. 1 attachment  
**To :** Nikhilesh Sanjay Gandhre <nikhileshg.cpcb@supportgov.in>

---

**From:** roaurangabad@mpcb.gov.in  
**To:** "Consultant Judicial-NGT(P.B.)" <judicial-ngt@gov.in>, "National Green Tribunal Pune" <ngt-pune@gov.in>  
**Cc:** "sec ud2" <sec.ud2@maharashtra.gov.in>, "KAILASH Badhan" <kailash.badhan@nic.in>, jdair@mpcb.gov.in, "Pratik Bharne" <pratik.cpcb@gov.in>, lo1@mpcb.gov.in, vilasajadhav@gmail.com, sroaurangabad1@mpcb.gov.in  
**Sent:** Tuesday, May 17, 2022 5:22:52 PM  
**Subject:** Compliance of Hon'ble NGT order dt-19.01.2022 in OA No 85 of 2020 reg..

Res Sir/Madam,

**Kind Attn- Registrar (Pune Bench)**

Please find attached herewith Time Bound Action Plan submitted by Aurangabad Municipal Corporation to the Monitoring Committee constituted in compliance of Hon'ble NGT order Dtd-19.01.2022.

The Monitoring Committee meeting was held on 12.05.2022 under the Chairmanship of Hon'ble Principal Secretary, Urban Development Department-2, Mantralaya, Mumbai. The minutes of the meeting are also submitted along with the Action Plan.

This is submitted for your kind consideration in compliance of Hon'ble NGT order dt-19.01.2022 in OA No 85 of 2020.

**Regards,**

**Dr.Pravin Joshi**  
**Regional Officer,**  
**Maharashtra Pollution Control Board, Aurangabad**



"SAVE PAPER"-THINK BEFORE YOU PRINT!

**POWER BEHIND ENVIRONMENT...M.P.C.B.**



--

PRATIK D BHARNE  
Additional Director (Scientist 'E')  
REGIONAL DIRECTORATE, CPCB, PUNE  
(Ministry of Env, Forest & Climate Change, Govt of India)  
+91 9428167876

**Time Bound Action Plan submitted by AMC.pdf**

6 MB

**From :** roaurangabad@mpcb.gov.in

Tue, May 17, 2022 05:36 PM

**Subject :** Compliance of Hon'ble NGT order dt-19.01.2022 in OA No 85 of 2020 reg..

1 attachment

**To :** Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in>, National Green Tribunal Pune <ngt-pune@gov.in>**Cc :** sec ud2 <sec.ud2@maharashtra.gov.in>, KAILASH Badhan <kailash.badhan@nic.in>, jdair@mpcb.gov.in, Pratik Bharne <pratik.cpcb@gov.in>, lo1@mpcb.gov.in, vilasajadhav@gmail.com, sroaurangabad1@mpcb.gov.in

Res Sir/Madam,

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Regards,

**Dr.Pravin Joshi**  
**Regional Officer,**  
**Maharashtra Pollution Control Board, Aurangabad**



*"SAVE PAPER"-THINK BEFORE YOU PRINT!*

**POWER BEHIND ENVIRONMENT...M.P.C.B.**



**Time Bound Action Plan submitted by AMC.pdf**

6 MB

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**Action Plan Submitted by**  
**Aurangabad Municipal Corporation,**  
**w.r.t. Hon'ble NGT Order dtd. 19.01.2022**  
**and**  
**Instructions of Monitoring Committee Meeting**  
**dtd. 12.05.2022 (Video Conference)**  
In  
**Original Application No. 85/2020 (WZ)**  
Filed by  
Suraj Pradeep Kumar Ajmera



**MUNICIPAL CORPORATION AURANGABAD  
SOLID WASTE MANAGEMENT DEPARTMENT**



No/AMC/SWM/291/2022

Date. 15/5/2022

To,  
**The Sub Regional Office,**  
Maharashtra Pollution Control Board,  
Aurangabad.

Sub:- Submission of action plan for MSW regarding Hon'ble  
NGT matter OA No.85 of 2020

Ref:- Instruction give in VC Date 12.05.2022

As per above reference, it is hereby inform you that action taken report  
already submitted to your office as per instruction given in VC action plan  
attached with the letter please acknowledge the same.

  
Deputy Commissioner  
Solid Waste Management Department  
Municipal Corporation Aurangabad

**Aurangabad Municipal Corporation**  
**Action Plan regarding NGT case No. 85/2020**

As per sanctioned DPR proposed Work	DPR Preparation	Technical Approval	Administrative sanction	Tender period	Work execution period	Remarks
Leachate Processing Plant	Complete	Complete	Complete	1 month	Work will be completed by 31/03/2023 (12 month time duration)	Proposal under 15 <sup>th</sup> finance fund utilization for this work.
Biomining on legacy waste	1 month	2 month	1 month	1 month	The target completion date is set for 31/03/2024 (20 month time duration)	Proposal under CSWAP is submitted to Mission Directorate (SBMU) for grant of funds under SBM 2.0. Detail Proposal will be submitted to state Government after technical approval. After grant of funds project will be initiated. Approximate cost for bio mining will be 56.47 cr
C & D Processing plant	1 month	2 month	1 month	1 month	12 month	Proposal under CSWAP is submitted to Mission Directorate (SBMU) for grant of funds under SBM 2.0. Detail Proposal will be submitted to state Government after technical approval. PPP model has been proposed. After grant of funds project will be initiated. Approximate cost for C & D Processing plant will be 7.44 cr.
Scientific landfill Site	Complete	Complete	Complete	EIA work order has been issued to M/S S V Enviro, EIA report will be completed within 2 month	The target completion date is set for 31/05/2023	After approval of proposed environmental clearance from the authority work will be completed within 12 month time duration. After grant of funds project will be initiated.
Harsul 150 TPD compost Processing Plant	Complete	Complete	Complete	Complete	The work of municipal solid waste processing plant is 60% completed till date. Work will be completed by next six months excluding rainy season.	Municipal solid waste processing Plant machineries and equipments for 150 TPD tender is finalized and work order is issued to install the plant.

  
(Astik Kumar Pandey)

IAS

Administrator

Aurangabad Municipal Corporation

**MINUTES OF MONITORING COMMITTEE MEETING IN COMPLIANCE WITH HON'BLE NGT ORDER  
DATED 19.01.2022 IN OA No. 85/2020 (WZ) HELD ON 12<sup>TH</sup> MAY 2022  
AT 03.00 PM (VIDEO CONFERENCE)**

The Monitoring Committee Meeting (Video Conference) in compliance with Hon'ble NGT order dated 19.01.2022 in OA No. 85/2020 (WZ) was held on 12<sup>th</sup> May 2022 at 3.00 PM.

Committee Members/Officials present in the meeting:

1. Dr. Sonia Sethi, IAS - Principal Secretary, Urban Development Department-2, Mantralaya, Mumbai.
2. Mr. Astik Kumar Pandey, IAS – Municipal Commissioner, Aurangabad Municipal Corporation.
3. Mr. Kailash Badhan - Deputy Secretary, Urban Development Department-2, Mantralaya, Mumbai.
4. Mr. Pratik Bharne - CPCB Representative.
5. Dr. P. M. Joshi - Regional Officer, MPCB, Aurangabad
6. Mr. Sushilkumar Rathod - Sub-Regional Officer, MPCB, Aurangabad

Mr. Kailash Badhan, Deputy Secretary, Urban Development Department-2 welcomed the Committee Members and officials to the meeting. He further instructed SRO Aurangabad to brief the subject matter of the meeting.

Accordingly, Sub-Regional Officer, MPCB Aurangabad briefed in short about the grievances raised by the applicant, constitution of the Joint Committee under the Chairmanship of District Magistrate, Aurangabad as per the directions of the Hon'ble NGT, joint spot inspection of the committee and submission of joint committee report to the Hon'ble NGT.

He also informed the Committee about the details of MSW sites and compliances observed by Joint Committee on visit dated 12/03/2021:

1. Details of MSW sites in AMC area:
  - a. Municipal Solid waste generation in AMC area is approximately 425 MT/Day and for the scientific treatment and disposal AMC has obtained MSW authorisation from Board on 03 locations i.e., Chikalthana, Padegaon and Harsul of capacity 150 MT/Day which is valid up to 31.12.2023.
  - b. Presently two sites are in operation i.e, Chikalthana and Padegaon of capacity 150MT/Day and third site (Harsul) is under construction.
  - c. To treat the total generation of MSW these two sites are in operation with extra 7 to 8 hours with capacity about 170 MT/Day.
  - d. AMC has also obtained MSW authorization for Biogas (Bio methanation) plant set up at Kanchanwadi of capacity 30 MT/D which is valid up to 31.12.2023.
2. During visit, MSW processing activity is found in operation at Chikalthana, Padegaon and Kanchanwadi.
3. The treatment provided for 170 TPD (10 hrs period) and 70 TPD of legacy waste i.e, total 250 TPD MSW process each day at Chikalthana and Padegaon.
4. The treatment at Kanchanwadi Bio methanation plant found in operation with 30 MT/D capacity.
5. Segregation of wet and dry waste found carried out onsite and also within the MSW processing area.

*S. Rathod*  
17/05/2022

1  
*(Signature)*  
17/05/22

6. Burning of MSW not observed within MSW processing area.
7. Besides MSW processing plant compound wall it was observed that there is no any discharge of leachate observed outside the MSW processing area.
8. Recently planted 3500 nos of trees at Padegaon facility and 7500 nos at Chikalthana MSW facility of Miya Waki Plantation.
9. AMC has provided shredding machine for coconut waste which is found in operation at both the sites.

SRO MPCB Aurangabad also briefed about the deficiencies of MSW sites:

1. AMC shall provide leachate treatment plant at all sites.
2. AMC shall spray bio-sanitizer in regular time interval to minimise the foul smell and flies.
3. AMC shall carry out bio-mining of legacy waste.
4. AMC shall make provision of sanitary landfill site for disposal of generated inert material of both the MSW sites.

Further, SRO MPCB Aurangabad addressed the Committee that, Hon'ble NGT has constituted a Monitoring Committee under the Chairmanship of Hon'ble Secretary Urban Development Department to take stock of the situation and monitor further course of action and the said Committee is expected to submit ATR to Hon'ble NGT by 15.05.2022.

Upon which, The Deputy Secretary Urban Development Department requested the Municipal Commissioner, AMC to inform the compliance of the directions of the Hon'ble NGT.

The Municipal Commissioner, AMC briefed point-wise on the compliance made towards the directions of the Hon'ble NGT:

1. AMC has obtained necessary authorization from MPCB for all the MSW sites which is valid upto. 31.12.2023
2. Presently MSW sites at Padegaon, Chikalthana and Kanchanwadi are in operation. MSW site at Harsool is 60% complete and same will be made operational within six months excluding rainy season.
3. Presently AMC has achieved upto 80% MSW segregation.
4. Presently AMC is operating 312 vehicles for transportation of MSW.
5. Regular spraying of BIO sanitizers is done to control the smell and flies.
6. Tender is floated for leachate treatment facility at MSW site and tender procedure will be completed within two months and work will be completed before 31.03.2023.
7. DPR preparation of Bio mining of legacy waste at Naregaon, Padegaon and Chikalthana site is in progress and will be submitted to State Government with Technical Sanction in two months.
8. Construction & Demolition waste processing project having capacity of 100 TPD is planned. Tender will be floated for the same in two months after getting financial feasibility report.
9. Site is identified for scientific landfill and Environment Clearance work is under process.

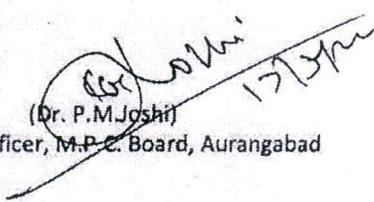
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17/05/2022

*Signature*  
17/5/22

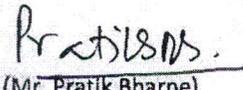
CPCB Representative suggested that Action Plan shall be prepared by AMC and submitted to the Committee for further monitoring. Accordingly, the Municipal Commissioner, AMC replied that an Action Plan will be prepared and submitted.

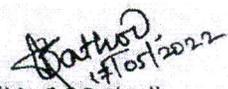
The Regional Officer, Aurangabad instructed SRO MPCB to co-ordinate with AMC Authorities for further necessary submission.

SRO MPCB Aurangabad concluded the meeting with vote of thanks to the Chair.

  
(Dr. P.M. Joshi)  
Regional Officer, M.P.C. Board, Aurangabad

  
(Dr. Sonia Sethi) IAS  
Principal Secretary,  
Urban Development Department-2,  
Mantralaya, Mumbai.

  
(Mr. Pratik Bharne)  
CPCB Representative.  
SCE, CPD, RD, Pune

  
(Mr. S.S. Rathod)  
Sub Regional Officer, M.P.C. Board, Aurangabad