

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

ORIGINAL APPLICATION NO. 26/2023(WZ)

IN THE MATTER OF:-

VANASHAKTI & ANR

APPLICANT(S)

VERSUS

THANE MUNICIPAL CORPORATION & ORS.

RESPONDENT(S)

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(Pratik D. Bharne)

Regional Director

Place: Pune

Date: 14/02/2024

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, Gov't. 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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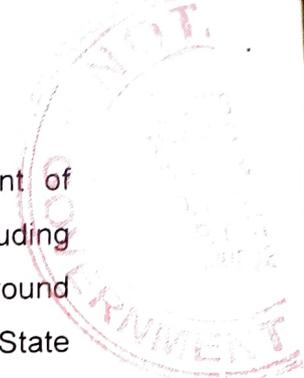
REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 6,

CENTRAL POLLUTION CONTROL BOARD (CPCB)

I, Pratik Dinkarrao Bharne, S/o Shri Dinkarrao Bharne, aged 50 years, working as Regional Director & Scientist 'E' in the Regional Directorate, Central Pollution Control Board, Pune, do hereby solemnly affirm and declare as under:

That I, in the capacity of Regional Director 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 CPCB i.e., Respondent No. 6 (CPCB).

1. That the averments made in Paras 1 to 4 are about the introduction, addresses and other details of the Applicants & Respondents, hence need no comment from this answering Respondent No. 6 (CPCB).
2. That in reply to averment made in Para No. 5 humble submissions of Respondent no.6 are as follows: -
 - i) As per Rule 15 of the Solid Waste Management Rules, 2016 the responsibility of Management of Municipal Solid Waste as well procurement of relevant permissions including authorization lies with the local authorities and village Panchayats of census towns and urban agglomerations.

- 
- ii) It is also humbly submitted that the responsibility of enforcement of provisions of the Solid Waste Management Rules, 2016 including issue of authorization and monitoring of air and water quality around a solid waste treatment facilities lies with the concerned State Pollution Control Board/ Pollution Control Committee. This is as per Rule 16 of the Solid Waste Management Rules, 2016.
- iii) The State Urban Department is responsible for identification and allocation of suitable land to local bodies for setting up of waste processing and disposal facility. This is as per Rule 11(f) of the Solid Waste Management Rules, 2016.
- iv) The Secretary-in-charge of Village Panchayats or Rural Development Department in the State and Union territory shall have the same duties as the Secretary-in-charge, Urban Development in the States and Union territories, for the areas which are covered under these Rules and are under their jurisdictions. This is as per Rule 13 of the Solid Waste Management Rules, 2016.
- v) As per Schedule I(A)(VII) landfill site shall be 100 meter away from river, 200 meter from a pond, 200 meter from Highways, Habitations, Public Parks and water supply wells and 20 km away from Airports or Airbase.
- vi) Paragraph No. 4(vi) of the Coastal Regulation Zone Notification, 2019 stipulates about prohibition of dumping of city or town wastes including construction debris, industrial solid wastes, fly ash for the purpose of land filling.
- vii) As per Schedule of EIA Notification, 2006 (Serial number 7(i)) Common Municipal Solid Waste Management Facility falls under projects that requires prior environmental clearance.
3. That the averments made in Para 6 are about details, population of Thane City, CPCB's status report of Solid Waste Generation in 46 metro cities and generation



of wastes from Thane City, which are matter of records and hence need no comments from this answering Respondent.

4. That the averment made in Para 7 are related to Respondent No.1 regarding not disposing solid, hazardous, plastic wastes in compliance with SWM Rules, 2016 and dumping of such wastes in the CRZ areas affected by mangroves, violation of CRZ Notification and marine pollution on account of widespread & unhindered leachate being released into the creek water due to dumping of such mixed waste from the dumpsite located in Diva- Khardi Road of Thane. It is humbly submitted that the same are matter of records and violations, if any, under the concerned Acts/Rules are to be dealt as per provisions stipulated under such Acts/Rules.
5. That averments made in Paras 8 & 9 need no comments from this answering Respondent no. 6 (CPCB).
6. That the averments made in Para 10 to Para 15 are matter of record. Hence, no comment from this answering Respondent No. 6 (CPCB).
7. That the averments made in Para 16 & 17 need no comments from this answering Respondent no. 6 (CPCB).
8. That the averments made in Para 18 to Para 20 are about representations submitted by the Applicant to various Authorities including Respondent No. 6 (CPCB) regarding illegal dumping of wastes on mangrove forest, creek area, fire incident at illegal dumping ground at Diva etc.

It is humbly submitted that this answering respondent had earlier received a similar nature of complaint vide dated 10.09.2020 from Shri Jayakumar regarding illegal garbage dumping at Diva Village, Dist. Thane. The same had already been forwarded to MPCB vide letter dated 11.09.2020 for taking necessary action. A copy of the said letter vide dated 11.09.2020 is annexed and marked as **Annexure -I.**

It is also humbly stated that CPCB had issued direction under Section 5 of Environment (Protection) Act, 1986 to all State Pollution Control Board/ Pollution

Control Committees regarding fire incidents at MSW Dumpsites. The direction was issued vide letter No. CP-99/143/2021-UPC-II-HO-CPCB-HO dated May 26, 2022. The copy of said direction is annexed and marked as **Annexure-II**. Relevant sections of the direction are reproduced 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 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.

In response to the direction of CPCB on fire management, MPCB had issued direction to District Collector on 15/07/2022. The direction is in same line as the direction issued by CPCB. Copy of the direction issued by MPCB is annexed as **Annexure -III.**



It is also humbly submitted that CPCB had issued direction under Section 5 of Environment (Protection) Act, 1986 to all SPCBs/ PCCs regarding biomining of legacy waste on January 27, 2021. Copy of the direction is annexed as **Annexure-IV**. Key sections of the directions are reproduced as under:-

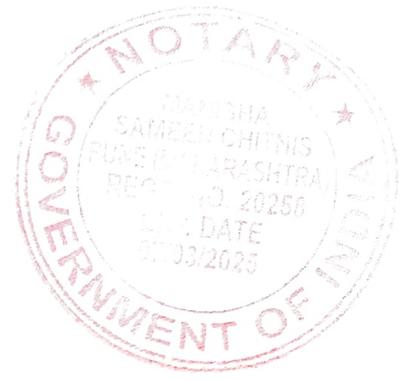
- i) SPCBs/ PCCs to provide complete list of Legacy Waste dumpsites in their States/ UTs as per format enclosed.
- ii) SPCBs/ PCCs to ensure that necessary action for biomining and bio remediation of these dumpsites is done by the concerned Local Authorities in compliance with Provisions of SWM Rules, 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 fraction materials i.e. RDF, fine earth/ bio earth, etc., prior to its disposal/ utilization
 - b) Preparation of 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 materials.
- iv) SPCBs/ PCCs 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 timelines as specified in SWM Rules, 2016 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 to ensure that at least one legacy waste dumpsite is remediated in their jurisdiction which can be considered as model for compliance for legacy waste dumpsite in Non-Attainment Cities (NAC).

9. That the averment made in Para 21 need no comments from this answering Respondent no. 6 (CPCB).
10. That in reply to averments made in Para 22.A and Para 22.B, it is humbly submitted that para 2 and para 4 of this Reply Affidavit may kindly be referred.
11. That the averments made in Para 22 C to Para 22 E are matter of record and hence need no comment by this answering Respondent No. 6 (CPCB).
12. That the averment made in Para 22 F to 22 H need no comment from this answering Respondent No. 6 (CPCB).
13. That the averment made in Para 22.I are matter of record and hence need no comment by this answering Respondent No. 6 (CPCB).
14. That the averments made in Para 23 and Para 25 are matter of record and hence need no comment by this answering Respondent No. 6 (CPCB).

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


DEPONENT



VERIFICATION

Verified at Pune on this 14th day of February, 2024 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.

Manisha Sameer Chitnis
DEPONENT

COUNSEL for Respondent No. 6

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 - 411045
Sr. No. 110, Hirabai Dhankude Hall, Baner Road, Baner, Pune-411045

Noted & Registered
At.Sr.No. 149/2024

BEFORE ME

Manisha Sameer Chitnis

MANISHA SAMEER CHITNIS
NOTARY
GOVERNMENT OF INDIA

14 FEB 2024





CENTRAL POLLUTION CONTROL BOARD

(Ministry of Environment & Forests)
 'Parivesh Bhawan' C.B.D.Cum-Office Complex,
 East Arjun Nagar, Shahdara, Delhi-110032
 Tel. 22307078, 43102030, 43102454
 Website: www.cpcb.nic.in

CB/PR/PG/2020-21/

Unlock-4 dt: 11.09.2020

To,

Member Secretary
 Maharashtra Pollution Control Board
 Kalpataru Point, 2nd - 4th floor,
 Opp. Cine Planet, Sion Circle, Sion (E),
 Mumbai - 400 022

Sub: Grievance - "Illegal Garbage Dumping Ground in the State of Maharashtra - District Thane - Diva - in Between Diva Sabe Village and Khardipada Village in Diva - Shill Road "-reg.

Ref: MOEAF/E/2020/01478 dt. 10.09.2020

Sir,

Please find attached herewith Grievance of Sh. M JAYAKUMAR, a resident of Room No. 1, Chakra Nagar, Opp. Indian Overseas Bank Rajagambeeram, Othakadai, Madurai (TN) regarding "Illegal Garbage Dumping Ground in the State of Maharashtra - District Thane - Diva - in Between Diva Sabe Village and Khardipada Village in Diva - Shill Road ". Details are enclosed at **Annexure-I**.

It is requested to kindly look into the matter for taking necessary action. The action taken report please be informed the petitioner with a copy endorsed to this office.

With regards,

Yours faithfully,

(M. K. Choudhury)
 AD & DH-PR-Division

- (i) Sh. M JAYAKUMAR, Room No. 1, Chakra Nagar,
 Opp. Indian Overseas Bank Rajagambeeram,
 Othakadai, Madurai (TN)
 E-mail: mjkumar2005@yahoo.com
- (ii) DH-UPC-II - for necessary follow up pl.
- (ii) PS to MS - for kind information of MS pl.



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, raincoat, 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- rodents, bird nuisance, seasonal affects i.e. summer / winter / monsoon (rainy season) and all other potential risks at the dumpsites.
- b. The onsite emergency plans to address the worst possible case scenarios preferably using appropriate risk assessment softwares covering any or all of the potential emergency issues / scenarios cited above.
 - c. The on-site emergency management plan to cover likely affected geographical area including population, flora & fauna in and around the dumpsites
 - d. The on-site emergency plan to contain detailed remedial measures both hardware and software based for mitigating various emergency situations, which should finally be available with respective control rooms and on-site emergency notice boards.
- iii. To direct District Collector or District Emergency Authority designated by the State Government for integrating such (dumpsites) On-site Emergency Plans with the existing Off-site District Disaster Management Plans in their respective Districts, prepared by the Local Authorities in compliance with Rule 14 of The Manufacture, Storage and Import of Hazardous Chemical Rules. 1989
 - iv. The State / UT Authorities to prepare the on-site & off-site (or update off-site) emergency management plans preferably through an expert agency on the subject.
 - v. The following interim measures to be implemented on priority till the time On-site/Off-site Emergency Plans are prepared and implemented.
 - a. **Disposal of Waste:** Fresh waste not to be disposed at the dumpsite where bio-remediation is being undertaken. Organic waste from slaughter house, fish market etc., industrial waste not to be disposed at the dumpsite. It is to be further ensured that industrial waste / E-waste / lithium battery is not dumped at the site. Waste that is being unloaded at the site should be examined visually for potential fire sources 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)** : for information please
Ministry of Environment, Forests & Climate Change,
 Indira Paryavaran Bhawan, Jor Bagh Road,
 New Delhi - 110003
2. **DH-IT Division, CPCB** : for uploading on website please


 (Prashant Gargava)
 Member Secretary

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.

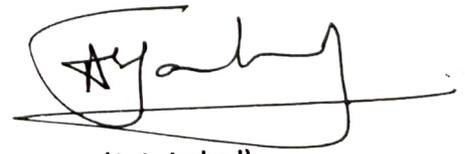
NOW THEREFORE, in view of above and in exercise of powers vested under Section (5) of the Environment (Protection) Act, 1986 to the Chairman, Maharashtra Pollution Control Board (MPCB), the following directions are issued for compliance:

- 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

SPEED POST

कन्द्रीय प्रदूषण नियंत्रण बोर्ड

CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जल संचय विभाग, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

F. No. B-11011/UPC-II/MSW(Direction)/2020-21

27.01.2021

To,

15320-15354

**The Chairman,
All SPCBs/PCCs****Direction under Section 5 of the Environment (Protection) Act, 1986 for enforcement of Provisions of Solid Waste Management (SWM) Rules, 2016 regarding bio mining of legacy waste.**

WHEREAS, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries under the Environment (Protection) Act, 1986 and the rules framed there under;

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

WHEREAS, under Rule 15(zj) of SWM Rules, 2016 local authorities and village Panchayats shall investigate and analyse all old open dumpsites and existing operational dumpsites for their potential of bio-mining and bio-remediation and whosoever feasible, take necessary actions to bio-mine or bio-remediate the sites;

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

WHEREAS, remediation of all Dumpsites has to be completed by April 7, 2021 as per Rule 22 of SWM Rules, 2016.

WHEREAS, in compliance of Hon'ble NGT Order dated 16.01.2019 in the matter of OA no. 606/2018, CPCB published Guidelines for Disposal of Legacy waste;

WHEREAS, Hon'ble NGT has issued several Directives on the matter including the following:

- (i) In OA no. 519/2019, all Chief Secretaries, States/UTs to ensure completion of remediation of dumpsites by October, 2020.
- (ii) In OA no. 53/2020, CPCB to complete inventorization of dumpsites in the Country.
- (iii) In OA no. 593/2017, CPCB to compile information related to Legacy Waste Management and identify gaps thereof.

WHEREAS in compliance with above orders of Hon'ble NGT, several communications dated 14.05.2020, 28.07.20 & 31.07.2020 have been issued by CPCB to States/UTs to provide requisite information on the matter.

WHEREAS complete information on the matter is yet to be received from all States/UTs.

WHEREAS, CPCB officials inspected dumpsites in various States where bioremediation of legacy waste is being carried out and made the following observation:

- i. Most of the ULBs engaged in the bio mining process of the legacy waste not following CPCB Guidelines on disposal of legacy waste.
- ii. Analysis of different screened fractions is not being carried out prior to disposal/utilization.
- iii. Poor quality of screen fractions and screened fractions not being lifted by the users.
- iv. Adequate plan for disposal of screened fractions at the dumpsites not prepared and screened fractions accumulated on site.
- v. No leachate treatment being carried out and stagnation of leachate noticed at the dumpsites.
- vi. Records/documents for the sale of the RDFs, inerts and other materials not maintained.
- vii. Fresh Solid Waste continued to be dumped at these dumpsites.

WHEREAS, vide Order dated 21-8-2020 in the matter of OA no. 681/2018, Hon'ble NGT directed CPCB to issue fresh Direction in this regard to all the State PCBs/ PCCs to coordinate with concerned Local Authorities for further Action in the matter. Further, as per the Hon'ble NGT's Direction, at least one site is to be remediated and made a model of compliance in each of the 122 Non-Attainment Cities;

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

1. SPCBs/PCCs to provide complete list of Legacy Waste dumpsites in their States/UTs as per format enclosed.
2. SPCB/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.
3. SPCBs/PCCs shall ensure that concerned Local Authorities engaged in the bio mining process of legacy waste follow procedures as per CPCB Guidelines for Disposal of Legacy Waste with specific compliance to the following points.
 - (i) Analysis of various screened fraction materials i.e. RDF, fine earth/bio earth etc., prior to its disposal/utilization.
 - (ii) Preparation of plan for utilization/disposal of screened fractions
 - (iii) Adequate provisions for leachate treatment.
 - (iv) Maintenance of records / documents for disposal/utilization of the RDFs or fine earth and other materials.
4. SPCBs/PCCs 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 timelines as specified in SWM Rules,2016 and Hon'ble NGT Directions on the matter are to be adhered to for remediation of these sites.
5. 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.
6. SPCBs 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 (NAC).

SPCBs/PCCs are hereby directed to submit action taken report within **30 days** from receipt of these Directions.



(Shiv Das Meena)
Chairman

Copy to:

1. **Joint Secretary (CP),** : For necessary information pls
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi-110003

2. ✓ **DH- IT Division, CPCB** : For uploading on website pls

95/3
✓ **(Prashant Gargava)**
Member Secretary

