

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

ORIGINAL APPLICATION NO. 172/2019

**Residents of Village Adampur,
PO Masodi Khera, District Dholpur**

Applicant

Versus

State of Rajasthan

Respondents

INDEX

S.No.	Particulars	Page No.
1.	Compliance report of this Hon'ble Tribunal order dated 15.04.2019, on behalf of Rajasthan State Pollution Control Board.	1
2.	DOCUMENTS	
	Annex-R/1 - Photo copy of the inspection report dated 04.11.2019.	4
	Annex-R/2 - Photo copy of the show cause notice dated 06.11.2019	8
	Annex-R/3 - Photo copy of the reminder letter dated 08/05/2020	10
	Annex-R/4 - Photo copy of the reply letter dated 14.05.2020 received on 18.06.2020	11


(H R Kasana)

Regional Officer, RSPCB,
Bharatpur, Rajasthan

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COMPLIANCE REPORT OF THIS HON'BLE TRIBUNAL
ORDER DATED 15.04.2019, ON BEHALF OF
RAJASTHAN STATE POLLUTION CONTROL BOARD.

I, H. R. Kasana S/o Shri Jaimal, aged about 56 years, at present working as Regional Officer, Rajasthan State Pollution Control Board, Bharatpur (Raj.) do, hereby submits the compliance report as follows:-

- 1) That the Hon'ble Tribunal by order dated 15.04.2019 directed as follows:-

"Allegation in this letter, which has been treated as an application, is that there is illegal dumping of solid waste in Village Adampur, Tehsil Wadim, District Dholpur, Rajasthan affecting the Ramsagar pond and the soil of the area. The solid waste is causing air pollution and foul odour. Burning of the garbage is creating further pollution.

Let the District Magistrate, Dholpur and the Rajasthan State Pollution Control Board (RSPCB) look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within two months by e-mail at ngt.filing@gmail.com. The nodal agency will be the RSPCB for coordination and compliance."

- 2) That for compliance of this Hon'ble Tribunal order the official of the State Board has conducted the inspection of disputed site on 04.11.2019. The observations made during the course of inspection are as follows:-
- a) Village adampur is situated at post Masodi Khera, Tehsil,- Bari, District,- Dholpur. During inspection it was found that a solid waste dumping site was situated nearby village adampur. At the time of inspection no representative was present at site. Boundary wall has been provided at all around the dumping site.
 - b) Dumping site was situated at adjacent to the irrigation canal. Canal originates from Ramsagar pond. Canal water is mainly used for irrigation of agriculture land situated nearby villages. Dumping site is situated at downstream side of Ramsagar pond. Distance of Ramsagar pond from dumping site is 3 Km approximately.
 - c) The municipal solid waste collected from households was found accumulated in huge quantity inside the boundary of dumping site and animals (i.e. Cows and dogs) were feeding on the accumulated waste heap.
 - d) At the time of inspection no representative was present at dumping site. The villager's informed that municipal solid waste of Bari is being dumped here with the help of tractors since long and put fire in waste daily at the time of evening. Fire was found in dumping waste and smoke created by burning of waste observed all around the area. Environment nuisance cannot be denied due to burning of waste.
 - e) The site was unscientifically developed with no impervious lining and facility for collection of leachate has not been provided. As such seepage of the leachate into the ground water cannot be ruled out.
 - f) Facility has not been developed for segregation of waste.

- g) As per the record of this Office, consent and authorization has not been obtained from the Board for dumping site.

The photo copy of the inspection report dated 04.11.2019 is annexed herewith and marked as **Annexure-1**.

- 2) That on the basis of deficiencies observed during inspection, the State Board has issued show cause notice dated 06.11.2019 to the Executive Officer, Nagar Palika, Bari, Dholpur for intended legal action under section 5 of the Environment (Protection) Act, 1986. The photo copy of the show cause notice dated 06.11.2019 is annexed herewith and marked as **Annexure- 2**.
- 3) That the Executive Officer, Nagar Palika, Bari, Dholpur has failed to submit any reply of show cause notice. Therefore, a reminder was issued vide letter dated 08/05/2020. The photo copy of the reminder letter dated 08/05/2020 is annexed herewith and marked as **Annexure-3**.
- 4) That the Executive Officer, Nagar Palika, Bari, Dholpur vide letter dated 14.05.2020 received on 18.06.2020 submitted reply to the show cause notice dated 06.11.2019 and reminder letter dated 08.05.2020 stating that the burning of waste has been stopped and is being ensured on daily basis through monitoring team. The photo copy of the reply letter dated 14.05.2020 received on 18.06.2020 is annexed herewith and mark as **Annexure-4**.
- 4) That in the light of submissions made herein above, it is requested that the compliance report may kindly be taken on record and the original application may kindly be dismissed.


(H R Kasana)

Regional Officer, RSPCB, Bharatpur

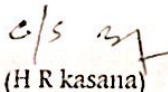
Inspection Report

In Matter of OA No.- 172/2019 i. e. Residents of Village Adampur, PO Masodi Khera, District. -
Dholpur Vs State of Rajasthan filed before of the NGT, Principal Bench, New Delhi

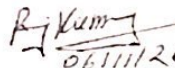
As per direction of Regional Officer in Matter of OA No.- 172/2019 i. e. Residents of Village Adampur, PO Masodi Khera, District. - Dholpur Vs State of Rajasthan filed before of the NGT, Principal Bench, New Delhi, area of Village adampur was inspected by Board official on dated 04/11/2019 for verification of facts of original application. During inspection following status was observed.-

- Village adampur was situated at post Masodi Khera, Tehsil.- Bari, District.- Dholpur. During visit found that a solid waste dumping site was situated nearby village adampur. At the time of inspection no representative was present at site. Boundary wall has been provided at all around the dumping site.
- Dumping site was situated at adjacent to the irrigation canal. Canal is come from ramsagar pond. Canal water is mainly used in irrigation of agriculture land in situated nearby villages. Dumping site is situated at downstream side of ramsagar pond. Distance of ramsagar pond from dumping site is 3 Km approximately.
- The municipal solid waste collected from households was found accumulated in huge quantity inside the boundary of dumping site and animals (i.e. Cows and dogs) were feeding on the accumulated waste heap.
- At the time of inspection no representative was present at dumping site. The villager's informed that municipal solid waste of Bari is being dumped here with the help of tractors since long and put fire in waste daily at the time of evening. Fire was found in dumping waste and smoke created by burning of waste was observed all around the area. Environment nuisance cannot be denied due to burning of waste.
- The site was unscientifically developed with no impervious lining. Facility of collection of leachate has not been provided, as such seepage of the leachate into the ground water cannot be ruled out.
- Facility has not been developed for segregation of waste.
- As per the record of this Office, consent and authorization has not been obtained from the Board.

Recommendations: - In view of the aforementioned observations made during inspection, Show cause notice for intended legal action under the provisions of Environmental (Protection) Act, 1986 for non compliances of Solid Waste Management Rules, 2016 may be issued to Executive Officer, Nagar Palika, Bari, Dholpur.

e/s 
(H R kasana)

(Regional officer, RO bharatpur)


06/11/2019
Rajkumar Meena
JEE, RO Bharatpur

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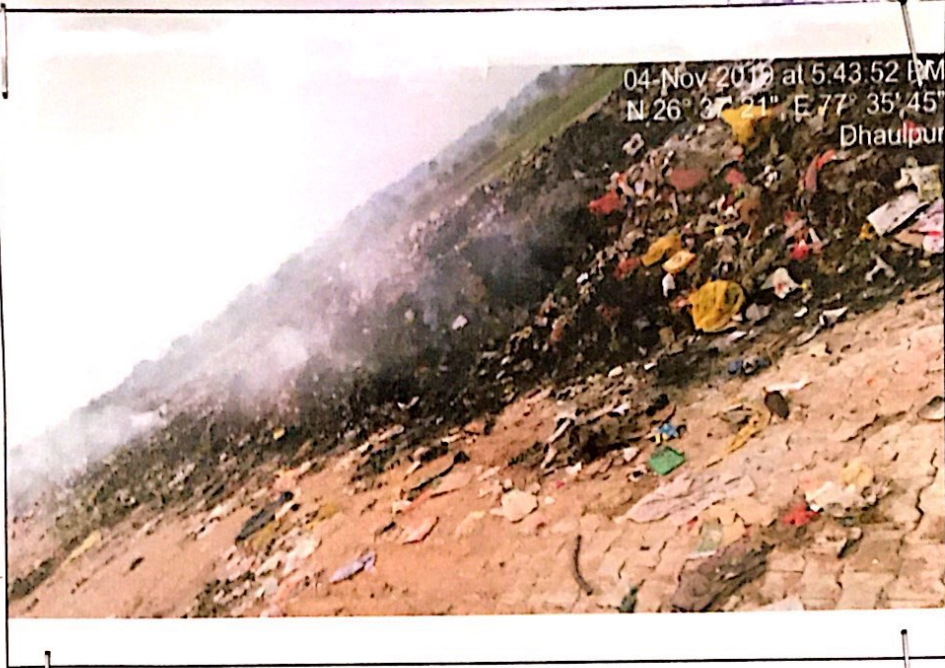


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संस्थान





REGIONAL OFFICE
Rajasthan State Pollution Control Board
Behind Jindal Hospital, SPM Nagar, Bharatpur (Raj.)
rorpebbharatpur@gmail.com

No. RPCB/RO Bharatpur/GEN-78/ 11 6 7- Regd. Post & E-Mail Date - 06.11.19

Executive Officer,
Nagar Palika, Bari,
Dholpur

Subject.- Show cause notice for intended legal action under Section 5 of Environmental (Protection) Act, 1986 for non compliances of Solid Waste Management Rules, 2016.

Reference.- In matter of OA No.- 172/2019 i. e. Residents of Village Adampur, PO Masodi Khera, District. - Dholpur Vs State of Rajasthan filed before of the NGT, Principal Bench, New Delhi

Sir,

1. Whereas the Environmental (Protection) Act 1986; (Therein after referred to as 'Act') has been enacted for the protection and improvement of the environment and for matters connected therewith. The Act has come into effect in whole of India on 19.11.1986.
2. And whereas the Solid Waste Management Rules 2016 (Therein after referred to as 'Rules') have been enacted by the Ministry of Environment, Forest & Climate Change, Govt. of India, New Delhi in exercise of the powers conferred upon it under the Act, with a view to ensure proper management, handling and disposal of municipal solid wastes and the Rules have come into force on 08.04.2016.
3. And whereas the provisions of the rule 15 of the Rules make every municipal authority in its territorial are responsible for implementation of the provision of the Rules and for any infrastructure development for collection, storage, segregation, transportation, processing and disposal of Municipal Solid Wastes.
4. And whereas the Rules cast a duty on the municipal authority or operator of a facility to make and application to the State Board in Form-I for grant of authorization for setting up waste processing, treatment or disposal facility, if the volume of waste is exceeding five metric tons per day including sanitary landfills in order to comply with the implementation program, laid down in schedule I.
5. And whereas Municipal Authority are also required to comply with various duties entrusted as per the provisions of rule 16 of the Rules.
6. And whereas Central Pollution Control Board has issued directions to Chairperson, Rajasthan State Pollution Control under section 18 (1) (a) of Water Act, 1974 and Section 18 (1) (b) of Air

Act, 1981 vide its letter dated 10.11.2014 stating that RSPCB will issue directions to all the Municipal Authorities in the State for implementation of Solid Waste Management Rules, 2000, (Now Solid Waste Management Rules, 2016)

7. And whereas the dumping site at village adampur was inspected on 04/11/2019 by the official of the Board for verification of the content of OA No.- 172/2019 i. e. Residents of Village Adampur, PO Masodi Khera, District. - Dholpur Vs State of Rajasthan filed before of the NGT, Principal Bench, New Delhi. During the course of inspection following observation and non-compliance was observed.-
- The municipal solid waste collected from households was found accumulated in huge quantity inside the boundary of dumping site and animals (i.e. Cows and dogs) were feeding on the accumulated waste heap.
 - At the time of inspection no representative was present at dumping site. The villager's informed that municipal solid waste of Bari is being dumped here with the help of tractors since long and put fire in waste daily at the time of evening. Fire was found in dumping waste and smoke created by burning of waste was observed all around the area. Environment nuisance cannot be denied due to burning of waste.
 - The site was unscientifically developed with no impervious lining. Facility of collection of leachate has not been provided, as such seepage of the leachate into the ground water cannot be ruled out.
 - Facility has not been developed for segregation of waste.
 - As per the record of this Office, consent and authorization has not been obtained from the Board.
8. And whereas the above observations indicate that you have failed to comply with the provisions of the Solid Waste Management Rules, 2016.
9. And whereas above stated non-compliances and violations of the provisions of the Solid Waste Management Rules, 2016 have been viewed seriously by the Board.

Therefore in order to prevent further pollution being caused due to this dumping site, the state Board intends to legal action powers conferred under Environmental (Protection) Act, 1986 for non compliances of Solid Waste Management Rules, 2016 against you.

You are therefore directed to submit action taken report within 15 days time from the date of issue of notice, failing which action, as intended, shall be initiated without any further notice under the provision of section 15 of the EP Act, 1986

(H.R. Kasana)

Regional Officer

RPCB, Bharatpur

OR KA



REGIONAL OFFICE
Rajasthan State Pollution Control Board
Behind Jindal Hospital, S.P.M. Nagar,
Bharatpur-321001 (Raj.)
rorpcbharatpur@gmail.com

No: RPCB/RO Bharatpur/Gen-78/ 27

Most Urgent
E-Mail & Regd. Post
Reminder

Date 08-05-2020

Executive Officer
Nagar Palika, Bari,
Dholpur

Sub- show cause notice for intended legal action under Section 5 of Environmental (Protection) Act' 1986 for non-compliance of Solid Waste Management Rules'2016

Ref- (i) In Matter of OA No.- 172/2019 i.e. Residents of Village.- Adampur, Post.- Masodi Khera, District.- Dholpur Vs State of Rajasthan filed before of the NGT, Principal Bench, New Delhi.
(ii) This Office show cause notice issued vide letter no. RPCB/RO Bharatpur/Gen-78/1167 dated 06/11/2019.

Sir,

Apropos above, it is to inform that show cause notice for intended legal action under Section 5 of Environmental (Protection) Act' 1986 for non-compliance of Solid Waste Management Rules'2016 was issued vide this Office letter no. RPCB/RO Bharatpur/Gen-78/1167 dated 06/11/2019 for non-compliance observed during verification of the dumping site at village. - Adampur on dated 04/11/2019 with direction to submit your clarification within 15 days of issuance of the notice.

It is regretted that no reply has been submitted by you in compliance to aforementioned show cause notice till date.

You are, hereby given last opportunity, to file your reply with a period of 7 days failure to which action as proposed in show cause notice dated 06/11/2019 will be initiated without any further notice and matter may be processed for Environmental Compensation accordingly.

Encl.-As above

(H R Kasana)
Regional Officer

9/5/20



कार्यालय नगर पालिका मण्डल बाडी (धौलपुर) राज0

E-Mail - lsg.cmo.bri-ri@nic.in Bari.jaipur@yahoo.com

Phone No. - 05647-274530

क्रमांक - न.पा.बा./सफाई/2019-20/1960

दिनांक - 14.05.2020

श्रीमान क्षेत्रीय अधिकारी

RSPCB भरतपुर

विषय - कार्यालय बताने नोटिस का प्रत्युत्तर भिजवाये जाने बाबत।

प्रसंग - आपका पत्रांक RPCB/RO/BHARATPUR/GEN-78/1167 दिनांक 06.11.2019 एवं

पत्रांक RPCB/RO/BHARATPUR/GEN-78/27 दिनांक 08.05.2020 के सन्दर्भ में।

महोदय,

उपरोक्त विषय एवं पत्र के सम्बन्ध में निवेदन है कि नगर पालिका बाडी द्वारा Environment (Protection) Act 1986 एवं a Solid Waste Management Rules 2016 के तहत की गई कार्यवाही एवं पत्र का प्रत्युत्तर बिन्दुवार निम्न प्रकार है -

7 (ए) नगर पालिका बाडी द्वारा सोलिड वैस्ट मैनेजमेंट रूल्स 2016 की पालना में शहरी क्षेत्र के समस्त 35 वार्डों में घर घर कचरा संग्रहण का कार्य करवाया जा रहा है एवं विभागीय निर्देशों की पालना में कचरे का सूखे एवं शीले अलग अलग प्रकार में संग्रहण कार्य करवाया जा रहा है। पालिका क्षेत्र में एकत्रित कचरे को नगर पालिका के डम्प साईट पर इकट्ठा किया जाता है एवं डम्पिंग साईट/लैण्डफिल साईट के प्रोटैक्शन हेतु चार दीवारी एवं तारबन्दी कार्य तथा मुख्य दरवाजा लगाया गया है। जिसमें आम आदमी अथवा जानवरों का प्रवेश निषेध है।

7 (बी) नगर पालिका बाडी द्वारा डम्पिंग साईट/लैण्डफिल साईट की नियमित मॉनिटरिंग एवं रिकॉर्ड संधारण हेतु दो पारियों में स्थाई रूप से कार्मिकों को नियुक्त किया गया है। उक्त कार्मिक उक्त साईट से सम्बन्धित सभी प्रकार की समस्याओं के निराकरण हेतु पालिका के सफाई निरीक्षक के साथ समन्वय कर कार्य करते हैं। डम्पिंग साईट में कचरा जलाने की घटनाओं को पूर्णतः प्रतिबन्धित किया जा चुका है एवं प्रतिदिन विशेष रूप से मॉनिटरिंग की जा रही है।

7 (सी) नगर पालिका बाडी द्वारा उक्त डम्पिंग साईट/लैण्डफिल साईट को वैज्ञानिक रूप से विकसित करने हेतु पालिका द्वारा पूर्व में निविदा आमंत्रण की कार्यवाही की गई थी परन्तु मार्च माह 2020 में कोरोना वायरस महामारी के कारण उक्त प्रक्रिया को विभागीय निर्देशानुसार



अधिसूचना अधिसूचना
नगरपालिका मण्डल बाडी (धौलपुर)



स्थगित कर दिया गया था। वर्तमान में उक्त निविदा प्रक्रिया को पुनः कराये जाने हेतु कार्यवाही की जा रही है।

7 (डी) नगर पालिका बाडी द्वारा कचरा पृथक्करण हेतु दिसम्बर 2019 में निविदा आमंत्रण की कार्यवाही की गई थी परन्तु किसी भी फर्म द्वारा उक्त निविदा में रूचि नहीं दिखाने के कारण उक्त निविदा निरस्त हो गई थी इसके पश्चात् पालिका द्वारा 5 कार्मिक नियुक्त कर मैनुअल रूप से उक्त पृथक्कीकरण की कार्यवाही शुरू करवाई गई है एवं बृहद रूप से कचरा पृथक्कीकरण हेतु निविदा दस्तावेज तैयार किये जा चुके हैं। शीघ्र ही निविदा आमंत्रित कर MRF प्रक्रिया आरम्भ कर दी जावेगी।

7 (ई) नगर पालिका बाडी द्वारा MRF Facility Development हेतु एवं Waste Disposal हेतु एनओसी PCB से लिया जाना वांछित है। उक्त प्रक्रिया हेतु आवश्यक दस्तोवजों का संधारण एवं पत्रावली तैयार की जा रही है। शीघ्र ही आवेदन किया जावेगा।

प्रधान बैन्च माननीय एनजीटी नई दिल्ली के प्रकरण संख्या 172/2019 के सन्दर्भ में निवेदन है कि नगर पालिका बाडी द्वारा संधारित डम्प साईट आदमपुर, रामसागर तालाब क्षेत्र से अनुमानित: 4 किलोमीटर की दूरी पर स्थित है। डम्प साईट एवं आस पास के क्षेत्र में से किसी भी प्रकार का जल बहाव होकर रामसागर तालाब क्षेत्र में नहीं पहुँचता है साथ ही डम्प साईट आदमपुर में ज्वलनशील/अग्निकारक गतिविधियों पर पूर्णतः प्रतिबन्ध किया गया है एवं विशेष रूप से मॉनिटरिंग की जाती है।

अतः श्रीमानजी से निवेदन है कि उक्त नोटिस का जबाब तैयार कर अवलोकनार्थ सादर प्रेषित है एवं निवेदन है कि नोटिस को निरस्त कराये जाने का श्रम करें एवं प्रत्युत्तर माननीय एनजीटी नई दिल्ली को भिजवाये जाने का श्रम करें।

अधिसाषी अधिकारी
नगर पालिका बाडी