

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

IN THE MATTER OF:

Original Application No. 802/2022

Karan Singh.

...Applicant

Versus

State of HP

...Respondent

**ACTION TAKEN REPORT IN
COMPLIANCE TO THE ORDER
DATED 05.01.2023 PASSED IN OA NO.
802/2022.**

RESPECTFULLY SHOWETH:

1. That the above titled OA was listed on before this Hon'ble Tribunal on dated 05.01.2023 and when the Hon'ble NGT ordered that


District Magistrate,
Solani District Solan (H.P.)

"...Hence, we direct State PCB and District Magistrate, Solan to look into the complaint and if they find any violation i.e. in terms of compliance with MSW Rules and other

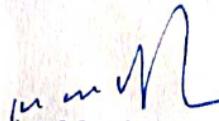
environmental norms, take remedial and preventive action in accordance with law within two months.

5. District Magistrate, Solan will be nodal agency for coordination and compliance.

6. Action taken report shall be filed with the Registrar General of this Tribunal by 15.04.2023..."

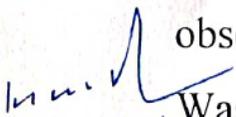
2. That in compliance to the order dated 05.01.2023 in OA No. 802 of 2022 , the then Deputy Commissioner, Solan vide letter dated 21.01.2023 directed the Joint Commissioner, Municipal Corporation, Solan and Regional Officer, HP State Pollution Control Board, Parwanoo, Solan to take necessary action in the matter and submit the action taken report.

3. As per the letter No. PCB/RO/Pwn/MC Solan/2022-3325-26 dated 20.03.2023, a joint inspection of the alleged site was conducted by a committee comprises of the HP Sub-Divisional Magistrate Solan, Joint Commissioner MC Solan and Regional Officer, HPSPCB Parwanoo on dated 01.03.2023 (copy of the Joint Inspection Report is annexed as Annexure 1). It was observed during the joint inspection, that the MC Solan has awarded the work of legacy waste processing and disposal to the M/s Suntan Life, in compliance to the


District Magistrate,
Solan District Solan (H.P.)

direction issued by the Hon'ble NGT vide order dated 18.02.2021 in MA No. 51/2020 in Original Application No. 168/2013. During the joint inspection the plant and machines found installed at site, the excavation and processing of legacy waste alongwith processing of fresh waste was operational. The foul smell observed due to excavation of legacy waste observed, however the sprinkling of bio culture for the odor control was observed. It is also found that around 28082.460 ton of waste has been processed out of the estimated 48000 tons at the site. In reference to the non-compliance observed regarding delay in the start of processing of legacy waste the HPSPCB has imposed the Environmental Compensation (EC) for amount of Rs. 5,55,000/- vide letter No. (10)PCB/MSW/MC Solan-Vol-I/2020-2725-27 dated 21.06.2021 and Municipal Corporation Solan has deposited the same with the on dated 21.11.2022 vide letter NO. UD SLN(F)-SWM(2)-51/2020-8426 dated 07.12.2022.

4. That during the joint inspection some observations/gaps were observed w.r.t. Waste Handling, Waste Monitoring, Leachate Handling and Sheet cover at Boundary wall, Record Maintenance, Machine status and activity observed during the visit. The Assistant Environmental Engineer, HP PCB vide letter No. HPSPCB/R.O. Parwanoo/MC Solan/2022-3293-94 dated


District Magistrate,
Solan District Solan (H.P.)

16.03.2023 has directed the Municipal Commissioner, Solan to take immediate corrective measures with reference to the observations/gaps observed during the Joint inspection and to submit the action taken report (copy of the letter dated 16.03.2023 is annexed as Annexure R/2)

5. That the Commissioner, Municipal Corporation, Solan vide letter No. UD-SLN(F)-SWM(2)-2020-2568 dated 03.04.2023 and letter No. UD-SLN(F)-SWM(2)-2020-2852 dated 13.04.2023 has submitted the compliance and action taken report (copy of the letter dated 03.04.2023 and 13.04.2023 are annexed as **Annexure R/3 colly**). As per the report of the MC Solan the commitment for clearance of legacy waste was made to be 30.09.2023 and as per the terms and conditions of the work awarded to M/s Suntan Life, the site will be cleared of RDF within the time period i.e. two years from the date of agreement (15.05.2022).

In view of the aforementioned submissions, it is therefore most humbly submitted that the above action taken report may kindly be accepted.


Respondent
District Magistrate,
Solan District Solan (H.P.)

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

IN THE MATTER OF:

Original Application No. 802/2022

Karan Singh.

...Applicant

Versus

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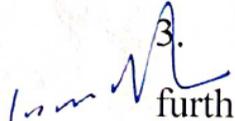
...Respondent

**AFFIDAVIT IN SUPPORT OF ACCOMPANYING
ACTION TAKEN REPORT.**

I, Manmohan Sharma, Son of Sh. Bal Krishan Sharma aged about 51 years, presently posted as Deputy Commissioner-cum-District Collector, Solan, Tehsil and District Solan (HP), do hereby solemnly affirm and declare as under:

1. That the Action Taken Report in compliance to the order dated 05.01.2023 passed in OA No. 802/2022 has been drafted under my instructions and at my instance.
2. That the para No. 1 to 5 of the action taken report are true and correct to the best of my knowledge as derived from the official record. No part of it is false and nothing has been concealed there from.

3. That I, the above named deponent do hereby further verified that the contents of para No. 1 to 3 of this


District Magistrate,
Solan District Solan (H.P.)

affidavit of mine are true and correct to the best of my knowledge as derived from the official record. No part of it is false and nothing has been concealed there from.


Deponent
District Magistrate,
Solon District Solan (H.P.)

VERIFICATION:

I, the above deponent do hereby verify that the contents of para No. 1 to 3 of my above affidavit are true and correct to the best of my personal knowledge and belief. No part of it is false and nothing has been concealed therefrom.

Verified at Solan on 13. 04 . 2023.


Deponent
District Magistrate,
Solon District Solan (H.P.)

JOINT INSPECTION REPORT IN COMPLIANCE TO THE HON'BLE NGT ORDER DATED 05th JANUARY, 2023 O.A. NO 802 OF 2022, TITLED AS KARAN SINGH V/S STATE OF H.P.

This is in reference to the order passed by the Hon'ble NGT in OA No. 802 of 2022, titled as Karan Singh v/s State of H.P., dated 05.01.2023, as "...the complaint is about dumping of solid waste causing release of toxic, noxious air and creating health hazards to the residents of Salogra, District Solan, Himachal Pradesh..." and "...says that municipality claims that all the procedure laid down under the Pollution Control Act and Waste Management Laws are being followed but complainant/applicant is disputing the same."

In this context, the Hon'ble NGT further ordered that ".....the matter may be examined at first instance by the concerned authorities. Hence, we direct State PCB and District Magistrate, Solan to look into the complaint and if they find any violation i.e. in terms of compliance with MSW Rules and other environmental norms, take remedial and preventive action in accordance with law within two months....."

In view of the order passed by the Hon'ble NGT the committee comprising of Sub Divisional Magistrate Solan, Joint Commissioner MC Solan and Regional Officer, HPSPCB Parwanoo has jointly inspected the alleged site on dated 01st March, 2023 (Attendance Sheet as Annexure- I)

The alleged site, is a legacy waste site of Municipal Corporation Solan and same is also used as a waste processing facility (WPF) for the handling of fresh waste as well. The estimated legacy waste at alleged site is 48,000 Mt and daily avg. fresh waste arrived at site is around 20 ton/day. The work of waste processing awarded to the M/s Suntan life and the action taken by the MC Solan and the gap observed during the inspection are as below:

1. Action taken by the MC Solan and Gaps

The legacy waste assessment was done by the MC Solan for the Salogra site, and around 48,000.00 ton waste was estimated at the alleged site and the contract work awarded to M/s Suntan Life, Panchkula for the processing of Legacy Waste. Thewet waste is being transported to Bio- methanation plant at Jatwad, Haryana, the dry waste is transported to the other respective sites by the contractor, for recycling and reusing as RDF , as per the quality of the recovered waste, through the contractor itself.

1.1. Waste handling status

1.1.1 Action taken by MC Solan

The legacy waste is excavated, wind rows prepared, culture spray is being sprinkled over the waste for increasing the decomposition rate and reducing the moisture content, weight and quantity of legacy waste. The waste is then passed through the trommel for segregation. The segregated waste with appropriate calorific value, is stored at site and transported as Refused Derived Fuel (RDF), to the cement plant, i.e. M/s Ultra tech, Chitorgarh, M/s Shree Cement plant and thermal power plant M/s JVM, Panipat. The remaining processed waste such as good earth is kept at site for the development of green buffer, along the road-side boundary wall.

1.1.2 Gaps

The recovered waste is not being disposed regularly and the heaps of generated RDF observed at site. MC Solan, should explore the possibilities for the disposal of waste to cement plant located within the Dist..

The MC Solan should explore the possibilities to operate the existing compost pits at site, to generate the inhouse compost for raising the green buffer and to reclaim the land after processing and disposal of legacy waste.

The source segregation needs to be improved by MC Solan, as arrival of the fresh mixed solid waste was observed at site.

There is need to improve upon processing of legacy waste, as the wind rows are not found adequate and there is not enough space for the regular shuffling of the excavated legacy waste. The foul smell observed during inspection due to excavation of legacy waste.

1.2 Waste Monitoring, Leachate Handling and Sheet cover at Boundary wall

1.2.1 Action taken by MC

The computerized weigh bridge installed at site to monitor the daily receiving and disposal of waste.

The leachate collection pit is constructed at the site with waterproof liner.

The sheets at the boundary wall are provided by the MC Solan.

The CCTV cameras found in place for the online surveillance.

1.2.2 Gaps

The leachate pit needs to be covered and fenced and the source needs to be tapped properly.

The Sheets at boundary wall, is found damaged at some places, and also need to extend its length and raise the height of sheet cover.

1.3 Record Maintenance, Machines status and activity observed during visit

1.3.1 Action taken by MC Solan

As per the records provided by the MC Solan the details of waste processed are as under:

- a) Waste processed from December,2021 to March 2023(01st March, 2023) :
28082.460 tons
- b) Waste processed in last three months: 13028.38 tons
- c) Type of waste processed at site: Both Fresh and Legacy waste.
- d) Balance waste at site:
 - a. Fresh waste- Nil
 - b. Legacy Waste- 19917.540 tons

Details of machines at site:

- a) 2 No. Trommel Machine for processing of legacy waste.
- b) 1 No. Vibrator Machine for segregation and sorting of fresh waste.
- c) 1 No. Shredder for RDF shredding.
- d) 1 Poclain, JCB, Tipper and Tractor for fresh and legacy waste.
- e) Weigh bridge and Bailing machine.

The waste processing activities observed during visit at site:

- a) During visit at site total of 14 workers, 2 contractor supervisor and 1 employee deputed by MC Solan were working at site.
- b) The fresh waste vehicles entering the site, were weighed, on the weigh bridge both before loading and after unloading.
- c) Vibrator for segregation fresh waste was operational.
- d) 1 trommel was operational for processing of legacy waste

1.3.2 Gaps

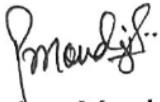
There is gap observed, regarding details of waste processed and RDF transferred, to the unit specific. MC Solan need to provide waste handling log books, verify the records and to prepare weight balance sheet on regular basis for fresh and legacy waste respectively.

The few of installed machines are not operational during visit and there is need to upgrade the installed machines such as shredder, bailing machine and conveyor belt to the material recovery facility is required to provide.

Observations:

MC Solan, has initiated the work for the processing and removal of legacy waste, as per the SOP/guidelines of the CPCB and as per SWM Rules, 2016. Whereas there are gaps and non-compliance observed as mentioned above. MC Solan has processed around 28,082 ton of legacy waste from the alleged site out to 48000 ton of legacy waste. There is around 19,918 ton of legacy waste remaining at the site.

The committee is in the view, that in compliance to the order passed by the Hon'ble NGT and gaps observed, the MC Solan, may be directed to take immediate corrective measures, as per the non-compliance observed w.r.t. Solid Waste management Rules, 2016 and submit the point wise action taken report.



Pradeep Moudgil
AEE, HPSPCB,
RO Parwanoo



Dr. Priyanka Chandra
Joint Commissioner,
MC Solan



Sanjay Kumar
Sub Divisional Magistrate,
Solan



H.P. STATE POLLUTION CONTROL BOARD

SCF- 6, 7, 8, Sec-4, Parwanoo, Distt. Solan (H.P.) 173220

Telefax- 01792-234081, Website: <http://hppcb.nic.in/>

3293-94

No. HPSPCB/ R.O. Parwanoo/ M.C. Solan / 2022 -

Dated: 16-03-2023

To

The Municipal Commissioner,
Solan, Distt. Solan.

Subject: Regarding/- Hon'ble NGT Order Dated 05th January, 2023 in OA No. 802 of 2022 titled as Karan Singh V/s State of HP.

Sir,

This is with reference to Hon'ble NGT Order Dated 05th January, 2023 in OA No. 802 of 2022 titled as Karan Singh V/s State of HP regarding dumping of solid waste causing release of toxic, noxious air and creating health hazards to the residents of Salogra. In this context, the joint inspection was conducted on 01.03.2023 (copy attached). During joint inspection following gaps were observed:

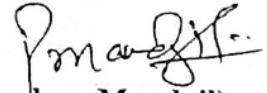
Sr. No.	Component	Gaps/Observations
1.	Solid Waste Handling	<p>The recovered waste is not being disposed regularly and the heaps of generated RDF observed at site. MC Solan, should explore the possibilities for the disposal of waste to cement plant located within the District</p> <p>The MC Solan should explore the possibilities to operate the existing compost pits at site, to generate the inhouse compost for raising the green buffer and to reclaim the land after processing and disposal of legacy waste.</p> <p>The source segregation needs to be improved by MC Solan, as arrival of the fresh mixed solid waste was observed at site.</p> <p>There is need to improve upon processing of legacy waste, as the wind rows are not found adequate and there is no enough space for the regular shuffling of the excavated legacy waste. The foul smell observed during inspection due to excavation of legacy waste.</p>
2.	Waste Monitoring, Leachate Handling and Sheet cover at Boundary wall	<p>The leachate pit needs to be covered and fenced and the source needs to be tapped properly.</p> <p>The Sheets at boundary wall, is found damaged at some places, and also need to extend its length and raise the height of sheet cover.</p>

3.	Record Maintenance, Machines status and activity observed during visit	<p>There is gap observed, regarding details of waste processed and RDF transferred, to the unit specific.</p> <p>MC Solan needs to provide waste handling log books, verify the records and to prepare weight balance sheet on regular basis for fresh and legacy waste respectively.</p> <p>The few of installed machines are not operational during visit and there is need to upgrade the installed machines such as shredder, bailing machine and conveyor belt to the material recovery facility is required to provide</p>
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In view of above and joint inspection committee you are hereby directed to take immediate corrective measures, as per the non-compliance observed w.r.t. Solid Waste management Rules, 2016 and legacy waste processing & disposal as per the Guidelines for Disposal of Legacy Waste (Old Municipal Solid Waste) available at <https://cpcb.nic.in/technical-guidelines/>). The point wise action taken report may kindly be submitted within the time period of 07 days, so that reply should be submitted to Hon'ble NGT in stipulated time period.

Encls: As above

Yours faithfully,



(Pradeep Moudgil)
Asstt. Environmental Engineer
HPSPCB, Parwanoo

No. HPSPCB/ R.O. Parwanoo/ AQPM/ 2667/ 20 21 -

Dated:

Copy forwarded to:

1. The Deputy Commissioner, Solan w.r.t. letter no. Accts.(LFA) O.A. No. 802/2022- 837 dated 21.01.2023 for kind information and

Asstt. Environmental Engineer
HPSPCB, Parwanoo

Registered Post

No.-UD-SLN (F)-SWM (2)-2020-2568
Office of the Municipal Corporation, Solan
Distt. Solan Dated: 31/4/23

From

Commissioner,
Municipal Corporation, Solan
Solan, Distt. Solan-173212

To

Er. Pradeep Moudgil
A.E.E HPPCB
R.O. Parwanoo



Subject: Regarding Hon'ble NGT Order Dated 05TH January 2023 in OA No.802 Of 2022 titled as Karan Singh V/s State of HP.

Sir,

The corrective measures taken in this regard are as under:

Sr. No.	Component	Gaps/Observations	Action taken
1.	Solid Waste Handling	<p>The recovered waste is not being disposed regularly and the heaps of generated RDF observed at site. MC Solan, should explore the possibilities for the disposal of waste to cement plant located within the District</p> <p>The MC Solan should explore the possibilities to operate the existing compost pits at site, to generate the in house compost for raising the green buffer and to reclaim the land after processing and disposal of legacy waste.</p> <p>The source segregation needs to be improved by MC Solan, as arrival of the fresh mixed solid waste was observed at site.</p>	<p>RDF was being lifted by the contractor till December 2022. It was not lifted in the months of January and February 2023 by the contractor. The contractor has started lifting RDF from dated 01-03-2023 through NEPRA under EPR as per the consent given by MC Solan on dated 14-02-2023.</p> <p>As per the agreement with the contractor M/s. Suntan Life, the wet waste is processed in a Bio Methanation Plant at Jatwad, thereby eliminating the need of compost pits. Plantation has been done at the site on the vacant space. Plantation and scientific landfill will be developed on the reclaimed land.</p> <p>Fresh orders have been issued to Sanitary Supervisors to ensure 100% source segregation and transportation in segregated manner. Meetings have been held with RWAs, Hotel Association and Market Association to sensitize them regarding source segregation. to create awareness among the citizens IEC is being done through pamphlets. MC Solan is also in process of distribution of blue and green dustbins to every household for source segregation.</p>

Pr
10/04/23
2023/4/10
S. J. H.

		There is need to improve upon processing of legacy waste, as the wind rows are not found adequate and there is no enough space for the regular shuffling of the excavated legacy waste. The foul smell observed during inspection due to excavation of legacy waste.	The contractor has been directed to prepare the windrows as per the norms and has been directed to ensure adequate spraying of deodorizer/bioculture to suppress the smell due to excavation of legacy waste.
2.	Waste Monitoring, Leachate Handling and Sheet cover at Boundary wall	<p>The leachate pit needs to be covered and fenced and the source needs to be tapped properly.</p> <p>The Sheets at boundary wall, is found damaged at some places, and also need to extend its length and raise the height of sheet cover.</p>	<p>The leachate pit has been fenced and source has been tapped properly. The tender for covering of pit has been floated and will be completed soon.</p> <p>The tender has been floated for damaged boundary wall and to extend the height of the sheet cover and will be completed soon.</p>

3.	Record Maintenance, Machines status and activity observed during visit	<p>There is gap observed, regarding details of waste processed and RDF transferred, to the unit specific.</p> <p>MC Solan needs to provide waste handling log books, verify the records and to prepare weight balance sheet on regular basis for fresh and legacy waste respectively.</p>	<p>As per the contractor M/s Suntan Life, in order to match the disposal of RDF with the excavation of legacy waste, the pace of excavation will have to be decreased to one third of the existing pace considering the synchronization capacity of sorters with shredder and the limited storage space for shredded RDF. Usually, the RDF movement continues even after the clearance of legacy waste and hence the commitment for clearance of legacy waste was made to be 31-05-2023 . As per the work awarded to M/s Suntan Life, the site will cleared of RDF within the time period i.e two years from the date of agreement (15-05-2022).</p> <p>Weigh bridge is already installed at site and the logbooks are prepared according to the computerized weigh slips generated and duly verified by MC officials on monthly basis for both fresh and legacy waste. Log books of outgoing wet waste, RDF and invoice of recyclable waste are attached. Weight balance sheet of fresh and legacy waste for the month of March 2023 is attached</p>
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	<p>The few of installed machines are not operational during visit and there is need to upgrade the installed machines such as shredder, bailing machine and conveyor belt to the material recovery facility is required to provide</p>	<p>All machines are being functional and are operated at different times in a day. The logbook of breakdown of machines is also maintained at the site. Conveyer belt has already been installed at site by the contractor. The directions have been given to the contractor to keep all machines functional.</p>
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The point wise action taken report is submitted for your consideration please.


Commissioner,
Municipal Corporation, Solan

No.-UD-SLN (F)-SWM (2)-2020-
Office of the Municipal Corporation, Solan
Distt. Solan Dated:



From

Commissioner,
Municipal Corporation, Solan
Solan, Distt. Solan-173212

To

Er. Pradeep Moudgil
A.E.E HPPCB
R.O. Parwanoo

Subject: Regarding Hon'ble NGT Order Dated 05TH January 2023 in OA No.802 Of 2022
titled as Karan Singh V/s State of HP and continuation thereof.

Sir,

In reference to letter No. UD-SLN(F)-SWM (2)-2020-2568 dated 03-04-2023 the date of clearance of legacy waste may be considered as 30-09-2023 in lieu of 31-05-2023, point No. 3.

— s/bl —

Joint Commissioner,
Municipal Corporation, Solan

Dated: 13/4/23

Endst. No. 2852

Copy to: The Deputy Commissioner, District Solan for kind information please.

P. Chandra

(Dr. Priyanka Chandra) HPAS

Joint Commissioner,

Municipal Corporation, Solan