



Environment (Protection) Act, 1986, "common municipal solid waste management facility" requires environmental clearance from State Level Environment Impact Assessment Authority (SEIAA).

- iv) The operating agency viz. M/s Noble Exchange Env. Solution applied for Environmental Clearance (EC) to SEIAA, Maharashtra, vide application dated 13.08.2015 and public hearing was conducted at Shivsonai Mangal Karyalaya, Ambiphata, Vill.Ambi, Taluka Maval, Dist. Pune, on 16.09.2015. Thereafter, the SEIAA granted environmental clearance vide letter no. SEAC-2015/CR 153/TC-2 dated 01.02.2016.
- v) The public notice for public hearing was published in newspapers on 15.08.2015 with respect to proposal received from M/s Noble Exchange Env. Solution, Pune for their proposed 300 MT/day biogas plant at Gat no. 443, Ambi, Taluka Maval, Pune, using food waste generated from PMC. The application for public hearing by M/s Noble Exchange Env. Solution, minutes of the public hearing and the environmental clearance dated 01/2/2016 granted also has a mention about the waste processing site in question (located at Survey No.48/2/1, Baner, Pune) along with the said Bio-methanation site at Gat no. 443, Ambi, Taluka Maval, Pune.
- vi) MPCB granted authorization No. BO/MSWA/B-5063 dated 02.12.2015 having validity till 31.12.2016 under Municipal Solid Wastes (Management and Handling) Rules, 2000 to M/s Noble Exchange Env. Solution to set up and operate crushing of food waste slurry at Survey No.48/2/1, Baner, Tal-Haveli, Pune for 300 MT/Day.
- vii) MPCB further granted authorisation no. BO/MSWA/B-1854 dated 04.05.2017 having validity till 21.12.2021 wherein the Municipal Commissioner, PMC was authorised to setup and operate waste processing/recycling/treatment /disposal facility at various sites including the plant in question located at Survey No.48/2/1, Baner, Tal- Haveli, Pune and M/s Noble Exchange Env. Solution as operating agency for crushing of food waste (300 MT/day).

- viii) The waste processing facility under question (at Survey No.48/2/1, Baner, Pune) has 3 lines each comprising of waste hopper (where food waste is unloaded from vehicles), conveyer belt for manual segregation and shredder under covered shed. The slurry is transferred to closed slurry storage tank (of capacity 240 KL) from where slurry is loaded through pipe to tankers for transportation to its Bio-methanation site at Ambi village, Taluka Maval, Pune.
- ix) The entire activities from hopper to shredding are carried in closed shed except hopper area which is open from front side. Five turbo ventilators have been provided to the said closed shed and the sucked air is passed through activated charcoal to control odour. To control odour release from the slurry storage tank, suction is maintained in the slurry storage tank and the sucked air is passed through activated charcoal followed by lime water and vented through roof top. Spraying of herbal fragrances through misting system has been installed across boundaries of the site.
- x) Water consumption is about 6.5 KLD and is procured through tankers. In addition to above, it was informed that waste water of about 500 litre per metric ton of waste being shredded is used during shredding/slurry preparation. The said waste water is transported through tanker from their Bio-methanation site at Ambi village.
- xi) Domestic effluent of about 2 KLD is treated in septic tank and overflow is connected to sewerage system of PMC directly through underground drainage. Floor wash effluent of about 1.5 KLD is also channelizing to the said sewerage system directly through underground drainage. The sewerage system is connected to Baner Sewage Treatment Plant. The plant does not possess Consent to Operate and is operating after obtaining authorisation from MPCB.
- xii) The drainage system for channelizing effluent to the said sewerage system has been commissioned in March 2019 (plant started its operation from

17/12/2015 and remained non-operational during July 17, 2017 to March 18, 2019).

- xiii) Segregation rejects such as plastic bags, bottle caps, plastic spoons, fabric material (dusting), etc. are generated about 10% of the food waste. The segregated rejects are being handed over to PMC.
- xiv) The plant is located in 1494 sq. m. having capacity to process 300 MT of food waste per day. The plant is designed to process food waste, however, in case vegetable waste is also received, the capacity gets reduced accordingly.
- xv) The plant started its operation from 17/12/2015 and continued till 16/7/2017 during which 5 -10 MT/day of waste was processed till June 2016 and thereafter about 100 MT/day till 16/7/2017. Thereafter, the plant was not in operation till 18/3/2019. It was informed that non-operation was due to sale related issues of gas generated by the company.

During mid-March 2019 (when the plant resumed operation) to May 2019, 5-20 MT/day waste was processed at the plant. Thereafter, 30-40 MT/day waste was processed in June, July and Aug 2019.

During September 2019, about 60 tons/day waste was processed. Waste quantities processed on the day of inspection and previous to that day are as below:

29<sup>th</sup>September, 2019 – 37.7 MT

30<sup>th</sup>September, 2019 (until 2.00 pm) - 8.9 MT

- xvi) The plant was found operational at the time of visit and spraying of herbal fragrances through misting system installed across the boundaries of the site was also found operational.

Though measures like misting/fogging and treatment of vent from shed and the slurry storage tank have been taken for odour control and may have controlled to an extent but officials of joint inspection felt prevalence of odour in and around the plant premises.

- xvii) Segregation rejects found being transported in open truck without any cover. Such open carriage may cause odour nuisance during their transportation also.
- xviii) Parking space has been provided at front side of the plant.
- xix) Side panelling with roof sheets to block the view of plant to outsiders has been done across boundaries of the site except in the front side. Further, the side panelling was also partly not done in one of the sides i.e part of West side in waste unloading area near the hoppers.
- xx) Bird netting over waste unloading area has been provided.

3. It is further submitted that the observations on factual aspects set out by the applicant in his application and the observations of the Committee on those points are as under:

- (i) **The waste processing plant has been installed at the slope of hillock.**

Surface winds may generally have high variability in directions with seasonal variations. Further, wind speed may be higher in summer as compared to winter season.

Though measures like misting/fogging and treatment of vent from shed and the slurry storage tank have been taken by the plant operator for odour control and may have controlled to an extent but officials of joint inspection felt prevalence of odour in and around the plant premises.

The plant started operation from 17/12/2015 and did not operate from July 17, 2017 to March 18, 2019.

- (ii) **PMC has informed that first Development Plan of Baner Balewadi was prepared in 2002 after the PMC limits were extended in 1997. No reservations were allotted till yet.**

For the reservations proposed by PMC including reservation of Garbage Processing Plant at survey no. 48, public hearing was carried out by PMC

and after considering suggestions and objections received, the planning committee of PMC submitted its report on 30/12/2004 to General Body of the PMC.

Thereafter, draft development plan was submitted to Govt. of Maharashtra for sanctioning by Hon. General Body, PMC vide resolution no. 368, dated 29/11/2005. The proposed development plan was sanctioned by Govt. of Maharashtra vide notification no. TPS- 1807/39/CR-1017/07/UD-13, dated 18/09/2008.

- (iii) **Provisions of 200 m away from Highways and Habitations; 20 km away from airports or airbase; requirement of no objection certificate from the civil aviation authority/Air Force for distance between 10 and 20 km away from the Airport/Airbase, etc. have been stipulated as Specifications for Sanitary Landfills under Schedule I of the Solid Waste Management Rules, 2016. Whereas the site under reference at Survey No.48/2/1, Baner, is a waste processing area.**

As measured from the Google Earth, the nearest residential apartment (DSK Vidyanagri Phase-II) is in North side at aerial distance of about 66 m from outer boundary wall of the plant. At East side of the plant, the residential apartment (Swadesh Green Hills Society) is at aerial distance of about 107 m from outer boundary wall of the plant. There are about 15 residential apartments within 200 m radius from centre of the plant. Google map showing the plant, roads and adjoining areas are given at Annexure R 3.9 of the said joint inspection report given at Annexure R3.

Guidelines on "Provisions of Buffer Zone around Waste Processing and Disposal Facilities" brought by CPCB in April 2017 and as amended in March 2019 stipulate with regard to separation distance that "Ideally, a distance of 500 meters from the boundary of the solid waste processing and disposal facility (sanitary landfill) should be maintained. However, on case to case basis, a distance of minimum 200 meters from the

solid waste processing and disposal facility (sanitary landfill) can be considered subject to the condition that such facility meets the stipulated standards prescribed by State Pollution Control Board with respect to ambient air as well as for stack emissions. The guidelines also recommended a minimum 10 metres green belt within and all around the facility along the boundary. Vegetation, shrubs, trees and berms with high density greenery can be incorporated into green belt within facility limits to serve as visual barriers and to reduce noise levels.

MPCB granted the first authorization to the plant operator is dated 02.12.2015 and environmental clearance (as mentioned in para 2 of the said joint inspection report given at Annexure R3) has been granted dated 01.02.2016.

**(iv) Slurry/leachate was not observed to be leaking.**

4. It is submitted that the Hon'ble NGT vide order dated 17/10/2019 directed the Committee to submit the clarification on the aspect of the proposal submitted by concessionaire, it is mentioned as being for 33MT/day biogas plant at Gat No. 443, Ambi, Taluka Maval, Pune using food waste generated from PMC, in the application for public hearing submitted by the Concessionaire, the waste food processing site in question as being located at 48/2/1 along with Bio-methanation site at Gat no. 443.

In compliance of the order dated 17/10/2019, the committee has submitted its clarification before this Hon'ble Court which is taken on record. The clarification given by the Committee is as under:

- (1) The complete project consists of two parts - (i) crushing & slurry preparation of organic waste received from Pune Municipal Corporation (PMC), and (ii) bio- methanation of the slurry for conversion into bio-gas. These two activities are carried out at two different sites.
- (2) The crushing & slurry preparation of organic waste received from Pune Municipal Corporation (PMC) is carried out at Survey No.48/2/1, Baner,

Pune. The slurry so obtained is transported from this site for conversion into bio-gas to the other site viz. Gat no. 443, Post- Ambi, Ambi-Nigade Road, Near Talegaon Dabhade MIDC, Taluka Maval, Pune.

- (3) The applicant's submission in their O. A. no. 34/2019(WZ) is related only to the former site Survey No.48/2/1, Baner, Pune, where the aforesaid part activities of the project is carried out, including that public hearing (which is part of environmental clearance granting process) was not conducted at Baner area as at para 9 of the said OA no. 4/2019(WZ). The public hearing was conducted at the bio-methanation plant area in Ambi village.
- (4) The notification no. S.O. 1533(E) dated 14.08.2006, notified by Ministry of Environment, Forest and Climate Change, with regard to prior environmental clearance lays down provisions of requirement of prior environmental clearance for new projects or activities listed in the schedule of the said notification. The said schedule read with paragraph 2 and 7 stipulate that common municipal solid waste management facility requires environmental clearance from SEIAA.
- (5) During the process of granting environmental clearance by the SEIAA, Maharashtra, the aforesaid project was considered under 7(i)-B1 category of Schedule of the said notification requiring public consultation. The State Level Expert Appraisal Committee, while approving the project for the TOR for preparation of EIA report, recommended that the EIA study should involve Baner site also in addition to the Talegaon Site.
- (6) The project proponent i.e. M/s. Noble Exchange Env. Solution approached MPCB for conducting public hearing along with draft EIA report. The said draft EIA report includes details of both the sites viz. Survey No.48/2/1, Baner, Pune and Gat no. 443, Post- Ambi, Ambi-Nigade Road, Near Talegaon Dabhade MIDC, Taluka Maval, Pune, where crushing & slurry preparation of organic waste and conversion of the slurry into bio-gas were proposed respectively.
- (7) Public notice for public hearing was published in newspapers on 15.08.2015 citing that a proposal for public hearing from M/s Noble

Exchange Env. Solution, Pune has been received for their proposed 300 TPD biogas plant using food waste generated from Pune Municipal Corporation area at Gat no. 443, Village Ambi, Taluka Maval, Pune.

- (8) The public hearing was conducted on 16.9.2015 near to the bio-methanation plant viz. at Shivsonal Mangal Karyalaya, Ambiphata, Vill.Ambi, Taluka Maval, Dist. Pune.
- (9) The respondent Board submits the relevant provisions with regard to procedure for conduct of public hearing as stipulated under Appendix IV of the said notification S.O. 1533(E) dated 14.08.2006 are reproduced as below:

**APPENDIX IV**  
(see paragraph 7)

**PROCEDURE FOR CONDUCTING OF PUBLIC HEARING**

1.0 The Public Hearing shall be arranged in a systematic , time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District-wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

2.0 The Process :

2.1 The Applicant shall make a request through a simple letter to the Member Secretary of the SPCB or the Union Territory Pollution Control Committee (UTPCC), in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is covering more than one District , State or Union Territory in which the project is located and the applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure,

2.2 ....."

- (10) The respondent Board submits that Minutes of the public hearing mention about both the sites viz. the waste processing site in question at Survey No.48/2/1, Baner, Pune as well as the other site at Gat no.

443. Ambi, Taluka Maval, Pune along with activities at both the respective sites.

Thereafter, the environmental clearance was granted to the project by SEIAA Maharashtra vide letter no. SEAC-2015/CR 153/TC-2 dated 01.02.2016. The SEIAA has informed that the said environmental clearance has been granted for both the sites viz. at Talegaon and Baner.

- (11) The committee during inspection of the Baner site (viz. Survey No.48/2/1, Baner, Pune) on 30/9/2019 found that crushing of food waste activities, as proposed in the project proposal, were being carried out at the site and bio-methanation activities are not being carried out at Baner site . The plant operator informed that bio-methanation activity is carried out at the other site at Gat no. 443, Ambi, Taluka Maval, Pune as proposed in the project proposal.
- (12) It is submitted that the conclusions of the Committee are as under:
- a) The concessionaire's project is common Municipal Waste Management Facilities and is considered under 7(i) B1 requiring public consultation also during processing of grant of environmental clearance.

The project consists of two parts - (i) crushing & slurry preparation of organic waste received from Pune Municipal Corporation (PMC), and (ii) bio-methanation of the slurry for conversion into bio-gas. These two activities are carried out at two different sites. The crushing & slurry preparation of organic waste received from Pune Municipal Corporation (PMC) is carried out at Survey No.48/2/1, Baner, Pune. The slurry so obtained is transported from this site for conversion into bio-gas to the other site viz. Gat no. 443, Post- Ambi, Ambi-Nigade Road, Near Talegaon Dabhade MIDC, Taluka Maval, Pune.

- b) The applicant's submission in their OA no. 34/2019(WZ) is related only to the former site Survey No.48/2/1, Baner, Pune, where the aforesaid part activity of the project is carried out, including that of a public hearing (which is a part of environmental clearance granting process) was not conducted at Baner area as submitted at para 9 of the said OA no. 34/2019(WZ). The public hearing was conducted near to the bio-methanation plant area at Ambi village and the environmental clearance has been granted for both the facilities i.e. Survey No.48/2/1, Baner Pune (where the part activity comprising of crushing & slurry preparation of organic waste received from Pune Municipal Corporation (PMC)) as well as Gat no. 443, Post- Ambi, Ambi-Nigade Road, Near Talegaon Dabhade MIDC, Taluka Maval, Pune (where bio-methanation of the slurry obtained from the Baner site is converted into bio-gas).
- c) As per Appendix IV of the notification S.O. 1533(E) dated 14.08.2006 related to requirement of prior environmental clearance, in case the project site is covering more than one District, the public hearing is mandated in each District. In present case both the sites of the project are in Pune District and the public hearing was conducted near to the bio-methanation plant area in Ambi village in Pune District.
- d) However, public notice issued for the public hearing does not specifically mention about the said Baner site. The public notice for public hearing published in newspapers on 15.08.2015 cited that a proposal for public hearing from M/S Noble Exchange Env. Solution, Pune has been received for their proposed 300 TPD biogas plant using food waste generated from Pune Municipal Corporation area at Gat no. 443, Village Ambi, Taluka Maval, Pune.
- e) Application for conducting public hearing and minutes of the public hearing has a mention about both the sites viz. the waste processing site in question at Survey No.48/2/1, Baner Pune as well as the other bio-methanation site at Gat no. 443, Ambi,

Taluka Maval, Pune along with activities at the respective sites. The environmental clearance to the project, vide letter no. SEAC-2015/CR 153/TC-2 dated 01.02.2016, has been granted for both the sites.

- f) During inspection of the Baner site (viz. Survey No 48/2/1, Baner, Pune) on 30/9/2019, it was found that crushing of food waste activities, as proposed in the project proposal and mentioned in the environmental clearance, were being carried out at the site and bio-methanation activities are not being carried on the said site. The plant operator informed that bio-methanation activities are carried out at the other site i.e. at Gat no. 443, Ambi, Taluka Maval, Pune as proposed in the project proposal and mentioned in the environmental clearance.

For and on behalf of Respondent-  
Board

( Dr. J. B. Sangewar )  
Regional Officer, MPCB – Pune

Date – 21/09/2020  
Pune

