

**BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI PRINCIPAL
BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 199 OF 2014

IN THE MATTER

**ALMITRA H. PATEL & ORS.
VS
UNION OF INDIA & ORS.**

**APPLICANTS
RESPONDENTS**

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(Mantu Kumar Choudhury)
Scientist-'D'

Central Pollution Control Board

Delhi
December 02,2014

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AFFIDAVIT ON BEHALF OF THE CENTRAL POLLUTION CONTROL BOARD, PARIVESH BHAWAN, CBD-CUM-OFFICE COMPLEX, EAST ARJUN NAGAR, DELHI - 110032, IN COMPLIANCE OF THIS HON'BLE TRIBUNAL'S ORDER, DATED 03.11.2014 IN THE ABOVE MATTER.

1. I, ShirMantu Kumar Choudhury working as Scientist -D in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi - 110032 do hereby solemnly affirm and declare as under:
2. That I, in the **capacity** of the Scientist-D of the Central Pollution Control Board (CPCB), am fully conversant with the facts of the case and hence competent to swear this affidavit.
3. That this Hon'ble Tribunal on 03.11.2014 passed an order that;

"We make it clear that every SPCBs/PCCs of this country shall file such report to the CPCB within two weeks from today after receipt of the copy of this order. And after receiving such Status reports, the CPCB shall present the same with a comprehensive report before the Tribunal on the next date of hearing so as to enable the Tribunal to pass further orders. And we have given two weeks time to the SPCBs/PCCs for the reason that as per the Statutory rules the SPCBs/PCCs should have filed such reports even by the end of 15th of September, 2014. Therefore, we make it clear to every State Boards to comply with the such requirement within the time granted by this Tribunal"

In compliance to above order of the Hon'ble Tribunal, the Central Pollution Control Board (CPCB) on 12th November, 2014 followed up with all State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) to forward the Annual Report for the year 2013-14 as per rule 8(1) regarding implementation of the MSW Rules, 2000 as specified in section 8(1) of the rules to the Central Pollution Control Board by 20th November, 2014 (**ANNEXURE-I**).

In compliance to the rule 8 of the Municipal Solid Waste (Management and Handling) Rules, 2000, the Central Pollution Control Board has been regularly following up with the SPCBs/PCCs for submission of the Annual Report of 2013-14 vide letter dated 7th May, 2014, 15th July, 2014, 22nd September, 2014 and 12th November, 2014. The copies of letters are placed at **ANNEXURE-II**.

4. The Hon'ble NGT has in its order dated November 3, 2014 further directed that;

"Each of the State Governments shall also file their time bound action plan for the purpose of implementing the Municipal Solid Waste Management and Handling rules before the Tribunal. We also make it clear that CPCB after receiving reports from each of the SPCBs/PCCs, such reports shall also be forwarded to this Tribunal along with its comments in the form of a chart".

In compliance to the above order, the Chairman, Central Pollution Control Board communicated the Order of Hon'ble NGT to all Chief Secretaries of the States/UTs on 19th November, 2014 with a request to submit a time bound action plan and Annual Reports on implementation of the Municipal Solid Waste (Management and Handling) Rules, 2000 and direct the concern state Authorities for the same. The copy of the letter is placed at **ANNEXURE-III**.

5. It is humbly submitted that the Central Pollution Control Board issued Directions vide letter dated 10.11.2014 to all State Pollution Control Boards/Committees under section 18 (1) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 as under;

- I. The SPCB/PCC shall issue Directions to all municipal authorities for implementation of the Municipal Solid Waste (Management and Handling) Rules, 2000 in the State/UT.
- II. The State Pollution Control Board/Committee shall monitor compliance of the standards regarding Groundwater, ambient air, leachate quality and the compost quality including incineration standards as specified under schedule II, III and IV of the said rules.
- III. The state Pollution Control Board/Committee shall issue directions to all municipal authorities for furnishing Annual report in Form-II on or before 30th June every year.
- IV. The State Pollution Control Board/Committee shall ensure submission of the Annual Report with regard to implementation of the Municipal Solid Wastes (Management and Handling) Rules, 2000 in the state/UT as per the Rule 8 (1) specified in the Rules to Central Pollution Control Board by the 15th of September every year in Form IV. The Annual Report shall also reflect vital information on (i) the quantity of MSW generation, collection, treatment and disposal, (ii) the number of treatment and disposal facilities, (iii) the details of treatment and disposal facilities established, operational, under planned, etc.

The copy of the Direction letter is placed at **ANNEXURE-IV**. It is also humbly submitted that the central pollution control board is yet receive the compliance status SPCBSs/PCCs on the Direction issued by CPCB.

6. It is humbly submitted that there are total 35 State Pollution Control Boards/ Pollution Control Committees including the recently constituted "Telangana State Pollution Control Board". Out of 35 SPCBs/PCCs, the Central Pollution Control Board has received Annual Reports from 25 SPCBs/PCCs as on 30th November, 2014. The Annual Reports from remaining 10 SPCBs/PCCs (Assam, Daman & Diu, Delhi, Jammu & Kashmir, Jharkhand, Karnataka, Lakshadweep, Tamil Nadu, Uttar Pradesh and Telangana) are still awaited. The status of Annual Reports received from SPCBs/PCCs is enclosed at **ANNEXURE-V**.
7. It is also submitted that the Central Pollution Control Board has consolidated the Annual Reports received from the 25 SPCBs/PCCs and compiled in the form of "**Consolidated Annual Review Report**" which is being submitted to the Central Government in compliance to the rule 8 (2) of the MSW (Management and handling) Rules, 2000. The "Consolidated Annual Review Report: 2013-14" is enclosed at **ANNEXURE-VI**.
8. It is also to humbly submit that Central Pollution Control Board from the inception of the MSW Rules, 2000 has been submitting Annual Report every year to the Ministry of Environment, Forest and Climate Change (Central Government) highlighting the observations and recommendations for proper implementation of the MSW Rules. The recommendations placed before the Central Government for the last 03 years are given in **ANNEXURE-VII**.
9. It is further humbly submitted that CPCB has not received any time bound action plan for implementation of the MSW (Management and Handling) Rules, 2000 from any State Governments/ UT Administrations with reference to letter written by Chairman, CPCB to Chief Secretaries of States and Administrators of UTs. Therefore, no chart as directed by the Hon'ble Tribunal could be prepared.
10. Amongst the several recommendations given by CPCB in the past, CPCB hereby humbly submitted following actions and recommendations for considerations;
 - I. Every Municipal Authority to carry out quantification and characterization of MSW being generated in the city/town.
 - II. There is need that Municipal Authorities to prepare an Action Plan to initiate time bound actions to comply with the provisions of the MSW Rules relating to door to-door collection, segregation, storage, transportation, processing and disposal of waste. Such plan needs to be placed in public domain and duly notified for its accomplishment by the State Government.
 - III. That, due to non-availability of land/sites for disposal of MSW including dumping (as landfilling) and are not likely to be available in future, the ULBs are facing difficulties in identification of landfill sites. Under these circumstances, each local body will have to

target for 'No waste' or 'Zero waste' system. This would require utilization of maximum waste (Biodegradable and other utilizable wastes) by adopting suitable processes to recover manure value, energy, etc. The remnant to a maximum extent be utilized for manufacturing of bricks/tiles, road construction, etc. Possibilities of utilizing MSW in the form of RDF in industries like cement can also be attempted following proper business model for ensuring sustenance of such waste processing plants.

DEPONENT

VERIFICATION:

Verified at Delhi on this 02nd day of December, 2014 that the contents of the above affidavit are correct to the best of my knowledge and belief and nothing has been concealed therein.

DEPONENT