

AHP 29.04.15

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT DELHI

O.A. No. 199 OF 2014

IN THE MATTER OF:

Almitra H. Patel

...Applicant

Vs

Union of India and Ors.

...Respondents

WRITTEN SUBMISSIONS AND SUGGESTIONS

ON BEHALF OF THE APPLICANT ON THE ORDER DATED 30.03.2015

1. The Applicant submits the following response to the Order OF THE Hon'ble Tribunal dated 20.03.2015 and the Directions (D1 to D20) and seeks their clarification or confirmation as invited in Direction 16:

- a. D1, CLUSTER APPROACH: This is a good idea for remnants needing landfilling at a common shared point.
- b. D2, D4 and D5 (RDF AT KARNAL CLUSER): Certainly such projects commenced should be completed as planned and operated optimally.
- c. D3 (CUMULATIVE READING OF ORDERS IN OA No. 40 [THC]/2013, OA No. 199/2014 AND THE REPORT BY THE STATE OF HARYANA): Certainly "all authorities shall ensure proper collection, treatment and disposal of MSW, while fully protecting the environmental interest." However, one model cannot suit all, so it is not necessary, advisable or even possible that, "read in conjunction", all of these Orders "shall operate fully" throughout every State and UT, especially because countrywide, in every State and UT, the Nagar/Town Panchayats and Small Towns number between 63% and 88% of their total numbers of census towns.
- d. D6: Not just Haryana and its Karnal cluster but every census town in the country should follow this Direction to "collect municipal solid waste in a

segregated from right at the point of collection" and people should "provide dry and wet municipal solid waste separately".

- e. D7: This Direction that MSW "so collected shall be transported... separately and in different containers/vehicles" is most important and the single key to enable compliance with MSW Rules 2000 Sch II 5 for "biological processing for stabilisation of [biodegradable] wastes" and recycling of "recoverable resources". The applicability of this Direction 7 to each and every census town should be emphasised, not just to Corporations.
- f. D8: It is good that plastics in particular "shall be further segregated into recyclable and un-recyclable" fractions with the latter if possible "used for the purposes of construction of roads or such allied activity". However, it needs to be clarified that these fractions need not and should not travel to cluster points as their purchase and use always happens in or near the town of origin.
- g. D9, D10, D15, D17: The Applicant agrees with these suggestions.
- h. D11: It is good that "first effort should be for composting of wet waste". It needs to be clarified that wet waste need not necessarily be transported to the cluster point, although its coarser RDF fraction may optionally be sent there if required. The wet waste should be processed as close to the point of generation as possible (e.g. hotel waste for biogas to its kitchen). Preferably, wet waste should not at all be transported long distances to the cluster point since its direct use for incineration is wisely banned as per Direction 7.
- i. D12: The Applicant appreciates the directions of this Hon'ble Tribunal. All food packaging should either be recyclable or follow the good Chhattisgarh EPR (Extended Producer Responsibility) policy proposed to the Hon'ble Tribunal which all can follow. Other similar waste minimisation suggestions are spelt out in Annex. M to I.A. No. 22 in W.P. (C) No.

888/1996 which was filed before the Hon'ble Supreme Court, and is now before this Hon'ble Tribunal for consideration.

j. D13: The Hon'ble Tribunal apprehends that "In the rapidly developing towns and cities of Haryana it will not be possible to comply with these restrictions if we direct decentralisation of such plants". The State of Haryana is one of our most urbanised States.

2. However, it is noted with gratitude that the Hon'ble Tribunal has not specifically banned decentralisation, which is a very widely practiced countrywide, especially in the smaller urban centres that constitute three-fourths of our census towns. It is also being practiced increasingly in the form of home composting and community composting in large cities like Trivandrum and Bangalore which have lost their traditional waste "management" sites due to mismanagement of exponentially-increasing waste volumes. Cities like Pune since many years have required vermi-composting space to be planned for and constructed in all new apartment complexes as a condition of building-plan sanction. Now many States and many other cities are requiring their Bulk Generators of waste like hotels and party halls, malls and gated communities, to manage their wastes on-site in a decentralised manner.
3. Therefore, it is prayed that the Hon'ble Tribunal may be pleased to modify this Direction 13 to state that waste management as close to the site of waste generation as possible is the preferred location if acceptable to the majority of the public, that urban local bodies should attempt to manage their waste as far as possible within their own territorial limits, and only in case of the largest towns or most urbanised regions like Greater Mumbai or NCT should towns and cities impose their waste on nearby villages. It may further direct that to avoid excessive pollution potential at many village locations, cluster management.

4. D14: The Applicant appreciates the direction of this Hon'ble Tribunal. However, settings standards for dioxins and measuring them is a very and costly process. It would be instead be beneficial to ban short-life use-and-throw PVC plastic items as this chlorinated polymer (PolyVinyl Chloride) is the main producer of dioxins. Reference may be made to Annex. Q of the I.A. No. 22 in W.P. (C) No. 888/1996 which was filed before the Hon'ble Supreme Court, and is now before this Hon'ble Tribunal for consideration. For the sake of convenience, the said Annex. Q is also annexed herewith.

5. Applicant has no comments on Directions 15 to 20 and has separately submitted her views on currently un-recyclable metallised multilayer packaging invited in the Order dated 20.03.2015.

**PRAYER**

In light of the facts and circumstances narrated, it is respectfully prayed that this Hon'ble Tribunal be graciously pleased to:

- a. Consider the suggestions of the Applicant set out herein above;
- b. Pass any other order(s) which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case.

AND FOR THE ABOVE ACT OF KINDNESS THE APPLICANT AS IS DUTY BOUND SHALL  
EVER PRAY.

**FILED BY**

**(M/S KARANJAWALA & CO.)  
ADVOCATES FOR THE APPLICANT**

**NEW DELHI  
29.04.2015**