

OF

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

O.A. No. 199 OF 2014

IN THE MATTER OF:

ALMITRA H PATEL

APPLICANT

VS

UNION OF INDIA AND ORS

RESPONDENTS

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NATIONAL GREEN TRIBUNAL
NEW DELHI
DY. No.: 4629/2015
DATE: 07.09.15
Sign. of receiving of officer: [Signature]

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**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
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**COLLECTIVE REPLY ON BEHALF OF THE APPLICANT TO THE
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ORDER DATED 13.07.2015 PASSED BY THIS HON'BLE TRIBUNAL**

MOST RESPECTFULLY SHOWETH:

That this Hon'ble Tribunal vide its order dated 20.08.2015 permitted the Applicant in OA199/2014 to file a collective response to the affidavits of the Respondents filed pursuant to the order dated 13.07.2015 passed by this Hon'ble Tribunal and to also make some suggestions in regard to the manner in which Municipal Solid Waste should be collected, dealt with and disposed. Accordingly the Applicant states and submits as under :

**I. SUMMARY OF KEY POINTS IN AFFIDAVITS OF
RESPONDENTS IN OA 199/2014:**

**THE COUNTRY STILL CONTINUES WITH OPEN DUMPING
DESPITE ORDERS OF THE HON'BLE COURT AND HON'BLE
TRIBUNALS**

- A. That the Applicant submits that the Applicant is annexing herewith as **ANNEXURE- A** which is a table summarizing, from the responses of Respondent States and Union Territories, their status of segregation at source, doorstep collection, composting / vermicomposting / biogas and of open dumping. It is respectfully submitted that there is hardly any improvement from the status

reported by Central Pollution Control Board (hereinafter referred to as 'CPCB') on 3.12. 2015 in its Annexure VI schedules.

It shows that over **82% of waste countrywide continues to be open dumping.**

Hence the Applicant prays for the Direction 1 as set out hereinafter under paragraph II (1).

OPEN DUMPING SHOULD BE REPLACED WITH WASTE STABILIZATION OPTION

- B. The compilation also shows that **door-to-door collection is only 20%** while **source segregation is only 6%**, indicating the near-total absence of either collection of unmixed wet and dry wastes or separate transportation of these biodegradable and recyclable fractions to the separate destinations required for these fractions. Enforcement of collection of source-segregated wastes and their unmixed transport will achieve compliance with **Schedule II (5) of the MSW Rules which requires that "Municipal authorities shall adopt suitable technology or combination of such technologies to make use of wastes so as to minimize burden on landfill"**.

It is for this reason that the Applicant requests this Hon'ble Tribunal to very strictly direct an immediate end to open dumping and its immediate replacement, at the same site or any other, by "biological stabilizing of [biodegradable] waste" which is the law of the land and mandatory as per Schedule II 5 (i) of the MSW Rules 2000.

WASTE STABILIZATION OPTION

The Hon'ble Supreme Court in its Order dated 28.7.1997 in WP(C) 888/96, three years before the MSW Rules were framed, already directed all Respondents therein, i.e. the various States to consider waste sanitizing option. It is submitted that Annexure B and C in the Applicant's original interim application being IA No.22/2011 renumbered as MA No.843/2015 before this Hon'ble Tribunal, respectively explain and describe waste sanitizing /stabilizing in detail and cite the Hon'ble Supreme Court's Order dated 28.7.1997 and the Applicant craves leave to rely upon the same at the time of arguments.

Biodegradable waste, whether mixed with plastics etc or not, when piled in large airless heaps, releases highly polluting leachate liquid which irreversibly contaminates groundwater for several kilometres around large dumps and makes open wells and borewells totally unusable for drinking and even agriculture. Such airless heaps, devoid of oxygen, also release methane, a greenhouse gas.

The same mixed waste, when unloaded in an orderly fashion in long parallel heaps called wind-rows, can be turned weekly for four or five times to expose all parts to air. Then the waste stops releasing leachate or methane and is called "stabilised", like fallen leaves on a forest floor. The heaps need to be kept moist, preferably with addition of a 5% solution of fresh cowdung, to speed up the digestion of cellulose in the food waste. The only immediate change needed is orderly unloading akin to parking-lot management, to enable four weekly turnings.

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This stabilised waste is invariably the first step in either feeding to earthworms for vermi-composting, or feeding to sieves to remove plastics etc before enriching and bagging the stabilised waste for sale to farmers as compost conforming to FCO standards.

Even if Urban Local Bodies (hereinafter referred to as **ULBs**) do not proceed to the composting stage, stabilizing of mixed waste is sufficient to comply with the MSW Rules Schedule II Item 5 and 6. Of course the plastic, rags, and other mixed waste will remain within the stabilised organic mass as they do even now in airless open dumps of mixed waste, but at least the generation of leachate and methane will stop. Farmers will on their own do coarse manual screening-out of unwanted if they are allowed free access (as at Pune) or at nominal charge (as at Solapur) to stabilised waste for their own use as soil enricher.

II. SUGGESTIONS FOR MSW MANAGEMENT:

The Applicant states and submits that MA No. 843 of 2015 was transferred from the Hon'ble Supreme Court of India to the Hon'ble National Green Tribunal (NGT) for disposal of Prayers pending since 2011. It was earlier numbered IA No. 22 of 2011 in WP(C) No. 888/1996. The Applicant, who was Petitioner in WP(C) 888 of 1996, would usually, as desired by the Hon'ble Supreme Court for clarity, submit to it from time to time at every hearing the suggested wording of the Directions Sought for various Prayers.

The Applicant in OA199 of 2014, to which MA No. 843 of 2015 is connected, accordingly spells out similarly for the convenience and clarity of this Hon'ble Tribunal the following Directions Sought in MA No. 843/2015 :

DIRECTIONS AS SOUGHT IN THE MA NO. 843/2015 :

1. Open dumping of unprocessed mixed waste in heaps, whether or not compacted and leveled with or without soil cover, shall be stopped forthwith as this is in violation of the MSW Rules 2000 Schedule II Item 6. Instead, starting immediately, all waste containing an organic fraction currently being dumped shall be Biologically Stabilised even at existing locations as required in MSW Rules Sch II para 5 (1). [**PRAYER 2 @ PAGE 38 OF MA NO.843/2015**]. The details of such Biological Stabilising are spelt out in Annexure B of MA 843/2015 which was endorsed by the Hon'ble Supreme Court vide its order dated 28.07.1997 (Annexure C of MA 843/2015). The compliance will entail only organized unloading of daily waste in wind-rows (long parallel heaps of max 2.5 meter height) which need four weekly turnings to stabilize them and prevent the generation of leachate and methane. All ULBs may also process any waste containing biodegradable fraction by "composting, vermicomposting, anaerobic digestion or any other appropriate biological processing for stabilization of wastes" as required under MSW Rules 2000 Schedule II Item 5 (i).
2. All States and Union Territories shall urgently declare Buffer Zones of No New Development around all their existing and proposed

waste processing sites and landfill sites, restricting any residential, commercial or any other construction activity within at least 100 meters from the outer boundary of such sites. [**PRAYER 3 @ PAGE 39 OF MA NO.843/2015**]. A Buffer Zone is a requirement as per MSW Rules 2000 Schedule III Item 9 for landfill sites but is even more important for waste-processing sites to protect them from protest and closure by neighbours. All existing or proposed and notified waste processing and disposal sites shall be incorporated in all Town Planning Department land use plans along with their Buffer Zones for which dimensions and guidelines for permissive use shall be prescribed by the State Environment Impact Assessment Authority (SEIAA) or State Pollution Control Board or Pollution Control Committee on a case by case basis but not less than 100 meters and notified by the concerned Local Government.

The Applicant prays that thought shall be given to formulate policies to suitably compensate those villages hosting waste-processing and/or disposal sites and those land-owners falling within mandatory irreversible Buffer Zones.

3. All ULBs shall ensure that Central and/or State funding for solid waste management shall be applied as a first priority for statutory end-point stabilizing, processing and disposal of biodegradable waste before funding any upstream aspects of waste handling. [**PRAYER 4 @ PAGE 39 OF MA NO.843/2015**].

4. No "Tipping Fee" or any similar payment shall be made for acceptance of untreated waste. Payment if any shall be made only as a Support Price based on the processing output produced, such as stabilised soil enricher, compost, biogas or RDF (Refuse Derived fuel) or for a maximum 20% of post-processing rejects going to a scientific engineered landfill. [**PRAYER 4 @ PAGE 39 OF MA NO.843/2015**].

5. The Ministry of Environment, Forests and Climate Change (MoEFCC) shall directly or through the Central Pollution Control Board and/or Bureau of Indian Standards and/or mandatory Ecomarks enact suitable legislation and Rules to Minimise Packaging Waste and Polluting Substances, to keep them out of products that ultimately affect the environment, such as by statutorily limiting the mercury content of lamps/luminaires, the phosphorus content of detergents, soaps and washing powders, the heavy-metal content of paints, pigments and toys, and by phasing out the use of short-life PVC products, banners and the like. [**PRAYER 5 @ PAGE 39 OF MA NO.843/2015**]. They shall also enforce EPR (Extended Producer Responsibility) for hard to recycle or currently non-recyclable packaging such as expanded polystyrene, composites, metallised multifold sachets/pouches and non-compostable products like disposable diapers and sanitary napkins, either by requiring take-back or through mandatory full-cost funding of waste-processing of such products.

III. SUGGESTIONS FROM APPLICANT'S SUBMISSIONS DATED 19 & 20 MAY 2015

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6. The Cluster Approach shall primarily be only for ultimate disposal of remnants and for RDF only.
7. The Nagar Panchayats and Small Towns, which number between 63% to 88% of total census towns in each State, shall compost their wet waste within their town limits only.
8. The Energy Balance calculations shall be mandatory before approving waste-to-energy options like biomethanation, P2F (Polymer To Fuel), or mass-burn / incineration (while excluding raw wet waste and recyclables) as solutions for waste disposal.
9. The Applicant prays for Phasing out short-life PVC especially banners and hoardings to prevent dioxins.
10. The Applicant prays that this Hon'ble Tribunal be pleased to ensure fully-recyclable packaging or Extended Producer Responsibility, especially for multi-layer sachets and pouches.

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NEW DELHI

04.09.2015

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IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

O.A. NO. 199 OF 2014

IN THE MATTER OF:

ALMITRA H. PATEL & ANOTHER

...APPLICANT

VERSUS

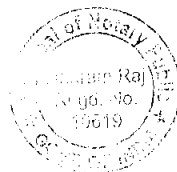
UNION OF INDIA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Almitra H. Patel, W/o Hoshang C Patel, aged 83 years, R/o 50 Kothnur, Bagalur Road, Bangalore – 560 077, do hereby solemnly affirm and state as under:-

1. That I am the Applicant in captioned application and am well conversant with the facts and circumstances of the present case and as such am competent to depose by way of this affidavit.
2. That I have read the contents of the present reply which have been drafted under my instructions and state that all the facts stated therein are true and correct to the best of my knowledge and belief.
3. That the annexures annexed to the instant application are true copies of their respective originals.



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~~Attested~~ 10

DEPONENT

VERIFICATION

Verified that the contents of the above mentioned affidavit are true
And correct to the best of my knowledge and belief. Nothing false has
Been stated therein and no material fact has been concealed therefrom.

Verified at _____, on this _____ day of _____ 2015
- 5 SEP 2015

Attested
DEPONENT

~~ATTESTED~~
NOTARY PUBLIC
DELHI (INDIA)

- 5 SEP 2015



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ANNEXURE A: SWM Open Dumping All India 2015, from All Responses & CPCB Report dated 3.12.2014

| States and UTs | # of ULB / cities | Segregation | Door to Door Coll | Compost | Vermi-compost | Biogas / WTE | Open Dumping of mixed waste |
|----------------------|-------------------|---------------|-------------------|------------|---------------|--------------|-----------------------------|
| Andaman Nicob | 572 islands | | | Nil | | | 572 |
| Andhra Prades | 110 | 3 | 68 | 42 | 18 | | 50 |
| Arunachal Prad. | 29 | | | 1 | P | | 28 |
| Assam | 95 | | | 1 | 1 | | 94 |
| Bihar | 140 | | 28 | Nil | Nil | | 140 |
| Chandigarh | 1 | | P | Nil | Nil | | 1 |
| Chhattisgarh | 169 | | | 4 | Nil | | 165 |
| Dadra & Nagar H | 1 | Nil | Nil | Nil | Nil | | 1 |
| Daman & Diu | 3 | | | Nil | Nil | | 3 |
| Delhi | 5 | 4 | 2 | 1 | Nil | 1WTE | 3 |
| Goa | 14 | 4 | | 14 | 73 | | |
| Gujarat | 167 | 10 | 165 | 40 | 38 | | 89 |
| Haryana | 79 | 0 | | 6 | 1 | | 72 |
| Himachal Prades | 56 | 56P | | 12 | Nil | | 44 |
| Jammu Kashmir | 36 | | | INR | INR | | 36 |
| Jharkhand | 41 | | 3 | INR | INR | | 41 |
| Karnataka | 264 | | | INR | INR | | 263 |
| Kerala | 65 | | | 30 | 9 | | 26 |
| Lakshadweep | 78 | INR | | INR | INR | | 78 |
| Madhya Pradesh | 378 | 6 | P | 7 | 2 | | 369 |
| Maharashtra | 269 | 132 | 63% | 62 | 35 | | 172 |
| Manipur | 28 | | 2 | 2 | NIL | | 26 |
| Meghalaya | 11 | 1 | 3 | 1 | 1 | | 9 |
| Mizoram | 33 | 0 | | NIL | NIL | | 33 |
| Nagaland | 25 | 1 | 1 | 1 | 1 | | 23 |
| Orissa | 110 | 4 | 56 | 1 | 4 | | 105 |
| Puducherry | 25 | 0 | 4 | NIL | NIL | | 25 |
| Punjab | 163 | 0 | | 4 | 1 | | 158 |
| Rajasthan | 190 | | | 5 | 1 | | 184 |
| Sikkim | 7 | 1 | 1 | 2 | 1 | | 4 |
| Tamil Nadu | 664 | | 78% = 515 | 471 | P | | 193 |
| Telangana | 68 | 11 +57 partly | 68 | 10 | 10 | | 48 |
| Tripura | 20 | 0 | 1 | 1 | 2 | | 17 |
| Uttarakhand | 68 | 3 | | 0 | 0 | | 68 |
| Uttar Pradesh | 630 | | | 14 | INR | | 616 |
| West Bengal | 127 | P | 35 | 8 | 7 | | 112 |
| Total Numbers | 4741 | 293 | 952 | 740 | 205 | 1 | 3882 |
| Total percent | 100% | 6% | 20% | 15% | 4% | 0% | 82% |

INR = Information Not Recd by CPCB

P = Partially done