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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO.199 OF 2014**

**IN THE MATTER OF:**

ALMITRA H. PATEL & ORS.

APPLICANTS

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

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22.10.2016

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**SUMMARY OF THE PRAYERS OF THE APPLICANT IN OA 199/2014  
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HEARING ON 24.10.2016**

For the convenience of this Hon'ble Tribunal, the Applicant reiterates the four prayers being prayers No 2 to 5 in the Interim Application in WP(C ) 888/1996 which was transferred from the Hon'ble Supreme Court to this Hon'ble Tribunal and renumbered as MA 843/15 in OA 199 of 2014 (at pages 46 to 215 in OA 199/2014). It is pertinent to mention here that prayer No 1 was withdrawn by the Applicant herein as the Swach Bharat Mission of the Central Government is now in place.

It is submitted that prayer No. 1 had sought direction that the Union of India, Respondent No.1 herein to Constitute a National Technology Mission for Improving Solid Waste Management Practices in the Country with the role, Objectives and composition

as specified in Chapter 10 of the SWM Committee Report 1999, and for considering immediate Ratification by India of the "Dhaka Recommendations – 2004 on Solid Waste Management in the SAARC Region"

The above prayer No.1 was withdrawn by the Applicant herein on 16.12.2015 as Swachh Bharat Mission is in place and the same has been recorded by this Hon'ble Tribunal in its order dated 16.12.2015.

The four remaining prayers (at pages 83-85 in MA 843/2015 in OA 199 of 2014) and other prayers of the Applicant before this Hon'ble Tribunal are as follows :

**I. WASTE STABILIZATION**

*"2. Re-direct all the Respondents including the four new states formed after 1996 to comply with the directions dated 28.7.1997 of this Hon'ble Court for immediate **waste stabilization** and to submit their action taking reports to this Hon'ble Court, and also pass directions restraining raw waste being deposited in new or existing waste-processing sites or in landfills without first stabilizing the waste in wind-rows or by bio-methanation."* [at page 83 in **MA 843/2015 in OA 199 of 2014**]

Status/Submission: The SWM Rules 2016 Rule 15 (v) (a) require "biostabilisation of biodegradable wastes". Nagpur has begun to stabilize daily fresh waste by unloading it in windrows which are

turned weekly, four times. This makes Nagpur fully compliant with the Rules. The Applicant prays for directions from this Hon'ble Tribunal to all Respondents for immediate waste stabilizing in windrows instead of dumping, which is banned in Rule 15 (zh) of the SWM Rules 2016.

## II. BUFFER ZONES

*"3 direct immediate compliance by all Respondents and new States with the mandatory declaration of **Buffer Zones of No New Development** around waste-processing sites as per Sch III sec 9 of the MSW Rules 2000 and Sec 3.16.6 of the SWM Report, by Notification of Buffer Zones around waste processing and disposal sites, and to formulate policies to compensate through economic instruments those villages hosting waste-processing sites and those properties falling within their Buffer Zones." [at page 84 in MA 843/2015 in OA 199 of 2014]*

Status/Submission: The Applicant repeated the aforesaid prayer again before this Hon'ble Tribunal its submissions dated 6.5.16 and all Respondents have been given ample time to reply. CPCB has also been given time to frame national guidelines for Buffer Zones, as KSPCB has done for Karnataka. The MOEF reply dated 18.10.2016 and CPCB reply filed on 21.10.2016 both state that CPCB "is in the process of preparing the 'National Guidelines for Buffer Zone' around waste processing and disposal facilities".

The Applicant seeks directions from this Hon'ble Tribunal for mandatory declaration of Buffer Zones of No New Development around waste-processing sites.

**III. TIPPING FEES**

*"4. direct the Central and State Governments to ensure the application of urban funding as a first priority for statutory end-point waste stabilizing, processing and disposal before funding upstream aspects of waste handling and not to release or permit payment of **Tipping Fees** except for land filling of compost rejects (upto maximum 20% of total raw waste) only after commissioning of compost-plants and development of lined landfill-sites at the composters' expense and not to fund the Capping of old waste heaps and unlined landfills instead of **biomining**" [at page 84 in MA 843/2015 in OA 199 of 2014]*

Status/Submissions: The reason for replacing scam-ridden intake-based Tipping fees with output-based Support price has been explained by the Applicant again in its submission dated 6.5.16 before this Hon'ble Tribunal at page no 12305-12306.

The CPCB recommends State Policy/ linking [payments] to output of Solid Waste Management.

The MOEF states "Ministry takes note of the submissions and would examine the issue on its merits in consultation with stakeholders".

Submission 2: The Rule 15 (zj) of SWM Rules 2016 require local bodies to "take necessary action to bio-mine or bio-remediate the [old open dumpsites and existing operational dumpsites].

The SWM Rules 2016 "Schedule I (J) Closure and Rehabilitation of old Dumps" require "(i) Reduction of waste by bio mining and waste processing."

This is entirely doable. The video viewable on Youtube under Almitra Patel or downloaded from <https://www.youtube.com/watch?v=TEsdtaCvfg&list=PLFoF6t6d6I83iOisUH0xJCecNF8eAtoRj> and copied on CD enclosed with this summary as **ANNEXURE-A**, shows how Nagpur within a month and at some cost savings rather than expense, has totally transformed its 6 lakhs tons of old waste from a 40 feet high hill covering 10 acres land, into 200 windrows for stabilizing the old waste. Smell, flies and leachate are controlled, waste volume is reduced to almost half, and space has been created for windrow stabilizing of fresh waste.

Their stabilised old waste is now ready for biomining to usefully remove almost all the waste offsite, reclaiming the site for longterm waste management rather than dumping.

This makes Nagpur now also compliant with these Rules of the SWM Rules.

A second video on Youtube Almita Patel shows biomining at Kumbakonam with zero leftovers at site. Biomining is also ongoing at Raichur and Bidar in Karnataka and planned at Malegaon, besides 16 sites completed earlier.

It is submitted that all of India's old dumps have no bottom or side liners and they release methane, a greenhouse gas, for decades, whether capped or not. Therefore the MOEF and Ministry of Urban Development are considering jointly funding upto 85% of the cost of biomining to remove old dumps altogether.

The Applicant reiterates her prayer for **Directions on her Prayer 3 not to fund the Capping of old waste heaps and unlined landfills**, for reasons explained on internal pages 163-179 of MA 843/2015 in OA 199/2014.

**IV. PHASING OUT OF SHORT LIFE PVC PRODUCTS ETC.**

*"5. direct the Union of India (Respondent No.1), CPCB and BIS to consider the issue of proactive Notifications, Rules and/or Regulations to Minimize Waste and Prevent its Pollution, e.g. for use of unrecyclable plastic in roads, use of Low-Mercury Fluorescents, Lead-Free Paints and Pigments, Low-Phosphate Detergents, phase-out of Short-life PVC products and Expanded Polystyrene Packaging, sale of fully-compostable Garbage Bags as suggested in the present application". [at page 84 in MA 843/2015 in OA 199 of 2014]*

Status/Submission: This Hon'ble Tribunal's directions in OA 199/2014 on 20.03.2015 have already asked all Respondents to consider the possibility of using non-recyclable plastics in roads.

Submission 2 : The phase-out of short-life PVC has been explained at length in Applicants submission at internal pages 205-208 in MA 843/2015 in OA 199/2014 and submission dated 6.5.16.

The CPCB has again supported this in its Reply Affidavit dated 18.10.2016.

MOEF in its Reply Affidavit dated 18.10.16 at para 5 (e) proposes to constitute a group of experts to examine the issue.

Submission 3 : The Applicant seeks directions from this Hon'ble Tribunal on remaining topics in prayer 5 like phase-out of voluminous Thermocole packaging (expanded polystyrene), initial mandatory content-labeling followed by later limiting the actual content, of lead in paints, mercury in fluorescent lighting, phosphorus in detergents and full compostability of disposable sanitary napkins and disposable diapers referred to in the various Annexures to MA 843/15 in OA 199/2014

**V. ENCOURAGE USE OF COMBUSTIBLES FOR CEMENT KILNS ETC.**

The Applicant sought directions on 29.7.2016 at page 12363 to all SPCBs/PCCs to encourage the use of combustibles including mixed plastics as RDF to nearby industries, cement kilns and power plants.

The CPCB says State SWM Policy is required under Rules 11 (a)(b) of SWM Rules 2016 should reflect rate of RDF purchase by cement plants [which may not be in same State/UT]. Also Ministry Of Urban Development under Rule 6b should frame a national policy



on WTE indicating mode of payment and procedures for supply of RDF to cement kilns/power plants.

MOEF reply cites some enabling provisions in SWM Rules 2016, but despite this some State PCBs do not allow plastics to go to cement kilns and want them landfilled, which is specifically banned in the Mall Singh judgment passed by this Hon'ble Tribunal.

**VI. WASTE TO ENERGY PROJECT**

The Applicant sought directions at page 12363 on 30.7.2016 for clarity on conditions for approving burn-technology based Waste To Energy projects. This Hon'ble Tribunal sought CPCB and MOEF views on this.

The CPCB vide its reply dated 18.10.16 at paragraph 6(3) opines that "mixed waste should not reach WTE plant without segregation".

The MOEF reply dated 18.10.16 at para 11 (c ) and (d) recommends "dry high calorific value combustible wastes" for preparation of RDF or for incineration/gasification/pyrolysis.

The Applicant respectfully submits that this is acceptable to Applicant for non-recyclables.

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