

11/3/15

RAJASTHAN
11/3/2015

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

ORIGINAL APPLICATION NO. 199/2014

* Almitra H. Patel & Anr.

...Applicant

Versus

Union of India & Ors.

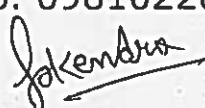
... Respondents

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**COUNSEL FOR THE RESPONDENT
RAJASTHAN STATE POLLUTION CONTROL BOARD**

ALPNA PODDAR, ADVOCATE
N-86, Panchsheel Park,
New Delhi
Mob. No. 09810220011


LOKENDRA SINGH KACHHAWA, ADVOCATE
945-C, Road no. 3, Shanti Nagar,
Durgapura, Jaipur-18
Mob No. 09928343656

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**AFFIDAVIT-CUM-COMPLIANCE REPORT ON
BEHALF OF THE RAJASTHAN STATE POLLUTION
CONTROL BOARD, IN COMPLIANCE OF THE
ORDER DATED 05.02.2015 PASSED BY THE
HON'BLE TRIBUNAL**

I, H. R. Kasana, S/o Shri Jaimal Kasana, aged 50 years, at present Environmental Engineer, Rajasthan State Pollution Control Board, Jaipur, do hereby solemnly State and affirm as under:-

A. That I am working as Environmental Engineer in the Rajasthan State Pollution Control Board, Jaipur and am well conversant with the facts and circumstances of the matter and as such competent to swear this affidavit on behalf of the Rajasthan State Pollution Control Board, Jaipur (hereinafter referred as State Board).

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B. That I have read and understood the contents of the orders of the tribunal dated 05.02.2015. The order of the Hon'ble Tribunal dated 05.02.2015, inter-alia, is as follows:-

"We grant three weeks time by way of last opportunity for filing of such reports. The Central Pollution Control Board shall submit its independent comments in relation to formulation of a national policy with regard to collection and disposal of the municipal solid waste as a Model policy to be adopted. Let the CPCB also submit such proposal within two weeks from today and put it on their websites so that other State Board and State Governments shall also have advantage of that Report and take the same into consideration while submitting their status reports/suggestions in accordance with this order. We hereby direct that every status report will specifically indicate if there is even a single district or village in the entire State/UT where the MSW is collected in its entirety segregated and disposed of in accordance with MSW Rules, 2000. It will also be stated as to how the MSW is being converted to an environment friendly beneficial end product, i.e. whether it is totally

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converted into the useable material/component or is it composted or recycled."

1. That in compliance of the Hon'ble Tribunal order dated 05.02.2015 the Central Pollution Control Board has placed the draft of Action Plan for Management for Municipal Solid Waste on their website on 19.02.2015.
2. That the Respondent Board has studied the aforesaid report and agrees with the action plan proposed by the Central Pollution Control Board for Scientific Management of Municipal Solid Waste. In addition, to emphasise the importance of certain critical steps, we also submit the following action plan as vital action points to address the problem of Scientific Management of Municipal Solid Waste in the State of Rajasthan:-

- i) **Door to door collection and segregation of the waste:** For any scientific municipal solid waste management programme, door to door collection and segregation of the waste at source are mandatory prerequisites. It will reduce litter, improve compost quality and result into efficient recycling of other recyclables such as paper, plastics etc.

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- ii) **Involve local communities, rag pickers, NGOs in the management of MSW:** Local Municipal organisation are weak in terms of resources and are not able to carry out the management of MSW in the country. Research has proved that the cost of waste management is less when communities actively participate in the process. It also results into upliftment of social and economic status of marginalized communities like rag pickers, kabbaris and other weaker sections of the society.
- iii) **Make MSW management sustainable:** The present management approach is largely confined to only 'treat and dump' or only 'dump' which is unscientific and highly unsustainable. In today's world where natural resources are depleting at an alarming rate, we need a paradigm shift in our strategy to manage these urban problems by going for resource recovery rather than substance depleting approach. This will result into saving of precious natural resources and economic sustainability of the management processes. This will also make the process of waste management economically sustainable as the management cost can be recovered from the user charges and selling of compost and other recyclables. Present system

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of dumping is not only environmentally unsustainable but does not make any economic sense also.

- iv) **Use modern technology:** Modern technological tools such as Global Positioning System (GPS) and Geographic Information System (GIS) needs to be used extensively for scientific and efficient management of MSW. GIS can be used to digitize the existing sanitary ward boundaries and to enter the data about the wards and number of disposal sites and their attributes. It can also be used in optimization transportation routes. GPS can increase the efficiency MSW transport by effectively tracking the transport vehicles.
- v) **Capacity Building of Local authorities:** Local authorities needs to be strengthen in terms of increasing their financial strength and management capabilities. Present technical expertise available with these bodies is highly inadequate and needs strengthening.
- vi) **Adopt Cluster/Regional approach:** Experience shows that cluster of small municipalities may offer a better solution in terms of resource utilization and efficiency instead of each municipality seeking its own solution. Therefore, we need to explore the

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possibility of adopting regional solutions while preparing action plan for MSW management.

vii) **Discourage landfilling:** Landfilling is highly unsustainable and needs to be avoided. Judicious use of policy and economic instruments can create an environment where recycling activities get impetus and discourage landfilling

viii) **Implement MSW management plan in phases:** Involving local communities, civil society, rag pickers and other stakeholders in management of MSW is a slow and tedious process. We need to create success stories in small areas and replicate them in other areas. This will ensure that the mistakes committed in the initial process are not repeated and a robust system is created.

ix) **Establishment of State Level MSW Management Task Force:** The provide policy direction and to develop a MSW management programme with individual local authorities, there is a need to set up a apex state level body. The task force may be entrusted with providing technical support and monitor the entire programme.

x) **Involve corporate sector:** Corporates should be involved in management of MSW. Cement units in

particular we take up MSW management as co-processing activity. CSR fund available with the corporates can be effectively utilized for MSW management. This will not only provide much needed finance but will also impart technical expertise available with corporate sector.

Based on the action plan (including the action plan proposed by Central Pollution Control Board), individual Municipal Local Authorities may be directed to prepare their time bound action plan and initiate time bound implementation for scientific management of Municipal Solid Waste.

3. That the Regional Officers of the respondent State Board have inspected the municipal authorities of their jurisdiction to assess and inform compliance of the MSW Rules.
4. That on the basis of the correspondence with various municipal authorities, information collected from SEIAA & Regional Officers of the State Board, overall status regarding compliance of the provisions of MSW Rules by various municipal authorities in the State is as under:-

- (i) Total number of municipal authorities notified in the State is 190 Nos., however, at present only

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186 municipalities has been constituted and as per report received from the Regional Officers municipalities at 4 towns i.e. Pratappur (Banswara), Lunaksar (Bikaner), Khajubala (Bikaner) and Napasar (Bikaner) are not formed.

- (ii) Number of the municipalities which have identified land for the development of the facility/site for municipal solid waste - 123.
- (iii) Number of the municipalities which have established/developed, some kind of disposal facility/site for the municipal solid waste - 5.
- (iv) Number of the municipalities which are having valid authorization under MSW Rules for the operation of their existing disposal facility/site for the municipal solid waste - 1.
- (V) Number of municipalities which had obtained authorization under MSW Rules for the operation of their existing disposal facility/site for the municipal solid waste in the past, however, it stands expired as on today - 30.
- (vi) Number of the municipalities to whom authorization under MSW Rules has been

refused/ application returned by the State Board
-68.

(vii) Number of the municipalities whose applications for obtaining Authorization under MSW Rules are under consideration with the Board- 26.

(viii) Number of the municipalities to whom Consent to Establish has been granted under the provisions of the Water Act and the Air Act by the State Board for establishment of disposal facility/site for the municipal solid waste -5.

(ix) Number of the municipalities to whom Consent to Establish has been refused/revoked under the provisions of the Water Act and the Air Act by the State Board for establishment of disposal facility/site for the municipal solid waste - 1.

(x) Number of the municipalities to who Consent to Operate has been granted under the provisions of the Water Act and the Air Act by the State Board for the operation of existing disposal facility/site for the municipal solid waste - 1.

5. That from the above it is noted that the municipal authorities are in the process to develop proper secure landfill sites for disposal of municipal solid waste,

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however, presently the municipal solid waste is not being disposed in accordance with the provisions of MSW Rules. The status of the municipal solid waste is being submitted based on the inspection carried out by the officials of the State Board time to time. The latest status can be submitted only by the Department of Local Self, Government of Rajasthan.

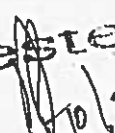
The Affidavit-cum-Compliance Report of the order dated 05.02.2015 may kindly be taken on record. It is, humbly prayed that Local Self Department, Government of Rajasthan may also be asked to submit latest status report for compliance of the Hon'ble Tribunal order dated 05.02.2015.


DEPONENT

VERIFICATION

Verified at Jaipur, on this 10th March, 2015, I the above mentioned deponent does hereby verify that the contents of the above affidavit are true and correct, no part of it is false and nothing material has been concealed therefrom.



Attested

10/3/15
Notary Public Jaipur


DEPONENT