

BEFORE THE NATIONAL GREEN TRIBUNAL AT NEW DELHI
ORIGINAL APPLICATION No.199 OF 2014

IN THE MATTER OF:

Almitra H. Patel & Anr. Vs Union of India & Ors.

&

Kudrat Sandhu Vs. Govt. of NCT & Ors.

:AFFIDAVIT:

I, Karikal Valaven, aged about 53 years, Occupation: Principal Secretary to Government, Municipal Administration and Urban Development Department, Government of Andhra Pradesh, AP Secretariat, Velagapudi, Guntur District, resident of Vijayawada, do hereby state on solemn affirmation as under:

2. That I am one of the Respondents in the aforesaid case and as such I am fully conversant with the facts and proceedings of the case.
3. That I have not filed any other Review petition in this Hon'ble Court against the impugned judgment.
4. It is submitted that as reported in the earlier status reports filed before the Hon'ble NGT the system of Door-to-Door Garbage Collection is in place in all the Wards in all 110 ULBs in the ULBs. Sufficient equipment and vehicles required for collection and transportation of waste have been procured by the ULBs by utilizing 12th & 13th Finance Commission Grants. The initiatives taken up by the State Government for complying with the MSW Rules, 2000, and the directions of this Hon'ble Tribunal have yielded good results in collection and transportation of Solid Waste. Efforts were also made for processing and disposal of Municipal Solid Waste Management by establishing Vermin Compost/Windrow Compost plants, Bio-methanisation/Bio-gas Plants, wherever its feasible.
5. Further, it is submitted that the Government of Andhra Pradesh has taken major initiative for treatment of the Solid Waste by establishing Waste to Energy Plants/Projects in the ULBs of the State adopting cluster approach. 10 clusters were formed with 53 ULBs for processing 4471 MTs of Municipal Solid Waste (MSW) per day. The following are the 10 Lead ULBs, where the plants are proposed to be set up/established.

1. Visakhapatnam,
2. Vizianagaram,
3. Tadepalligudem,

4. Guntur,
5. Machilipatnam,
6. Tirupati,
7. Nellore,
8. Kurnool,
9. Ananthapur, and
10. Kadapa.

6. It is submitted that, in continuation of the status report already filed before the Hon'ble NGT, it is to report that in order to implement the SWM Rules and NGT directives, the Government of Andhra Pradesh, has undertaken the following initiatives to streamline the activities of collection, segregation, transportation and further processing of source segregated waste on priority basis:

- i) Government of Andhra Pradesh has issued Operational Guidelines for Maintenance of Sanitation and Solid Waste Management vide G.O. Ms No. 279, MA, dated 31.12.2015. The key objectives of the guidelines are
 - a) Providing 100% service coverage to all the residential commercial and other public places in the jurisdiction of urban local body areas.
 - b) Guiding the ULBs for effective implementation of SWM Rules, NGT directives and other relevant regulations in a systematic manner, with reference to Source Segregation, Collection, and Transportation of Solid Waste.
 - c) Guidelines for micro planning of the residential, commercial areas and main roads; work responsibilities, and methods for carrying out the sanitation and solid waste management activities.
 - d) Rationalizing the norms for manpower, transportation of vehicles, tools, implements and conservancy materials.
- ii) Further initiated step is to outsource the work packages for collection, segregation and transportation activities to third party agencies on 3 year tenure basis and these contracts become operational by the end of March/April, 2017.
- iii) Technology based monitoring tools have been designed to ensure
 1. Better delivery of services.
 2. Compliance to MSW Rules & NGT directives.
 3. Availing better technology, management methods and capital through private, social sector and CSR participation
 4. Overall positive impact on the living environment by mitigating pollution and environmental hazards.
- iv) The service delivery plans include specific services to different population segments:
 - a) Residential Areas (source separated Solid Waste Collection and transportation to disposal points)
 - b) Commercial and Institutional Bulk Waste Generation Areas (source separated Solid Waste Collection and transportation to disposal points)
 - c) Construction and Demolition Waste

- d) Owing to the emphasis on separation at source, plastic, electronic and bio medical waste will be handled separately and processed as per the specified processes
- e) While door to door services will be provided to individual households and commercial units, for group houses, apartment complexes, shopping, commercial and institutional complexes, the responsibility for source separation, storage and handing over the waste in separated manner is fixed on the owners and associations of these complexes, thereby making the bulk waste generators obligated to systematic waste handling in their own areas.
- f) The above services will be provided to all the existing residential, commercial and other institutional establishments. Suitable provisions will be made in the town planning, building permission and industrial approval and similar infrastructure development projects so that they make suitable plans for waste collection, storage and handing over the waste in source segregated manner to the service providers. Also it will be stipulated in the corresponding rules that bulk waste generators such as market yards, large commercial complexes, hotels, function halls, educational institutions, hostels, industrial townships should undertake processing organic waste in their own premises.

7. Further, it is also submitted that a Project Management Unit at State Level is established (copy of Government Order is enclosed) to give handholding support to all the 110 ULBs in the State, in implementation of the above said guidelines. Several State Level, Regional Level, ULB Level Work Shops were conducted to operationalize the guidelines issued. In addition to ULB Level City Sanitation Task Forces were also constituted for involving them in the implementation of the said guidelines. Local Resource Persons were also identified for creating awareness among the stake holders. Trainings were also imparted to them and also to the functionaries of the Urban Local Bodies through Project Management Unit established exclusively for this purpose.

8. It is submitted that besides this Government of A.P. has also taken steps to engage 3 or 4 team of consultants/agencies, for designing State Level Strategy for Capacity Building and Information Education Behaviour Change Communication (IEBC) activities, one agency for Capacity Building, one agency for IEBC and IB at state level and regional agencies for CB, IB and IEBC activities for Uniform Implementation in the ULBs in the State. RfPs were floated and 2 individual consultants were already been engaged for setting up of State Capacity Building Information, Education and Behaviour Change Communication Mission Management Unit (SCIMMU) in office of the Director of Municipal Administration, Andhra Pradesh. Steps are also being taken to float RfPs for engaging Agencies for Design of State level Capacity Building Strategy & Content in Municipal Solid Waste Management [MSWM] for Andhra Pradesh, for Development of State level IEBC strategy, Institution Building, Material Design for Mass & Interpersonal Behaviour Change Communication in Municipal Solid Waste Management [MSWM] for Andhra Pradesh

and also to engage Four [4] Regional Service Providing Agencies to Implement Capacity Building, Institution Building and IEBC activities in all ULBs on Municipal Solid Waste Management [MSWM].

9. Further, the Government of Andhra Pradesh has established Swachh Andhra Corporation and given the mandate to fulfil the Mahatma Gandhi's dream of "Swachh Bharat" by eliminating open defecation, eradication of manual scavenging, Solid and Liquid Waste Management, Information, Education and Communication and Capacity Building activities to maintain the cleanliness and hygiene in urban and rural areas of Andhra Pradesh. Swachha Andhra Corporation has taken up the activities among others for scientific processing and disposal of municipal Solid waste. As a part of it, the Swachh Andhra Corporation has initiated action for setting up of Waste to Energy Plants under PPP mode in Cluster Approach. 10 Clusters were formed with 53 ULBs. 4471 MTs of Municipal Solid Waste will be processed with 10 Waste to Energy Projects proposed to establish. The projects are awarded with a condition to establish the plants in conformity with the SWM Rules, 2016. All the developers have to comply proper segregation prior to incineration relating to the quantum of the waste as per the concessionaire agreement already concluded. However, to enforce the same, a direction will be issued to the plant developers to ensure segregation prior to direct incineration. At present Concessionaire Agreements were entered into with the Agencies by the ULBs for establishment of 10 Waste to Energy Plants (10 Clusters with 53 ULB). With this, 4471 MTs of Municipal Solid Waste per day will be processed and it is expected to generate 63 MW Power. Land has also been identified in all the 10 Lead ULBs for setting up of the Waste to Energy Plant and given to the developer on lease basis for a period of 25 years. The ULBs and developer are taking all necessary steps to establish the plants in accordance with the SWM Rules, 2016.

DETAILS OF THE 10 WASTE TO ENERGY PLANTS

Plant Location (Lead ULB)	No of ULBs covered in the Cluster	MSW Qty. (in TPD)	Capacity of WtE Plant (in MW)	Name of the Concessionaire
Visakhapatnam	1	942	15	M/s. JITF Urban Infrastructure Limited
Guntur	9	1,202	15	
Tirupati	6	374	6	
Vizianagaram	4	203	4	M/s. Essel Infra Pvt Limited
Tadepalligudem	7	342	5	
Machilipatnam	5	196	4	
Ananthapur	6	283	4	
Kadapa	5	317	5	

Nellore	4	296	4	M/s. Envikare LLP
Kurnool	6	316	1	M/s. Nexus Novus

10. In addition to above, the Swachh Andhra Corporation has also floated RfPs for setting up of Municipal Solid Waste Management Projects in rest of the 57 Urban Local Bodies by using different technologies i.e., Waste to Compost/RDF/Bio-methanization/Bio-fuel. The pre-bidding meeting has also been conducted with prospective bidders. The last date for submission of bids is 27.01.2017 and successful bidders will be finalized in the 3rd week of February, 2017. The key features are;

- ULB to handover segregated waste to the door step of the plant.
- Developer to process the waste and dispose the inerts as per MSW Rules, 2016.
- Scientific Land Fill is responsibility of the Developer.
- Compost (FCO standard) will be procured @ Rs. 2500/- per Tonne by NFCL
- Marketing subsidy @ Rs.1500/- per Tonne to Developer/NFCL
- Technology neutral.
- Power will be purchased by ULB @ Rs. 6.85/-PU
- External infra will be provided by ULB
- Internal Infra to be developed by Developer
- Bidding parameter as Tipping fee in Rs. / Per ton of City Compost produced and support from Agriculture Department of the State and Land at Nominal Lease for Rent etc.

11. It is submitted that, similarly, Swachh Andhra Corporation has also floated RfPs for establishment of Construction & Demolition Waste Treatment Projects in three places i.e. at Visakhapatnam, Vijayawada & Tirupathi, with last date for submission of bids as 30.11.2016. After techno-commercial evaluation of the bids received, it is under examination at Government Level for finalization. Land was identified for all the 3 Projects.

12. It is submitted that Swachh Andhra Corporation has also floated RfPs for reclamation of dump sites at Grater Visakhapatnam Municipal Corporation and Vijayawada Municipal Corporation through bio mining technology. But tenders were cancelled due to non-participation of the bidders. However, as a pilot basis GVMC has issued 5 acres of Kapuluppada dump site for reclamation to Coromandel International Ltd., with technical assistance of M/s. Bhavani Bio Organics Pvt Ltd.

13. It is submitted that a proposal for relevant Amendments and Provisions in the AP Municipalities Act, 1965 and AP Municipal Corporations Act,

1955 for Levy of Fines on persons or agencies for throwing Solid Waste or Garbage in Streets/Open Places etc., has been prepared and it will be placed before the State Cabinet for their perusal and approval.

14. It is also pertinent to state that after bifurcation of the State, the Government of Andhra Pradesh with a vision of transforming cities and towns in the State into the best towns and cities in terms of liveability, environment and health standards and thereby making them attractive tourist and investment destinations, has taken up the initiative to make these towns and cities clean and litter-free. In furtherance of the same, as narrated above, Swachh Andhra Corporation has been established in the year 2015 exclusively to focus on sanitation and solid waste management. In addition to this, to maintain sanitation effectively and to process the solid waste brought elaborate guidelines for uniform implementation in all 110 ULBs in the State. Steps were already initiated to establish various plants for processing the solid waste and also reclaim the old dumpsites through process of bio mining. The other projects are also in pipe line to pilot onsite sanitation system to ensure liquid and septage management through reputed consortium of internationally acclaimed agencies.

15. It is also submitted that the report of compliance will be submitted before the Hon`ble National Green Tribunal, New Delhi.

16. Further, it is humbly submitted that as narrated in Para-3 (iv) above, suitable provisions will be made in the corresponding rules including AP Building Rules, 2012, making the bulk waste generator responsible for facilitation of collection of segregated waste in separate streams, handing over recycled material and also processing the bio-degradable waste for treating and disposing through composting or bio-methanation within their own premises as far as possible. It is pertinent to mention here that the State Government of Andhra Pradesh developing new capital city, i.e, Amaravathi, and in the process of development, the principle of sustainable development and the prevailing laws relating to waste management are being followed. In fact, in temporary Government complex, which houses the Offices of Chief Minister, Council of Ministers, Legislative Assembly, Legislative Council and offices of various Government Departments, has its own STP and waste segregation facility.

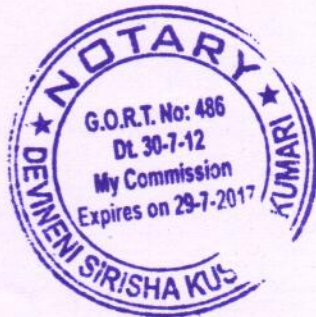
17. Thus, it is humbly submitted that the Government of Andhra Pradesh is very much concern on handling of solid waste effectively and since taken necessary steps to implement the SWM Rules, 2016 in letter and spirit and also to comply with the Orders dated 10.01.2017 passed by the Hon`ble National Green Tribunal, ~~New~~ Delhi, there is no need of issue Show Cause Notices to the Government as order by the Hon`ble National Green Tribunal.

18. For the reasons submitted, it is prayed that the Hon'ble National Green Tribunal may be pleased to consider the report submitted and pass appropriate order or such other order or orders as the Hon'ble Tribunal may deem fit in the circumstances of the case.

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DEPONENT

Principal Secretary to Government,
Municipal Administration and
Urban Development Department
Government of Andhra Pradesh,
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VERIFICATION

I, Karikal Valaven, aged about 53 years, Occupation: Principal Secretary to Government, Municipal Administration and Urban Development Department, Government of Andhra Pradesh, AP Secretariat, Velagapudi, resident of Vijayawada do hereby verify that the contents of paras 1 to 18 are true to the best of my knowledge, belief and information as per records.

Verified at Velagapudi on 01.02.2017.

K. Karikal
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DEPONENT.

Principal Secretary to Government,
Municipal Administration and
Urban Development Department
Government of Andhra Pradesh,
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