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IN THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

O.A. No. 199 of 2014

In the matter of:

Almitra H Patel & Anr

... Applicant

Versus

UOI and Ors

... Respondents

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Filed on.17/03/2015

MS.BANSURI SWARAJ

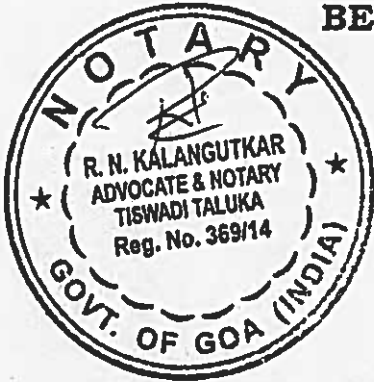
Advocate for the respondent State of Goa.

116, Uday Park,

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BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 199/2014

Almitra H Patel and anr.

..... Applicant

v/s

Union of India and Ors.

.... Respondents

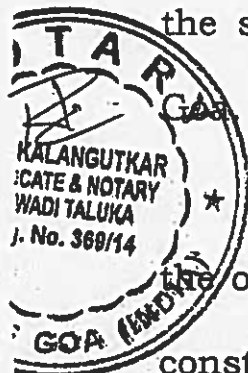
AFFIDAVIT ON BEHALF OF THE STATE OF GOA.

I, Srinet N. Kothwale, son of Narendra Kothwale, major of age, resident of Aroba, Pernem Goa, the Director, Department of Environment, Government of Goa, Respondent above named most respectfully state and submit as under:

1. I state that I am presently holding charge as Director in the Department of Environment and am authorized to file the present Affidavit on behalf of the State Government.
2. I state that I am filing the present affidavit in terms of the directions of this Hon'ble Tribunal as contained in order dated 05/02/2015.

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3. I state that vide order dated 8/11/2012, the Government of Goa constituted a 'High Level Task Force' (HLTF) to provide directions and implement various measures towards resolving the solid waste management problems affecting the State of

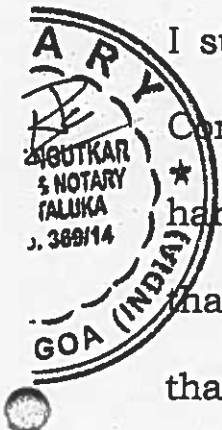


Annexed herewith and marked as 'EXHIBIT A' is a copy of the order dated 8/11/2012 issued by the Government of Goa constituting the High Level Task Force.

4. I state that in this regard, the Respondent further decided to place its aforesaid views, suggestions and recommendations in relation to the Judgement of this Hon'ble Tribunal, before the High Level Task Force constituted by the State Government, at its 8th meeting held on 25/02/2015.

5. I state that the Member Secretary, Goa State Pollution Control Board in his capacity as Member Convenor of the High Level Task Force has placed the views, suggestions and recommendations of the Respondent Board in relation to the Judgement of this Hon'ble Tribunal passed in Appeal no. 70 of 2012, i.e. Captain Mall Singh and ors. v/s Punjab PCB and ors and also the guidelines for the Action Plan framed by the Central Pollution Control Board in pursuance to the order passed by the Principal Bench of the National Green Tribunal on 05.02.2015, before the High Level Task Force.

6. I state that there is no district or village in the State which collects Municipal Solid Waste in its entirety as per the Goa State Pollution Control Board, and where such Municipal Solid Waste is segregated and disposed as per the MSW 2000 Rules.



I state that 176 out of 190 V.P.s, 12 out of 13 M.C.s and 1 Corporation have started collection and are segregating and handing over non-biodegradable waste for co-processing. I state that however, there is substantial scope for improvement. I state that the organic component of waste is composted through different methods as applicable.

7. I respectfully state that there has been very bad Management on the part of the local Authorities i.e. Panchayats and Municipalities on account of which the State Government was required to step in to set up two garbage Management Treatment Plants at Calangute/Saligao in North Goa and Cacora in South Goa.

8. I state that the Hon'ble High Court of Bombay at Goa in Suo Moto Writ Petition No. 02/2007 was monitoring the garbage issue in the State of Goa. I state that the said Suo Moto WP came to be disposed of by the Hon'ble High Court vide its Order dated 13/08/2013 inter alia observing that the Municipal and other local bodies have failed to perform their duties under the Municipal Solid Waste Management Rules 2000. I state that pursuant to the statement being made by the Ld. Advocate General of Goa, the Hon'ble High Court has directed the State

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Government to setup two or more sanitary landfills within a period of one year for accepting the residual/ inert waste from Panchayats of North and South Goa.



In accordance with the said directions and in accordance with the representation which was made before the Hon'ble High Court, the State Government has till date completed the following:-

- a) The landfill site including the site for Garbage Treatment Plant has been identified at Survey No.47/1 in Village Panchayat, Calangute in North Goa and at Cacora in South Goa.
- b) The State Government has proposed a State of the Art Technology Garbage Treatment and Disposal Plant.
- c) The State Government pursuant to the recommendations of the Task Force of Experts and identification of the site in the process of the regional Plan, got the said sites designated as garbage Management sites after following the due procedure of law.
- d) The State Government floated for expression of interest through Goa State Infrastructure Development for identifying the agency which will set up the said plant.

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e) The State Government in the meantime had also identified the technology through Experts, and got the same vetted through NEERI, Nagpur.

f) The State Government also acquired in the meantime the area bearing No. 47/1 in Saligao/Calangute identified by the Task Force as an appropriate site for Garbage Management Treatment and Disposal. The State also acquired the site acquired by Cacora Curchorem Municipal Council for setting up of an Integrated Solid Waste Management Facility at Cacora. The Site acquired at Saligao/Calangute as well as the site acquired at Cacora are both notified as Industrial Area, Industrial Estate and Notified Area under the GIDC act.

g) At the same time, the State Government had the protection of Ecology and Environment in mind including Salmona Spring and for this reason the Goa State Pollution Control Board, gave consent and also suggested various measures for the purpose of not only protecting the present area but also specially relating to the protection of Salmona Spring. Accordingly, the said project involves remedial techniques at the site, treatment of the existing dumped waste as well as new waste in a scientific manner, and in order to carry out everything with a holistic approach, it was planned to set up the said facility at the said sites. I crave leave to refer and rely upon the details which are mentioned hereinafter.



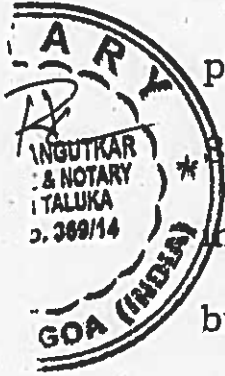
h) The present site at Saligao/Calangute has already been degraded and in any event, requires immediate remediation measures. At present about 500 trees have already been planted in pursuance to the Plan at the site in Saligao/Calangute and the proposed facilities at both sites include, not only a landfill site, a Garbage Treatment Plant, but Recreational facilities, parking, garden, green areas, landscaping, and social forestry. The facilities planned herein are State of Art modern facilities based on Mechanical Biological Treatment as has been stated hereinafter.

i) Incidentally, the said technology which is engaged in the present project has been approved by the Central Pollution Control Board

j) I state that the aforesaid would show that the State Government had spent considerable time, money and energy on both these entire projects - at Cacora and Saligao/Calangute.

10.I state that with respect to the **Proposed Integrated Solid Waste Management Facility at Saligao/Calangute,**

a. I state that it is pertinent to note here that the draft Regional plan which was published in the year 2008, to be precise on 08/10/2014 published in Official Gazette dated 16/10/2014, invited comments/objections from the general public. I state that in the said draft regional plan, Survey No. 47/1 was shown as garbage management site. I

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state that the comments received from the general public were studied and were considered by State Level Committee constituted by the State Government for this purpose. I state that only thereafter Release Three reports were finalized. I state that furthermore, the Town and Country Planning Board in its 139th meeting held on 21/09/2011 has considered and approved the revised Regional Plan for Goa - 2021 (Surface utilization plan) in respect of 33 Panchayats in Bardez Taluka in addition to others. I state that the said plan was thereafter notified in Official gazette dated 20/10/2011 in which survey no 47/1 has been shown as a garbage management site. I state that the fact that survey no 47/1 is been depicted as a garbage management site was made known to public at large in the year 2008 itself and also been shown subsequently in the final Regional Plan finalized in the year 2011. I state that there is no challenge whatsoever to this Regional Plan 2011 by any of the parties with respect to Survey No. 47/1 been shown as garbage management site.

b. I state that pursuant thereto, vide Notification under Section 4 dated 12/12/2013, the State of Goa issued a public notice for land acquisition. I state that after fulfilling all the formalities, the area was

acquired by the State Government and a final Award was issued on 07/02/2014.



- c. I state that on 07/02/2014, the site was handed over to the Department of Science and Technology and Environment by Deputy Collector/LAO Mapusa. I state that on 10/02/2014, the site was handed over by Department of Science and Technology to GIDC and thereafter GIDC handed over the said area to Respondent No. 1 on 22/07/2014.
- d. I state that thereafter on 22/05/2014 the said area was declared as an Industrial Area. I state that thereafter by proclamation dated 05/06/2014 published in the official gazette dated 06/06/2014 and two local newspapers, the Government of Goa proposed to declare the said industrial area as a Notified Area in terms of section 37 of the Goa IDC Act, 1965. I state that no objections whatsoever were received from any party and therefore final notification in terms of section 37 notifying this area was issued on 21/08/2014. It is pertinent to mention here that the in terms of the proclamation issued on 06/06/2014, objections were invited from the general public to be filed within two months from the date of this proclamation. However, no objections whatsoever were received from any person.

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e. As per the Health Officer, Primary Health Center, Candolim (letter No. PHCC/NOC/14-15/2329, dated 13.01.2015) the present dumping site at Calangute/Saligao, has potential health risk and needs immediate management, otherwise diseases may spread to the surrounding residential areas.

f. There will be a health and lifestyle improvement due to scientific disposal of municipal solid waste, which otherwise is being dumped unscientifically creating unhygienic conditions and vector for various diseases which could spread in the surrounding residential areas.

11. I state that the site at which the aforestated 'Integrated Solid Waste Processing and Disposal Facilities' are being set up at degraded sites as the said sites were being used as dumping site for solid waste, for many years. I state that this unscientific dumping of solid waste at the sites is a source of public nuisance and was also affecting the environment adversely, including causing of pollution of the Salmona Spring that was located in the vicinity of the site at **Saligao/Calangute**, besides also creating a health hazard for the local residents of the area. Indeed the plant is required as the same would remediate the existing solid waste and also treat the new waste. Therefore it is of utmost importance that the plants come up at the site as the same would prevent the Salmona Spring from being further polluted.

12. I further state that under the directives from Hon'ble Supreme Court of India, and the Hon'ble High Court of Bombay at Goa, the Garbage Treatment plants are required to be put on a time bound scale and the same ought to have been done in the year 2000 as such the same is already delayed by more than a decade. I respectfully state that if the present sites are required to be changed to any other site, it would be against the public interest in as much as the new site will be a green field site which will have to be identified and thereafter the process of land acquisition has to be initiated and the land will have to be acquired and the process would require at least two years' time, energy and money. I therefore state that the present sites which have been suggested by the experts should not be disturbed.



13. I respectfully state that the experts in the field including officials of Science, Technology and Environment, Department of Government of Goa and the State Expert Appraisal Committee as well as Goa State Environment Impact Assessment Authority after being presented with the matter were satisfied that the present sites selected are much better, than the State going for any other new site which would be a green field site.

14. I state that the present plot at Saligao/Calangute is already degraded and in any event, requires immediate remediation measures. I state that the present site would be put to better use by doing social forestry, recreational activities, landscaping, garden and planting of trees.

15. I state that the State Government has proposed a State of the Art Technology Garbage Treatment and Disposal Plants. The State Government floated for expression of interest through Goa State Infrastructure Development for identifying the agency which will set up the said plant. The State Government in the meantime had also identified the technology through Experts, and got the same vetted through NEERI, Nagpur. At the same time, the State Government had the protection of Ecology and Environment in mind including Salmona Spring and for this reason the Goa State Pollution Control Board, gave consent and also suggested various measures for the purpose of not only protecting the present areas but also specially relating to the protection of Salmona Spring. Accordingly, the said project involves remedial techniques at the site, treatment of the existing dumped waste as well as new waste in a scientific manner, and in order to carry out everything with a holistic approach, it was planned to set up the said facility at the said sites. I crave leave to refer and rely upon the details which are mentioned hereinafter.



Incidentally, the said technology which is engaged in the present project has been approved by the Central Pollution Control Board.

16. I state that the Judgement of this Hon'ble Tribunal passed in Appeal no. 70 of 2012, i.e. Captain Mall Singh and ors. v/s Punjab PCB and ors, guidelines framed by the Central Pollution Control Board, as also the recommendation of the Board

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therein, was discussed and deliberated upon in detail by the members of the HLTF at its meeting held on 25/02/2015.

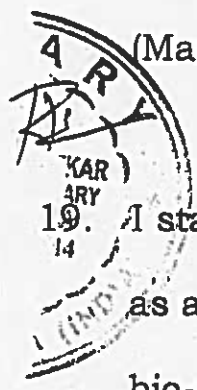
17. I state that vide orders dated 21/11/2013, the Goa State Pollution Control Board has granted the Department of Science, Technology and Environment, Government of Goa, Consent to Establish, under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, for setting up of 'Integrated Solid Waste Processing and Disposal Facilities' at Calangute Village, Bardez Taluka, North Goa District and Cacora Village, Quepem Taluka, South Goa District, Goa. I state that the said Consent to Establish, has been granted for an 'Integrated Solid Waste Processing and Disposal Facility' comprises of manual/mechanized sorting, material recycling centre, organic extrusion press, bio-methanisation plant followed by Power generation plant, in vessel composting and sanitary landfill with a plant capacity that is 100 tons/day with 10 TPD capacity of sanitary landfill and power plant of capacity 0.3-0.4 MW. I state that there are no residences within 200 meters of the site at Saligao/Calangute and also no residences in near vicinity of the plant at Cacora.



18. I state that the High Level Task Force was of the firm and considered opinion that the establishment and operation of the aforestated 'Integrated Solid Waste Processing and Disposal Facilities' at the sites aforementioned is essential towards ensuring that the Solid Waste generated in the State of Goa, and

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particularly the Solid Waste that is currently dumped at the
aforesaid degraded sites is effectively managed, handled, treated
and disposed of, in terms of the Municipal Solid Waste
(Management and Handling) Rules, 2000.



I state that the Solid Waste Management Facilities are planned
as a State-of-Art, modern facilities with proper segregation and
bio-methanation. The proposed facilities include resource
recovery through sorting and recycling i.e. recovery of materials
such as paper, glass, metal etc through separation, resource
recovery through waste processing i.e. bio-methanation process
and disposal of waste inerts. The facilities will have minimum
human intervention, enclosed sheds and computer controlled/
PLC (Programmable Logical Controller)/ SCADA (Site Control
and data acquisition), equipment for handling different types of
input materials. The functioning of the plants and selection of
technology has been done to address the issues of odour and
leachate generation. The electricity produced from the organic
fraction shall be utilized to power the complete plant operation.

I state that the plan for the said facilities also includes
recreational facilities, garden, green area, landscaping and
social forestry. The technology has been approved by M/s
NEERI. The said technology has also been approved by the
CPCB.

I state that the plants are required as the same would
remediate the existing solid waste and also treat the new waste,

therefore it is of utmost importance that the plants comes up at the site as the same would prevent the Salmona Spring from being further polluted.

20. I state that with respect to the **Proposed Integrated Solid Waste Management Facility at Saligao/Calangute**, with



regard to the Environmental Impact Assessment (EIA) report prepared by M/s NEERI, Nagpur following is mentioned therein:-

- a. As per the Health Officer, Primary Health Center, Candolim (letter No. PHCC/NOC/14-15/2329, dated 13.01.2015) the present dumping site at Calangute/Saligao, have potential health risk and needs immediate management, otherwise the diseases may spread to the surrounding residential areas.
- b. There will be a health and lifestyle improvement due to scientific disposal of municipal solid waste, which otherwise is being dumped unscientifically creating unhygienic conditions and vector for various diseases which could spread in the surrounding residential areas.
- c. The PP has made the provision to treat the combined wastewater in a separate effluent treatment plant (ETP) equipped with reverse osmosis (RO) system to ensure efficient recycle of water within the proposed CMSWMF. Wastewaters generated from non-plant use washing and other processes are treated at ETP and shall be used in floor washing, dust suppression, if required and

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development of green belt. These will ensure to be a zero discharge model and it will improve the water quality of the 'Salmona Spring' which is contaminated due to the leachate seepage from the existing MSW dumpsite.

- d. The existing dumpsite is being used for unscientific dumping of mixed MSW by nearby Panchayats for last 20 years and is severely contaminated, thereby posing serious risk to air, soil, surface water, and groundwater resources in and around the existing site.
- e. As per the joint inspection report by the Department of Science and Technology (DST), Town and Country Planning (TCP) Department, Directorate of Land Survey and Records (DSLRL) and Comunidade of Saligao, the proposed alternate site was not found suitable /feasible for the MSW management.
- f. The proposed site has been notified as a Garbage Management Site (GMS) as per the Regional Plan 2021 of the Town and Country Planning Department, after due public consultation process with the concerned village panchayats.

21. I state that with regards to the Integrated Solid Waste Management Facility at Saligao/Calangute,

- a) I state that Whereas the Department of Science and Technology having approached the State Environmental Impact Assessment Authority, for establishment of the solid

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waste management facility (SWMF) at Calangute/Saligao

Bardez Goa, the matter at the relevant time was considered

by the Goa State Expert Appraisal Committee and pursuant

to the site visit and recommendations this State

Environmental Impact Assessment Authority had accorded

prior Environmental Clearance to the project under the

Environmental Impact Assessment Notification 2006 under

peculiar circumstances inasmuch as the entire area was

found to be completely degraded and required immediate

remediation measures as stated in preliminary status report

of NEERI Nagpur which was placed before the SEAC and

SEIAA pursuant to which the Environmental Clearance was

granted along with a specific condition to Project Proponent

to Compile and submit a rapid site specific Environmental

Impact Assessment report to the State Environmental

Impact Assessment Authority not later than Feb 15, 2015

so as to suggest further long term measures. It was further

stipulated that on receipt and perusal a rapid site specific

Environmental Impact Assessment report the conditions

stipulated in the EC would be reviewed accordingly modified

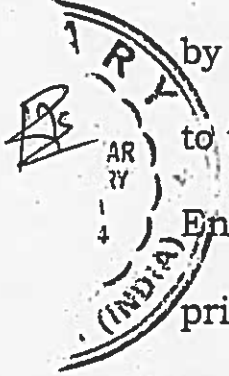
for mandatory compliance by Project Proponent for long

term management/ post Expert Committee monitoring of

the site together with several other conditions.

b) I State that a final Environmental Impact Assessment

Report has been prepared by NEERI Nagpur and submitted



before the State Expert Appraisal Committee as well as the State Environmental Impact Assessment Authority.



c) I state that the State Environmental Impact Assessment Authority has perused the entire report prepared by NEERI Nagpur including site specific conditions and all other relevant and material factors including the alternate site which has been requested by comunidade of Saligao and not found suitable for MSW management for setting up of a CSWMF as per Annexure 1 to the Environmental Impact Assessment report.

d) I state that it is of material importance to also consider the fact that there has been indiscriminate dumping of MSW, which has affected the area considerably, degrading the same.

e) In this regard the Environmental Impact Assessment Report prepared by NEERI mentions the following

- i. There will be a health and lifestyle improvement due to scientific disposal of municipal solid waste, which otherwise is being dumped unscientifically creating unhygienic conditions and vector for various diseases which could spread in the surrounding residential areas.
- ii. The proponent has made the provision to treat the combined wastewater in a separate effluent treatment plant (ETP) equipped with reverse osmosis (RO) system to ensure efficient recycle of water within the CMSWMF.



Wastewaters generated from non-plant use washing and other processes are treated at ETP and shall be used in floor washing, dust suppression, if required and development of green belt. These will ensure to be a zero discharge model and it will improve the water quality of the Salmona Spring which is contaminated due to the leachate seepage from the existing MSW Dumpsite.

iii. The existing dumpsite is being used for unscientific dumping of mixed MSW by nearby Panchayats for last 20 years and is severely contaminated due to unscientific disposal, thereby posing serious risk to air, soil, surface water, and groundwater resources in and around the existing site.

iv. As per the joint inspection report by Department of Science and Technology, Town and Country Planning Department, Directorate of Land Survey and Records and Comunidade of Saligao the proposed alternate site was not found suitable for the MSW management.

f) I state that after considering the matter from all necessary and relevant angles and after perusal of the Environmental Impact Assessment report prepared by NEERI, and upon examination of the entire matter afresh, and after perusing the recommendations of the Goa SEAC, the State Environmental Impact Assessment Authority decided to accord a prior EC to the said project in accordance with the provisions of the Environmental Impact Assessment

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notification 2006, and the prior Environmental Clearance has been granted on 03.03.2015



I state that as stated hereinafter in this affidavit the whole process for construction of solid waste management plant commenced in the year 2008 pursuant to which various steps have been taken by the state Government. I state that the State Government has expended time energy and money for this project. I state that as of now the State Government has incurred an expenses of Rs. 97.75 crores, on this project, which is bifurcated as under.

- For land acquisition Rs. 3,40,14,941.51/-
- For construction of compound wall Rs. 2.15 Crore
- Construction of approach road Rs. 2.32 crore
- IDC development fees Rs. 35 lakhs
- Expenses for preparation of Environmental Impact Assessment Rs. 25 lakhs
- Lease Rentals paid to GIDC Rs. 1.36 lakhs per year.
- Expenses till date for Expert Committee: Rs. 1.02 lakhs.

h) Apart from this expenses incurred by the state Government and Goa State Infrastructure Development Corporation, the contractor who has commenced his work on 21st November 2014 has also incurred expenses of Rs.86.90 Crores for carrying out the work at site, which includes the orders placed for the site specific equipment.

i) I state that with respect to the proposed integrated solid waste management facility at Saligao/Calangute, the

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Environmental Impact Assessment report submitted by

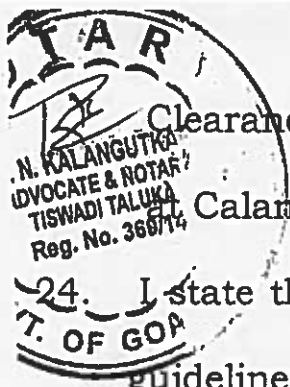


NEERI clearly shows that there is an urgent need to start the remediation process on priority basis. I state that the statutory directives issued by the Directorate of Health, Goa dated 13.01.2015 direct as the State authorities to implement this project on priority basis as indiscriminate dumping would result in health hazards and spread diseases.

After considering all aspects of the matter Environmental Clearance was granted by the State Environmental Impact Assessment Authority. A Copy of the Environmental Clearance dated 03.03.2015 is annexed herewith.

22. I state that with respect to the proposed Integrated Solid Waste Management Facility at Saligao/Calangute, it is rather important to note here that the site selected for having this integrated waste management plant is a site which has degraded for more than last 20 years. The photographs annexed hereto would demonstrate the extent of degradation at the site. The State Government took conscious decision to have the garbage management site at the same place where it was already degraded for more than last 20 years. It is rather beneficial environmentally or otherwise to have the site where the area has been already degraded.
23. I state that the Saligao Civic and Consumer Cell and Goa Foundation has challenged the grant of Environmental

/s/



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Clearance for the proposed Solid Waste Management Facility

Calangute.

24. I state the High Level Task Force was of the opinion that the guidelines of the Central Pollution Control Board and the Punjab Plan cannot be directly applied in the context of the State of Goa considering the location, specific demographic aspects.

25. I state that with regard to the recommendation of the Central Pollution Board with regard to the preparation of State Level Detailed Project Report/Action Plan to cover segregation, collection, storage, transportation, processing and disposal within a period of six months, the High Level Task Force decided that the Department of Science and Technology will prepare the same in consultation with Department of Urban Development, Directorate of Panchayats, Goa Industrial Development Corporation, Tourism Department, Education Department and Goa State Infrastructure Development Corporation.

26. I state that in this regard the High Level Task Force has approved of an Action Plan for Solid Waste Management in the State of Goa and also noted that the State of Punjab has proposed an Integrated Solid Waste Management Facility on a site previously utilised for about 30 years for dumping of Solid Waste. Similarly, the State of Goa has proposed two integrated Solid Waste Management Facilities of 100 tonnes / day capacity each i.e. one at Calangute and the other at Cacora which have

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been degraded due to unscientific dumping of Solid Waste at the sites and are required to be remediated.

Annexed herewith and marked as 'EXHIBIT B colly' is a copy of the minutes of the 8th meeting of the HLTF held on 25/02/2015 and the Action Plan for Solid Waste Management in the State of Goa, approved therein.

27. I state that the State Government will further ensure that the duties and responsibilities as cast upon it under the provisions of the Municipal Solid Waste (Management and Handling) Rules, 2000, are diligently performed.

28. I state that whatever stated herein above is based on the records available with the office of the Respondent Department of Environment, Government of Goa, to which I have access and which I believe to be true and correct.

Solemnly affirmed on

this ^{7th} 16 day of March 2015

Deponent



SOLEMNLY AFFIRMED AND VERIFIED BEFORE ME BY Srinet Kothwale WHO IS IDENTIFIED BEFORE ME BY Self WHOM I KNOW. SR. NO.: 525/15 DATED: 16/03/2015

R. N. Kalangutkar
Advocate & Notary