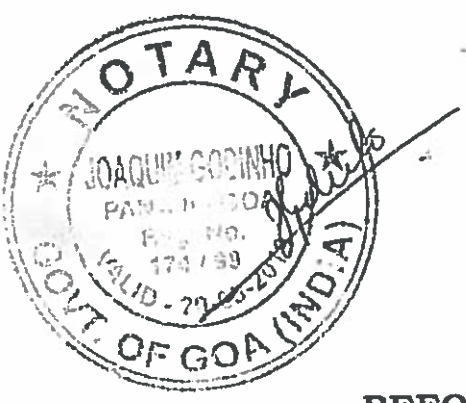


GP - 20.10.16 GOA



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

ORIGINAL APPLICATION No. 199/2014

Almitra H Patel and anr. Applicant

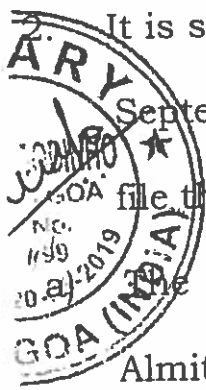
v/s

Union of India and ors. Respondents

**AFFIDAVIT ON BEHALF OF THE DEPARTMENT OF
ENVIRONMENT**

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 Department of Environment and am authorized to file the present Affidavit.



It is submitted that the Hon'ble Tribunal, vide order dated 22nd September, 2016 has directed this answering respondent to file the definite response in relation to the following:

The various suggestions submitted by the Applicants, Ms. Almitra H. Patel & Anr.

- b) Secondly, as the National Policy or with reference to various suggestions, whether Waste to Energy, Waste to RDF plant, and RDF to power generation, which of the methodology would be acceptable on scientific basis, in various of parts of the country.

Submissions of the Board in respect of Submissions made by the applicant dated 06/05/2016

As regards ban on PVC

3. I state that in respect of Ban on Short Life PVC and Chlorinated Plastics, the Board agrees and has no objection with the suggestions made by the applicant in this regard to ban short life PVC and Chlorinated Plastics to phase out this use direction to Consumer Affair Department and Bureau of Indian Standards (BIS) to review them.

As regards Refuse Derived Fuel (RDF)

4. I state that in respect of issues related to Refuse Derived Fuel (RDF) to Cement, the State Government through the

Monitoring cum Working Committee for past three years has been transporting RDF in baled form to cement plants in Karnataka. The cost of internal transportation, baling as well as the transportation to the cement plants is borne by the State. The cement plant is providing labour to bale the waste at the state facility in terms of the Memorandum of Understanding.

The Board also agrees with the suggestion made by the applicant that the cement companies should pay the State Government/ Local body at the same pro-rata calorific content as coal.

Further, the Board is also of the opinion that the Ministry of Environment and Forest should define standards of RDF based on the moisture content and the calorific value, similar to the standards prescribed for compost in the Solid Waste Management Rules, 2016.

As regards Tipping Fee:

5. I state that in respect of Tipping Fee, the Goa State has provided for performance standards in concession agreement of the Solid Waste Management Facility in Calangute. The operator is paid gross operational grant based on the achievement of the performance standards which is monitored by a monitoring committee. The Board agrees with the view of the applicant that the payment to the operator should be based on the performance which has to be

8

monitored on the performance standards and compliance to the provision of the Solid Waste Management Rules at not based on the input to the plant in tonnes.

Buffer Zone

I state that the Board agrees with the suggestions made by the applicant that the buffer zone has to be maintained in respect of Solid Waste Management Facilities handled more than 5 tons per day of waste. However the buffer zone should be decided by each State besides prevalent site conditions and availability of land.

6. Submissions of the Board in respect of Submissions made by the applicant dated 30th July, 2016.

a) I state that the Board agrees with the suggestions made by the applicant that effort has to be made to segregate the waste and the biodegradable waste should be composted or processed in bio methanation plant as provided in the Solid Waste Management Rules. Effort should also be made to recycle the recyclables waste and only dispose the non recyclable combustible waste to the cement plants / waste to energy plants. In this regard the MoEF/ CPCB should notify standards for RDF with regard to the moisture content and calorific value etc so as to address the issue raised by the applicant. Also as specified in the rules the only non recyclable, non combustible, non biodegradable and non



reactive inert waste only should be sent to landfill site. The provision of the concession agreement is that the operator of the facility has to achieve as performance standard that not more than 10 % of the waste sent to the plant should be sent to landfill and the waste should be inert. Further the operator is required to segregate the waste in 18 fractions as per the concession agreement to ensure that recyclable waste is sent for recycling.



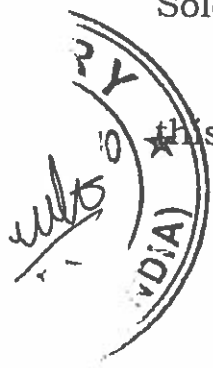
b) I state that the Board agrees with suggestions made by the applicant that effort should be made for segregation of recyclables and similarly only inert and non reactive, non biodegradable, non recyclable waste should be sent to the landfill. Chlorinated plastic comments as above.

c) I state that as far as the prayers with regard to the Waste to Energy Plants it is the opinion of the Board that the agreement should provide for and contain methodology of segregation of waste into as many fractions as possible using mechanical or manual sorting, so also segregation of biodegradable waste for composting / bio methanation and the remainder waste for waste to energy plant. The proposal should be assessed in this manner for feasibility thereafter to set up waste to energy plants.

7. I state that whatever stated herein above is based on the

records available with the office of the Respondent Department of Environment, to which I have access and which I believe to be true and correct.

Solemnly affirmed on



this 20th day of October, 2016

[Signature]
DEPONENT

VERIFICATION

I, Srinet N. Kothwale, son of Narendra Kothwale, major of age, resident of Aroba, Pernem Goa, the Director, Environment, hereby verify on this 20th day of October, 2016 that the contents of paras 4, 5 and 6 of the above affidavit are true and correct to my knowledge derived from official records and nothing material has been concealed there from.

[Signature]
DEPONENT



SOLEMNLY AFFIRMED AND VERIFIED BEFORE ME
Srinet N. Kothwale
WHO IS IDENTIFIED BEFORE ME
BY ADV.
WHOM I KNOW *personally*
SERIAL No. 6363 DATED 20.10.2016
VALID UP TO 20-05-2019
JOAQUIM GODINHO - NOTARY-PANAJI-GOIA

J. Godinho
20.10.2016
JOAQUIM GODINHO
NOTARY AT PANAJI
STATE OF GOA - INDIA