

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
AT NEWDELHI**

Original Application No.199 of 2014

BETWEEN:

ALMITRA H.PATEL & ANR

....

PETITIONERS

AND

UNION OF INDIA & OTHERS

....

RESPONDENTS

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Place:

Date:

Through Counsel

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
AT NEWDELHI

Original Application No.199 of 2014



BETWEEN:

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**SUPPLEMENTARY AFFIDAVIT OF ADDITIONAL CHIEF
SECRETARY TO GOVERNMENT URBAN DEVELOPMENT
DEPARTMENT, GOVERNMENT OF KARNATAKA**

I, Mahendra Jain, S/o Ghevarchand Jain, aged about 56 years, working as Additional Chief Secretary to Government of Karnataka, Urban Development Department Vikasasoudha, Bengaluru, Karnataka State, do hereby solemnly affirm and State on oath that I have been working as Additional Chief Secretary to Government, Urban Development Department, Vikasa Soudha, Bangalore, since April 2016 and know the facts of the case and hence I am swearing to this Affidavit. I submit that nothing material is concealed and the information provided is true and correct to the best of my knowledge, information and belief.

Mahendra



1. I have great respect for the orders passed by this Hon'ble Tribunal and I have been complying with the orders passed by this Hon'ble Tribunal whenever I have been called upon to do so.

2. I respectfully submit that Government of Karnataka through Urban Development Department (UDD), Rural Development & Panchayat Raj (RDPR) and Karnataka State Pollution Control Board (KSPCB) is committed to the compliance of Solid Waste Management Rules 2016 in all the 275 Urban Local Bodies (ULBs) and 6022 Gramapanchayats in the State.

3. I respectfully submit that Urban Development Department, the present affidavit may be treated as a supplementary affidavit to the main affidavit that has been filed in compliance with the Honb'le NGT with respect to OA 199 of 2014 order dated 22-12-2016

4. The action plan for implementation of SWM rules 2016 from Bruhat Bangalore Mahanagarapalike (BBMP), UDD, RDPR & KSPCB is enclosed here with and marked as Annexure-R1, Annexure-R2, Annexure R-3 and Annexure R-4 respectively. It is respectfully submitted that the same is being reproduced as provided by the various departments in the form of annexures and it is prayed that the same may be taken on record.

Nehanda

WHEREFORE, I respectfully pray that this Hon'ble Tribunal may be pleased to take this affidavit on record in the interest of justice and equity.

VERIFICATION

I, the above named Deponent do hereby verify that all the facts stated in the affidavit are true to the best of my knowledge and nothing material in concealed there from.



DEPONENT

Verified at Bangalore on

February, 2017

No. of Corrections.....

SWORN TO BEFORE ME

K. S. GIRIDHAR

M. Com., B. Ed./L.L.B.

ADVOCATE & NOTARY

314, Milk Colony, 2nd Stage

Raj: jinagar, BENGALURU-560 055



IN THE HON'BLE NATIONAL GREEN TRIBUNAL AT NEWDELHI
Original Application No.199 of 2014

BETWEEN:

ALMITRA H.PATEL & ANR PETITIONERS

AND:

UNION OF INDIA & OTHERS RESPONDENTS

AFFIDAVIT FILED BY THE COMMISSIONER, BRUHAT BENGALURU

MAHANAGARA PALIKE, BENGALURU, KARNATAKA

I, Narayana Manjunath Prasad, IAS S/o Narayan, aged about 52 years, working as Commissioner, Bruhat Bengaluru Mahanagara Palike (BBMP), Bengaluru, Karnataka state do here by solemnly affirm and state on oath as follows:-

- I submit that I have been working as Commissioner, Bruhat Bengaluru Mahanagara Palike(BBMP), Bengaluru since April 2016 and know the facts of the case and hence I am swearing to this Affidavit.
- I have great respect for the orders passed by this Hon'ble Tribunal and I have been complying with the orders passed by this Hon'ble Tribunal whenever I have been called upon to do so.
- I respectfully submit that Bruhat Bengaluru Mahanagara Palike is committed to the compliance of Solid Waste Management Rules 2016 in all the 198 wards.
- I respectfully submit that, action plan for implementation of SWM rules 2016 from BBMP is enclosed here with and marked as Annexure-R1

- WHEREFORE, I respectfully pray that this Hon'ble Tribunal may be pleased to take this affidavit on record in the interest of justice and equity.

VERIFICATION

I, the above named Deponent do hereby verify that all the facts stated in the affidavit are true to the best of my knowledge and nothing material is concealed there from.

Verified at Bangalore on 16th February 2017


DEPONENT

Identified by me

Annexure R-1

Proposed action plan for implementation of SWM Rules 2016 in BBMP

Sl. No.	Activity	Time limit from the date of notification of rules and NGT orders.	Proposed time limit of the State	Remarks
a	b	c	d	e
Time bound Frame in accordance with Rule 15 of SWM Rules,2016 and NGT Orders Dated:22-12-2016				
1	Prepare a Solid waste Management Plan as per the state policy and strategy on solid waste management	6 months (from 1st January 2017 as per NGT order)	June -2017	SWM Plan has been prepared. It will be placed before council and GoK for approval.
2	Arrange for door to door collection of segregated solid waste from all households including slums and informal settlements, Commercial, institutional and other non residential premises. From multi -storage building, large commercial complexes, malls, housing complexes etc this may be collected from the entry gate or any other designated location.	6 months (from 1st January 2017 as per NGT order)	Implemented.	The door to door collection system is facilitated in all 198 wards of the BBMP. The segregation is also made mandatory in the limits of BBMP since 01-02-2017. The Waste generators have been categorised in to two categories 1.Domestic waste and 2.Bulk waste generators. Bulk generators include a) Residential: 50 flats and above b) Commercial: 10 Kgs and above.
3	Establish a system to recognise organisations of waste pickers or informal waste collectors and promote and establish a system .for integration of these authorised waste collectors to facilitate their participation in the solid waste management including door to door collection of waste	6 months (from 1st January 2017 as per NGT order)	Implemented and ongoing	7500 no;s of Waste pickers or informal waste pickers have been identified and issued with Identity cards and 44 No of waste pickers are entrusted with managing Dry waste collection centres.
4	Facilitate formation of Self help groups, provide identity cards and thereafter encourage integration in solid waste management including door to door collection of Waste	6 months (from 1st January 2017 as per NGT order)	Implemented and ongoing	Self Help Groups are already involved in door to door collection of solid waste in some wards of BBMP. They have been provided with identity cards as well. Efforts have been made to involve more no of Self Help Groups in future for SWM activity.
5	Frame bye laws incorporating the provisions of these rules within one year from the date of notification and ensure timely implementation.	1 year (from 1st July 2017 as per December NGT order)	Dec 2017	Bye laws will be framed incorporating all the provisions of the SWM Rules,2016

6	Prescribe from time to time user fee as deemed appropriate and collect the fee from the waste generators on its own or through authorised agency.	6 months (from 1st January 2017 as per NGT order	Implemented and ongoing	BBMP is collecting SWM Cess along with property tax from year 2011-12. Proposal is made for revision of SWM Cess.
7	Set up material recovery facility or secondary storage facilities with sufficient space for sorting of recyclables materials to enable informal or authorised waste pickers and waste collectors to separate recyclables from the waste and provide easy access to waste pickers and recyclers for collection of segregated recyclable waste such as paper,plastic,metal,glass, textile from the source of generation or from material recovery facility: Bins for storage of bio degradable waste shall be painted green, those for storage of recyclable wastes shall be printed white and those for storage of other waste shall be printed black.	6 months (from 1st January 2017 as per NGT order	Implemented and ongoing.	BBMP has established DWCCs in all wards to collect the dry wastes generated in the wards. Already 189 DWCCs are constructed out of 198 wards and commissioned. Maintenance of DWCCs is entrusted to scrap dealers, waste pickers, NGOs and individuals who are interested in Solid waste management activity. From 1st of February 2017, dry waste from the households and small commercial establishment are being collected twice a week by the operators of DWCC.
8	Establish waste depositing centres for domestic hazardous waste generators to deposit hazardous waste at this centre for its safe disposal.	6 months (from 1st January 2017 as per NGT order	Implemented and ongoing	The Domestic hazardous waste including the sanitary waste is collected in a separate bag along with daily wet waste collection system. The domestic hazardous waste collected is stored at the Dry waste Collection Centre in separate bins and further transported for incineration by the authorised agencies of Karnataka State Pollution Control Board.
9	Ensure safe storage and transportation of domestic hazardous waste to the hazardous waste disposal facility or as directed by SPCB	6 months (from 1st January 2017 as per NGT order	Implemented and ongoing	Domestic hazardous waste including the sanitary waste is stored at Dry waste collection centres in separate bins and transported to designated centres in the closed vehicles by the agencies authorised by KSPCB.
10	Prohibition on burning of waste on lands including at landfill site.	6 months (from 1st January 2017 as per NGT order	Implemented and ongoing	BBMP has prohibited the open burning of waste and issued public circulars to avoid burning of waste. strict directions have been given to all the ward level officials to monitor and levy penalty on defaulters.
11	Public awareness and training	6 months (from 1st	Implemented and ongoing	Awareness is given to public regarding source segregation

		January 2017 as per NGT order)		<p>through distribution of pamphlets, auto announcement, erection of hoardings in important circles, street plays, through electronic media , news papers and advertisement. Periodic Training is given to Officers, Staffs, Health Inspectors, Dafedars, Pourakarmikas reg solid waste management, source segregation, home composting and hygiene.</p> <p>Pourakarmikas are exclusively trained reg personal hygiene, usage of safety equipments while working, handling of domestic hazardous wastes etc. 360 Link workers who were working earlier in health department are now entrusted with door to door campaign on source segregation. Citizen participation is also encouraged by BBMP. citizen who are interested in Solid waste management activities are trained as Master trainers and they are inturn training the suchimitras, RWA's and other stakeholders of swm regularly.</p>
12	Transport construction and demolition waste as per the provisions of the construction and demolition waste management rules,2016.	6 months (from 1st January 2017 as per NGT order)	December-2017	<p>Rock crystal Pvt ltd is empanelled for handling 1000 TPD of C& D Waste from bulk generators. Tender is called for setting up of Processing Unit for processing of Construction and Demolition Waste at Kannur, Anjanapura and Meesaganahally.</p>
13	Where ever Waste to Energy Plant is established for processing of waste, it shall be ensured that there is mandatory and proper segregation prior to incineration relatable to quantum of waste. in waste to energy p'lants, Waste-RDF-Energy is a preferred choice.		December 2019	<p>Government has given approval for calling of waste to energy tenders for all processing plants. Already tender has been invited to process RDF into waste to energy projects in Kannahalli and Mavallipura plants. Along with the above plants approval is also obtained to establish plants under PPP these plants are expected to commission in another 2 years.</p>
Time frame for implementation as per Rule 22				
1	Identification of suitable sites for setting up solid waste processing facilities	1 year	Implemented and ongoing	<p>BBMP has established following waste processing facility for processing of wet waste.</p>

				<table border="1"> <thead> <tr> <th>Sl No</th> <th>Name of the facility</th> <th>Capacity</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>M/s.MSGP</td> <td>500 TPD</td> </tr> <tr> <td>2.</td> <td>KCDC</td> <td>300 TPD+500 TPD(up gradation)</td> </tr> <tr> <td>3.</td> <td>Mavallipura</td> <td>300 TPD</td> </tr> <tr> <td>4</td> <td>Kanahalli</td> <td>500 TPD</td> </tr> <tr> <td>5</td> <td>Seegihalli</td> <td>200 TPD</td> </tr> <tr> <td>6</td> <td>Lingaderenahalli</td> <td>200 TPD</td> </tr> <tr> <td>7</td> <td>Chikkanagamagala</td> <td>500 TPD</td> </tr> <tr> <td>8</td> <td>Subrayanpalya</td> <td>200 TPD</td> </tr> <tr> <td>9</td> <td>Doddabidarakallu</td> <td>200 TPD</td> </tr> <tr> <td>Total</td> <td>3300 TPD</td> <td>Total</td> </tr> </tbody> </table>			Sl No	Name of the facility	Capacity	1.	M/s.MSGP	500 TPD	2.	KCDC	300 TPD+500 TPD(up gradation)	3.	Mavallipura	300 TPD	4	Kanahalli	500 TPD	5	Seegihalli	200 TPD	6	Lingaderenahalli	200 TPD	7	Chikkanagamagala	500 TPD	8	Subrayanpalya	200 TPD	9	Doddabidarakallu	200 TPD	Total	3300 TPD	Total
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2	Identification of suitable sites for setting up common regional sanitary landfill facilities for suitable clusters of local authorities under 0.5 million population and for setting up common regional sanitary landfill facilities or stand alone sanitary landfill facilities by all local authorities having a population of 0.5 million or more .	1 year	Not applicable	Not applicable																																			
3	Procurement of suitable sites for setting up solid waste processing facility and sanitary landfill facilities	2 years	Implemented and ongoing	BBMP is operating sanitary scientific landfills at – Bellahalli land fill Mitaganahalli land fill Bagaluru land fill																																			
4	Enforcing waste generators to practice segregation of bio degradable, recyclable, combustible, sanitary waste domestic hazardous and inert solid wastes at source	2 years	Implemented and ongoing	Segregation at source is made mandatory in BBMP from 01-2-2017. Notification in this regard is issued. Fine is imposed on the defaulters as per the KMC amendment Act 2013 and the delegation power is given to officers AEE/AE and Health Inspectors. Also in future clean Marshal will be introduced for levying of fines.																																			
5	Ensure door to door collection of segregated waste and its transportation in covered vehicles to processing or disposal facilities.	2 years	Implemented	The Segregated waste is transported to designated processing plant through closed compactors and Tippers.																																			
6	Ensure separate storage, collection and transportation of construction and demolition wastes	2 years	July 2017.	The tenders are been floated in this regard																																			

7	Setting up solid waste processing facilities by all local bodies having 100000 or more population	2 years	Implemented	BBMPs population is more than a crore. It generates about 4000 tonnes of MSW per day and has processing plant which can treat around 3300 tonnes of MSW. In addition to this, BBMP has established decentralised Biomethanization Plants at 11 places, Organic waste Convertors at 2 places, 189 Dry Waste Collection Centres to process the waste at ward/division level.
8	Setting up common or stand alone sanitary landfills by or for all local bodies having 0.5million or more population for the disposal of only such residual wastes from the processing facilities as well as untreatable inert wastes as permitted under the Rules	3 years	December - 2018	For disposal of residual waste from the processing facilities as well as untreatable inert waste, KUIDFC has taken up setting up of landfill site at Kannur and Ullahalli. Landfill site is being developed at segehalli processing plant by KRIDL.
10	Setting up common or regional sanitary landfills by all local bodies and census towns under 0.5 million population for the disposal of permitted waste under the rules	3years	Not applicable	Not applicable
11	Bio-remediation or capping of old and abandoned dump sites	5years	December - 2030	Tender has been called for Bio remediation at Mandur landfill Site It will take 2 to 3 Years for completion of the project. Soil capping is done at S,Bengipura landfill site.



Commissioner
Bruhat Bengaluru Mahanagara Palike

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AT NEWDELHI**

Original Application No.199 of 2014

BETWEEN:

ALMITRA H.PATEL & ANR PETITIONERS

AND:

UNION OF INDIA & OTHERS RESPONDENTS

**AFFIDAVIT BY SECRETARY TO GOVERNMENT,
URBAN DEVELOPMENT DEPARTMENT,
GOVERNMENT OF KARNATAKA – RESPONDENT**

I, Ponnuraj .V, S/o C.P. Velusamy aged about 43 years, working as Secretary to Government, Urban Development Department Government of Karnataka, Vikasa Soudha do hereby solemnly affirm and State on oath as follows:-

- I submit that I have been working as Secretary to Government, Urban Development Department, Vikasa Soudha, Bengaluru since 21/5/2016 and know the facts of the case and hence I am swearing to this Affidavit.
- I have great respect for the orders passed by this Hon'ble Tribunal and I have been complying with the orders passed by this Hon'ble Tribunal whenever I have been called upon to do so.
- I respectfully submit that Government of Karnataka through Urban Development Department is committed to the compliance of Solid Waste Management Rules, 2016 in all the Urban Local Bodies (ULBs) in the State.



- I respectfully submit that, Urban Development Department, Government of Karnataka has already submitted an affidavit before this Hon'ble Tribunal with respect to order dated 22/12/2016 on 2/2/2017 (copy enclosed).
- I respectfully submit that, action plan for implementation of Solid Waste Management Rules, 2016 from Urban Development Department, Government of Karnataka is enclosed to this affidavit and marked as Annexure R-II

WHEREFORE, I respectfully pray that this Hon'ble Tribunal may be pleased to take this affidavit on record in the interest of justice and equity.

VERIFICATION

I, the above named Deponent do hereby verify that all the facts stated in the affidavit are true to the best of my knowledge and nothing materials concealed there from.

Verified at Bangalore on
February, 2017


DEPONENT

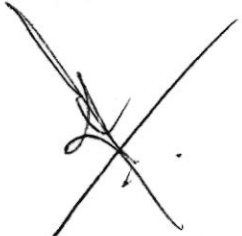
Identified by me

ANEXURE R-II

**Proposed action plan for implementation of
Solid Waste Management Rules, 2016 in 270 Urban Local Bodies
(excluding Bruhat Bengaluru Mahanagarapalike and 4 Notified Area
Commands) in the State of Karnataka**

Sl. No.	Activity	Time limit from the date of notification of rules	Proposed time limit of the State	Remarks								
a	b	c	d	e								
1	Identification of suitable sites for setting up solid waste processing facilities	1 year	2018 March	<table border="1"> <tr> <td>Total no. of ULBs in Karnataka</td> <td>275</td> </tr> <tr> <td>No. of ULBs possessing landfill sites</td> <td>208</td> </tr> <tr> <td>No. of ULBs which are yet to procure landfill sites</td> <td>65 (including 57 newly upgraded ULBs)</td> </tr> <tr> <td>No. of ULBs having common landfill sites (Ullala TMC in Mangalore CC & Saligrama TP in Udupi CMC)</td> <td>2</td> </tr> </table>	Total no. of ULBs in Karnataka	275	No. of ULBs possessing landfill sites	208	No. of ULBs which are yet to procure landfill sites	65 (including 57 newly upgraded ULBs)	No. of ULBs having common landfill sites (Ullala TMC in Mangalore CC & Saligrama TP in Udupi CMC)	2
Total no. of ULBs in Karnataka	275											
No. of ULBs possessing landfill sites	208											
No. of ULBs which are yet to procure landfill sites	65 (including 57 newly upgraded ULBs)											
No. of ULBs having common landfill sites (Ullala TMC in Mangalore CC & Saligrama TP in Udupi CMC)	2											
2	Identification of suitable sites for setting up common regional sanitary landfill facilities for suitable clusters of local authorities under 0.5 million population and for setting up common regional sanitary landfill facilities or standalone sanitary landfill facilities by all local authorities having a population of 0.5 million or more.	1 year	December 2017	<p>There are 6 City Corporations in the State where population is more than 0.5 million (Belagavi, Mangalore, HDMC, Mysore, BBMP and Gulbarga) and all these cities have individual landfill sites for processing & disposal of MSW. Among which Mysore, Mangalore, Belagavi City Corporations have standalone sanitary landfill facility of disposal facilities (information regarding BBMP will be sworn separately)</p> <p>In case, if any of the ULBs among 65 ULBs where landfill sites are yet to be procured find it impossible to have standalone landfill sites, suitable places for regional landfill sites be identified otherwise more or less in the State, standalone projects are preferred. However 2 common landfill sites already exist in the State.</p>								
3	Procurement of suitable sites for	2 years	December 2018	Already 208 ULBs have landfill sites for processing & disposal and 2 common								

Sl. No.	Activity	Time limit from the date of notification of rules	Proposed time limit of the State	Remarks
a	b	c	d	e
	setting up solid waste processing facility and sanitary landfill facilities			landfill sites, only rest 65 ULBs are yet to procure the land for processing & disposal. Steps will be taken to for procurement of suitable sites for setting up solid waste processing facility and sanitary Landfill facilities in 65 ULBs of the State and rest of the ULBs have landfill sites.
4	Enforcing waste generators to practice segregation of bio degradable, recyclable, combustible, sanitary waste domestic hazardous and inert solid wastes at source,	2 years	December 2017 December 2018 December 2019	Without formal notification in this regard, 205 ULBs have started Door to door waste collection (ranging between cent percent to partial). Notification in this regard will be issued by all ULBs by December 2017. Suitable steps shall be taken to enforce waste segregation practice in about 125 ULBs including 11 CCs, 57 CMCs and 57 TMCs by December 2018. Efforts will be taken to enforce waste segregation practice in 150 ULBs by December 2019.
5	Ensure door to door collection of segregated waste and its transportation in covered vehicles to processing or disposal facilities.	2 years	December 2017 December 2018	205 ULBs in State has started door to door waste collection mechanism in the State. 106 ULBs have partial source segregation system in place. By 2017 December steps will be taken to ensure notification regarding compulsory door to door waste collection in a segregated form and separate collection system for different waste streams to its designated processing and disposal facilities in all ULBs. Steps will be taken to ensure door to door collection of segregated waste and its transportation in covered vehicles to processing or disposal facilities in 125

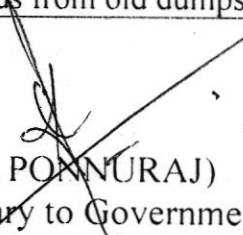


Sl. No.	Activity	Time limit from the date of notification of rules	Proposed time limit of the State	Remarks
a	b	c	d	e
			December 2019	ULBs (including 11 CCs, 57 CMCs and 57 TMCs). Efforts will be taken to enforce door to door collection of segregated waste and its transportation in covered vehicles to processing or disposal facilities in 150 ULBs by December 2019.
6	Ensure separate storage, collection and transportation of construction and demolition wastes	2 years	December 2017 December 2018	Steps will be taken to identify suitable sites for C&D waste management in all Corporations & City Municipal Councils. In the remaining ULBs where in quantity of C&D waste is relatively small steps will be taken to use C&D waste as covering material in landfill site after recovering valuable recyclables/reusable Steps will be taken to ensure separate storage, collection and transportation of construction and demolition wastes in 11 Corporations & 57 CMCs.
7	Setting up solid waste processing facilities by all local bodies having 100000 or more population	2 years	December 2018	There are 3 cities in State whose population is more than 10 lakhs i.e. BBMP, HDMC & Mysore. Mysore generates about 400 tonnes of MSW per day and has processing plant which can treat around 250 tonnes of MSW. Mysore CC has prepared SWM DPR for treating entire 400 tonnes of MSW in 2 different waste processing facilities under Swachh Bharat Mission and has been approved by State on 21-11-2016 for a DPR cost of 53.70 Cr. HDMC generates about 400 tonnes of waste and currently do not have any processing facility. Under Swachh Bharat Mission Corporation has prepared SWM DPR for development of 400 tonne

R-2-5

Sl. No.	Activity	Time limit from the date of notification of rules	Proposed time limit of the State	Remarks
a	b	c	d	e
				<p>capacity processing & disposal facility with an estimated cost of Rs.60.14 Crore which has been approved by on 26/4/2016.</p> <p>There are 26 towns in the State with a population more than 1 lakh population including above mentioned towns. Steps will be taken to approve the SWM DPRs in these towns and efforts will be taken to develop processing plants in these towns by December 2018.</p>
8	Setting up solid waste processing facilities by local bodies and census towns below 100000 populations.	3 years	December 2018 December 2019	<p>All SWM DPRs for development of processing & disposal facilities under Swachh Bharat Mission will be approved in all ULBs with less than 1 lakh population.</p> <p>Efforts will be taken to develop processing plants in these towns by December 2019.</p>
9	setting up common or standalone sanitary landfills by or for all local bodies having 0.5million or more population for the disposal of only such residual wastes from the processing facilities as well as untreatable inert wastes as permitted under the Rules	3 years	December 2019	There are 6 City Corporations in the State where population is more than 0.5 million (Belagavi, Mangalore, HDMC, Mysore, BBMP and Gulbarga). Among which Belagavi, Managlore and Mysore has standalone sanitary landfills and HDMC & Gulbarga has necessary land where SLF will be developed.
10	Setting up common or regional sanitary landfills by all local bodies and census towns under 0.5 million population for the disposal of permitted waste under the rules	3years	December 2019	<p>In the remaining ULBs with less than 0.5 million population, it is submitted that development of individual SLF is a part of SWM DPR under Swachh Bharat Mission. Steps will be taken to develop SLF in all the towns by December 2019.</p> <p>If no land is made available in 65 ULBs (detailed above in sl no 1) or if any ULB fails to use the existing land, steps to dispose the inert waste in adjoining ULBs</p>

Sl. No.	Activity	Time limit from the date of notification of rules	Proposed time limit of the State	Remarks
a	b	c	d	e
				will be taken up by district administration.
11	Bio-remediation or capping of old and abandoned dump sites	5years	December 2021	<p>Instructions will be issued to all ULBs to take necessary steps for taking up Bio-remediation or capping of old and abandoned dump sites.</p> <p>Already HDMC & Davanagere Corporations have included bio-mining of old dumps in their SWM DPRs under SBM.</p> <p>And remaining ULBs depending upon the requirement will be asked to include the same in their SWM DPRs. Tenders will be floated based on this suitable measures will be taken up to prevent pollution hazards from old dumps.</p>



(V. PONNURAJ)
Secretary to Government
(Municipal Administration and Urban
Development Authorities)
Urban Development Department
Government of Karnataka

R-2-7

**ACTION TAKEN REPORT IN RESPECT OF ORIGINAL APPLICATION NO.199 OF 2014
IN RESPECT OF NATIONAL GREEN TRIBUNAL**

<p>What is the estimated total solid waste generated every year? How much is actually collected, processed and treated?</p>	<p>There are 6022 Gram Panchayaths across 176 Taluks and 30 districts in Karnataka. As Gram Panchayath is the focal point for implementation of SBM (G), directions have been issued to all Gram Panchayaths to estimate the quantum of waste generated. However, major portion of solid waste generated at village level are agricultural waste, cow dung, and other animal faeces. Generally these wastes are treated locally by the farmers. Farm yards manure is prepared out of these wastes with respect to domestic solid waste. Process of quantification is underway.</p>
<p>Rule 4 of SWM 2016- The Rules stipulate zero tolerance for throwing, burning or burying the solid waste generated on streets, open public spaces outside the generators premises, or into the drains or water bodies. What mechanism base on ground realities has been put in place for its effective implementation?</p>	<ul style="list-style-type: none"> ➤ The Swachh Bharath Mission (G) guidelines stipulates 'Clean village concept' with improved cleanliness in rural areas through proper Solid and Liquid Waste Management and making Gram Panchayats Open-Defecation Free (ODF), clean and sanitized. ➤ As part of IEC activities, all the relevant stakeholders (SHG's, VWSC, PRI, Elected representatives etc) in the GP/Village are capacitated in regular intervals on proper segregation, collection & safe disposal of domestic waste. ➤ Setting-up of scientific Solid waste management facilities <p>The following actions are put in place for improved solid waste management in rural areas under SBM(G):</p> <ul style="list-style-type: none"> • 4R's (Reduce, Reuse, Recycle & Recover) principle is being administered in SLWM targeted GP's • Stakeholders capacitated on implementation of SLWM facilities & its operation & maintenance. • Adopting decentralized treatment methods like Household Composting (pipe compost), Biogas plants, Vermi composting, Waste dumps treatment, magic soak pits for grey water treatment.

<p>Rule 6(4)- Responsibility of the local body- The local body shall frame bye-laws incorporating the provisions of the Rules? Whether these have been framed by all local bodies? If not, the reasons therefore and whether any time frame has been given to the local bodies?</p>	<p>Applicable to urban local bodies</p>
<p>Rule 7(1) Responsibility of Gram Panchayath</p>	<ol style="list-style-type: none"> 1. Directions has been issued to all the Zilla Panchayaths vide letter No: RDP/102/RDW&SD/SBM/2016/392 dated 16.08.2016 to implement applicable stipulations of Waste Management Rules, 2016 issued by Ministry of Environment & Forest, Gol with respect to Plastic waste management. 2. Subsequently, copy of the respective rules on plastic waste management is being translated to kannada with the view to impart better clarity on the responsibilities of ZP/TP & GP and directions will be issued to take necessary actions accordingly 3. Continued capacity building activities is being carried out to all the relevant stakeholders on the impact of improper plastic waste management and measures to taken to address the same. 4. Effective convergence with NGOs/SHGs is in place on reuse mechanism like preparation of paper and fabric bags to suppress the use of Plastic. Such best practices is well established in rural parts of Dakshina Kannada, Udupi and Uttara Kannada Districts


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R-3-2

Annexure-1

Para wise replies to Hon'ble NGT Judgement with respect to O A No. 199/2014

Department: Karnataka State Pollution Control Board

Sl No.	Particulars	Action
01	Every State and Union Territory shall enforce and implement the Solid Waste Management Rules, 2016 in all respects and without any further delay. Every State and Union Territory shall enforce and Implement the Solid Waste Management Rules, 2016 in all respects and without any further delay.	SWM Rules, 2016, casts duties on various state and Central Government Departments to implement the Rules. Role of KSPCB is regulatory in nature and accordingly, action is being initiated to enforce these Rules in the state.
02	All the State Governments and Union Territories shall prepare an action plan in terms of the Rules of 2016 and the directions in this Judgment, within four weeks from the date of pronouncement of the judgment. The action plan would relate to the management and disposal of waste in the entire State. The steps are required to be taken in a time bound manner. Establishment and operationalization of the plants for processing and disposal of the waste and selection and specifications of landfill sites which have to be constructed, be prepared and maintained strictly in accordance with the Rules of 2016.	Same as above
03	The period of six months specified under Rule 6(b), 15 of the Rules of 2016 has already lapsed. The State Governments have failed to take action in terms thereof within the stipulated period. By way of last opportunity, we direct that the period of six months shall be reckoned w.e.f. 1st January, 2017. There shall be no extension given to any State for compliance with these provisions any further. The period of one year specified under Rule 11(a), 11(f), 15 (e) and 22 for compliance of the prepared plans and directions issued by the Committees shall, therefore, commence with effect from 1st July, 2017. For this also, no extension shall be provided. Any State or Union Territory which now fails to comply with the statutory obligations as afore indicated shall be liable to be proceeded against in accordance with Section 15 of the Environment (Protection) Act, 1986.	Issue not pertaining to the Board.

	Besides that, it would also be liable to pay environmental compensation, as may be imposed by this Tribunal. In addition to this, the senior most officer in-charge in the State Government/Urban Local Body shall be liable to be personally proceeded against for violation of the Rules and orders passed by this Tribunal.	
04	The Central Government, State Government, Local Authorities and citizens shall perform their respective obligations/duties as contemplated under the Rules of 2016, now, without any further delay or demur.	Duties of KSPCB are given in Rule 16 of the SWM Rules, 2016 which is being enforced.
05	All the State Governments, its departments and local authorities shall operate in complete co-ordination and cooperation with each other and ensure that the solid waste generated in the State is managed, processed and disposed of strictly in accordance with the Rules of 2016	--
06	Wherever a waste to energy plant is established for processing of the waste, it shall be ensured that there is mandatory and proper segregation prior to incineration relating to the quantum of the waste.	Will be insisted while granting authorisations.
07	It shall be mandatory to provide for a buffer zone around plants and landfill sites whether they are geographically integrated or are located separately. The buffer zone necessarily need not be of 500 meters wherever there is a land constraint. The purpose of the buffer zone should be to segregate the plant by means of a green belt from surrounding areas so as to prevent and control pollution, besides, the site of the project should be horticulturally beautified. This should be decided by the authorities concerned and the Rules are silent with regard to extent of buffer zone. However, the Urban Development Manual provides for the same. Hence, we hold that this provision is not mandatory, but is directory. We make it clear that buffer zone and green belt are essential and their extent would have to be decided on a case to case basis.	DMA has been directed to ensure notification on maintenance of buffer zone through Directorate of Town Planning as per the proceedings of the meeting held on 25-10-2016 and communicated dated 10-11-2016.
08	We direct that the Committees constituted under Rule-5 would meet at least once in three months and not once in a year. The minutes of the meeting shall be placed in the public domain. Directions, on the basis of the minutes, shall be issued immediately	Does not pertain to the Board

	after the meeting, to the concerned States, local bodies, departments and Project Proponents.	
09	<p>The State Government and the local authorities shall issue directives to all concerned, making it mandatory for the power generation and cement plants within its jurisdiction to buy and use RDF as fuel in their respective plants, wherever such plant is located within a 100 km radius of the facility.</p> <p>In other words, it will be obligatory on the part of the State, local authorities to create a market for Consumption of RDF. It is also for the reason that, even in waste to energy plants, Waste-RDF-Energy is a preferred choice.</p>	State Government may please issue directives to Cement plants on RDF utilisation. However, KSPCB has also called a meeting of all (08) the cement industries in the state along with BBMP and issued directions to lift RDF from BBMP jurisdiction as a commitment under CSR.
10	In waste to energy plant by direct incineration, absolute segregation shall be mandatory and be part of the terms and conditions of the contract.	Issue not pertaining to the Board
11	The tipping fee, wherever payable to the concessionaire/operator of the facility, will not only be relatable to the quantum of waste supplied to the concessionaire/operator but also to the efficient and regular functioning of the plant. Wherever, tipping fee is related to load of the waste, proper computerised weighing machines should be connected to the online system of the concerned departments and local authorities mandatorily.	Issue not pertaining to the Board
12	Wherever, the waste is to be collected by the concessionaire/operator of the facility, there it shall be obligatory for him to segregate inert and C&D waste at source/collection point and then transport it in accordance with the Rules to the identified sites.	Provisions of C and D Waste Management Rules, 2016 are being insisted by the Board.
13	The landfill sites shall be subjected to bio-stabilisation within six months from the date of pronouncement of the order. The windrows should be turned at regular intervals. At the landfill sites, every effort should be made to prevent, leachate and generation of Methane. The stabilised waste should be subjected to composting, which should then be utilized as compost, ready for use as organic manure.	Most of the local bodies have not developed the scientific landfills. They are just dumping the solid wastes in to identified sites. Only 13 local bodies have done sanitary landfills. Others are following dumping.

14	Landfills should preferably be used only for depositing of inert waste and rejects. However, if the authorities are compelled to use the landfill for good and valid reasons, then the waste (other than inert) to be deposited at such landfill sites be segregated and handled in terms of clause-12.	The Authorizations are issued with conditions to segregate the wastes and the inert waste and dump the rejects in landfills. However, in Bellahally quarry, BBMP is dumping all the mixed waste in the quarry without approval and creating problems of pollution. Personal hearing held with the Joint Commissioner and directed to stop dumping, but, still continued.
15	The non-biodegradable waste and non-recyclable plastic should be segregated from the landfill sites and be used for construction of roads and embankments in all road projects all over the country. To this effect, there should be a specific stipulation in the contract awarding work to concessionaire/operator of the facility.	Issue not pertaining to the Board
16	The State Government, Local Authorities, Pollution Control Boards of the respective States, Pollution Control Committees of the UTs and the concerned departments would ensure that they open or cause to be opened in discharge of Extended Producer Responsibility, appropriate number of centers in every colony of every district in the State which would collect or require residents of the locality to deposit the domestic hazardous waste like fluorescent tubes, bulbs, batteries, electronic items, syringe, expired medicines and such other allied items. Hazardous waste, so collected by the centers should be either sent for recycling, wherever possible and the remnant thereof should be transported to the hazardous waste disposal facility.	Local bodies are being insisted to establish separate centres for the deposition of domestic e-waste/hazardous waste within every ward for the benefit of its inhabitants and to give publicity to the same. Local bodies are also being insisted to collect the sanitary napkins separately in accordance with the Rules. Wherever possible, Board will ensure the extended producer responsibility through the related industries.
17	We direct MoEF&CC, and the State Governments to consider and pass appropriate directions in relation to ban on short life PVC and chlorinated plastics as expeditiously as possible and, in any case, not later than six months from the date of pronouncement of this judgment.	Issue not pertaining to the Board
18	The directions and orders passed in this judgment shall not affect any existing contracts, however, we still direct that the parties to the contract relating to management or disposal of waste should, by mutual consent, bring their performance, rights and liabilities in consonance with this judgment of the Tribunal and the Rules of 2016. However, to all the concessionaire/operators of facility even	Issue not pertaining to the Board

	under process, this judgment and the Rules of 2016 shall completely and comprehensively apply.	
19	We specifically direct that there shall be complete prohibition on open burning of waste on lands, including at landfill sites. For each such incident or default, violators including the project proponent, concessionaire, ULB, any person or body responsible for such burning, shall be liable to pay environmental compensation of Rs. 5,000/- (Rs. Five Thousand only) in case of simple burning, while Rs. 25,000/- (Rs. Twenty Five Thousand only) in case of bulk waste burning. Environmental compensation shall be recovered as arrears of land revenue by the competent authority in accordance with law.	Issue not pertaining to the Board
20	All the local authorities, concessionaire, operator of the facility shall be obliged to display on their respective websites the data in relation to the functioning of the plant and its adherence to the prescribed parameters. This data shall be placed in the public domain and any person would be entitled to approach the authority, if the plant is not operating as per specified parameters.	Issue not pertaining to the Board
21	We direct the CPCB and the respective State Boards to conduct survey and research by monitoring the incidents of such burning and to submit a report to the Tribunal as to what pollutants are emitted by such illegal and unauthorized burning of waste.	Memo addressed to all the Regional officers to monitor the ambient air quality around the land fill sites where open burning is undertaken regularly. The monitoring results will be analysed and report will be submitted to the Hon'ble Tribunal.
22	That the directions contained in the judgment of the Tribunal in the case of ' <i>Kudrat Sandhu Vs. Govt. of NCT & Ors</i> ', O.A. No. 281 of 2016, shall <i>mutatis mutandis</i> apply to this judgment and consequently to all the stakeholders all over the country.	---
23	That any States/UTs, local authorities, concessionaires, facility operators, any stakeholders, generators of waste and any person who violates or fails to comply with the Rules of 2016 in the entire country and the directions contained in this judgment shall be liable for penal action in accordance with Section-15 of the Environment (Protection) Act, 1986 and shall also be liable to pay environmental compensation in terms of Sections 15 & 17 of the National	---

	Green Tribunal Act, 2010 to the extent determined by the Tribunal.	
24	That the State Government/UT, public authorities, concessionaire/operators shall take all steps to create public awareness about the facilities available, processing of the waste, obligations of the public at large, public authorities, concessionaire and facility operators under the Rules and this judgment. They shall hold program for public awareness for that purpose at regular intervals. This program should be conducted in the local languages of the concerned States/UTs/Districts.	Issue not pertaining to the Board
25	We expect all the concerned authorities to take note of the fact that the Rules recognize only a landfill site and not dumping site and to take appropriate actions in that behalf.	Duly noted
26	We further direct that the directions contained in this judgment and the obligations contained under the Rules of 2016 should be circulated and published in the local languages.	Issue not pertaining to the Board
27	Every Advisory Committee in the State shall also act as a Monitoring Committee for proper implementation of these directions and the Rules of 2016.	Issue not pertaining to the Board
28	Copy of this judgment be circulated to all the Chief Secretaries/Advisers of States/UTs by the Registry of the Tribunal. The said authorities are hereby directed to take immediate steps to comply with all the directions contained in this judgment and submit a report of compliance to the Tribunal within one month from the date they receive copy of this judgment.	-


MEMBER SECRETARY