

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 ADDITIONAL CHIEF SECRETARY
TO GOVERNMENT, URBAN DEVELOPMENT DEPARTMENT,
GOVERNMENT OF KARNATAKA - RESPONDENT

I, Mahendra Jain, S/o Ghevarchand Jain, aged about 56 years, working as Additional Chief Secretary to Government, Urban Development Department, Government of Karnataka, Vikasa Soudha, Bengaluru, Karnataka state, do hereby solemnly affirm and State on oath as follows :-

- I submit that I have been working as Additional Chief Secretary to Government, Urban Development Department (UDD), Vikasa Soudha, Bangalore, since April 2016 and know the facts of the case and hence I am swearing to this Affidavit.



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Mahendra

ERRORS / CORRECTIONS ETC. Nil.

- 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 275 Urban Local Bodies (ULBs) in the State.
- I respectfully submit that there are 275 ULBs in the State, these ULBs generate approximately 10,000 tonnes of Municipal Solid Waste (MSW) every day, of which Bengaluru city itself generates 50% of the total waste and remaining ULBs generate the rest.
- I respectfully submit that waste generation in the State based on categories of ULB are as below;

Sl no	ULB category	Population as per 2011 census (Urban Population)	Per-capita waste generation considered	Approximate Waste generated per day
1	City Corporations (11 No's including BBMP)	1,35,88,873	450-500 gm	6521
2	City Municipal Council (57 Nos)	47,74,301	400 gm	1910
3	Town Municipal Council (114 Nos)	32,91,698	350 gm	1152
4	Town Panchayat (89 Nos)	14,94,598	250 gm	374
5	NAC	28,833	250 gm	8
	Total	2,31,78,303		9965 approx 10,000



Mehendh

- I respectfully submit that, SWM compliance status in the ULBs are as below;
- I respectfully submit that, instructions have been given to all

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
No. of ULBs in which basic infrastructures at landfill sites are established (basic infrastructure includes compound wall, approach road, tree plantation, bore well, watchman shed & electrification)	191
No. of ULBs in which composting facilities such as Windrow platforms / vermi sheds are constructed	129
No. of ULBs having 100% processing facility in place	15
No. Of ULBs having partial processing facility in place	114
No. of ULBs in which sanitary landfill facilities are developed (Mangalore, Belgaum, Udupi, Shimoga, Karwar, Puttur, Kundapur, Gulbarga, Bellary, Bagalkot, Mudhol, Chitradurga and Mysore)	13
Number of ULBs in which Door to Door collection of waste is carried out	205 (5 ULBs 100% and rest are partial)
Number of ULBs in which segregation is started partially	106

- ULBs to take appropriate measures for implementation of all provisions of SWM Rules 2016 in its true spirit vide letters dated 7-5-2016, 20-11-2016 & 3-12-2016.



Mahendru

- I respectfully submit that, instructions have been issued to all the ULBs to prepare comprehensive Solid Waste Management (SWM) action plan under Swachh Bharat Mission for ensuring segregation at source, systematic door to door to collection to ensure separate collection system for transporting different streams of waste collected, setting up of dry waste collection centres, development of waste processing & disposal facility and awareness creation.
- I respectfully submit that so far 70 ULBs generating about 4725 tonnes of MSW have finalised SWM action plan and High Power Committee constituted under Chairmanship of Chief Secretary, GOK has approved the same. Details of the said data is enclosed here with and marked as Annexure-R1.
- I respectfully submit that, in 57 towns which have been recently upgraded as ULBs as per 2011 census do not have the necessary landfill sites nor a systematic solid waste management program in place which includes 1) action plan for door to door waste collection, street sweeping, secondary collection & transportation, waste processing & disposal 2) necessary tools equipments, vehicles & machineries required to execute the same. Hence State as



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directed to take measures to implement the MSW Rules in the newly constituted ULBs.

- I respectfully submit that, elaborate instructions have been given to all ULBs to take measures prescribed for local authorities of census towns in Rule 15 of SWM Rules 2016 on 3-12-2016. SWM Rules has been translated to Kannada and is being circulated to all the ULBs. Copy of the same is enclosed here with and marked as Annexure-R2.
- I respectfully submit that, SWM State policy as prescribed in rule 11(a) is being prepared in association with KUIDFC and ULBs have been asked to prepare SWM byelaw as prescribed in rule 15 (e) and time frame for implementation as prescribed in rule 22 has been communicated to all ULBs vide letter dated 3-12-2016.
- I respectfully submit that, communication has been sent to Director, Town Planning Department, GOK for including details of SWM landfill sites in the Master Plans as prescribed in Rule 11 (f).
- I respectfully submit that, out of 275 ULBs in the State, 208 ULBs have suitable land for processing & disposal of solid waste. Deputy Commissioners have been requested to facilitate allotment of suitable lands for newly upgraded



ULBs and ULBs without landfill sites at the earliest vide letter dated 20-11-2016.

- I respectfully submit that, as rightly pointed out in the Honb'le NGT order, declaring 500 mt buffer zone around landfill site is not feasible in all cases; hence UDD in consultation with Karnataka State Pollution Control Board will notify the extent of buffer zone to be maintained based on the extent of landfill site or on a case to case basis.
- I respectfully submit that, modalities will be worked out for issuing directions by the competent authority to power generation plants & cement plants for mandatory purchase & use of RDF as fuel in their respective plants wherever such plants are located within a 100 km radius of the facility so as to create market for RDF as directed by the Honb'le NGT.
- I respectfully submit that, repeated instructions have been given to all ULBs to achieve 100% segregation at source. This is being facilitated through preparation of micro level planning for door to door waste collection through allocating auto tippers with compartments or allocating separate vehicles for collection of wet & dry waste.



Mehendra

- I respectfully submit that, 2 SWM BOT projects operational in State (excluding BBMP), tipping fee is based on number of tonnes of waste that is being land filled. The agreement was signed in the year 2008-09 between M/s Ramky Enviro Engineers Pvt Ltd and Shivamogga & Belagavi City Corporation for concession period of 20 years. Hence at this juncture changing contract terms is not feasible, but in future while signing agreements with private operator's directions of Honb'le NGT will be factored in.
- I respectfully submit that, based on previous experience with Shivamogga & Belagavi , it was felt that if the ULBs are allowed to develop waste processing & disposal facility on BOT/DBOOT basis, it will lead to financial burden on ULBs in the form of tipping fee. Hence in Karnataka conscious decision of ULBs developing the waste processing & disposal facility under Swachh Bharat Mission and O&M through private player has been adopted.
- I respectfully submit that, efforts are being made for formulation of State policy on C&D waste in line with SWM Rules 2016. Instructions have been issued to ULBs to handle C&D waste as per C&D Waste Management Rules



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M. S. Ballal

ERRORS / CORRECTIONS ETC, Nil.

2016 & the issue is being addressed in SWM DPRs prepared under Swachh Bharat Mission.

- I respectfully submit that, suitable instructions have been given to all ULBs for carrying out bioremediation of old dumps, waste stabilisation at landfill sites as per the provisions of SWM Rules 2016. In the 70 SWM DPRs which have been approved by State HPC, the extent of land filling is restricted to 15-20% of total waste generated, while the rest will be processed or recycled.
- I respectfully submit that, efforts will be taken to earmark some portion at dry waste collection centre for storing domestic hazardous & electronic waste so that once it reaches sufficient quantity it will be sent for appropriate authorised waste handlers prescribed by KSPCB.
- I respectfully submit that, burning of waste is prohibited in all City Corporations of the State by bringing in suitable amendments to Karnataka Municipal Corporation Act 1976 and same is enclosed here with and marked as Annexure-R3. Efforts are being to bring suitable amendments to Karnataka Municipalities Act 1964 so that prohibition of burning of waste can be backed with law.
- I respectfully submit that, all the ULBs in the State are already displaying the SWM status in the respective ULB



websites. Efforts will be taken for public display adherence to the prescribed parameters by all the ULBs once the SWM processing & disposal facilities become fully functional.

- I respectfully submit that, judgement of the Honb'le NGT in the case of ' Kudrat Sandhu Vs Govt of NCT & Ors' OA no 281 of 2016 which are applicable to the State will be examined and appropriate actions will be taken for adherence of same.
- I respectfully submit that, extensive IEC activities will be taken up for creating awareness about existing /proposed SWM facilities in ULBs, obligation of public in waste management , elected representatives & ULB health staff under Swachh Bharat Mission . Amount of Rs.112.8 Cr has been earmarked for the State IEC in the Mission period.
- I respectfully submit that, State level SWM Advisory Committee as per the Rule 23 has been constituted as per the GO no UDD 267 CSS 2016, Bengaluru Dated 7-11-2016 under the Chairmanship of Additional Chief Secretary , UDD and same is enclosed here with and marked as Annexure-R4.
- I respectfully submit that, in order to discourage open dumping, instructions have been given to all the ULBs to develop processing facilities mainly composting technology.



Once the administrative & technical sanctions are obtained, ULBs will invite tenders for development of waste processing & disposal facility. After the completion of the developmental works, operation & maintenance of the said facilities will be outsourced.

- I respectfully submit that, depending upon the waste generation quantity and pollution potential emphasis is given to the scientific processing at CCs & CMCs followed by TMCs & TPs.
- I respectfully submit that, one day workshop was conducted on 11-1-2017 for all the 275 ULBs, where the health staff was trained about all waste management rules 2016 published by Ministry of Environment, Forest & Climate Change. Subject experts and representatives from KSPCB, Town planning presented the key features of SWM Rules 2016, Plastic Waste Management Rules 2016, C&D Waste Management Rues 2016, Bio-Medical Waste Management Rules 2016.
- I respectfully submit that, status of compliance of SWM Rules 2016 as per affidavit submitted by Commissioner, BBMP is enclosed.



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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.

Mahesh

DEPONENT

Verified at Bangalore on
31st January, 2017

Identified by me



Sworn / Solemnly affirmed and signed before me
on this 31st day of Jan 2017 at Bengaluru.
N.R. Sl. No. 665 Corrections: only
M.S. Ballal 31/01/17
M. S. BALLAL, Advocate & Notary, Bengaluru.