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अध्यक्ष



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

सत्यमेव जयते

F. No. B-11012/12/UPC-II/MSW/2018-19/ 17177

Date: 15.03.2019

To,

✓ Chief Officer,
Municipal Council, Jalna
Railway Station Road, Jalna,
Maharashtra - 431203

Sub: Direction under Section 5 of Environment (Protection) Act, 1986 for implementation of the Solid Waste Management Rules, 2016 in Jalna Municipality (Maharashtra)- reg.

WHEREAS, rule 15(a) to 15(zk) of the Solid Waste Management Rules, 2016 (SWM Rules) specifies duties and responsibilities of local authorities and village Panchayats of census towns and urban Agglomerations for ensuring management of Municipal Solid Waste.

WHEREAS, Jalna Municipal Council requires to take action on the judgment dated 02.01.2017 passed by the Hon'ble NGT in the matter of Almitra H. Patel Vs Union of India & Ors. (199/2014) regarding Solid waste management; and implement the SWM Rules, 2016 as per action plan prepared by the State.

WHEREAS, Jalna Municipal Council has failed to implement SWM Rules, 2016 in the Jalna Town (Maharashtra).

WHEREAS, the Central Pollution Control Board(CPCB) sponsored a Demonstration project "Setting up of Demo-facility project for Management of Municipal Solid Waste for implementation of Municipal Solid Waste (Management and Handling) Rules, 2000 in Jalna (Maharashtra)"

WHEREAS, CPCB signed MoU with the Maharashtra Pollution Control Board (MPCB) and Municipal Council, Jalna on 10.10.2005 and subsequently revised the MoU on 16.09.2008 for implementing the project (components- Mass Awareness and Compost Plant).

WHEREAS, CPCB sanctioned the Demonstration project with terms and conditions at a total cost of Rs. 300.0 Lakh with CPCB share of Rs. 150.0 Lakh for a project



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period of 24 months (w.e.f. 12.01.2006) and released Rs. 50.0 Lakh as 1st installment; and whereas, the project has been delayed due to the non-receipt of the Administrative Approval form the District Authority.

WHEREAS, a joint team of officials from CPCB/Maharashtra Pollution Control Board visited the project site on 01.11.2016 to know the updated progress and the Regional Officer, MPCB issued prosecution notice to Jalna Municipal Council for violation of SWM Rules, 2016.

WHEREAS, CPCB reviewed the project on 09.11.2016 in CPCB-Delhi, wherein JMC informed that a meeting was convened by MPCB with Chief Engineer, JMC on 17.02.2016 for speeding up the project works. Finally, Administrative Approval was obtained from District Administration on 23.09.2015 and project works were accelerated. The works of compound wall, erection of processing shed and installation of machineries were in progress.

WHEREAS, the project works were halted due to underway General Election. The Municipal Officers requested one month's time for submission of time-line and strategy for completion of the project and committed to complete the project within 6-8 months. Five months passed after review of the project, till date CPCB has not received the time-line and strategy for completion of the project.

WHEREAS, CPCB reviewed the project on 09.11.2016 in CPCB-Delhi where in Jalna mentioned that the project was started in 2005 and revised project components in 2008. Only Waste Processing and Mass Awareness activities are envisaged in the project at a cost of Rs 300 Lakh. The remaining project works were included under JNNURM. CPCB released Rs.50 Lakh as 1st installment and receive UC for only Rs.58.75 lakh as against required UC of Rs 100 Lakh including the state share. The project was delayed for some time, due to non-availability of administrative approval from district administration, which was finally obtained on 23.9.2015.

WHEREAS, Jalna MC as committed earlier shall complete phase II by December 2017. The works started in Feb 2017 and works of factory shed, windrow platform, installation of machinery, one security cabin and semi-finished shed have been completed. Out of proposed three landfill cells, work of one cell is in progress and

expected to be completed by the end of February, 2018. The remaining other two landfill cells will be completed by June 2018. As the machinery of compost plant was installed 6 years ago, there is a need to check before commissioning. Internal roads will be completed by February/March, 2018. Installation of all accessories/components will be completed, simultaneously. Awareness Campaign is in progress and also linked with SBM campaign. MC will start operation of the processing plant by end of February 2018 after completion of one scientific landfill cell.

WHEREAS, the Chief Officer, Jalna Municipal Council is aware of the CAG audit observations "Non-Establishment of model facilities for management of Municipal Solid Waste" based on para No. 6.4 of the C&AG Report 27 of 2014 mentioning that; "Audit pointed out that the objectives of the projects were to demonstrate implementation of MSW Rules in an integrated manner by creation of model facilities which could be further replicated. It was however revealed that as of July 2014, model facilities were not commissioned in any of the 10 selected states and as a result, the objectives of the project could not be achieved." Whether, the Municipality took the matter of CAG observations seriously and had taken actions. The CAG observations were forwarded to Maharashtra Pollution Control Board vide CPCB letter dated 23.12.2014.

WHEREAS, the Chief Officer, Jalna Municipal Council is aware of the Examination of Public Accounts Committee (PAC) on the subject "Non-Establishment of model facilities for management of Municipal Solid Waste" based on para No. 6.4 of the C&AG Report 27 of 2014"; and the Municipality took the matter of PAC observations seriously and action initiated for completing the project.

WHEREAS, the Chief Officer, Jalna Municipal Council is aware of the corrected Judgment passed by the Hon'ble NGT on 02.01.2017 in the matter of Almitra H. Patel & Anr. Vs Union of India & Ors. (199/2014) regarding municipal solid waste management.

WHEREAS, as per site visited by CPCB Regional Directorate Vadodara official on 06/02/2018 along with Sh. Mahesh Chalwa, Field Officer (FO) from sub- Regional Office (SRO) Jalna, Maharashtra Pollution Control Board (MPCB) & Sh. Santosh

Khandekar, chief Officer (CO) Jalna Municipal Council (JMC). The following were the major observations

- Progress of the work is not in line with the statement made by the Chief Officer of JMC during the visit on 10.10.2017 that the work of MSW Management site will be completed by December,2017 and its operation will also be started immediately.
- JMC, Chief Officer had submitted timeline Bar chart for Completion of MSW pilot project as he had given the undertaking on 09.11.2016 & 17/11/2017 mentioning that they will start the processing the plant at the site by February,2018 after the completion of one scientific landfill site, however, during the visit excavation work of secured Landfill site was not in progress as compared to the earlier visit on 10.10.2017.
- JMC is continuing disposal off MSW at unauthorized site (open land) at Sarwadi road, Jalna.

WHEREAS, project is inordinate delayed and as per status report of the visit carried by RD Vadodara on 06.02.2018, there is not much progress in the work as committed in the held on 17th Nov ,2017 by Jalna MC and CPCB has not received any indication on progress of the project, hence requested to submit the project closure report with Utilization certificate and refund of unspent balance if any by 15th September,2018 but CPCB has not received any concrete progress of the project.

WHEREAS, CPCB has terminated project vide letter dated 30.08.2018 due to non-committed progress of the demo facility.

NOW, THEREFORE, in view of the above facts and observations on implementation of the provisions of the rules under the Solid Wastes Management Rules, 2016, I, the Chairman, Central Pollution Control Board (CPCB) in exercise of powers vested under section 5 of the Environment (Protection) Act, 1986 issue the following directions to the Chief Officer, Jalna Municipal Council;

- (i) The Chief Officer, Jalna Municipal Council shall take appropriate actions to implement the provisions of the Solid Waste Management Rules, 2016 specified

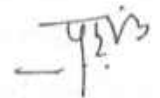
at rule 15 (a) to (zk) as duties and responsibilities of local authorities (Annexure-I).

- (ii) The Chief Officer, Jalna Municipal Council shall take appropriate action on the judgment passed by Hon'ble NGT for solid waste management.
- (iii) The Chief Officer, Jalna Municipal Council submit project closure report with utilization certificate and refund of unspent balance if any by **20th March, 2019.**
- (iv) The Chief Officer, Jalna Municipal Council shall ensure timely completion of the remaining works of other components out of funds allocated under Swachh Bharat Mission by Government of India.
- (v) The chief Officer, JMC shall implement SWM Rules,2016, as per the direction of Hon'ble NGT in OA 606/2018 dated 31.08.2018 & 16.01.2019.


(S. P. S. Parihar)
Chairman

Copy to:

- 1) Secretary, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Delhi 110 003
- 2) Secretary -In-Charge (UD), State Govt. of Maharashtra, Mumbai
- 3) Member Secretary, State Level committee
- 4) ✓ DH-IT Division


(Prashant Gargava)
Member Secretary