



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

F. No. B-11011/1/UPC-II/MSW/2018-19/

1045-1116

Date: 15-04-2019

To,

1. **Secretary,**
State Urban Development Departments, (All States)
(List enclosed)
2. **Chairman**
SPCBs/PCCs, (All States)
(List enclosed)

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

1. **WHEREAS,** as per rule 16 (a) of the SWM Rules, 2016, the State Pollution Control Board or Pollution Control Committee shall enforce these rules in their State through local bodies in their respective jurisdiction and review implementation of these rules at least twice a year in close coordination with concerned Directorate of Municipal Administration or Secretary-in-charge of State Urban Development Department;
2. **WHEREAS,** as per rule 16 (b) of the SWM Rules, 2016, the State Pollution Control Board or Pollution Control Committee shall monitor environmental standards and adherence to conditions as specified under the Schedule I and Schedule II for waste processing and disposal sites;
3. **WHEREAS,** it has been reported that there are several complaints/ litigations with regard to non- implementation of Solid Waste Management Rules,2016;
4. **WHEREAS,** as per the rule 24 (1), 15 (za) & (zb), 24 (2) & 24 (3) of the Solid Waste Management Rules,2016, following actions shall be complied:
 - The operator of facility shall submit the annual report to the local body in Form-III on or before the **30th day** of April every year.
 - The local authorities and Panchayats shall;
 - Prepare and submit annual report in **Form-IV** on or before the **30th April** of the succeeding year to the Commissioner or Director, Municipal Administration or designated Officer;

- The annual report shall be sent to the Secretary-in-Charge of the State Urban Development Department or village panchayat or rural development department and to the respective State Pollution Control Board or Pollution Control Committee by the **31st May** of every year;
- 5. WHEREAS**, as per the rule 24 (1), 15 (za) & (zb), 24 (2) & 24 (3) of the Solid Waste Management rules ,2016 each State Pollution Control Board or Pollution Control Committee as the case may be, shall prepare and submit the consolidated annual report to the Central Pollution Control Board and Ministry of Urban Development on the implementation of these rules and action taken against non-complying local body by the **31st day of July** of each year in **Form-V**;
 - 6. WHEREAS**, more than 02 years have been passed from the notification of Solid Waste Management Rules, 2016 and majority of Municipal Authorities have failed to comply with provisions of the Rules;
 - 7. WHEREAS**, most of MSW dumpsites have been exhausted in a city/town, however, dumping of mixed MSW is continued;
 - 8. WHEREAS**, Hon'ble National Green Tribunal upon hearing all the States/UTs passed order dated **20.8.2018** & **31.08.2018** in the matter of OA No.606/2018, in which it has been observed that the SWM Rules, 2016 have been notified on 8th April, 2016, but implementation of the Rules remains a challenge;
 - 9. WHEREAS**, as per Rule 24(4) of the SWM Rules, 2016, CPCB prepared and submitted annual report on implementation of these Rules to MoEF & CC wherein serious deficiencies have been found in compliance of provisions of Solid Waste Management Rules, 2016;
 - 10. WHEREAS**, Hon'ble NGT in its order dated 31.08.2018 in the matter of OA No.606/2018 observed that the States and Union Territories are nowhere near compliance of the Rules, 2016 inspite of the directions issued by this Tribunal. Even action plans have yet not been prepared in all the States more than two years after the Rules, 2016 have been in operation and inspite of binding directions in the Judgment of this Tribunal vide order

dated 22.12.2016 in case no OA 199/2014 in the matter of Almitra H. Patel Vs. Union of India;

- 11. WHEREAS**, the Rule 23 (1) of the Solid Waste Management Rules, 2016 specify the duty of Every Department in-charge of local bodies of the concerned State Government or Union Territory administration to constitute a State Level Advisory Body (SLAB) within **six months** from the date of notification of these rules;
- 12. WHEREAS**, out of 35 states/UTs, only 30 States have submitted the status regarding the constitution of State Level Advisory Body (SLAB);
- 13. WHEREAS**, the Rule 23 (2&3) of the Solid Waste Management Rules, 2016, the State Level Advisory Body (SLAB) shall meet at least once in **every six months** to review the matters related to implementation of these rules, state policy and strategy on solid waste management and give advice to state government for taking measures that are necessary for expeditious and appropriate implementation of these rules. Whereas, the copies of the review report shall be forwarded to the State Pollution control Board or Pollution Control Committee for necessary action;
- 14. WHEREAS**, the Hon'ble National Green Tribunal in the matter of Almitra H. Patel & Ors Vs. Union of India &Ors (199/2014) in the final judgment dated **2nd January, 2017** issued order at S. No. 28 that "Every Advisory Committee in the State shall also act as a "Monitoring Committee" for proper implementation of these directions and the Rules, 2016;
- 15. WHEREAS**, Central Pollution Control Board issued directions on dated 11th September, 2017 under Section 5 of Environment (Protection) Act, 1986 for implementation of Rule 23-Constitution of State Level Advisory Body within **six months** from the notification of Solid Waste Management Rules, 2016 to all the Secretary-In-charge, Urban Development Department of all States/UTs.
- 16. WHEREAS**, the Annual Report submitted by State Pollution Control Board in the year 2017-2018 has not been submitted by all the SPCBs/PCCs on implementation of Solid Waste Management Rules, 2016. The last date for submission of Annual report was **31.07.2018**. Out of **35** States/UTs, only **16**

SPCBs/PCCs have submitted Annual Report (AR) till 15.10.2018. (Last Date: 31.07.2018).The following are the observations on the Annual Report submitted by these states.

- Most of the ARs submitted by SPCBs/PCCs have not provided any data related to monitoring of the ground water around the landfill site or processing site.
- Most of the ARs submitted by SPCBs/PCCs have not provided any data/information on the ambient air quality.
- Majority of the States have not initiated segregation at the source.
- Most of the States have not provided proper information on waste collection, processing and disposal facilities.
- Most of the States have not provided information about action plan prepared and submitted by the ULBs.
- Waste processing and disposal facilities in majority of States are not in working condition.
- State Policy and Strategy for implementation of the Solid Waste Management Rules, 2016, have not been formed by majority of States/UTs.
- Lack of coordination between Urban Development Departments (UDDs), Urban Local Bodies (ULBs) & State Pollution Control Boards/Pollution Control committees (SPCBs/PCCs) and other concerned Agencies, who are involved in implementation of SWM Rules, 2016.
- Most of the dumpsites are unscientific and operating without complying SWM, Rules, 2016. However, as per SWM Rules, 2016 Landfill site should preferably be used only for depositing inert waste and rejects.
- Mixed MSW is dumped on dumpsites causing environmental & health hazard and often lead to open-fires.

17. NOW THEREFORE, in view of the above observations on implementation of the provisions of the rules under Solid Waste Management Rules,2016 and in exercise of powers vested to the Chairman, Central Pollution Control Board

under Section 5, Environment (Protection) Act, 1986 to Chairman, SPCBs/PCCs & Secretary, UDDs are hereby directed as under:

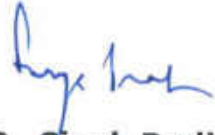
For SPCBs/PCCs:

1. SPCBs/PCCs shall submit complete Annual Report in the prescribed format on implementation of SWM Rules, 2016 i.e., before **31st July** each year.
2. SPCBs/PCCs shall make provision for online uploading of Annual Reports by SPCBs/PCCs on individual websites.
3. Interaction between SPCB/PCCs & State UDDs Departments shall be strengthened for proper implementation of Solid Waste Management Rules, 2016.
4. SPCBs/PCCs shall follow up with the municipalities and suggest setting up of waste processing/disposal facilities either by the municipality or by engaging private entrepreneurs and provide present status in the State.

For Urban Development Department (UDD):


1. At State level, a technical cell may be set-up to assist Local Bodies to enable them to initiate implementation of SWM Rules, 2016. States may evolve Plans and Policy to provide technical and financial assistance to the Local Bodies.
2. Segregation of waste at source is to be made mandatory for ensuring safe disposal of MSW. Wet waste should be composted and dry waste should be sent to Material Recovery Facility (MRF) for further segregation & its usage.
3. For proper implementation of Solid Waste Management Rules, 2016, every State should finalize and place in public domain its Strategy & time target action plan.
4. Every State should follow the criteria for selecting a landfill site and setting-up buffer zone around a landfill and waste processing sites as per the guidelines and provide status of selected landfill sites in the State as per criteria of SWM Rules, 2016.
5. The States/UDDs shall ensure safe disposal of legacy Municipal Solid Waste as per Guidelines issued by CPCB.

6. Every State/UT shall constitute State Level Advisory Body (SLAB) and submit the status of compliance by **30th April, 2019**.
SPCBs/PCCs & UDDs are hereby directed to acknowledge the receipt of these directions immediately and submit action taken report for compliance of the above directions to CPCB by **25.04.2019** failing which necessary action shall be initiated in accordance with law.


(S.P. Singh Parihar)
Chairman
16/04/19

Copy to:

1. **Joint Secretary**
CP Division,
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhawan, JorbhagRoad,
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2. **Joint Secretary, Mission Director,**
Ministry of Housing and Urban Affairs
Nirman Bhawan, 'C' wing, Room no. 307 'C'
New Delhi-110001
3. **Divisional Head ,IT Division , CPCB**


(A. Sudhakar)
Member Secretary

