

ACTION TAKEN REPORT
(as on 30.09.2011)
on the
Directives of the Supreme Court of
India
in the matter of W.P. (C) No. 657 of
1995
dated October 14, 2003.

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MAHARASHTRA POLLUTION CONTROL BOARD
Kalptaru Point, Sion Circle, Sion (East)
Mumbai 400 022

30th September, 2011

MAHARASHTRA POLLUTION CONTROL BOARD

Subject: ACTION TAKEN REPORT as on 30th September, 2011.

Reference: Orders of the Hon'ble Supreme Court of India, dated 14.10.2003 regarding management of hazardous wastes.

1.0 Background

The Hon'ble Supreme Court of India is considering a public interest litigation regarding management of hazardous wastes in India vide Civil Writ Petition no. 657 of 1995. The Apex court considered various recommendations contained in the report of the High Power Committee, appointed under the chairmanship of Prof. M.G.K.Menon and issued a detailed order on 14.10.2003 directing all the concerned authorities to take follow up actions on those directives, in a time bound manner. Further, the Apex court has also appointed a Monitoring Committee, under the Chairmanship of Dr. G. Thyagarajan, Former Director, CSIR, to oversee the compliance of its directives issued vide order dated 14.10.2003. The Supreme Court Monitoring Committee (SCMC) is required to submit quarterly action taken report to the Apex court regarding the compliance achieved by the concerned authorities on the management of hazardous wastes in respective states.

Maharashtra Pollution Control Board (MPCB) has submitted 18 quarterly Action Taken Reports and after that two Comprehensive Reports are submitted on the actions taken by the Board to SCMC. Maharashtra pollution Control Board has also filed the ATR in the Supreme Court of India, separately. All the Action Taken Reports, submitted by Maharashtra Pollution Control Board so far to SCMC and the Apex court, have been placed on the website of the Board for the benefit of the public (www.mpcb.gov.in).

MPCB took time bound steps along with strong and exemplary actions to streamline the enforcement of Hazardous waste Rules and the compliance of the directives of Hon'ble Supreme Court of India in the state of Maharashtra. The actions taken by the Board have been appreciated by the Chairman, Supreme Court Monitoring Committee from time to time, as reflected in the earlier ATRs submitted by MPCB to the Supreme Court Monitoring committee. SCMC is satisfied with the various actions taken by the Maharashtra Pollution Control Board and the compliance achieved by the Board on the Apex Court orders.

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This action taken report, which presents the action taken by MPCB on the Apex Court Orders dt. 14/10/2003 and directives given by the Supreme Court Monitoring Committee upto the period 30th September, 2011 on management of hazardous wastes in the State of Maharashtra.

2.0 Closure of defaulting industries

As directed by the Hon'ble Supreme Court of India, it was decided that industries, identified as per Hazardous Wastes (M. &H.) Rules, 1989, shall be considered for issuance of closure directions. As reported in the earlier ATR there were 3427 industries covered under the HW 1989 Rules. However, MPCB continued the assessment on the number of HW generating industries in Maharashtra, based on Hazardous Wastes (M. & H) Rules, 2003 (as amended). It was observed that the number of HW generating industries as per the current assessment, HW generating units stands at 5428. This number has increased due to addition of more categories of HWs in amended HW Rules, 2003. The ongoing identification of newer HW generating units is a continuous exercise to detect the presence of additional HW generating units in the state of Maharashtra and take action on them in accordance with the orders of the Apex Court and the HW Rules, 2003. The completion of HW inventory in Maharashtra has helped in identification of new HW generating units in the state as per the amended HW Rules.

In accordance with the directives of Hon'ble Supreme Court of India, actions were initiated by MPCB against the industries which did not possess authorizations and/or were not complying with the conditions of the authorizations granted to them. The status in terms of closure directions issued by MPCB and withdrawal of those directions in respect of industries who have complied with the orders of the Apex Court and it was reported in the earlier ATRs submitted to SCMC.

The issuance of directions to HW generating units and the levy of fines etc. to those industries, which are found to be non-compliant, are being continued by the Board. Such industries are thus being compelled to send the HWs lying in their premises to the common TSDF at Taloja, TTCWMA, Ranjangaon and Butibori in fulfillment of the directives of the Apex Court and further comply with the HW Rules.

3.0 Inventorisation of the Hazardous Wastes

Supreme Court had directed to prepare the inventory of the hazardous wastes for the purpose of the dovetailing it to the CPCB exercise of preparing national toxic inventory. Since Maharashtra State is known to generate nearly half of the quantities of the hazardous wastes generated in the country, preparing the toxic inventory of the hazardous wastes was a gigantic task. MPCB adopted a unique approach involving the mass balance studies of the processes adopted by the industries that generate hazardous waste, to study the hazardous waste generation patterns and quantities. The entire study was outsourced and continuously monitored during its tenure throughout the State. This approach was appreciated by SCMC.

The hazardous wastes inventory report prepared by the Board was submitted to SCMC on 25/08/2005 and the report was made available to CPCB for the preparation of the National Inventory of the Hazardous Wastes, in compliance of the directions of the Hon'ble Supreme Court of India.

As per the directions of MoEF and CPCB the work of revised inventorisation of hazardous wastes generated in Maharashtra is completed and the revised inventory has been submitted to CPCB, Member Secretary, SCMC and MoEF on 31/08/2007. As per the discussions and suggestions regarding updating and submission of hazardous waste inventory upto 31/03/2008 given by Member Secretary, CPCB in the 54th Conference of Chairmen and Member Secretaries of SPCBs held at Delhi between 22 - 23rd May, 2008. Maharashtra Pollution Control Board has revised the inventory till 31/03/2011 and submitted to CPCB. The hazardous wastes inventory report is available on the website of MPCB, which is interactive and gives information each HW generating industrial unit in the State. The findings of the revised inventorisation study are given below:

As per the present inventory total hazardous waste generation in Maharashtra is 1888788.1 MT/Y. of which about 28.78% is landfillable, 58.62% is recyclable and balance 12.59% is incinerable.

The break-up of hazardous wastes generation for various regions of Maharashtra Pollution Control Board including generation from non-industrial sources is presented in table and figure below. This indicates that Mumbai region has the highest generation of waste 365679.11 MT/Y (19.36%) followed by Kalyan region with 21250.16 MT/Y (11.25%) the lowest generation was observed in Amravati Region 13051.70 MT/Y

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(0.69%). The generation from other non-industrial sources was observed to be 83403.28 MT/Y (4.41%)

Region wise Break-up of HW based on Disposal Method

Sr.No.	Region	Quantity of HW (MT/Year)			Total
		SLF	RCL	INC	
1	Mumbai	37902.74	309524.06	18252.31	365679.11
2	Raigad	70208.10	143578.25	37324.81	251111.16
3	Navi Mumbai	66058.97	33147.56	40579.48	139786.00
4	Thane	52717.82	65298.49	17379.17	135395.48
5	Kalyan	72573.74	178983.94	9692.48	261250.16
6	Pune	54994.59	79806.31	41317.75	176118.66
7	Kolhapur	22235.06	22672.71	11485.52	56393.29
8	Nashik	24755.97	60229.51	16011.72	100997.20
9	Aurangabad	44989.80	65739.06	21623.91	132352.77
10	Amravati	6791.17	5837.06	423.47	13051.70
11	Chandrapur	24437.26	50382.00	10315.04	85134.29
12	Nagpur	37200.31	39164.43	11750.21	88114.95
13	Non-Industrial Sources	28828.43	52856.45	1718.4	83403.28
	TOTAL	543693.96	1107219.8	237874.27	1888788.1

SLF : Secured Landfill, RCL : Recyclable, INC : Incinerable

Total No. of HW Generation Units in Maharashtra: 5428

Based on disposal method salient findings as follows:

A. Landfillable Waste:

The Largest generation of landfillable waste was seen in Kalyan 72573.74 MT/Y. (13.35%) followed by Raigad 70208.10 MT/Y. (12.91%). The lowest generation was observed in Amravati 6791.17 MT/Y. (1.25%). Amongst non-industrial sources landfillable waste generation is primarily from CETPs and is at 19581 MT/Y. (3.6%). When compared to the 2008 inventory landfillable waste has gone down from 568136

MT/Y to 543693.96 MT/Y. This is due to Board policy to encourage reuse, recycle of gypsum sludge and other low value high hazardous waste in cement/construction industry.

B. Incinerable Waste:

It is observed that the highest incinerable waste generation was in Pune 41317.75 MTPA (17.36%) followed by Navi Mumbai 40579.48 MTPA (17.05%). The lowest incinerable waste generation was observed in Amravati 423.47 MTPA (0.17%). The quantity of incinerable waste has changed by 152791 MT/Y. in 2008 to 237874.27 MT/Y. as per recent inventory.

C. Recyclable Waste:

The highest recyclable waste generation was in Mumbai 3,09,524.06 MTPA (27.95%) followed by Kalyan 1,78,983.94 MTPA (16.16%). The recyclable generation from other non-industrial sources was 52856.45 MT/Y. (4.77%), primarily due to used/waste oil generation in automobile service stations, docks, ports, power distribution etc. The quantity of recyclable waste has gone up from 847440 MT/Y. 2008 to 1107219.8 Mt/Y. in tune with Boards policy to encourage maximum recycle of high value low hazards waste such as gypsum to cement industries and in construction sector.

4.0 Software developed by MPCB for tracking of Hazardous Wastes

MPCB has developed software for tracking the hazardous waste generating units in the Maharashtra and for issuing the amended authorization to the industries.

- The Hazardous Waste Management and Monitoring System (HWMMS) is a web based database application with three objectives viz. updating of the inventory of HWs, provide on-line access to the inventory and provide various search facilities to the user based on various search criteria. The said software is under modifications.
- Monitoring of Hazardous Waste Disposal through on-line filing of the annual returns under Form 4, 6 as specified in the Hazardous Waste (Management, Handling & Transboundary Movement) Rules, 2008. The new software based on the Hazardous waste (Management & Handling) Rules, 1989 amended 2003 was demonstrated to the Members of SCMC and the Officers of the SPCBs at the 52nd Meeting of the

Chairpersons and Member Secretaries of SPCBs held at Mumbai in the month of January, 2006. It is user friendly applications with held links available for the users.

MPCB has issued a public notice in the leading newspapers on 11/01/2008 for on-line filing of the annual returns in Form 4, and 6 of the Hazardous Waste (M&H) Rules, 1989 as amended 2003 by using the software developed by the Board. At present the said software is under modifications as per the Hazardous Waste (Management, Handling & Transboundary Movement) Rules, 2008, amended 2010. The modified version of the software will be in operations by the 1st of April, 2012, as the last date for filing of Annual Returns is 30th June of every year as mentioned in the Hazardous Waste (Management, Handling & Transboundary Movement) Rules, 2008

5.0. Common Hazardous Waste Treatment, Storage and Disposal Facilities in Maharashtra.

Present Status of the TSDF Sites in Maharashtra

Sr. No.	Location	Capacity	Status
1	Taloja, Raigad	SLF: 120000 TPY Incineration: 30000 TPY	<ul style="list-style-type: none"> • SLF is in operation since (2002) • Incinerator is in operation since November 2004. • The first, second, third, fourth & fifth cell of TSDF are capped. Post closure monitoring is being carried out by the facility operator. • 6th cell is now in use. • MPCB has issued Consent to Operate for additional incinerator (2nd). • Construction of 7th Cell is under progress.
2	TTC, New Mumbai	SLF: 10000 TPY	<ul style="list-style-type: none"> • SLF is in operation since (2004) The cell being used for the disposal.
3	Buti Bori (Nagpur)	SLF:60000 TPY Incineration: 25000 TPY	<ul style="list-style-type: none"> • SLF is in operation since (Feb 2007) • MPCB has issued Consent to operate for land filling and storage of HW. Facility started receiving the hazardous waste and being disposed in SLF. • The work of erection of hazardous waste incinerator (Plasma Technology) is completed and incinerator is ready for operation. • MPCB has issued Consent to Operate for incinerator.

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Sr. No.	Location	Capacity	Status
4	Ranjangaon (Pune)	SLF: 60000 TPY Incineration: 25000 TPY	<ul style="list-style-type: none"> • SLF is in operation since (Dec 2006) • MPCB has issued Consent to operate for land filling and storage of HW. Facility started receiving the hazardous waste and being disposed in SLF. • The work of erection of hazardous waste incinerator (Plasma Technology) is completed and incinerator is in operation. • MPCB has issued Consent to Operate for incinerator.
5	Shendre (Aurangabad)	Proposed	<ul style="list-style-type: none"> • MIDC has reported that the proposal to develop satellite transfer station at Shendre (Aurangabad) is approved by MIDC. The plot admeasuring 10 acres is handed over to M/s S.M.S Ltd. No further progress.
6	Mahad	Proposed	<ul style="list-style-type: none"> • MIDC has reported that the proposal to develop satellite transfer station at Mahad is approved by MIDC. The plot admeasuring 10 acres is handed over to M/s MWML. No further progress.

(a) **Hazardous Waste Received at CHWTSDFs,**

Hazardous Waste received at CHWTSDF, Taloja, Navi Mumbai till 30/09/2011

	DLF (MT)	LAT (MT)	INC (MT)	Total (MT)
Total HW received till 30/09/2011	331188.24	324741.3	109076.92	765006.46

Hazardous Waste received at CHWTSDF, TTCWMA, Navi Mumbai till 30/09/2011

	DLF (MT)	LAT (MT)	INC (MT)	Total (MT)
Total HW received till 30/09/2011	89718.862	19307.001		109025.863

Hazardous Waste received at CHWTSDF, Ranjangaon, Pune till 30/09/2011

	DLF (MT)	LAT (MT)	INC (MT)	Total (MT)
Total HW received till 30/09/2011	59296.28	32296.09	34999.72	126592.09

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Hazardous Waste received at CHWTSDF, Butibori, Nagpur till 30/09/2011

	DLF (MT)	LAT (MT)	INC (MT)	Total (MT)
Total HW received till 30/09/2011	21295.25	24378.81	2596.7	48270.76

No. of units who have become member of CHWTSDF as on 30th September, 2011.

MWML	TTCWMA	MEPL	VEPL
3118	1490	1606	519

6.0. Incineration of Hazardous Wastes

Before a full-fledged hazardous waste incineration facility become operational in Maharashtra. MPCB had given permission to individual industry incinerators for designated utilization and disposal of the undesired liquid/solid/effluent arising out of their manufacturing processes and other activities. MPCB initiated action against those individual incineration facilities provided by industry since those incinerators were not complying with emission standard published by CPCB.

MPCB has issued directions to 69 such industries which have set up incinerators under section 31 A of Air (Prevention & Control of Pollution) Act, 1981. MPCB has also carrying out assessment of all those incinerators before a final decision is taken on their continuation. 42 industries have reported that they have stopped their incineration facilities. MPCB has permitted few industries for using their individual incinerators for captive use after verification of the incinerators as per guidelines of CPCB for hazardous waste incinerators.

As per the fresh assessment of the captive hazardous waste incinerators carried out by MPCB it is noticed that there are only 16 captive incinerators which are following the CPCB guidelines are in operation. MPCB is closely monitoring these incinerators and it is directed to industries that they should carry out the monitoring of the Dioxin and Furan by interval of every 6 months.

7.0 Common Hazardous Waste Incinerators

In the State of Maharashtra there are 3 facilities of common hazardous waste incinerators are in operation at M/s. Mumbai Waste Management Ltd., Taloja, Dist: Raigad. There are 2 plasma gasification based incinerators are operational in Maharashtra at M/s. Maharashtra Enviro Power Ltd., MIDC Ranjangoan, Dist: Pune and M/s. Vidarbha Enviro Protection Ltd., MIDC Butibori, Dist: Nagpur.

8.0 Hazardous Waste from Goa state received by Maharashtra for incineration

Since the hazardous waste quantity generated by the industries in Goa is not very high, SCMC had directed Goa State Pollution Control Board to explore possibilities of setting up a joint landfill site in the State of Maharashtra at MIDC Lote-Parshuram or any other suitable site in South Konkan to cater to the HW disposal needs of the industries in Goa and Maharashtra state. MPCB has taken a proactive role. The details of the actions taken by MPCB on the proposal of Goa SPCB have been reported in the earlier Action Taken Reports submitted to SCMC.

MPCB and Government of Maharashtra have however considered the request of Goa SPCB to allow them to bring Incinerable hazardous wastes in Maharashtra for incineration at CHWTSDF at Taloja. This decision was taken on the basis of the policy decision taken at the 13th Meeting of SCMC jointly with the 52nd Conference of the Chairpersons and Member secretaries of the SPCBs/ PCCs held in Mumbai. MPCB has permitted Goa Pollution Control Board to authorize the industries in Goa to send the incinerable hazardous waste for incineration at CHWTSDF, Taloja in Maharashtra on certain terms and conditions. A maximum 20,000 tones/annum of hazardous waste shall be allowed in Maharashtra as per the conditional orders issued by MPCB on 9.6.06.

M/s MWML, Taloja has collected the samples of hazardous waste from 14 industries in Goa for analysis. The actual operation of lifting of hazardous waste from Goa to MWML has started from 02 December 2006 and as on 30th September, 2011; total 5021 MT of incinerable hazardous waste is received at MWML for incineration.

9.0 Hazardous Waste Transportation

MPCB has issued authorization for reception, collection and transportation of hazardous waste to 86 transporters as per revised hazardous waste transportation guidelines which were formulated by CPCB on directives of the Supreme Court. MPCB is closely monitoring the activities of these transporters the list of the transporters is hosted on the website of the MPCB.

MPCB is the first SPCB for taking initiative to Install GPS (Global Positioning System) for monitoring and tracking of hazardous waste transport vehicles (Truck, Tankers) in the state of Maharashtra which can serve as an effective tool for sound management of Hazardous Waste.

All the hazardous waste transporters have immediately responded to the steps taken by Maharashtra Pollution Control Board in tracking of hazardous waste vehicles.

10.0 Rehabilitation of illegal HW dump sites

On directions from SCMC, MPCB explore the possibility of using remote sensing techniques for the identification of illegal HW dumps. The work was outsourced to NRSA, Hyderabad. After identification and quantification of the illegal HW dumpsites inside and outside MIDC areas as reported earlier.

The total dumpsites reported are 10 in SCMC report.

A. Rehabilitation of illegal HW dumpsites at Tarapur.

The work on identification of illegal dumpsites outside MIDC in Thane district was out-sourced to NRSA, Hyderabad. After receipt of the Draft report from NRSA it has been submitted to SCMC and also circulated to CPCB. MPCB proposes to utilize the findings of this report while preparing the rehabilitation plan for the illegal HW dumpsites for submission to CPCB for integration with the National Plan under preparation.

MIDC has set up a SLF at Tarapur to cater approx. 1.5 lakhs MT of HW lying at site. This consists of mostly ETP sludge; ash etc. accumulated over a period of last 10 years or so. The work on establishing the SLF at Tarapur with the technical assistance from NEERI has been completed. The hazardous waste (i.e. 1.5 lakh MT) dumped in MIDC and outside of MIDC area in Tarapur has been completely capped in the SLF.

MPCB monitored the progress throughout its completion and the same was periodically reported to SCMC. The post closure monitoring for next 5 years is being done by the operator of the SLF it includes:

- Monitoring of leachate in the leachate collection sumps
- 7 no. of peizo metric wells are provided within an area of 50 to 500 meters in upstream and downstream directions of the SLF to monitor the ground water quality.
- Well equipped labrotory is provided for analysis of leachates.
- Ambient Air Quality Monitoring is carried out at specific interval
- A grass lawn created on SLF is being maintained properly.
- SLF operator is submitting the monthly status report to MPCB.
- MPCB and MIDC are keeping strict vigil on illegal dumping of HWs in Tarapur MIDC area.

B. Illegal dumps of hazardous wastes lying in various industrial areas:

Currently there are no illegal hazardous waste dumps in any industrial areas in Maharashtra. The progress of clearing illegal dumps has been reported from time to time to SCMC through the quarterly ATRs submitted by MPCB.

In the areas other than Tarapur, no ground water monitoring is being carried out since most of the dumps were located in the industrial area and quantity of the dumps were very small. The villagers in the vicinity of MIDC areas do not depend on the ground water for drinking purposes and MIDC has a policy to supply clean treated drinking water to the villagers in the area. MPCB is keeping strict vigil on illegal dumping of HWs in MIDC and non MIDC areas.

As per the suggestions of the CPCB, MPCB issued the public notice in English and vernacular language newspapers to provide the information about illegal dumps for creating the awareness amongst the common people. Thorough this notice MPCB asked to public/NGOs to come forward and report the presence of any illegal dump in their vicinity to the Board.

11.0 Display of information regarding authorization on HWs.

MPCB has directed the industries for display of information regarding the hazardous wastes generated by them and other conditions of the authorization granted to them. Public Notice to this effect was issued in leading newspaper in the State directing all concerns to ensure the compliance of the Apex Court Order in this regard.

Accordingly, 5428 industries have reported compliance of the directive. Some of the industries are closed due to various reasons. MPCB is monitoring the compliance of these directives for remaining industries.

12.0 Management and Recycling of Lead Acid Batteries

About 1,50,000 No. of batteries are discarded from automobiles, telecom equipment, railways etc. In compliance with the Lead-Acid Batteries (Management & Handling) Rules, 2001, amended 2010, MPCB took a region wise inventorisation of the battery waste generation.

The step taken by MPCB to enforce the Rules and the level of implementation was appreciated. The compliance achieved by MPCB is one of the highest in the country in terms of collection of batteries from the dealers as against the target of 90% given in the Rules. The percentage of the batteries returned to the dealers continues to be poor as compared to the percentage of batteries auctioned by the bulk consumers. Although the percentage in respect of collection of batteries by the dealers appears less the number of batteries returned to the dealers is more. The percent compliance in respect of bulk consumers is more or less steady and they are maintaining the compliance status.

It is observed that there is still lack of awareness among the lead acid batteries consumers, dealers, bulk consumers, re-conditioners and assemblers, importers and recyclers about the compliance of Battery (M&H) Rules, 2001, Amended 2010. Efforts are being made by MPCB with the help of its Regional Offices to create awareness among the various stakeholders to ensure that they comply with the Batteries Rules. MPCB has also issued directions to Regional Officers regarding stricter compliance of the Battery Rules in Maharashtra. MPCB is taking effective steps to achieve the compliance in this regard and needs more time to make appropriate inventory in this regard.

MPCB has issued the public notice on 08/12/2005 and organized workshop in Mumbai in the month of March, 2009 for creating the awareness among lead acid batteries consumers, dealers, bulk consumers, re-conditioners and assemblers, importers and recyclers about the compliance of Battery (M&H) Rules, 2001.

Responsibilities of manufacturer, importer, re-conditioner, assembler, dealer, recycler, auctioneer, consumer and bulk consumer were fixed as per the Batteries (Management and Handling) Rule, 2001, Amended 2010 and it is mandatory to file a half-yearly return of latest by 30th June and 31st December of every year to the Maharashtra Pollution Control Board. For obtaining registration Applicant shall apply to the Ministry of Environment and Forests for importing the new Lead Acid Batteries and for obtaining registration of facilities possessing environmentally sound management practice for recycling of used lead acid batteries applicant shall apply to the Maharashtra Pollution Control Board. Application form for obtaining registration for the Battery dealers as per the Batteries (Management and Handling) Rule, 2001, amended 2010 is hosted on the MPCB website (www.mpcb.gov.in).

As per the amendment of the Batteries (Management and Handling) Rule was published in the Gazette of India on 4th May 2010, it is a responsibility of the Battery Dealers to apply for obtaining the registration from Maharashtra Pollution control Board.

As per the amendment of the Batteries (Management and Handling) Rule published on 4th May 2010; Maharashtra Pollution Control Board has issued Public Notice on 13.08.2010 in respect of Battery Dealers to apply for obtaining the registration from Maharashtra Pollution control Board and now, Board has Implementing the Batteries (Management and Handling) Rule, 2001, Amended on 2010.

13.0 Infrastructure Strengthening

One of the directions issued by Hon'ble Supreme Court is regarding strengthening of State Pollution Control Boards by properly equipping and staffing them. The Apex Court has recognized that strengthening of the State Pollution Control Boards is a prerequisite to achieve the goals, environmental management and pollution control.

Armed with the orders from the Apex Court, Maharashtra Pollution Control Board had engaged the services of CRISIL Infrastructure Advisory to work out a detailed plan required for the Institutional capacity building of the MPCB. The CRISIL carried out an in

depth study of existing infrastructure at MPCB in a constitution with the technical experts and technical and non-technical employees of the Board and prepared a plan. They also reviewed the functioning of the other Pollution Control Boards in the Country and regulatory agencies abroad to suggest practical ways and means to strengthen the capacity of the Board to face the challenges arising out of implementation of various environmental legislations. The stakeholders from industries and NGOs also contributed in developing this plan further by giving their constructive criticism and comments. The study also considered the reports and recommendations made in the past for the strengthening of the State Pollution Control Boards. The present report therefore not only addresses organizational issues but also gives recommendations regarding the changes required in the style of the functioning of the MPCB in future to meet the regulatory needs.

The CRISIL report on institutional capacity building of MPCB has been submitted to Hon'ble Supreme Court of India, Central Pollution Control Board and MoEF, Govt. of India. The report is also submitted to Deptt. of Environment, Govt. of Maharashtra. The State Govt. is yet to take a final decision on the recommendations made in this report on strengthening of MPCB in compliance with the orders of Supreme Court of India.

14.0 Compliance on Supreme Court directives regarding plastic waste recycling.

Government of Maharashtra had promulgated an Ordinance on 27/02/2006 for making the legislation on Maharashtra Non-Bio-degradable Garbage (Control). The same is converted to The Maharashtra Non-Bio-degradable Garbage (Control), Act 2006. The Government of Maharashtra in the Department of Environment issued notification on Plastic carry bags on 03/03/2006 under MPCB is designated as a competent authority to oversee enforcement of the provisions related to manufacture and recycling and authorized to grant registrations to the plastic bags manufacturing units in Maharashtra under the Maharashtra Plastics Carry Bags (M&U) Rules, 2006, amended 2007. MPCB Officers have been directed to enforce the provisions under these separate and new legal provisions of the state Government and submit compliance report as per those Rules. A separate Plastic Cell has been set up at MPCB Head Office in Mumbai to co-ordinate the actions to be taken under the new Rules. MPCB has issued Public notice on actions on 14/03/2006 and have sent individual directions to those units who had not obtained registration from the Board and have

further directed them not to manufacture plastic bags of less than 50 microns and size of 8 x 12 inches and also it was made compulsory to stamp the Name, Address, Weight of 100 carry bags, MPCB and DIC Registration nos. on the carry bags as per the new Rules.

As a result of the directions issued to unregistered units, 487 units approached to Board for obtaining registration and MPCB has issued registrations to 487 plastic bags manufacturing units in Maharashtra. MPCB is monitoring the compliance of plastic bags manufacturing units by its Regional Officers in the State.

MPCB has sponsored to "UNAST" group for organizing the street plays for creating the awareness among the common people regarding plastic waste management. Till date they have completed 200 street plays at various places in Maharashtra.

MPCB has taken an initiative to prepare a report on "Practically Feasible and Economically Viable Method of Disposal of Plastic Waste". This is a comprehensive report of various methods of disposal of plastic waste generated in Mumbai. The Report is hosted on the website of MPCB (<http://mpcb.gov.in>).

15.0 Management of Bio-Medical Waste

There are 47560 Health Care Establishments, which can be covered for regulation under the management of Bio-Medical Waste (Management & Handling) Rules, 1998, Amended, 2003 with the intensive enforcement work it was possible to bring them in the control regime under BMW Rules.

The Board has also taken proactive measures in facilitating development of about 35 Common facilities for management of BMW in different cities in Maharashtra. The Board has issued directions under BMW Rules to these facilities for strictly maintaining the compliance of environmental standards. MPCB has completed regionwise inventory of Bio-medical waste generating units in Maharashtra by physical survey.

MPCB has participated in the implementation of the project entitled "Environmentally Sound Management of Medical Wastes in India", initiated by MoEF in coordination with UNIDO (United Nations Industrial Development Organization). The Ministry of Environment together with other ministries of Government of Maharashtra and stakeholders to the project is committed to contribute a total of Rs.10 Crores over As on 30th September, 2011 Action Taken Report on the directives of Supreme Court of India.

the period of 5 years from 2010-2014 with an annual contribution of Rs.2 Crores as co-financing.

Setting up Common Bio-Medical Waste treatment and disposal in the State.

In Maharashtra there are 35 CBMWTSDF facilities established and operational in various districts of the State. Certain HCEs specifically rural hospitals, Civil hospitals of Public Health Dept. have provided their own facilities comprising of deep burial, autoclave and shredder.

Out of 35 CBMWTSDF 30 are having Incineration facilities of double Chambered followed by Air Pollution Control Devices. Rests are deep burial facilities where population is less than 5 lakhs. These CBMWTSDF caters their services to 37787 nos. of Health Care Establishments in the State and are collecting 31204.88 Kg of Bio-Medical Waste per day.

MoEF, vide their dated 26.12.2008 has informed that they propose to give financial assistance in the form of subsidy of Rs. 10.0 Lakhs (about 10% of the total cost of the project excluding the cost of the land) for each facility provided that matching contribution is made by the concerned State along with the requisite land made available to the entrepreneur. Board has identified 5 ULB's where such new facilities are required namely; Buldhana, Yavatmal, Hingoli, Osmanabad and Vasai-Virar-Nalasopara Municipal Corporation and Mira Bhayander Municipal Corporation where the existing adjoining common facility operators are providing their services. Board has considered this proposal in its 148th meeting held on 25.02.2009 & 12.03.2009 and has resolved for part funding to CBMWTSDF up to 15% of the total project cost excluding the cost of land not exceeding Rs. 1.0 Crore. Further, Board has also resolved to support the switch over proposal of Deep Burial CBMWTSDF to incineration facility by part funding subject to viability of incineration based CBMWTSDF at relevant places and the proposal of Baramati Taluka M/s. Jai Bhavani Bio-Medicare systems was considered.

Further, MoEF vide their letter dated 24.09.2009 has raised the Central subsidy up to 25% subject to matching grant (equal amount) / subsidy is provided by the State / UT Government, with the balance amount contributed by the entrepreneur. The requisite land should also be made available to the entrepreneur by the State /UT Govt. The cost of the land and infrastructure to be provided by the State Govt. / UT Govt. will be considered to be included in the 25% share of the State / UT subsidy.

MoEF has floated invitation for proposal for establishment of Common Bio-Medical Waste facilities in the State and called Expression of Interest (EoI) along with Detail Project Report (DPR) of the project.

Board in their 151th meeting held on 01.10.2010 has decided to increase the one time financial assistance to the new common integrated BMW facilities to the tune of 25% of the capital costs, subject to maximum Rs. 25 lakhs per facility, or the financial assistance given by MoEF, Gol for such facilities, whichever is minimum. Board noted the number and capacity of the existing common facilities and felt that the financial assistance shall be given for facilities identified earlier and also in the districts, where no common facility is available. Board also decided that financial assistance shall be provided only to those facilities, which are approved by MOEF and provided the financial assistance. Chairman and Member Secretary are authorized to issue appropriate guidelines and criteria and also take decision on case to case basis for such assistance.

16.0 Status of 213 Waste Oil Containers

MPCB has completed the process of sampling of the waste oil, imported by 12 importers and stored in 213 containers (Waste oil containers are of 190 nos. and non ferrous metal containers are 23 nos.) from various CFS at JNPT under Section-11 of Environment (Protection) Act, 1986 as directed by SCMC. In spite of giving the notices to the importers by the Customs Dept. They were absent and therefore the customs department allowed MPCB representatives to collect samples in the absence of importers and accordingly the samplings exercise was completed.

28 Nos of composite samples (24 nos. of samples from 137-loaded containers, 4-nos from 57-destuffed containers, Toatal-190) were collected in presence of CFS representatives and Customs Appraisal officers. These collected samples were sent to CPCB laboratory, New Delhi for analysis as per Schedule-5 & 6 of Hazardous Waste (M&H) Rules, 2003. It is informed by CPCB that they do not have the facilities to analyze the required parameters. CPCB suggested the name of M/s. AES Laboratories, Noida where the facility of analyzing all parameters is available. Accordingly MPCB has issued Demand Draft of Rs. 3.38 laks to M/s. AES Laboratories, Noida as analysis charges and the analysis report was received by MPCB and submitted to Hon'ble Supreme Court, MoEF & CPCB on 8/05/2007 for further orders.

17.0 Ship-breaking activity in MbPT area, Mumbai

The ship breaking activity in Maharashtra is limited at Lakri Bunder and Powder Works Bunder at Darukhana in Mumbai Port Trust Area. MbPT has earmarked 19 plots for ship breaking activity in Mumbai. MbPT has assured MPCB that the number of plots for ship breaking in their area shall not be increased in future. Besides, there is no regular allotment of plots to the ship breakers, as is being done in Alang, Gujarat, where the area is under the control of Gujarat Maritime Board. The plots are given to the ship breakers on arrival of the ship for breaking. Generally, smaller ships arrive at Mumbai for breaking. The authorizations have been granted to 55 ship breakers who operate in MbPT area. MPCB is keeping a vigil on this activity so that it does not expand at its existing location or on other coastal stretches of Maharashtra. It has accordingly informed Maharashtra Maritime Board to comply with the direction of the Apex Court in this regard.

18.0 Registration of Hazardous Waste Importers

Till date MPCB has given registration to 350 importers of Hazardous Waste importers mentioned under Part D of Schedule II of Hazardous Waste (Management, Handling & Transboundary Movement) Rules 2008, The Third amendment Rules, 2010.

19.0 Levy of Fine

MPCB had directed 59 industries to pay fine as per Rule 16 (3) of the H.W. Rules for unlawful storage of large quantities of HWs in their premises. They were also directed to send the HWs lying in their premises to CHWTSDFs. MPCB also took necessary action to levy the fine on such industries after ascertaining all the facts and appropriate amount of fine was recovered from them. The compliance of the directions issued by MPCB is being strictly monitored by the Regional Officers of the Board.

MPCB has received a total amount Rs. 43, 29, 685/- as fine from the defaulting industries till 31/12/2010.

MPCB has submitted the proposal to Central Pollution Control Board for post facto approval for levy of fine imposed and recovered from 23 industries for violation of the Hazardous Waste (Management, Handling & Transboundary Movement) Rules,

2008. Accordingly, CPCB has communicated the post facto approval of levy of fine on 23/05/2008.

MPCB has submitted proposals of M/s. Aarti Industries, Tarapur (Rs. 4,58,625/-) and M/s. Ganesh Chemicals, MIDC Lote Parshuram (Rs. 2,24,000/-) under Rule 25 (2) of the Hazardous Wastes (Management, Handling & Transboundary Movement) Rules, 2008 to CPCB for approval of imposing levy of fine for illegal disposal of hazardous waste.

The levy of fine on the industries, for not taking the HWs to TSDFs, has a very positive impact and most of the industries have already sent the HWs illegally stored by them to the TSDFs. MPCB is continuously monitoring such industries through its field staff to ensure that HWs are disposed off in TSDFs by those industries. The ongoing action regarding recovery of the fine from the defaulters is being continued by the Board.
