

**LETTER FROM CONCERNED CITIZENS ON CRUCIAL ASPECTS OF
SOLID WASTE MANAGEMENT IN MUMBAI**

20TH July, 2009

Hon'bl Justice Dr. D Y Chandrachud,
Bombay High Court
Mumbai

Dear Sir,

**Sub: Reference to the petition by SARF on the Deonar dumping ground issue
humble submissions to the HC**

Even as the current debate rages over the PIL by the Smoke Affected Residents Forum and the related decision of the Municipal Corporation to close the Deonar dumping ground over a period of 25 years we would like to bring the following points to your notice.

1) The waste issue and the condition at the dumps need to be understood in totality and not by isolated incidences like Deonar alone. There have been reports in the papers that the Municipal Commissioner has been expressing concern that he will be tried for contempt of court if the MCGM does not come up with a solution to the Deonar dumping grounds problem. The current proposal of capping the dump is being proposed as the appropriate solution.

2) We would like to point out that if there is a contempt of court a much larger one pertains to the Central Pollution Control Board (CPCB) rules based on the recommendations of the Burman Committee ensuing out of a Supreme Court order in the Writ Petition Number 888 of 1996. The suggestions of the Committee pertaining to a more efficient management of the waste by decentralised means, the greater involvement of various stakeholders especially citizens and NGOs in reducing the waste stream and hence the load on the Urban Local Bodies in removing waste have been completely ignored and in fact decisions contrary to the same have been blatantly observed over the years.

It seems that the Urban Local Body at least in Mumbai is more than happy to take the complete load on itself and ignore the participation of the citizens and NGOs in reducing the waste stream.

3) We are of the opinion that your judgment pertaining to the SARF forum will become a good reason for the Municipal Corporation to go ahead with giving the order of the Deonar ground by the current method which will involve considerable funds from the tax payers contributions. Once the issue of Solid Waste Management is understood and implemented in its totality then solving problems like the Deonar dumping ground will be considerably easy with a far lesser expenditure from tax money and beneficial impacts on the health and well being of all sections of the society.

4) The same Municipal Corporation which was supposed to be seriously implementing the recommendations of the Burman Committee report has over the past few years only worked to completely isolate itself from involvement with the citizenry and has made decentralised waste management increasingly difficult to be followed by even determined individuals and organisations who have an enormous understanding of the issue and can provide comprehensive solutions to the issue.

5) Awarding a 4300 crore contract for the Deonar dumping ground over a period of 25 years amounts to an annual expenditure of 180 crores. With the right kind of fiscal carrot and stick approach primarily focusing on a strict segregation at source and incentives to decentralised waste providers like dry waste sorting, vermicomposting, biomethanation etc. the amount of waste going to garbage dumps like Deonar can be reduced significantly in the first place not leading to problems like burning and release of dangerous gases. But the Municipal Corporation is **NOT SPENDING EVEN RUPEES ONE CRORE ANNUALLY TOWARDS SUPPORTING DECENTRALISED WASTE MANAGEMENT.**

Look at any of the compactors or trucks run by the Municipal Corporation and you will see only mixed waste in them. This is a fundamental violation of not only the Burman Committee recommendations but of the Cleanliness Bye Laws (a copy is attached) of the municipal corporation itself.

6) Thus we get a distinct feeling that the Municipal Corporation is selectively afraid of contempt of court - afraid where a multi-thousand crore project is involved and completely unconcerned where just the implementation of a good holistic policy is involved. The Bombay HC court needs to be aware of the same while delivering an important judgment pertaining to public health and governance.

We write this letter to you as public spirited citizens who have been involved hands on with solid waste management in the city, have done in depth evaluation of various techniques and have a great concern for the right governance of the city of Mumbai. We hope you will accept our opinions above in the right spirit.

Yours sincerely,

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Signed by Rishi Aggarwal for the above with their complete agreement.

(there are many others who are in agreement with the above views but we could not coordinate to include them in this letter)

Encl as above: Extract of rules from MSW Bye laws 2006 with relevant portions highlighted.

5.1 Segregation of waste into six specified groups: Every generator of Municipal Solid Waste shall store unmixed in or separate the waste at the source of waste generation into the following six categories:

- 1) Bio-degradable (wet) waste
- 2) Specified hazardous waste
- 3) Bio-medical Waste
- 4) Construction and demolition waste
- 5) Bulk garden and horticulture waste including recyclable tree trimmings.
- 6) All other non-biodegradable (dry) waste including recyclable and non recyclable waste.

5.4 Composting by all generators: With a view towards achieving the larger objective of reducing the costs of transportation of waste, local composting of waste shall be promoted.

5.9. Bulk garden and horticultural waste shall be kept un-mixed and composted at source. The Superintendent of Gardens or the concerned Assistant Commissioners shall notify Instructions/guidelines with regard to pruning of trees and storage and delivery of tree trimmings including collection schedules. Where it is not possible to compost at site, BMC will continue to collect and transport segregated garden and horticultural waste by charging suitable fees as notified by it from time to time.

5.10 Community waste storage centers: Where any type of Municipal Solid Waste is collected by a BMC vehicle directly from any community waste storage centers whether located in an open space or a closed shed located inside any premises or in a public place, the waste shall be deposited inside separate receptacles to be provided for different types of segregated waste, and not around or in the general vicinity of any such receptacle.

6.3) Assistance for reducing and recycling waste: Exemptions and discounts will be provided on the basis of savings made by MCGM on account of in-situ processing or recycling by generators of waste at source.

6.4 Citizen Resource Base: The Chief Engineer will prepare and publish lists of composting experts, licensed scrap dealers, dealers of recyclables, containers/ bin manufacturers, agencies with expertise in recycling, etc. who are registered by the Solid Waste Management Department of the MCGM so as to facilitate and support the citizens in recycling waste. The name and the telephone number of officials and registered persons/organizations who can provide training, guidance and assistance in respect of this process will be made available. The details will also be made available at the website of BMC at www.mcgm.gov.in.

6.6) Local Bio-degradable waste processing units: Wherever possible MCGM will set up small scale processing units (composting or biomethanation) in public parks, playgrounds, recreation grounds, gardens, markets, large vacant lands owned and maintained by MCGM or any other public authority or Government department, or will cause such units to be set up by adopting agencies / caretakers / contractors / tenants responsible for the maintenance of public spaces or private owners / occupiers of such vacant lands. These will also serve as

demonstration models for the local community and will be maintained in such a manner that no nuisance or inconvenience is caused to the public and no damage is caused to the environment.

6.7) Bio-degradable puja articles: The Assistant Commissioner of every ward will himself undertake or will authorise interested organizations to collect bio-degradable 'puja' articles (flowers, leaves, fruits only) at certain designated sites near water-bodies such as beaches, lakes, ponds, etc. as notified, in special receptacles or "kalashes". The collection from such receptacles will then be composted at a suitable location, and the receptacles as well as the composting units will be manned specifically for this purpose.

6.11) Community waste storage centres in public places: In exceptional cases, where point-to-point collection or collection at source is not possible or has not been started for the time being, MCGM will provide and maintain community waste storage centres on public roads or other public spaces wherever essential and possible, as determined by the Assistant Commissioner, by MCGM itself or through an Agent. until it becomes possible to make arrangements for collection at source or point-to-point collection by ghanta-gadis at the required frequencies.

Segregated waste shall be delivered by the concerned generators to such community waste storage centres, and thereafter collected by MCGM. These community waste storage centres will be manned by MCGM or its Agents to ensure compliance of segregation and avoidance of public nuisance and health hazards. Every community waste storage centre shall have at least two separate receptacles for bio-degradable and non-bio-degradable waste.

Where possible, composting will also be carried out at these spots. Details of all such centres including the arrangements and schedules of waste collection from such centres will be available at the Ward Office and on MCGM website.

Assistant Commissioner of respective wards will ensure that at no point of time the community bins are overflowing or refuse are splattered either by rags pickers or dogs etc.

7.2.1 Poultry, Fish and Slaughter Waste (From all areas other than designated slaughter houses and markets)

7.2.1. Every owner / occupier of any premises other than designated slaughter houses and markets, who generates poultry, fish and slaughter waste as a result of any commercial activity, shall store the same separately in closed, hygienic condition and deliver it at a specified time, on a daily basis to MCGM collection vehicle provided for this purpose. Deposit of such waste in any community waste bin is prohibited and will attract fines as indicated in the schedule of Fines.

7.2.2 The market department of MCGM will be responsible for remodeling of such markets to provide maximum hygiene and sanitary conditions.

6.2) Infrastructure facilities: MCGM will provide adequate infrastructure facilities to assist citizen's compliance with these Byelaws. In addition to waste collection services, litter bins, conveniently located community storage centers, dry waste sorting centers, and composting centers will be set up, wherever possible and essential, in consultation with local citizens. Adequate community toilet will be provided in slum localities with the participation of local community based organizations to prevent nuisance such as squatting, washing and bathing on public roads "