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No. UPC-I/ ULB/2018-19/

12494

November 12, 2018

To  
The Chairman  
National Highways Authority of India,  
G - 5 & 6, Sector-10, Dwarka,  
New Delhi - 110075

**Sub.: Direction under Section 5 of the Environment (Protection) Act, 1986 for control of air pollution from dust emission, from loose soil and vehicular movement on an under-construction unpaved slip road connecting NH- 8 and Parade Road near Manekshaw Auditorium as temporary alternate arrangement (approximate co-ordinates 28°35'03"N and 77°8'47.9" E with accuracy range of 50 meter), during 3<sup>rd</sup> November 2018 and 4<sup>th</sup> November 2018.**

WHEREAS, Section 16 (2) (b), (f) and (j) of The Air (Prevention & Control of Pollution) Act, 1981 mandates the Central Pollution Control Board to execute nation- wide program for prevention, control and abatement of air pollution and organize a comprehensive program and perform such other functions as may be prescribed; and

WHEREAS, rising air pollution in Delhi during winter season is a matter of serious concern, especially with regard to high levels of particulate matter exceeding National Ambient Air Quality Standards, 2009; and

WHEREAS, regular review meetings were also convened during years 2016-2018 and wherein instructions were issued to NHAI to strengthen and tighten enforcement; and

WHEREAS, in pursuant to the Hon'ble Supreme Court's order dated December 02, 2016 in the matter of M. C. Mehta vs. Union of India regarding air quality in National Capital Region of Delhi, a Graded Response Action Plan was prepared for implementation under different Air Quality Index (AQI) categories namely, Moderate & Poor, Very Poor, Severe and Sever + as per National Air Quality Index, and, that Ministry of Environment, Forests & Climate Change vide notification dated January 12, 2017 entrusted responsibility of implementation of Graded Response Action Plan to Environment Pollution (Prevention and Control) Authority [EPCA]; and

WHEREAS, Hon' ble National Green Tribunal vide order dated December 18, 2017 and July 27, 2018 in OA No. 44/2018 Vardhman Kaushik Vs Union of India & Ors. finalized four categories in relation to pollution levels in ambient air in Delhi - NCR and specified actions for implementation by enforcement agencies under each category and submission of reports to CPCB; and

WHEREAS, a meeting was held under Chairmanship of Chairman, CPCB on August 30, 2018 to discuss status of preparedness for controlling air polluting sources during winters in Delhi NCR; and

WHEREAS, Chairman CPCB, in exercise of the powers vested under Section 5 of The Environment (Protection) Act, 1986 issued directions on September 15, 2018 to Construction Agencies to ensure strict actions for improvement in air quality during winter 2018-19; and

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WHEREAS, Chairman, CPCB further reviewed the status of sources of pollution and performance of enforcement agencies on October 11, 2018 and as per reported data of field inspections, open dumping/ burning of garbage and open dumping of C&D waste were reported as prominent activities; and

WHEREAS, considering winter season as critical with regard to air pollution, CPCB deployed 52 teams to visit areas in Delhi-NCR from November 1, 2018 to provide feedback on air polluting mitigation activities & level of implementation of Graded Response Action Plan; and

WHEREAS, in view of the above, Chairman, CPCB issued following specific directions to Construction Agencies / Land Owning Agencies on October 15, 2018:

- a. Ensure no open dumping and burning of wastes on the lands owned or in possession.
- b. Deployment of special teams to ensure no open dumping and burning of wastes on land owned or in possession.
- c. Land owning agencies will be accountable for any open dumping/burning field and will be penalized as per NGT orders.
- d. All construction agencies to adhere to the instructions of NGT with respect to C&D waste.
- e. Any violation noticed may be strictly dealt as per law/NGT orders including closure Directions/ direct prosecution of defaulters; and

WHEREAS, Ministry of Environment, Forest and Climate Change (MoEF&CC) has notified "Construction and Demolition Waste Management Rules, 2016" vide GSR 317(E); dated 29<sup>th</sup> March, 2016 henceforth known as the said rules; and

WHEREAS, in compliance of Rule 10 sub rule 1(a) of the said rules CPCB has developed and published "Guidelines on Environmental Management of Construction & Demolition (C&D) Wastes" to promote an integrated approach towards reduction of environmental impacts; and

WHEREAS, in continuation of the said rules CPCB has developed and published "Guidelines of dust mitigation measures in handling construction material and C&D wastes" to address dust arising during handling of construction material and C&D wastes on site and off site; and

WHEREAS, the said rules, guidelines and dust mitigation measures available on the website of CPCB at the web-link: [www.cpcb.nic.in](http://www.cpcb.nic.in); and

WHEREAS, air pollution in Delhi and NCR is a matter of serious concern especially with regards to high level of particulate matter exceeding much beyond National Ambient Air Quality Standards, 2009; and

WHEREAS, CPCB inspection team observed very high dust emission on 3<sup>rd</sup> and 4<sup>th</sup> November, 2018 from loose soil and also due to vehicular movement on an under construction unpaved slip road connecting NH - 8 and Parade Road near Manekshaw Auditorium as a temporary alternate arrangement (approximate co-ordinate 28°35'03"N and 77°8'47.9" E with accuracy range of 50 meter); and

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WHEREAS, NHAI failed to take dust mitigation measures like water sprinkling, barricading, covering etc. on the above slip road for prevention of air pollution; and

WHEREAS, poor air quality affects health of people and it has been observed that air pollution actions taken by NHAI continues to be grossly inadequate in Delhi-NCR which amounts to criminal negligence;

NOW THEREFORE, in view of the above and in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, notice is hereby served to M/s National Highways Authority of India to Show Cause as to why Environmental Compensation of Rs 1,00,00,000/- (Rs. One Crore only) shall not be levied and prosecution should not be initiated against M/s National Highways Authority of India for non-compliance of the Hon' ble National Green Tribunal directions; and

M/s National Highways Authority of India shall file its reply/ objections to above notice within 24 hours of receipt of this Notice failing which action as deemed fit under the Environment (Protection) Act, 1986 / National Green Tribunal Act, 2010 will be initiated.

(S.P. Singh Parihar)  
Chairman

**Copy to:**

- 1) **The Secretary,** : for information please  
Ministry of Road Transport & Highways  
Transport Bhawan, 1, Parliament Street  
New Delhi-110001
- 2) **The Joint Secretary,** : for information please  
CP Division,  
Ministry of Environment, Forests and Climate Change,  
Indira Paryavaran Bhawan, Jorbagh Road,  
New Delhi - 110 003
- 3) **The Divisional Head,** IT Division, CPCB, Delhi
- 4) **The Divisional Head,** AQM Division, CPCB, Delhi
- 5) **The Divisional Head,** UPC-I Division, CPCB, Delhi

(Prashant Gargava)  
Member Secretary