



SPEED POST

October 29, 2018

AQM/ ULB/2018-19/

To:

As per list

Sub.: Direction under Section 5 of The Environment (Protection) Act, 1986 for control of air pollution from open dumping/burning of garbage and C & D waste dumping in Delhi-NCR – Modified Thereof.

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;

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;

WHEREAS, directions were issued to Municipal Corporations vide CPCB letters dated November 01, 2017 to take appropriate measures to control or regulate polluting activities such as dumping/burning of garbage and C & D waste dumping;

WHEREAS, regular review meetings were also convened during year 2016 and 2017 wherein instructions were issued to Construction Agencies/ Municipal Corporations to strengthen and tighten enforcement;

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 & Control);

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;

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;

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 and Municipal Corporations to ensure strict actions for improvement in air quality during winter 2018-19;

WHEREAS, considering winter season as critical with regard to air pollution, CPCB deployed 41 teams to visit areas in Delhi-NCR from September 15, 2018 to provide feedback on air polluting mitigation activities & level of implementation of Graded Response Action Plan;

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

WHEREAS, in view of the above, Chairman, CPCB issued following specific directions to Construction Agencies and Municipal Corporations/ 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.

WHEREAS, poor air quality affects health of people and it has been observed that actions taken by Construction Agencies/ municipal Corporations/ Land Owning Agencies continues to be grossly inadequate in Delhi-NCR which amounts to criminal negligence;

NOW THEREFORE, in view of the above, and, in exercise of powers vested under Section 5 of the Environment (Protection) Act, 1986, Construction Agencies/ Municipal Corporations/ Land Owning Agencies and other law enforcing agencies are directed to ensure that the aforesaid directions of Hon'ble Supreme Court, Hon'ble NGT and CPCB are strictly complied with and effective corrective action in all cases of air polluting activities being reported through SAMEER app by teams of CPCB or joint teams of CPCB and other agencies of government is taken immediately and in any case not later than 48 hours of such reports. Failure to comply with these directions shall make defaulting agencies/ individuals liable to criminal prosecution which may be initiated by CPCB under appropriate provisions of law.

The agencies shall acknowledge the receipt of this direction immediately.

(S.P. Singh Parihar)
Chairman




List:

1. The Commissioner
North Delhi Municipal Corporation
5th floor, Civic Centre
New Delhi-110002
2. The Commissioner
South Delhi Municipal Corporation
9th floor, Civic Centre
New Delhi-110002
3. The Commissioner
East Municipal Corporation of Delhi
419, Udyog Sadan, Patparganj Industrial Area,
Patparganj, New Delhi, Delhi 110096
4. The Chairman
New Delhi Municipal Council
NDMC Head Office
Palika Kendra Parliament Street
New Delhi-110001
5. The Chief Executive Officer
Office of Cantonment Board
Sadar Bazar
Delhi Cantt- 110010
6. The Commissioner
Ghaziabad Municipal Corporation
Navyug Market
Opp. Old Bus Stand
Ghaziabad – 201001
7. The Commissioner
Municipal Corporation Gurugram
C-1, Info City, Sector 34
Near Hero Honda Chowk
Gurugram
Haryana-122001
8. The Commissioner
Municipal Corporation, Faridabad
NIT, Faridabad - 121001
Near Neelam Chowk
Opposite BK Hospital

9. The Chairman
Noida Authority
Sector 6, Noida - 201301
District. Gautam Budh Nagar
Uttar Pradesh, India
10. The Chairman
National Highways Authority of India,
G – 5 & 6, Sector-10, Dwarka,
New Delhi - 110075
11. The Managing Director
Delhi Metro Rail Corporation Ltd
Metro bhawan fire brigade lane
Bharakhamba road
New delhi-110001
12. The Directorate General
The Central Public Works Department
A-Wing, Room No.- 101
Nirman Bhawan
New Delhi-110108
13. The Director
NBCC India Limited
NBCC Bhawan, Lodhi Road
New Delhi - 110 003, India
14. The Vice Chairman
Delhi Development Authority
D Block Vikas Sadan, INA
New Delhi-110023
15. The Managing Director
Delhi State Industrial & Infrastructure Development Corporation Ltd.
Head Quarter
(N-36, Bombay Life Building,
Connaught Circus, New Delhi - 110001)


(Prashant Gargava)
Member Secretary