



SPEED POST

B- 33014/40/2017- AQM

October 29, 2018

To:

As per list

Sub.: Direction under Section 5 of The Environmental (Protection) Act, 1986 for control of pollution from construction and demolition activities - reg.

WHEREAS, Section 16 (2) (b), (f) and (j) of The Air (Prevention & Control of Pollution) Act, 1985 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 is a matter of serious concern, especially with regard to high levels of particulate matter exceeding National Ambient Air Quality Standards, 2009;

WHEREAS, regular review meetings were convened by CPCB during year 2017 wherein instructions were issued to Construction Agencies to implement necessary measures for control of pollution from construction and demolition activities;

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) Authority;

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, concerned agencies were requested to prepare targeted action plans by 5th September 2018;

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

WHEREAS, Chairman, CPCB in exercise of powers delegated under Section 5 of The Environment (Protection) Act, 1986 and in view of anticipated Poor air quality in Delhi issued following directions on September 15, 2018 to the construction agencies:

- a) To ensure action plans for upcoming winters with respect to poor air quality and corrective actions to adequately arrest dust arising from construction projects.
- b) To ensure the presence of supervisor of construction at the sites to take immediate actions, if required.
- c) Construction material and waste shall be stored only within earmarked area. No waste should be dumped on road side.
- d) Wind breaker of appropriate height i.e. 1/3rd of the construction height and maximum up to 10 meters shall be provided at sites.
- e) Grinding and cutting material of building materials shall be closed area made by curtains/barriers.
- f) Dust mitigation measure shall be displayed prominently at the construction site for easy public viewing. Details of construction sites in the NCR of Delhi shall be reported to CPCB and concerned State Pollution Control Boards within 15 days of receipt of these directions.
- g) Any violation noticed may be strictly dealt as per law.

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 Construction and Demolition activity was reported as prominent activities;

WHEREAS, poor air quality affects health of people and it has been observed that actions taken with regard to implementation of measures for control of pollution from construction and demolition activities 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 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

 o/c

List:

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

2. The Managing Director
Delhi Metro Rail Corporation Ltd
Metro bhawan fire brigade lane
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3. The Directorate General
The Central Public Works Department
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4. The Director
NBCC India Limited
NBCC Bhawan, Lodhi Road
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5. The Vice Chairman
Delhi Development Authority
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(Prashant Gargava)
Member Secretary