केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

E-mail / Speed Post

No. B-31013/71/2018-19/UPCD-I/ 13200

Date: 27/11/2018

To :

The Vice Chairman
Delhi Development Authority
4, Mahatma Gandhi Road, IP Estate, New Delhi,
Delhi 110002

Sub: Direction under section 5 of "The Environment (Protection) Act, 1986" for Rectification of Shortcomings with regard to Dust Mitigation Measures and ensure strict implementation of "The Construction and Demolition Waste Management Rules, 2016" at DDA construction site namely " Construction of Fly-over cum Railway Over Bridge (ROB) at Narela, Delhi " .

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

WHEREAS, in exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government has made Environment (Protection) Amendment Rules, 2018 vide G.S.R. 94(E); dated 25th January, 2018; 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 are available on the website of CPCB at the web-link: www.cpcb.nic.in; and

WHEREAS, Section 16 (2) (b), (f) and (j) of the Air (Prevention & Control of Pollution) Act, 1981 mandates 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 the years 2016-2018, wherein instructions were issued to DDA 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, 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 in the matter of 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, Ministry of Environment, Forest and Climate Change, Government of India vide notifications No. S. O. 157(E) of 27.02.1996 and S.O. 730(E) dated 10.07.2002 has delegated the powers vested under section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and rules notified under the E(P) Act, 1986" and amendment thereof; and

WHEREAS, CPCB teams were deployed for site visits during March - October, 2018, for verification of implementation of "The C&D Waste Management Rules, 2016" and its successive Amendments/Guidelines in Delhi NCR.

WHEREAS, on the basis of observations made by the teams in respect of various construction sites owned by DDA, the Chairman CPCB, in exercise of the powers vested under Section 5 of The Environment (Protection) Act, 1986 issued directions on April 02, 2018 and May 08, 2018 to DDA to stop C&D activities and ensure strict implementation of "The C&D W M Rules, 2016"; and further on September 15, 2018 to Construction Agencies to ensure strict actions for improvement in air quality during winter 2018-19; and

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, in view of the above, Chairman, CPCB issued following specific directions to Construction Agencies/Land Owning Agencies including DDA 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, 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, earlier, DDA has been imposed a penalty of Rs. 5.00 Lacs on 02.11.2018 under Clean Air Campaign on account of violations observed; and

WHEREAS, a VIP reference complaint is received in CPCB on 14th November, 2018 against pollution created due to & at flyover cum ROB (railway over bridge) construction site, Narela, Delhi. Accordingly, joint inspection of the aforesaid construction site is carried out to investigate the complaint by a team of officers from CPCB and Delhi Pollution Control Committee on 16th November, 2018. It is observed that this work is being executed through the civil contractor namely M/s S.P. Singla Construction Pvt. Ltd. Other observations requiring attention of the CPCB are as follows :

a) Roads leading to or at construction site are not at all paved and are not black-topped. As a result, significant fugitive dust emissions are taking place due to movement of vehicles on these unpaved roads.
b) Two no. of Ready mix plants of this project are in operation without any Consent to Operate (CTO) from DPCC. Operation of these units require prior & valid CTO.

Now , therefore , in view of above and in exercise of the powers delegated to the Chairman , CPCB u/s 5 of the Environment (Protection) Act, 1986, following directions are hereby issued to Delhi Development Authority :

1. Approach roads to the site under reference and all other roads at the construction site, site office and material storage yard shall be paved & black topped within a week from the date of receipt of this direction.
2. Ready Mix Plants shall not be operated without valid CTO from DPCC.
3. C&D Waste Management Rules, 2016 , its subsequent amendments and Guidelines as described in earlier para be implemented in letter & spirit so as to manage construction & demolition waste and containment of dust at site.

It is further directed that receipt of the directions should be acknowledged within 03 days from date of receipt of this direction and **action taken report** be submitted to this office within 15 days. In case of violation of any of the conditions as stipulated in 1 to 3 above, legal action as per provisions of the Environment (Protection) Act, 1986 and other laws as applicable, shall be initiated.

27/11/2018

(S. P. S. Parihar)
Chairman

Copy to:

1. The Chairman, : For information please.
   Environmental Pollution Control Authority
   Core 6A, 12th Floor, India Habitat Centre,
   Lodhi road,
   New Delhi – 110003

2. The Joint Secretary : For information please.
   CP Division, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan,
   Jorbagh Road, New Delhi – 110003

3. Head, IT Division : For information please.
   CPCB, Delhi - 110003

(Prashant Gargava)
Member Secretary