



SPEED POST

AQM/ ULB/2018-19/

October 29, 2018

As per list

Sub.: Directions under Section 18 (1) (b) of The Air (Prevention and Control of Pollution) Act, 1981 regarding implementation of Graded Response Action Plan and Strict Enforcement in Delhi and National Capital Region (NCR) for maintain air quality during upcoming winter season- Modified Thereof.

WHEREAS, under Section 17(1) (a) of The Air (Prevention and Control of Pollution) Act, 1981, one of the functions of SPCBs is to plan comprehensive programs for prevention, control and abatement of air pollution and to secure the execution thereof;

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 NCR SPCBs/PCCs on December 29, 2015 on 42 action points in order to improve air quality in Delhi-NCR as per prescribed timelines;

WHEREAS, regular review meetings were also convened during year 2016 and 2017 wherein instructions were issued to SPCBs/ PCCs 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, 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 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 in exercise of powers delegated under Section 18 (1) (b) of The Air (Prevention and Control of Pollution) Act, 1981 issued following directions on September 15, 2018 to the SPCBs/PCCs:

- a) SPCBs shall prepare targeted action plans for all sources such as visibly polluting vehicles & congestion, road & construction dust, open burning, industrial emissions, waste dumps etc. The plans shall be implemented on ground from September 15, 2018.
- b) The targeted plans shall comprise of Field deployment plan; Resource allocation; Monitoring and reporting protocol SPCBs to ensure implementation of industrial standards in respect of Brick Kilns, Power Plants, Red category units and NO_x & SO_x standards for boilers.
- c) Concerned SPCBs to provide information regarding supply of implements distributed, expected area to be covered & likely to remain uncovered. Efforts should be made to maximize availability of implements by September 15, 2018. Enforcement mechanism to be strengthened in the uncovered areas.
- d) Any violation noticed may be strictly dealt as per law including closure Directions/ prosecution.

WHEREAS, Chairman, CPCB further reviewed the status of polluting sources and performance of enforcement agencies on October 11, 2018 and directed SPCBs/PCCs to comply with CPCB directions dated September 15, 2018;

WHEREAS, poor air quality affects health of people and it has been observed that actions taken by implementing agencies/ municipal corporations/ construction agencies/ land owning agencies continues to be grossly inadequate in Delhi-NCR which is amounting to criminal negligence;

WHEREAS, CPCB on October 28, 2018 has issued directions to Construction Agencies/ Municipal Corporations/ Land Owning Agencies to strictly comply with the directions of Hon'ble Supreme Court, Hon'ble NGT and CPCB and to ensure 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 which, shall make defaulting agencies/ individuals liable to criminal prosecution which may be initiated by CPCB under appropriate provisions of law.

NOW THEREFORE, in view of the above, and, in exercise of the powers vested under 18 (1) (b) of The Air (Prevention and Control of Pollution) Act, 1981 the directions dated September 15, 2018 are modified to the extent that SPCBs/ PCCs are further directed to initiate criminal prosecution against Construction Agencies/ Municipal Corporations/ Land Owning Agencies under the Air (Prevention and Control of Pollution) Act, 1981 who failed to take corrective action for control of pollution.

The SPCBs/ PCCs shall acknowledge the receipt of this direction immediately and further submit weekly action taken report. The SPCBs/ PCCs shall also submit regular action taken reports to CPCB in reference to Hon' ble NGT order dated 27.07.2018


(S.P.S Parihar)
Chairman

(D/C)


List:

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