

SPEED POST

No. B-31013/71/2018-19/UPCD-I/ 595

Date: 11/04/2018

To,

The Commissioner
South Delhi Municipal Corporation
780, Major Somnath Marg,
Sector 9, R.K. Puram,
New Delhi – 110022

Sub: Direction to show cause under section 5 of “The Environment (Protection) Act, 1986” to ensure strict implementation of “Construction and Demolition Waste Management Rules, 2016” - regarding.

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

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;

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, whereby environmental management of construction and demolition waste and approach towards reduction of environmental impacts;

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;

WHEREAS, the said rules, guidelines and dust mitigation measures available at www.cpcb.nic.in;

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

WHEREAS, the matter is also being heard by Hon'ble Supreme Court of India in the matter W. P. (Civil) no. 13029 of 1985 of M. C. Mehta Vs. Union of India, and the Hon'ble Court had issued directions from time to time;

WHEREAS, a Graded Response Action Plan (GRAP) was notified by MoEF&CC on 12th January, 2017 for implementation of identified actions under different Air Quality Index (AQI) categories for prevention and mitigation of air pollution and dealing with air pollution emergencies, and concerned agencies are required to take actions as per the plan, which includes stringent enforcement of rules for dust control in construction activities & closure of non-compliant sites, and stopping of all construction activities during air pollution emergencies;

WHEREAS, CPCB vide letter number B-31013/72/2017-UPC-I/16355-369, dated 11.01.2018 requested for details on permission granted to linear and building projects, but no response is received till date;

WHEREAS, field inspections carried out by CPCB teams during September 2017 – February 2018 observed a large number of incidences of dust emissions due to construction & demolition activities. Similar observations were also made during 10th – 24th February 2018 under Clean Air Campaign;

WHEREAS, CPCB teams visited a few construction sites of agencies such as NHAI, DDA, PWD, DMRC, DJB, MTNL, etc. during 14th – 15th March, 2018. The teams observed violations of the Construction & Demolition Wastes Management Rules, 2016 including dumping of C & D waste on the roadside and not sent to waste processing facilities or designated disposal sites, and subsequently closure directions were issued by CPCB to these agencies for failing to take adequate measures to control dust emissions;

WHEREAS, the said Rules clearly mention the Duties of Local Authority for management of C&D waste vide Rule No. 6 and reproduced here under:

“The Local Authority shall

(1) issue detailed directions with regard to proper management of construction and demolition waste within its jurisdiction in accordance with the provisions of these rules and the local authority shall seek detailed plan or undertaking as applicable, from generator of construction and demolition waste;

- (2) chalk out stages, methodology and equipment, material involved in the overall activity and final clean up after completion of the construction and demolition;
- (3) seek assistance from concerned authorities for safe disposal of construction and demolition waste contaminated with industrial hazardous or toxic material or nuclear waste if any;
- (4) shall make arrangements and place appropriate containers for collection of waste and shall remove at regular intervals or when they are filled, either through own resources or by appointing private operators;
- (5) shall get the collected waste transported to appropriate sites for processing and disposal either through own resources or by appointing private operators;
- (6) shall give appropriate incentives to generator for salvaging, processing and or recycling preferably in-situ;
- (7) shall examine and sanction the waste management plan of the generators within a period of one month or from the date of approval of building plan, whichever is earlier from the date of its submission;
- (8) shall keep track of the generation of construction and demolition waste within its jurisdiction and establish a data base and update once in a year;
- (9) shall device appropriate measures in consultation with expert institutions for management of construction and demolition waste generated including processing facility and for using the recycled products in the best possible manner;
- (10) shall create a sustained system of information, education and communication for construction and demolition waste through collaboration with expert institutions and civil societies and also disseminate through their own website;
- (11) shall make provision for giving incentives for use of material made out of construction and demolition waste in the construction activity including in non-structural concrete, paving blocks, lowerlayers of road pavements, colony and rural roads.”

WHEREAS, it is evident from the field inspections conducted by the teams of CPCB, that the provisions of Rules are violated and you have failed to perform the duties specified under Rule 6 as detailed above;

WHEREAS, the Ministry of Environment, Forests & 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 Environment (Protection) Act, 1986 and amendment thereof;


Now, THEREFORE, in exercising the powers delegated to the Chairman, Central Pollution Control Board under section 5 of the Environment (Protection) Act, 1986, you are directed to show cause why penal action should not be initiated against the Commissioner, South Delhi Municipal Corporation.

It is further directed that receipt of the directions should be acknowledged within 07 days from date of issue and action taken report submitted to this office within 15 days.


(S. P. S. Parihar)
Chairman

Copy to:

1. The Chairman,
Environmental Pollution Control Authority
Core 6A, 12th Floor, India Habitat Centre, Lodhi road,
New Delhi – 110003 : For Information please
2. The Joint Secretary
CP Division, Ministry of Environment, Forests &
Climate Change, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi – 110003 : For Information please
- ✓ 3. Head, IT Division
CPCB, Delhi - 110032 : For Information please


(A. Sudhakar)
Member Secretary