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E-mail / Speed Post
January 24, 2018

To

The Commissioner
North Delhi Municipal Corporation
5th floor, Civic Centre
New Delhi-110002

Sub.: Direction under Section 5 of the Environment (Protection) Act, 1986 for effective Management of Construction and Demolition Waste in the areas under the jurisdiction of North Delhi Municipal Corporation.

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; 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, 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 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 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, the 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, 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; and

WHEREAS, Chairman, CPCB in exercise of the powers vested under Section 5 of The Environment (Protection) Act, 1986 issued following specific directions to local authorities including North Delhi Municipal Corporation on September 15, 2018:

- a. To prepare targeted action plans for sources such as road and construction dust, open burning, landfill sites etc. The plans shall be implemented on ground from September 15, 2018.
- b. The targeted plans shall comprise of Field deployment plan; Resources allocation; Monitoring and reporting protocol- zone wise contact number, with respect to various activities or Central Control Room (CCR) of MCDs.
- c. Ensure no open dumping and burning of wastes/ agriculture residue.
- d. Coordination with police and traffic authority to minimize traffic congestion and ensure proper traffic management at traffic hotspots.
- e. Ensuring mechanized sweeping on road especially with heavy traffic and water sprinkling on unpaved roads.
- f. Any violation noticed may be strictly dealt as per law; and

WHEREAS, considering winter season as critical with regard to air pollution, CPCB deployed 52 joint inspection teams comprising of officers from MoEF&CC, CPEB, DPCC, Delhi Administration (SDM / Tehsildar) and Municipal Corporation to visit areas in Delhi-NCR during November 01 - 10, 2018 to provide feedback on air polluting mitigation activities & level of implementation of Graded Response Action Plan; and

WHEREAS, the outcome of clean air campaign indicated that air pollution cases due to improper & unlawful management of Construction & Demolitions activities were the highest as compared to any other specific air polluting activity in NDMC (North Delhi Municipal Corporation) area of Delhi. The same is evident from the fact that out of 418 number of incidents reported, 141 incidents were related to improper management of C&D waste. Agencies / persons responsible for 141 cases of violation have been issued with appropriate on the spot Challans / Notices by the joint inspection team for violation

of Guidelines / Provisions under the C&D Waste management Rules, 2016 and inturn creation of air pollution ; and

WHEREAS, during the period between November 01 - December 10, 2018, 1265 complaints lodged through " SAMEER APP" and other means pertained to NDMC area. Out of these , 609 complaints i.e. about 48% of complaints pertain to improper management of C&D activities / waste; and

WHEREAS, as per Rule 6 of the Construction and Demolition Waste Management Rules, 2016 , it is the responsibility of North Delhi Municipal Corporation (Local Authority) for proper management of construction and demolition waste within its jurisdiction in accordance with the provisions of these rules. For ready reference, the relevant Rule 6 of the said Rules is reproduced here-below:

" Duties of local Authority-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, lower layers of road pavements, colony and rural roads. "

WHEREAS, poor air quality affects health of people and it has been observed that actions taken by NDMC for implementation of C&D Waste Management Rules, 2016 are not inline with the provisions of the C&D Waste management Rules, 2016 and its subsequent guidelines and amendments. This amounts to negligence and violations of the provisions of the said Rules on the part of NDMC which has resulted in poor air quality; and

WHEREAS, in view of the above non-compliances and in exercise of the powers delegated to the Chairman, CPCB under Section 5 of the Environment (Protection) Act, 1986, notice was served to NDMC 12.12.2018 to the following effects :

1. Show Cause as to why action should not be initiated for prosecution of Commissioner, North Delhi Municipal Corporation for non-compliance of the provisions of Construction & Demolition Waste Management Rules, 2016 and also non-compliance of the Orders issued by Hon'ble National Green Tribunal on 18.12.2017 and 27.07.2018; and
2. North Delhi Municipal Corporation shall file its reply/ objections to above notice within 48 hours of receipt of this Notice failing which action as deemed fit under the Environment (Protection) Act, 1986 / National Green Tribunal Act, 2010 will be initiated.

WHEREAS, no reply is received from North Delhi Municipal Corporation (NDMC) ; and

WHEREAS , during last 2 years, a total of 10 SCNs / Directions, 5 nos. of letters were issued to NDMC including convening of series of meetings chaired by the Chairman, CPCB but it has not only failed to reply but also to comply with the provisions of the C&D Waste Management Rules, 2016 and Environmental Legislations. This has resulted in significant deterioration of air quality posing serious health threats to citizens, mis-management of wastes and avoidable non-conservation of resources. Such a lackadaisical attitude of NDMC calls for prosecution as per appropriate laws.

NOW, THEREFORE, in view of the above and in exercise of the powers delegated to the Chairman, CPCB under Section 5 of the Environment (Protection) Act, 1986, the Commissioner, North Delhi Municipal Corporation (NDMC) is hereby directed for the following :

1. NDMC shall pay an Environmental Compensation of Rs. 1,00,000 Crore only [Rs. One Crore only] to CPCB as per Environmental Compensation Policy framed in compliance of NGT order dtd 31.08.2018 in OA no. 593/2017, within 3 days from the date of receipt of these directions.
2. All the short-comings as highlighted above shall be rectified within 7 days from the date of receipt of these directions.
3. Action Taken Report be submitted along-with necessary documentary evidences immediately after disposal of the wastes as mentioned in 1 and 2 above but within 10 days from the date of receipt of this direction.

Any violation of this direction shall attract appropriate action including prosecution under the provisions of the Environment (Protection) Act, 1986 and NGT Act, 2010 .

28/07/18
[S. P. Singh Parihar]
Chairman



Copy to:

1) The Secretary,
Ministry of Housing and Urban Affairs
Nirman Bhawan,
Maulana Azad Road,
New Delhi-110011


: for information please

2) The Joint Secretary,
CP Division,
Ministry of Environment, Forests and Climate Change,
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi - 110 003

: for information please

✓ 3) The Divisional Head, IT Division, CPCB, Delhi

4) The Divisional Head - IPC-VI, CPCB, Delhi


[Prashant Gargava]
Member Secretary

