

SPEED POST

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

Date : 25.02.2019

To,

The Chairman
National Highways Authority of India,
G 5&6, Sector-10, Dwarka,
New Delhi - 110 075

Sub: Full & Final Revocation of 'Directions' issued on 12.11.2018 and 16.11.2018 under section 5 of "The Environment (Protection) Act, 1986" to M/s National Highway Authority of India (NHAI) to stop Construction & Demolition activities pertaining to its Project- Delhi Meerut Expressway so as to ensure strict implementation of "Construction and Demolition Waste Management Rules, 2016" .

Ref : NHAI Project titled as " Development of Delhi - Meerut Expressway Project in the States of Delhi and Uttar Pradesh"

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, in exercise of the powers conferred under sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), 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 for environmental management of construction and demolition waste and approach towards reduction of environmental impacts; and

WHEREAS, in continuation of the said rules, CPCB has developed and published "Guidelines on Dust Mitigation Measures in handling Construction Materials 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, 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; and

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; and

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; and

WHEREAS, construction and demolition activities and disposal of wastes along the roads contribute significantly to ambient particulate matter pollution and therefore, CPCB teams were deployed for site visits during March - June, 2018, for verification of implementation of "the C&D Waste Management Rules, 2016" and its successive Amendments/Guidelines in Delhi. Based on the observations made by the teams in respect of visited sites CPCB already issued directions under section 5 of "The Environment (Protection) Act, 1986" to stop construction & demolition activities and ensure strict implementation of "Construction and Demolition Waste Management Rules, 2016"; and

WHEREAS, CPCB visited following sites on 4th Oct, 2018 and the observations at visited sites which were in violation of the said rules and guidelines were as follows:

Sl. No	Location	Activity	Observations
1.	Delhi Meerut expressway (DME), Package-I, Sarai Kale Khan to UP gate	High way construction	<ul style="list-style-type: none">• Construction & demolition activities were underway despite the directions issued (dated 08.05.2018) to stop the same and to submit action taken report to CPCB within 15 days.• Uncovered storage of excavated soil under flyover at Sarai Kale khan is causing dust pollution.• Dust mitigation measures like (water sprinkling, barricading, covering etc) not taken as per guidelines.• No display arrangement for C&D waste management as per the directions issued dated 08.05.2018.

2.	Delhi Meerut expressway (DME), Package-II, UP gate to Dasna	High way construction	<ul style="list-style-type: none">• Construction & demolition activities were underway despite the directions issued dated 08.05.2018 to stop the same and to submit ATR to CPCB within 15 days.
3.	Delhi Meerut expressway (DME), Package-III, Dasna to Hapur	Highway construction	<ul style="list-style-type: none">• Construction material (excavated soil etc.) kept along road and without any cover causing dust pollution throughout the stretch.• Dust mitigation measures (like water sprinkling, barricading, covering etc) not taken as per guidelines.• No display arrangement for C& D waste management as per the directions issued dated 08.05.2018.

WHEREAS, the observations were in violation of the Environment (Protection) Amendment Rules, 2018 vide G.S.R. 94(E); dated 25th January, 2018; and

WHEREAS, Ministry of Environment & Forests, Government of India, vide Notifications No. S. O. 157 (E) of 27.02.1996, 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) Rules, 1986 and amendment thereof; and

WHEREAS, in exercise of powers vested under section 5 of "Environment (Protection) Act, 1986", M/s National Highways Authority of India (NHAI) , G 5&6, Sector-10, Dwarka, New Delhi - 110 075 had been directed vide CPCB Directions dtd. 12.10.2018 as follows

- (i) **To stop all civil works involving construction and demolition activities at above sites with immediate effect.**

(ii) To implement the rules and guidelines for management of construction and demolition activities and wastes including the following measures:

- f. Construction material and waste shall be stored only within earmarked area. No waste should be dumped on road side, and wastes already dumped along the roadside and at construction sites shall be lifted and stored at a designated place with covering.
- g. Water sprinkling system shall be adopted to suppress dust.
- h. Wind-breaker of appropriate height i.e. $1/3^{\text{rd}}$ of the construction height and maximum up to 10 meters shall be provided at site.
- i. Grinding and cutting of building materials shall be within closed area made by Curtains/Barrier etc.
- j. Dust mitigation measures shall be displayed prominently at the construction site for easy public viewing.

(iii) Activities at above sites shall not resume until adequate dust control measures are ensured and without prior permission from CPCB.

WHEREAS, M/s National Highways Authority of India, G 5&6, Sector-10, Dwarka, New Delhi - 110 075 vide its letter dated 25.10.2018, has communicated action taken report in context to CPCB directions dtd. 12.10.2018. Further, NHAI was called by CPCB on 06.11.2018 to know about steps taken by them in compliance of the CPCB Directions dtd. 12.10.2018; and

WHEREAS, CPCB officers have inspected NHAI construction site as referred above on 13.11.2018 so as to verify compliance of CPCB directions dtd. 12.10.2018. The observations are as follows :

- ✓ Civil works involving construction and demolition activities at above sites have been stopped.

- ✓ Entire stretch of Package II of the project (UP Gate to Dasna) is opened for construction work which involves massive earth-work and it is difficult for the NHAI (Project Proponent) to install dust mitigation measures for entire stretch.
- ✓ Initiatives are taken by M/s NHAI for management of construction and demolition activities and wastes by way of following measures:
 - i. Construction material and waste are stored within earmarked area at most of the places.
 - ii. Water sprinkling system has been deployed to suppress dust.
 - iii. Wind-breakers / green curtains are provided at most of the places to isolate construction site and containment of dust emissions.
 - iv. All the internal roads at Site office of the Project at Package III at Pilkhuwa is un-paved (earthen) and dust emissions are generated during movement of trucks and other vehicles of the project.
 - v. Display Boards in context to arrangements made by the company for C&D Waste are however yet to be put at appropriate places for easy public viewing.

WHEREAS, inspection was followed by visit of a team of senior officers from NHAI to CPCB on 13.11.2018 to apprise about steps taken by them in compliance of the CPCB Directions and also to clarify their position in respect of some of the short-falls as observed during inspection . During discussion and through subsequent communication dtd. 14.11.2018, request is made by M/s NHAI, New Delhi for conditional and part revocation of CPCB directions; and

WHEREAS, the case had been examined carefully based on the material facts available and also from view point of the importance of the aforesaid construction project for public utility and targets set by the government for development of infrastructure facilities; and

WHEREAS, in exercise of the powers delegated to the Chairman, CPCB u/s 5 of the Environment (Protection) Act, 1986, the 'Directions' issued by CPCB to M/s **National Highways Authority of India**, G 5&6, Sector-10, Dwarka, New Delhi - 110 075 were partly revoked on 16.11.2018 subject to following conditions :

1. *These Revocation Directions are applicable to project of NHAI titled as "Development of Delhi - Meerut Expressway Project in the States of Delhi and Uttar Pradesh (Package I, Package II and Package III)"*
2. *NHAI is permitted to carry out construction work related to steel work and concreting on structures. The structure work shall be carried out through green concrete produced from modern batch mix plant having adequate dust control measures (located at distant place away from this highway). Production of concrete mix on site is not permitted.*
3. *There are some stretches where earthwork is completed and is only to be covered with granular and bituminous layers. These stretches are from Km 9 to Km 15 and Km 22 to Km 25. This covering work is allowed. However, during such construction work, all possible measures to check fugitive emissions be ensured.*
4. *There are some stretches where earthwork is yet to be completed. No more earthwork is allowed in such stretches and in order to control dust emission from these areas, dust mitigation measures like water sprinkling, wind barriers etc. shall be taken.*
5. *Compaction of the earth in the top layer in moist condition is permitted, so as to reduce the dust emissions during winds.*
6. *During construction phase, compliance to provisions of 'C&D Waste Management Rules - 2016' and its subsequent amendments dtd. 25.01.2018 and CPCB Guidelines with regard to dust mitigation measures, be ensured by NHAI in letter & spirit.*
7. *Wind barriers, curtains and water sprinkler system for dust mitigation be maintained as per norms through-out the construction phase.*
8. *The internal roads at Site office of the Project at Package III at Pilkhuwa shall be paved before commencement of work so as to control dust emissions during movement of trucks and other vehicles.*

9. *Display Boards in context to arrangements made by the company for management of C&D Waste be put at appropriate places for easy public viewing before resuming the construction activity.*
10. *These Revocation Directions shall stand withdrawn automatically without any further notice in the matter in case any violation of the conditions as stipulated in 1 to 8 above, is committed and legal action as per provisions of the Environment (Protection) ACT, 1986 and National Green Tribunal Act, 2010, be launched.*

WHEREAS, M/s **National Highways Authority of India, New Delhi** vide its letter dated 30.01.2019, has communicated action taken report in context to CPCB directions dtd. 12.10.2018 and 16.11.2018 and requested for complete revocation of the directions issued by CPCB so as to resume all sorts of construction activities related to Delhi - Meerut Expressway; and

WHEREAS , CPCB officers have inspected NHAI construction site as referred above on 05.02.2019 so as to verify compliance of CPCB directions. It was observed that although NHAI has taken steps for compliance of the CPCB directions but still there are some areas where further improvements are needed. NHAI Officers were appraised accordingly; and

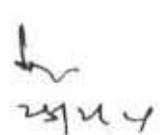
WHEREAS, M/s **National Highways Authority of India**, vide its subsequent letters dated 08.02.2019 and 11.02.2019 communicated action taken report including documentary evidences in context to suggestions received during CPCB visit dated 05.02.2019 and requested for complete revocation of the directions issued by CPCB so as to resume all sorts of construction activities related to Delhi - Meerut Express Way; and

WHEREAS , CPCB officers have again inspected NHAI construction site as referred above on 20.02.2019 so as to verify claims of NHAI and compliance of CPCB directions. It was observed that the overall measures taken by NHAI for compliance of the CPCB directions are satisfactory and it is assessed that the request of NHAI for full & final revocation of CPCB directions dated 12.10.2018 and 16.11.2018 can be considered and acceded to.

NOW, THEREFORE, in view of the above and in exercise of the powers delegated to the Chairman, CPCB u/s 5 of the Environment (Protection) Act, 1986, the 'Directions' issued by CPCB on 12.10.2018 and 16.11.2018 to M/s **National Highways Authority of India**, G 5&6, Sector-10, Dwarka, New Delhi - 110 075 are hereby revoked and NHAI is hereby permitted to resume all the construction activities related to Delhi -Meerut Expressway, subject to following conditions :

1. These Revocation Directions are applicable to the NHAI Project titled as " **Development of Delhi - Meerut Expressway in the States of Delhi and Uttar Pradesh**" only.
2. During construction phase , strict compliance to provisions of 'C&D Waste Management Rules - 2016' and its subsequent amendments dtd. 25.01.2018 and CPCB Guidelines with regard to dust mitigation measures, be ensured by NHAI in letter & spirit.
3. Wind barriers , curtains and water sprinkler system for dust mitigation be maintained as per norms through-out the construction phase.
4. Display Boards regarding arrangements made by the company for management of C&D Waste be put in place for easy public viewing before resuming the construction activity.

These Revocation Directions shall stand withdrawn automatically without any further notice in the matter in case any violation of the conditions as stipulated in 1 to 4 above, is committed and legal action as per provisions of the Environment (Protection) Act, 1986 and other laws as applicable, shall be initiated.


[S. P. S. Parihar]
Chairman

Copy for kind information to:

1. The Secretary
Ministry of Road Transport and Highways
Transport Bhawan
1, Parliament Street
New Delhi-110001
2. The Chairman,
Environmental Pollution Control Authority
Core 6A, 12th Floor, India Habitat Centre,
Lodhi road, New Delhi - 110003
3. The Joint Secretary
CP Division,
Ministry of Environment, Forests & Climate Change
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110003
- ✓ 4. The Divisional Head, IT Division, CPCB, Delhi : For uploading on website please.


[A Sudhakar]
Member Secretary

