



No. B-31013/71/2019-20/UPCD-I / 2425-2429

**SPEED POST/E-mail**

Date: June 11, 2019

To

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

**Sub: Notice under section 5 of "The Environment (Protection) Act, 1986" to stop Construction & Demolition activities related to DME-II (UP Gate to Dasna, Ghaziabad) on account of failure to implement "Construction and Demolition Waste Management Rules, 2016".**

WHEREAS, Ministry of Environment, Forest and Climate Change (MoEF&CC) has notified "Construction and Demolition Waste Management Rules, 2016" vide GSR 317(E); dated 29<sup>th</sup> March, 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 25<sup>th</sup> 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, whereby environmental management of construction and demolition waste and approach towards reduction of environmental impacts were emphasized; 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 available at [www.cpcb.nic.in](http://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, 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, 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; and

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; and

WHEREAS, Chairman CPCB, in exercise of the powers vested under Section 5 of The Environment (Protection) Act, 1986 issued directions 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 NHAI 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 , directions had been issued under section 5 of the Environment ( Protection) Act, 1986 to NHAI on 12.10.2018 to stop construction activities related to Delhi Meerut Expressway ( I , II and III) on account of its failure to ensure implementation of "Construction and Demolition Waste Management Rules, 2016" in letter & spirit; and

WHEREAS, the closure directions were subsequently conditionally revoked in a phased manner on 16.11.2018 and 25.02.2019 based on progress shown by NHAI to control the pollution during construction phase; and

WHEREAS, during passing through DME it is observed that air polluting activities and improper management of wastes are taking place again due to negligence on the part of NHAI. This is contributing significantly to ambient particulate matter pollution and therefore, CPCB team was deployed for inspection in DME-passage II and also around Ghazipur landfill site on 23.05.2019 so as to identify the major sources of pollution. On that very day, two nos. of sites have been identified which are under NHAI jurisdiction and following observations were recorded:

Sl. No.	Location	Activity	Observations
1.	Delhi Meerut Espressway, Package-II, UP Gate to Dasna, Ghaziabad	Highway construction	<ul style="list-style-type: none"><li>• Construction and demolition activities are going on along the highway by NHAI</li><li>• Construction material, excavated soil etc. are kept along the road side without any cover.</li><li>• Dust mitigation measures have not been taken as per "The Construction and Demolition Waste Management Rules, 2016" and successive Amendment and Guidelines.</li><li>• No display arrangement for C&amp;D waste management.</li></ul>
2.	DDA Land in front of Ghazipur vegetable Market	Dumping of Malba	<ul style="list-style-type: none"><li>• (NHAI is custodian of the land as per letter dated 03.05.2019 received from the SE(HQ)EZ, Delhi Development Authority, Office of the Suptdg. Engineer (HQ) (East Zone), 16<sup>th</sup> Floor, Vikas Minar, New Delhi-110002)</li><li>• C&amp;D waste/Malba are being disposed off openly on this land without following the norms.</li><li>• There are no arrangements for waste management.</li></ul>

WHEREAS, it is obvious that NHAI has failed to comply with the conditions of the Revocation Directions issued on 25.02.2019 ; and

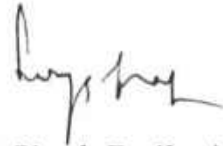
WHEREAS, the observations are in violation of the Environment (Protection) Amendment Rules, 2018 notified vide G.S.R. 94(E) dated 25<sup>th</sup> January, 2018.

Now therefore, in exercise of powers vested under section 5 of "The Environment (Protection) Act, 1986", NHAI is hereby directed to explain the reasons as to why following Regulatory Actions should not to be initiated against it :

1. As to why the project activities (DME-II) including all civil works and construction and demolition activities should not be stopped at above site until implementation of the rules and guidelines for management of construction and demolition activities is achieved.
2. As to why an Environmental Compensation of Rs. 1.00 Crore only [ Rs. One Crore only] should not be levied on account of causing damage to the environment. This action is as per Environmental Compensation Policy framed in compliance of NGT order dated 31.08.2018 in O.A. No. 593/2017

It is further directed that receipt of the directions should be acknowledged within 03 days from date of issue and reply including **action taken report** submitted to this office within 07 days from the date of issue of this 'Show Cause Notice'.

Any violation of this direction shall attract appropriate action including prosecution under the provisions of Environment (Protection) Act, 1986 / National Green Tribunal Act, 2010.



(S. P. Singh Parihar)  
Chairman

12/02/19



Copy to:

1. The Secretary Ministry of Road Transport & Highways Parivahan Bhawan, Parliament Street, New Delhi		For compliance please.
2. The Secretary, Ministry of Housing & Urban Affairs, Nirman Bhawan, Maulana Azad Road, New Delhi-110001	:	For information please
3. The Chairman, Environmental Pollution Control Authority Core 6A, 12 <sup>th</sup> Floor, India Habitat Centre, Lodhiroad, New Delhi - 110003	:	For Information please
4. The Joint Secretary CP Division, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi - 110003	:	For Information please
5. Head, IT Division CPCB, Delhi - 110032	:	For Information please



[N.K. Gupta]  
Divisional Head - UPC-I