

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE, CHENNAI  
Application No. 143 of 2020 (SZ)**

**K.K. Muhammed Iqbal**

**.....Applicant**

**Versus**

**Kerala State Pollution Control  
Board & Ors.**

**.....Respondents**

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*S. Suresh*  
16/10/2020

**S. Suresh**  
Regional Director  
Central Pollution control Board  
Regional Directorate(South)  
Bengaluru

**Dated:** 16.10.2020

**Place:** Bengaluru

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE, CHENNAI  
Application No. 143 of 2020 (SZ)**

**K.K. Muhammed Iqbal** .....**Applicant**

**Versus**

**Kerala State Pollution Control Board & Ors.** .....**Respondents**

**Counter Affidavit on behalf of Central Pollution Control Board i.e. Respondent No. 4.**

I, S. Suresh, Son of S.R. Sathyanarayana, Hindu, aged about 57 years, am working as 'Regional Director' in South Regional Directorate of Central Pollution Control Board (hereinafter referred to as CPCB), Bengaluru. I am fully conversant with the facts and competent to affirm this Affidavit on behalf of Respondent No. 4, do hereby declare as under;

**Para wise reply**

1. That the averments made in the Para-1 of Original Application is about the Applicant, and need no comments from CPCB i.e. Respondent No. 4.
2. That the averments made in the Para-2 is about industrial belt located at Eloor-Edayar area and Respondent No. 9 and Respondent No. 10 companies, and need no comments from Respondent No. 4.
3. That the averments made in the Para-3 is about Respondent No. 9, and need no comments from Respondent No. 4.

4. That the averments made in the Para-4 is about Supreme Court Monitoring Committee (hereinafter referred to as SCMC) on hazardous waste constituted by Hon'ble Supreme Court by order dated 14.10.2003 in the matter of Writ Petition (C) No. 657 of 1995 for overseeing the directions issued by the Apex Court for compliance of Hazardous Waste Management Rules across the country. The SCMC noted about the contamination of groundwater in and around the vicinity of Respondent No. 9's company by its operation and recommendation made to Kerala State Pollution Control Board (hereinafter referred to as Kerala SPCB) to issue direction to the Respondent No. 9's company to supply piped drinking water to affected public. That this para need no comment from this Respondent No. 4, as it relates to Respondent No. 1 that is Kerala SPCB.
5. That the averments made in the Para-5, it is submitted that the area in and around the closed premises of Respondent No. 9's company in has been identified as part of "Eloor-Edyaar contaminated area" in the country due to contamination of soil, sediment and groundwater with zinc and heavy metals spread over a large area. This contaminated area comprises of closed premises of Respondent No. 9's company, the adjoining areas, Edayatuchal and Chakarachal paddy fields at Edayar, Ernakulam, Kerala.
6. That with regard to averments made in the Paras (6 to 9), it is submitted that in the year 2011 Respondent No. 3 i.e. Ministry of Environment, Forest, and Climate Change (hereinafter referred to as MoEF&CC), Government of India has initiated a Project with funds from National Clean Energy Funds (hereinafter referred to as NCEF) for assessment and remediation of 12 priority contaminated area in the country. The Eloor-Edayar contaminated area has been identified as one of the priority sites requiring remediation under this NCEF Project. However, the said NCEF project has been discontinued by MoEF&CC during the year 2017-2018. The status of the project is as below:

- a) The MoEF&CC i.e. Respondent No. 3 has engaged this Respondent No. 4 as a Project Implementing Agency for 'Remediation of Hazardous Waste Contaminated dump sites' at 12 areas in the country. The project for Eloor-Edayar contaminated area was initiated in the year 2014.
- b) Initially, the NCEF project for remediation of 12 priority contaminated areas including Eloor-Edayar area was envisaged in two phases i.e. preparation of Detailed Project Report (hereinafter referred to as DPR) in Phase-I followed by execution of remediation works in Phase-II.
- c) As per the terms of NCEF project, central funding for assessment and remediation of contaminated area was limited to 40% of the total project cost. The remaining 60% was to be borne by State Government through Polluter Pays Principle/Public-Private Partnership/State support, etc. The said project was initiated in 6 States including Kerala who had given in-principle approval for funding State's share of 60% (a copy of the same is given at **Annexure-I**). Accordingly, the project was awarded for preparation of DPR for remediation of contaminated area at Eloor-Edayar, Ernakulam, Kerala, which includes the contaminated sites in around the premises of Respondent No. 9's company i.e. M/s Edayar Zinc Limited (formerly M/s Binani Zinc Ltd.) and the adjoining areas.
- d) It is submitted that this Respondent No. 4 has initiated preparation of DPRs for 8 contaminated sites including Eloor-Edayar area with a central grant of Rs. 15.5 crore, without waiting for State's share. However, it is submitted that this Respondent No. 4 has not received any grant so far from State Government.
- e) Detailed site investigation was carried out at three areas of potential concerns (AoPCs) at Edayar area i.e. (B1 -

Edayattuchal historical paddy fields), (B2 - Chakkarachal historical paddy fields) and (B3 - Residential areas along paddy fields and in & around the premises of Respondent No. 9's company. Key findings of assessment report are as below:

- (i) Samples from 115 soil boreholes, 11 monitoring wells, 9 sediment boreholes, 15 existing open wells, 12 bore water and 18 surface water samples were collected;
- (ii) Heavy metals (mainly; Zn, Fe, Cd, and Cr) in soil were exceeding the screening criteria, mainly within the southern portion of the Edayattuchal and Chakkarachal paddy fields. Major impacts are restricted to shallow soils (0-0.5 m). No soil impact is identified within the residential area adjacent to the paddy fields;
- (iii) Heavy metals (mainly; Zn, Fe, and Mn) are identified in groundwater exceeding the screening criteria, localized within the paddy fields boundaries and immediately down gradient of the Jarosite ponds;
- (iv) Heavy metals (mainly; Zn, Cd, Fe) are identified in sediment samples localized within the paddy fields boundaries.
- (v) Primary source of contamination in Edayar area is f the Jarosite ponds and the facilities located within the northern portion of Respondent No. 9 company.
- (vi) At present there are four Jarosite ponds at the site, out of which three ponds were capped. These ponds were reportedly contained provided with HDPE & LDPE liners.
- (vii) The secondary potential sources include the groundwater contaminated due to leaching from primary sources, contaminated soil and sediments in the flooded /marshy zones and contaminants distributed due to flooding.

- (viii) Approximately 8.5 lakh tons of Jarosite have been placed in Ponds 1, 2, and 3; these ponds were not constructed in a manner to sufficiently prevent migration of the contaminants contained in the Jarosite.
- (ix) As reported by localites, unauthorized discharge of effluents occurred historically which were discharged through a drain at the southern extremity of Edayattuchal paddy fields. Discharge of effluents was also reported within the Chakkarachal paddy fields. During investigation of the project, surface water discharge was observed to occur at the southern portion of Edayattuchal originating from the industrial area. The exact origin of the effluent discharge is unknown. In rainy season, it is observed that surface runoff waters from the Binani School Ground is discharged to the Chakkarachal paddy field through an open drain.
- f) Human Health Risk Assessment (HHRA) was carried out as part of the study to derive site specific remediation target levels (SSTLs).
- g) The contaminated area at Eloor-Edayar including the contaminated premises of Respondent No. 9's company was inspected by Technical Expert Committee (hereinafter referred to as TEC) constituted by CPCB along with the representatives of CPCB, Kerala SPCB and CPCB's Consultant on 12.01.2017. Subsequently, in the 8th meeting of the TEC organized at the office of Kerala SPCB, has finalized its recommendations on technologies for remediation of Edyaar contaminated area. The technologies recommended by TEC had been accepted by Project Steering Committee (PSC) under chairmanship of Chairman, CPCB.
- h) CPCB vide letter dated 13.02.2019 has forwarded the final DPR to Government of Kerala and Kerala SPCB with request to

initiate execution of remediation works through Respondent No. 9's company (annexed as **Annexure-A4(1)** in OA).

- i) Based on the findings of the initial technology screening, the following approach has been selected for remediation of Soil, Sediment, Surface Water & Groundwater at the sites in Edayar area including in around the premises of Respondent No. 9's company:

**j) Remedial Approach for Sediments and Soil**

Based on the multi-criteria evaluation of the shortlisted techniques proposed for soil remediation, excavation with off-site disposal has been found to be the most sustainable option. This approach removes the chemicals of concern (hereinafter referred to as CoCs) from the site and eliminates further migration in soil, sediment and into groundwater or surface water as applicable. This does not remediate the contaminants in the groundwater or surface water and therefore remediation of groundwater and surface impacts need to be addressed simultaneously.

**i) Remediation Approach for Groundwater and Surface Water**

The contamination in groundwater is limited to specific areas, while the contamination in surface water is governed by the corresponding contamination in sediments. Therefore, separate approaches is required to address the groundwater and surface water contamination.

Based on the multi-criteria evaluation of the shortlisted techniques proposed for groundwater and surface water remediation are the pumping and ex-situ treatment i.e. Pump & Treat (P&T) using Pressure Sand Filter (PSF) and Granular Activated Carbon (GAC) is the recommended sustainable option.

## ii) Proposed technology for Soil Remediation

### Excavation and off-site Disposal

The remediation of contaminated soil is proposed to be handled by excavation and off-site disposal in a common hazardous waste TSDF. The cost for excavation and off-site disposal of contaminated soil as identified at B1 (Edayattuchal historical paddy fields) and B2 (Chakkarachal historical paddy fields) with stabilization is estimated to be Rs. 12.91 crore. In total, 6,950 m<sup>3</sup> of contaminated soil shall be excavated from all the areas of concern (excluding Jerosite pond).

### Remedial Implementation Schedule (Soil)

Activities	Sub-Activities	Anticipated Duration (days)
Excavation of contaminated material	Excavation	100
	Loading of trucks	
	Transportation to TSDF	
	Disposal in TSDF	
Backfilling and Capping	Backfill of areas identified for Soil Remediation	50

### Proposed Groundwater Remediation

Groundwater to be treated is estimated to 20,00,000 m<sup>3</sup> in volume. The management of contamination present in groundwater is proposed to be handled using the Pump & Treat (P&T) in conjunction with ex-situ treatment with pressure sand filter and/or activated carbon filter. Based on the present level of understanding, the extent of contamination in shallow groundwater is limited to B3 (Residential areas around the paddy fields and Jarosite Ponds). Therefore, installation of abstraction wells shall be limited to Zone B3 (Residential Areas along Paddy Fields & Jerosite Ponds).

The schedule of implementation of the selected remedial technology is subject to limiting field conditions.

### Remedial Implementation Schedule (Groundwater)

Anticipated Activity	Sub-activities	Anticipated Duration (days)
Installation of abstraction wells	Installation of abstraction wells	10
	Installation of conveyance piping	20
Installation of water treatment system	Testing and Commissioning of GW Treatment Unit	60
	Operation of GW Treatment Unit	3,650 (Assumption, see below)
	Collection of GW Treatment Unit Samples	3,650

The capital expenditure (CAPEX) for Pump & Treat with ex-situ treatment including installation of treatment system is estimated to be Rs. 1.4 crore. Assuming an average life of the treatment system to be 10 years, the operating expenditure (OPEX) is estimated to be Rs. 4.62 crore over these 10 years. The OPEX cost mentioned is an estimate and does not consider inflation or other changes in the conditions.

#### ***Old Jerosite Ponds Remediation***

Approximately 8.5 lakh tons of Jarosite have been placed in Ponds 1, 2, and 3; these ponds were not constructed in a manner to sufficiently prevent migration of the contaminants contained in the Jarosite. Therefore, this waste is proposed to be excavated and transferred to the existing Jarosite Pond No. 4. This pond would then be capped, and a long-term operation and monitoring effort would be initiated. Below are the proposed activities to perform the proposed remedial efforts.

#### ***Investigation of Pond No. 4***

The existing Pond No. 4 must be reviewed to ensure the integrity of the liner and walls is sufficient for the cell to be used for long-term disposal of the on-site Jerosite.

### ***Transfer of Waste***

Excavation and transfer of the waste present in Ponds 1, 2, and 3 should be completed as per DPR. For final closure of Ponds 1, 2, and 3, the soil from the cap shall be re-used for backfill in the areas where the Jerosite was removed, then a liner placed for storm water retention and treatment, and serve as a defacto cap for the pond area. Additionally, a constructed wetland or phytoremediation system shall be installed within the ponds, allowing for removal of zinc and other CoCs. Storm water, leachate, and any extracted groundwater (if needed) can be treated using the constructed wetland.

### ***Leachate Collection and Treatment***

To prevent further releases of contaminated liquids to the environment, a leachate collection system must be operational for Pond No. 4.

### ***Storm water and Leachate Treatment System***

To prevent further releases of contaminated liquids to the environment, the storm water that falls on the area must be collected and treated prior to leaving the site. This activity is required due to the presence of Jerosite dust and other contaminated material on the entire surface of the site.

### ***Long Term Operations and Monitoring Program***

The following activities will require long term operations and monitoring:

- i) Leachate collection system inspection
- ii) Constructed wetland treatment system operation and maintenance
- iii) Storm water drainage system operation and maintenance

- iv) Perimeter groundwater monitoring wells
- v) Cap inspection program

***Jerosite Pond Remediation Schedule (Erstwhile M/s Binani Zinc)***

<b>Anticipated Activity</b>	<b>Sub-activities</b>	<b>Anticipated Duration (days)</b>
Excavation of Pond 1, 2 & 3	Excavation	500
	Loading of trucks	
	Filling Pond No. 4	
Capping of Pond No. 4	Capping	200
Site restoration,	Construction of storm water retention pond and constructed wetland and monitoring wells	100

The costs estimated for completing the above activities is about Rs. 29 crore.

**iii) Estimated cost for remediation of Edayar contaminated area**

As per final DPR, the cost of remediation of Edayar contaminated sites including in and around premises of Respondent No. 9 company is estimated to be Rs. 47.88 crore.

7. That with regard to averments made in the Para (12), it is humbly submitted that as per the terms of NCEF scheme, Central funding for assessment and remediation of contaminated area was limited to 40% of the total project cost. The remaining 60% was to be borne by State Government through Polluter Pays Principle/Public-Private Partnership/State support, etc. The said project was initiated in 6 States including Kerala who had given in-principle approval for funding State's share of 60% (a copy of the same is given at **Annexure-I**). It is also humbly submitted that NCEF scheme has been discontinued by the Government of India. MoEF&CC being the Administrative Ministry for implementing this NCEF project, has released funds to CPCB to complete DPR preparation. In this regard, a copy of the affidavit filed by MoEF&CC, in the matter of OA No. 200 of 2014 is given at **Annexure-II** for kind reference.

Since NCEF Project of MoEF&CC has been discontinued, the Government of Kerala /Kerala SPCB may issue necessary directions to Respondent No. 9 company for arrangement of funds for execution of remediation works as per the DPR prepared by CPCB.

8. That with regard to averments made in the Para (13), it is humbly submitted that Kerala SPCB may direct Respondent No. 9's company to ensure remediation and to execute remediation works as per the DPR under the supervision of Kerala SPCB. This Respondent No. 4 may provide technical assistance and verify the remediation works as and when required. Further, this Respondent may not comment on linking remediation works to not removing the plant and machineries from their premises.

#### **Reply on Grounds**

9. That with regard to averments made in the Para 14, this Respondent No. 4 agree to the fact that there is a possibility of contamination in receiving water bodies due to surface run-off from the contaminated soils and sediments in Edyaar contaminated area during monsoon.
10. That this respondent has no comment against the averments made at Para 15 and 16 of Applicant. However, it is further submitted that as per Rule 23(1) of Hazardous and Other Waste Management Rules, 2016, the occupier of the premises that is Respondent 9's company will be liable for all damages caused to the environment or third party due to improper handling and management of the hazardous and other waste generated by them.

#### **Reply on Prayers**

11. That the averments made in the Para 1, it is humbly submitted that it is the responsibility of Respondent 9's company to remediate the environmental damages caused due to improper management of Jarosite and historic discharges from its premises. Kerala SPCB may therefore direct Respondent No. 9's company to execute remediation of Edyaar contaminated sites as per DPR prepared by CPCB. The

cost incurred by MoEF&CC/CPCB in assessment and DPR preparation may also be recovered from the Respondent No. 9's company. The work may be executed as per the authorisation and supervision of Kerala SPCB. Kerala SPCB may also engage any competent consultant to monitor and verify the works executed by Respondent No. 9's company. This Respondent No. 4 may provide technical assistance and also verify the remediation works as and when required.

12. That with regard to averments made in the Para 2, this Respondent No. 9 may have no comments on linking removal of plant and machineries to execution of remediation works. However, it is humbly submitted that Kerala SPCB may ensure that Respondent No. 9's company executes remediation of Edyaar contaminated sites as per DPR prepared by CPCB.
13. That the averments made in the Para 3, it is humbly submitted that remediation work may be executed by Respondent 9's company as per the authorisation and supervision of Kerala SPCB. Kerala SPCB may also engage any competent consultant to monitor and verify the works executed by Respondent 9's company. This Respondent No. 4 may provide technical assistance and also verify the remediation works as and when required. Further, it is humbly submitted that the State Level Monitoring Committee (SLMC) may be constituted to monitor and supervise the remediation works.
14. That the averments made in Paras 4 & 5, it is humbly submitted that NCEF Project of MoEF&CC has been discontinued by Government of India. Therefore, the Government of Kerala and Kerala SPCB may issue necessary directions to Respondent No. 9's company to execution of remediation works at their own cost as per the DPR prepared by CPCB.
15. That with regard to averments made in the Para 6 about Respondent No. 8 that is Irrigation Department, Government of Kerala, this Respondent No. 4 may have no comments to offer.

16. That with regard to averments made in the Para 7, this Respondent No. 4 may humbly submit that a detailed site assessment study was carried out in Edyaar area and a DPR for remediation has already been prepared by this Respondent No. 4. It is humbly submitted that the priority at this stage may be to contain further release of contaminants from the premises of Respondent No. 9's company during every monsoon and to remediate the identified contaminated sites in Edyaar area as per DPR. Therefore, this Respondent No. 4 may have no comments to offer on the proposal of Applicant.

### **PRAYER**

It is humbly prayed before this Hon'ble Tribunal in the interest of Justice that this Hon'ble Tribunal may be pleased to pass an order to;

- i) Edayar contaminated area including the premises of Respondent No. 9's company and the adjoining areas may be remediated as per the DPR prepared by Respondent No. 4.
- ii) The cost of assessment and remediation works as per the DPR prepared may be borne by Respondent No. 9's company being the responsible party for causing contamination.
- iii) Remediation work may be executed by Respondent No. 9's company as per the DPR prepared by CPCB.
- iv) Remediation work may be executed by Respondent No. 9's company as per authorisation and supervision of Kerala SPCB. Kerala SPCB may also engage any competent consultant to monitor and verify the works executed by Respondent No. 9's company.
- v) This Respondent No. 4 may provide technical assistance and also verify the remediation works as and when required.

Pass any such and further order, as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.



*S. Suresh*  
16/10/2020  
**DEPONENT**

**S. SURESH**  
REGIONAL DIRECTOR  
CENTRAL POLLUTION CONTROL BOARD  
REGIONAL DIRECTORATE (SOUTH)  
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA  
BENGALURU - 560 079. MOB : 9480672128

### VERIFICATION

It is verified that the content of this Counter Affidavit which is based on official record and information available in the office are true & correct to best of my knowledge and belief. Nothing has been concealed therein

Signed and verified on this 16th day of October, 2020 at Bengaluru

*S. Suresh*  
16/10/2020  
**DEPONENT**

**COUNSEL FOR  
4<sup>th</sup> RESPONDENT**

**S. SURESH**  
REGIONAL DIRECTOR  
CENTRAL POLLUTION CONTROL BOARD  
REGIONAL DIRECTORATE (SOUTH)  
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA  
BENGALURU - 560 079. MOB : 9480672128



General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151  
e-mail: keralapcb@asianetindia.com FAX: 0471 - 2318134, 2318152 web: www.keralapcb.org

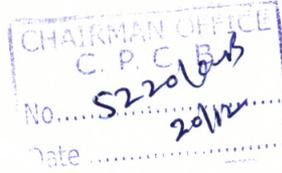
**KERALA STATE POLLUTION CONTROL BOARD**  
**കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്**

Pattom P.O., Thiruvananthapuram - 695 004  
പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004

PCB/HO/HW/GEN/616/06

Dated: 17/12/2011

From  
The Chairman



To  
The Chairman  
Central Pollution Control Board  
Parivesh Bhavan  
East Arjun Nagar  
New Delhi - 110032

Sub: - Project on remediation of hazardous waste dump site - contribution by the State Government.

Ref: - 1. Letter No. 12-68/2011-HSMD dated 16.11.2011 from the MoEF  
2. That officer letter no. B-29016 (SC)/1/36(VIII)/11/HWMD/1944 dated 29.11.2011.  
3. Govt. letter no. 3532/B2/11/Envt has dated 07.12.2011

Sir,

The Government of Kerala agreed in principle to meet 60% of the project cost for remediation of the hazardous waste dump site 'Kuzhikandom Thodu and banks at Eloor, Kerala' under the National Clean Energy Fund (NCEF) programme. A copy of the letter forwarded to MoEF in this regard by the State Government is enclosed.

Yours faithfully

Enclose: as above

*K. S. J.*  
CHAIRMAN

*for n. a.*  
*J*  
*21.12*  
*1/c HWMD (on leave)*  
*JSC*  
*24.12*  
*Dr. Umamangal RA*  
*26/12/2011*

**BY FAX**  
**URGENT****GOVERNMENT OF KERALA**

No. 3532/B2/11/Envvt.

Environment (B) Department,  
Thiruvananthapuram,  
Dated: 07.12.2011

From:

The Principal Secretary to Government

To:

Dr. Tishya Chatterjee,  
Secretary, Government of India,  
Ministry of Environment & Forests,  
Paryavaran Bhavan, CGO Complex,  
New Delhi-110 003.  
FAX- 011-24362746.

Sir,

Sub: - Remediation of Contaminated hazardous waste dump sites under  
National Clean Energy Fund (NCEF)-Kuzhikandom Remediation  
Programme, Eloor, Kerala - Reg.

Ref:- Your D.O.letter No.12-68/2011-HSMD dated 16.11.2011

I am directed to invite your attention to the reference cited and to inform that the Government of Kerala agrees in principle to meet 60% of the project cost for remediating the Kuzhikandom Thodu and banks at Eloor, Kerala under the National Clean Energy Fund Programme, subject to the terms and conditions.

Yours faithfully,

**G. RAJEEV**  
Additional Secretary  
for Principal Secretary to Government

Post copy in confirmation

Copy to:-

✓ The Chairman,  
Kerala State Pollution Control Board,  
Thiruvananthapuram  
(vide letter No.PCB/HO/HW/GEN/616/06 dated 16.11.2011)

13/12  
13/12/2011  
CP/CA/ah

CLEF  
13.12.2011  
K. SAJEEVAN

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
Original Application No. 200 of 2014  
(M.A. No. 254/2018)  
(C.W.P. No. 3727/1985)**

And

**Original Application No. 668 of 2017  
(Earlier M.A. No. 923/2017 In Original Application No. 200/2014)**

**IN THE MATTER OF:**

M.C. Mehta

.....Applicant

Vs.

Union of India & Ors.

.....Respondent

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**PLACE**

**DATED:**

**Through**

**Counsel For Respondent No. 1**

160  
P. Singh  
A. T. Singh  
g/c

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
Original Application No. 200 of 2014  
(M.A. No. 254/2018)  
(C.W.P. No. 3727/1985)  
And  
Original Application No. 668 of 2017  
(Earlier M.A. No. 923/2017 In Original Application No. 200/2014)**

**IN THE MATTER OF:**

M.C. Mehta .....Applicant

Vs.

Union of India & Ors. ....Respondent

**AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT, FOREST  
and CLIMATE CHANGE, RESPONDENT NO. 1**

I, Yogendra Pal Singh, working as Scientist- 'D' in the Ministry of Environment, Forest and Climate Change (formerly known as the Ministry of Environment and Forests) having office at Indira Paryavaran Bhawan, JorBagh Road, New Delhi- 110 003 do hereby solemnly affirm and state as under:

- 1) That I, in the capacity of Scientist- 'D' of the Ministry of Environment, Forest and Climate Change, am fully conversant with the facts of the case and competent to swear this affidavit on behalf of Respondent No.1.
- 2) That the deponent craves liberty to raise any further submissions or file additional affidavits if need arises during the course of proceedings.
- 3) That this Hon'ble Tribunal vide order dated 25th May 2018, was pleased to direct Central Government;

*"As far as Central Government is concerned, we direct  
that State and Central Government shall file an affidavit*

*by the next date of hearing stating the time that they will ensure that the amount is released for the removal of the dump of waste."*

- 4) It is submitted that a project proposal on "Remediation on Hazardous Waste Dumpsites" has been initiated by this Ministry in the year 2011 under National Clean Energy Fund (NCEF) scheme.
- 5) That the aforesaid scheme envisaged assessment of contamination, design of remediation plan, preparation of bid-documents, remediation and supervision of remedial activities for 12 priority sites.
- 6) That, CPCB has initiated projects in 6 States for remediation of 8 contaminated sites, which had agreed in principle, for States share. Remediation of Chromium contaminated area, Rania, Khanpur Dehat, U. P. is one of the 8 contaminated sites where the project was initiated. In this connection, an amount of Rs. 10 crores were released to CPCB in 2012 for calling of Expression of Interests (EOIs) and award of work for Detailed Project Report (DPR) preparation. Further, on the request of CPCB, MoEF&CC has released Rs. 5.5 crore from HSMD Plan Scheme on 16.3.2018 to complete the Phase I of the project i.e. DPR preparation.
- 7) It is submitted that now, NCEF Scheme has been discontinued by the Government of India. Therefore, Ministry has no dedicated scheme and allocated budget under which, fund could be released for the execution of the remediation work. However, funds were released by the MoEF&CC for only DPR preparation. Since NCEF project ceased to exist the proposal of cost share in 40: 60 ratio by the Central and State Government may not arise. In case of the site where polluter is identified, it shall be responsibility of the polluter to remediate the site as per polluter pays principle. However, in case of site, where polluter is not traceable or identified, it shall be responsibility of the State Government to remediate the site with their funding in larger public interest, to safeguard the health risk of the receptor population in the affected area.
- 8) For execution of Remediation of Chromium contaminated area at Rania, Kanpur Dehat, UP, CPCB is finalising a Detailed Project

Report which would contain a complete remediation plan. The funding options as stated in Para 7 above will have to be explored for this site as well.

- 9) It is most humbly prayed that this Hon'ble Tribunal may kindly pass such order(s) as may be deemed fit and proper in the facts and circumstances of the case.



(**DEPONENT**)  
(YOGENDRA PAL SINGH)  
वैज्ञानिक 'डी' / Scientist 'D'  
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Min. of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

**VERIFICATION**

Verified at New Delhi on this day of \_ \_ July, 2018 that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.



(**DEPONENT**)  
(YOGENDRA PAL SINGH)  
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