BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN BENCH, CHENNAI

Original Application No. 159 of 2021 (SZ)

In the matter of:

Kankana Das,
Kolkata

…..…Applicant

Versus

Union of India,
Through Secretary,
MoEF&CC and Ors.

……Respondent(S)

INDEX

Place: Chennai
Date: 14.03.2024

DEPONENT

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**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

**Original Application No. 159 OF 2021 (SZ)**

Status Report in the Matter of Original Application No. 159 of 2021 submitted on behalf of Central Pollution Control Board

The Hon'ble NGT, Southern Zone, Chennai in the matter of OA No. 159 of 2021 issued an order dated 29.11.2023, which inter-alia states that:

1. *"On the last hearing viz., 22.01.2024, it was stated by the Central Pollution Control Board (CPCB) that they have framed a common guideline for the preparation of the state action plan and they are awaiting the concurrence from the MoEF&CC.*
2. *Today, the learned counsel appearing for the MoEF&CC submitted that the MoEF&CC's concurrence is under consideration and he requested some time."*

In compliance to the above order of the Hon'ble NGT, the following is humbly submitted:

1. CPCB framed common Guideline for Preparation of State Action Plan (SAP) based on the indicative template shared by MoEF&CC and also incorporating the topographical and geographical condition of the States/UTs. The same was submitted to MoEF&CC and concurrence has been received on 12.03.2024.

2. The common Guideline for Preparation of State Action Plan (SAP), as concurred by MoEF&CC is given at Annexure-I. The same is submitted herewith.

3. It is humbly prayed that this Respondent shall abide by any order or direction, passed by this Hon'ble Tribunal
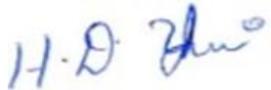
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Annexure I

<u>Guidelines for Formulation of State Action Plan</u>

<u>Central Pollution Control Board</u>

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1.0 Background

Air pollution is a persistent and established public health problem. Air pollutants levels in most states have become a major concern owing to conflation of local emissions from multiple sources like vehicles, Road dust, Industries, House hold activities, improper management of wastes with meteorology and regional transport of pollutants. Studies suggest that city level air quality is affected by both regional and background contributions hence actions at state and regional levels which also consider the air shed approach are required. There are certain policy interventions which are required to be taken by every state for improving the air quality and achieving sustainable goals. Synergies between local, regional and National policy actions offer substantial co-benefits in reducing air pollution.

A holistic and integrated air quality management policy based on strong scientific insights through data analysis, identification of sources prioritizing actions and policy interventions along with strong enforcement, governance and monitoring are the strategy's adopted under the National Clean Air Programme (NCAP), crucial for ensuring desired air quality levels. NCAP was launched in 2019 to improve air quality through collaborative policies and actions at national and sub-national levels.

Under NCAP 131 Non-attainment cities have prepared City action plans. With multiple agencies involved at various levels of implementation, city action plans consist of source specific short, medium and long term actions with time targets and implementing agencies for all the identified sources, along with capacity building of State Pollution Control Boards/ Committees (SPCB/PCCs)/Urban Local Bodies (ULBs) in terms of monitoring network, project monitoring unit, public grievance redressal portals and air pollution related studies for driving science based policies. Apart from non -attainment cities in the State, there are other areas both Urban & Rural which also face air quality challenges. there are certain activities which needs direct intervention at State level for ensuring its implementation at district or city level for improvement of air quality. Therefore, action planning is required across all levels i.e. from National to local level.

NCAP also envisioned to prepare guidelines for State Action Plan (SAP) for improvement of air quality and required identification of areas and finalizing activities which needs direct intervention in time targeted manner at State level.

An Indicative template for preparation of State Action Plan was developed by MoEFCC (attached as **Annexure – I**) addressing the activities that would help in the improvement of air quality and was shared with 24 NCAP States by central Pollution Control Board

Further in compliance to the Directions issued by Hon'ble NGT, southern states namely Tamil Nadu, Telangana, Andhra Pradesh, Karnataka (States under NCAP) including Kerala and Union Territory of Puducherry also prepared the State Action Plans.

As of now 25 States have prepared the State Action Plan based on the template shared by MoEF&CC. General actions have been listed in the template, however states were informed to customize the template for state specific environmental issues clearly defining the actions, timeline and executing agency.

Hon'ble NGT (vide order dated 29.11.2023 in the matter of O.A. 159 of 2021) directed Central Pollution Control Board *to collate existing State action plans and bring out a common guideline for the State Action plan individually*. Accordingly, common guideline for Framing State Action Plan is prepared by CPCB that can be used by all the states to modify/prepare the State Action plans.

2.0 Framing of Guidelines

2.1 Need of State Action Plan

- For necessary policy changes, including prioritization and convergence of activities of various ongoing and / or proposed schemes and programs.

- State Action Plan under NCAP is to be prepared for the entire State/UT which includes cities covered under NCAP as well as cities/areas outside NCAP cities and need to be taken up for implementation by the State Government and city administration with a detailed funding mechanism. The other states/UTs where NCAP is not implemented may follow the same.

- State Action Plan may be backed up by emission inventory for the State/UT, and include sectoral emission load reduction plans.

- Policy intervention at the State level is also essential for the activities identified and approved under the City action plan. Such intervention will help in the seamless and smooth implementation of approved city action plan.

2.2 Features and components of State Action Plan

State action plans, shall intend to improve air quality and public health by identifying cost-effective measures to reduce emissions from sectors such as transport, industries, road dust, waste deposits and residential burning, among others. SAP should be a collection of regulations, policies and programs for

cleaner air. The process of SAP development is to be led by the State government involving all stakeholders. SAP shall comprise a detailed introduction to the natural, social and economic characteristics of the state. Existing monitoring network, Data/ AQI trends, major baseline information on the sources of air pollution and their relative contribution to ambient air pollution concentration as well as population exposure, Air-pollution challenges and actions in key sectors.

SAP is required to be develop keeping in view the air pollution reduction targets. Detailed strategies are needed to be identified to indicate the nature, scale, scope and depth of action needed for effective reduction to make an impact overtime.

Along with broad action points, detailed indicators and short-term priority action as well as those to be implemented in a medium to longer time frame along with the responsible agencies have to be included for all sectors to guide implementation.

Recommended components of a State Action Plan (SAP)

Components	Details
Executive Summary	
Introduction and Background	State review: • Topography Geography and meteorology • Population and urbanization • Economic and industrial development • Energy and transport • Level of Urban Services
Current status and challenges of air quality	
Baseline assessment	
Current status, Air Quality Index (AQI) and comparisons to objective/standard	Air quality levels, trends analysis, prominent pollutant identification, exceedance of pollutant levels from National Ambient Air Quality Standards (NAAQS)
Source Identification (Source Apportionment/ Emissions inventory and key pollutants	Quantification of all emission sources (point, nonpoint, area, line) Analysis of effects and attribution to individual sources
	Business as usual versus alternative scenario analysis for emission reduction

Management and outreach	Inspection and enforcement plan
	Public perspective/ complaint redressal and awareness programme
Consideration to Graded Response Action Plan (GRAP)	Contingency plan to prevent critical pollutant levels relevant to the emissions and meteorology of the city and likelihood of their impact on air quality
Guiding principle	
Target and goals ,Timeline	Targets: The plans should include verifiable interim emission and sectoral emission reduction targets. This will ensure continuous and timely implementation of actions. Goal: Achieve NAAQS Timeframe for major activities
Development of the Action Plan	Steps, time span, participants and process
Process of development	SAP development shall be prepared by the Committee under chair of ACS/PS, Environment. (like AQMCs constituted under NCAP) involving other Dept. like UDD, Industry, Energy & Power, Mines & Geology, Rural Development, Finance, SPCB etc. SAP may be approved by the Steering Committee under chair of Chief Secretary.
Focus areas and main tasks	Prominent pollutant reduction, process improvement plans, holistic and phased approach to reduce stress in the existing system and achieve sustainable results.
High emission zones (Hotspots) micro plan	Identification and demarcation of high emission zones and graded plan (involving mitigation & enforcement) for improvement.
Analysis of costs and feasibility	Feasibility analysis (qualitative) Cost and impact on air quality and financial plan

Implementation of the Action Plan	

Monitorable targets	Interim air quality improvement targets
	Emission reduction targets
	Level of service benchmarks
Monitoring and evaluation	State, Central level committees to oversee implementation
Institutional arrangements (enforcement procedures, roles and responsibilities)	IT based tools for continuous monitoring
	Quarterly progress report
Steps, working periods, timeline	Punitive actions/ Reward programmes to encourage implementation as per plan
Supporting Policies	
Resource commitment (Institution, financing, policy, technology, social)	Joint agency commitments (eg. Waste collection targets achieved by joint planning and/ or funding from concerned agencies)
Key Projects	Key projects and their relevance to control measures (indicated by number) e.g.: Monitoring network plan, public transportation, waste management, industrial emissions monitoring, clean fuel plan, etc.) Specific sources of funding
Expected impacts	Achieve interim targets as per plan to have air quality as per NAAQS

State Action Plan is expected to be a comprehensive document comprising of integrated state level policies with an aim to aid air pollution mitigation measures across the state. A suggested framework for drafting the State Action Plan based on the aforementioned components is detailed below:

2.2.1 Topography & Geography of the State - Air pollution is not restricted to geopolitical boundaries; pollutants can travel long distances. Air pollution depends upon meteorology, topography & land use patterns. Dispersion of air pollution occurs in both the vertical and horizontal directions. It is primarily driven by wind speed and direction, but can be influenced by topography as well. In regions with flat topography, air can move freely, dispersing pollutants and reducing the concentration of pollutants. However, in areas with complex topography, such as valleys and mountains, air movement can be restricted. Unfavourable meteorological conditions may also result in accumulation of pollutants in certain areas. Scientific data and information may be used for assessing the impact of these factors

on Air Quality for development of action plan. SAP may also incorporate specific actions during unfavourable meteorological conditions

2.2.2 Regional Planning, Airshed & Coordination Mechanism - Similar to the city air action plan prepared by non-attainment cities, it is expected that the State Government will make endeavours to promote regional action planning by Urban/Rural areas apart from non-attainment cities for improvement in their respective air quality.

A comprehensive regional plan needs to be formulated incorporating the inputs from the regional source apportionment studies & available information of emissions from various sectors. Regional Airshed approach may be adopted by the State in the preparation of State Action Plan. Timeline, Departments and Fund sources for each of the activities identified in State Action Plan need to be detailed out in the plan document. List of Activities which need to be discussed and get implemented by neighbouring States in the same Air shed also needs to be mentioned. Co-ordination committee composition for coordination and abatement of causes for air pollution, at intra and inter district / city or State level need to be shared.

2.2.3 Identification of prominent air polluting sources - Inventory of air pollution sources in the State/UT including hotspots or areas of concern pertaining to air pollution should be carried out.

2.2.4 Inputs from Stakeholders consultation process - Since the collaborative and participatory approach involving relevant different Department, Agencies, Local bodies and other Stakeholder with focus on all sources of pollution form the crux of the Programme, extensive consultation with all the relevant stakeholders forms the foundation for formulation of the State Action Plan. The first draft of the State Action Plan document formulated by the State Government on the basis of available background information may be shared with various stakeholders for comments. In addition to significant inputs from government bodies/agency/department, various national/ international best practices may also be solicited from experts during these consultations. The draft State Action Plan may be accordingly amended on the basis of available inputs from these consultations and meetings before finalization.

2.2.5 Target & Goals - States are encouraged to set targets to achieve desired air quality in future in consonance with National targets as well as those set by non-attainment cities within them. The base year for comparison of concentration also needs to be mentioned. The plan should include monitorable and verifiable interim emission reduction targets. This will ensure continuous and timely implementation of actions. The overall target should be achieving National Ambient Air Quality Standards (NAAQS).

2.2.6 Required Policy Interventions - State and Union Govt. policies for actions requisite for improvement of air quality and its adoption and Implementation need to be mentioned in SAP. Regulations or amendments in existing regulations for strict enforcement of the actions needs to be shared.

2.2.7 Development of the Action Plan - Steps, time frame participants and process may be indicated. State Action Plan should have participatory approach of all agencies with planning linked to policy and programs of various govt. departments. Holistic and phased approach may be adopted to reduce stress in the existing system and to achieve sustainable results. Expected impacts with analysis of cost and feasibility analysis may be undertaken for development of State Action Plan.

2.2.8 Role & Responsibilities - State Action Plan preparation responsibilities rest with the State Environment Department/State Pollution Control Board/Pollution Control Committee which include responsibility and sectoral measures assigned to various Dept. such as Policy implementation on EVs and EV infrastructure.

2.2.9 Monitoring Mechanism - The State Government may use the State Action Plan module within PRANA to share and monitor the progress w.r.t. State Action Plan periodically. Already the module has features to upload PDF copies of the State Action Plan, Theme specific activities/action plan, timeline for completion, target (coverage/percentage), financial implication and quarterly progress sharing options.

2.2.10 Source Specific Actions - With multiple agencies involved at various levels of implementation, State action plans are required to be prepared by identifying remedial actions for different air polluting sources of the state. Various policy initiatives and Schemes of Union Govt. may be taken in to consideration for implementation of SAP. However, State/UT may include/modify any source specific actions as suitable to the State's capabilities and requirements/circumstances.

Major source specific actions proposed under State action plans and possible implementation indicator examples are:

S. No.	Action	Indicative Actions
1	**Industrial Emissions**	• Policy for permitting new industries in Critically Polluted Areas (CPAs). • Guidelines for laying gas distribution network for Industries.

		☐ Policy for replacement of heavy oil (e.g., furnace oil, diesel etc.) based industries to alternate energy sources (CNG/ PNG/ Electricity). ☐ Policy for restriction on usage of Pet coke for industrial use. ☐ Rules and Regulations on uninterrupted power supply in State/ UT. ☐ Policy for use of DG sets. ☐ Policy regarding installation of CAAQMS based on the emission potential or capacity of air polluting industries. ☐ Mechanism to be devised for expansion of OCEMS to air polluting industries are not covered currently (such as emission from utility stacks in 17 categories, etc.). ☐ Mechanisms to control fugitive emissions sources. ☐ Regulations for conversion of brick kilns to clean technologies. ☐ Regulations for Emission Trading Scheme (ETS). ☐ Policy to set up e-waste recycling unit in industrial areas in compliance with e-Waste Management Rules. ☐ Number of industries in the State/UT complying emission standards. ☐ Inventory of fuel consumed in the industries (type and quantity). ☐ Shifting of industries/ commercial units to gaseous fuels (CNG/ PNG/ CBG ☐ Any other Policy / Rules/ Standards/ Guidelines pertaining to industrial emissions.
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2	**Vehicular Emissions**	☐ Notification for phasing out old vehicles (Commercial: 10 years; Private: 15 years). ☐ Policy for scrapping old vehicles. ☐ Policy/ Plan for Li-battery waste management from scrapped vehicles. ☐ Policy / Scheme for Eco- Friendly Mass Rapid Transport Systems. ☐ Policy for augment e-vehicles.

		☐ Notification and enforcement of PUC norms
		☐ Online monitoring of PUC implementation.
		☐ Mechanism for centralized record maintenance of PUC checks, certification and cross check by the concerned transport authorities to be incorporated.
		☐ Construction of bypass / ring roads.
		☐ Re-filling Stations retrofitted with Vapor Recovery System.
		☐ Incentive of setting up R&D facilities related to EVs.
		☐ Any other Policy / Rules/ Standards/ Guidelines pertaining to vehicular emissions.
3	**Construction & Demolition Waste and Road Dust Management**	☐ Policy for development of projects/ plants for C&D waste management.
		☐ Policy for use of C&D waste in laying and construction of State highways.
		☐ Demand creation for C& D waste and alternative use of C& D waste materials.
		☐ Schemes for development of green belt/ open spaces and street sides greening on State highways.
		☐ Penalty provisions for non-compliance of C&D waste management rules at construction sites.
		☐ Maintenance, repair and paving of State highways.
		☐ Monitoring of road dust especially in and around hotspot areas and in the vicinity of State highways.
		☐ Mechanism for development and maintenance of road infrastructures for industrial states and clusters.

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		☐ Any other Policy / Rules/ Standards/ Guidelines pertaining to C&D waste and Road dust management.
		☐ C&D waste processing plants.
		☐ Any other activity/ project pertaining to C&D waste and Road dust management
4	**Emissions from burning of waste**	☐ Enforcement of municipal solid waste (MSW) management Rules.
		☐ Policy for MSW management.
		☐ Policy for legacy waste management at dumpsites.

		☐ Policy for development and Construction of Waste to Energy Plants Waste to Energy Plants Waste Collection and Segregation status in the city (%).
		☐ Material Recovery Facility.
		☐ Waste to Energy and Waste to Compost plants.
		☐ Control open burning of MSW.
		☐ Any other activity/ project pertaining to MSW Management
5	**Emissions due to burning of agro residues**	☐ In-situ treatment of biomass residues for management of stubble burning
		☐ Ex-situ treatment of biomass residues for management of stubble burning
		☐ Biomass projects with respect to the hotspots of crop residue burning
		☐ Use of biomass / crop residue based pellets mass blending with coal and its co-firing in thermal power plants with blending ratio which needs no modification in boilers
		☐ Policy for supply chain mechanism for in-situ and ex-situ management of stubble
		☐ Supply chain for crop residues to cow shelters.
		☐ Development of effective protocol for monitoring of fire incidents including crop area consideration and crop fire area data.
		☐ Collaboration with ISRO and preparation of Satellite based maps for monitoring of fire incidence.

		☐ Any other scheme/ program that may help in reducing air pollution.
6	**Emissions from Household and Commercial establishments**	☐ Schemes for use of LPG/ PNG for cooking fuels.
		☐ Amendments to the building by-laws for "Indoor air quality management".
		☐ Implementation of policies aiming for conversion of conventional fuels to cleaner fuels in commercial establishments.
		☐ Incentive measures to switch over to cleaner fuels.

		☐ Any other Policy / Rules/ Standards/ Guidelines pertaining to Household emissions.

2.2.11 Additional Actions:

- **Augmenting & Strengthening of Air Quality Monitoring Network:**

  The State needs to detail out action plan to augment and strengthen Air Quality Monitoring Network across the state in ensuring a comprehensive and reliable database. Monitoring needs be reassessed for augmenting the monitoring network adopting optimum blending of various techniques such as manual, continuous and use of satellite-based information etc. They may list out utilization plan for resources such as NAMP fund or their own state funds for installation and maintenance of air quality monitoring network.

- **Air Quality Forecasting:**

  The Air Quality Forecasting System (AAQFS) as a state-of-the-art system which forecasts the following day's air quality is being envisaged. The meteorological and emissions information is used s to forecast air pollution daily and also expected air pollution exigencies.

  Currently, Indian Institute of Tropical Meteorology (IITM), Pune, under the Ministry of Earth Sciences (MoES), is the apex body, which runs the System of Air Quality and Weather Forecasting and Research (SAFAR) as a programme to forecast air pollution trends. States may plan for an air quality forecasting system in arrangement with institutions as part of the State Action Plan.

- **Air Quality Data and Information System:**

  Air information system may be set up at the state level, which will be responsible for creating a dashboard, data analysis, interpretation, dissemination, issuing bulletins, keeping track of international developments, and bringing out policy updates. This may be set up with the assistance of the IITs, IIMs, and other universities and research organizations involved in such studies. The Government of India is implementing the National Action Plan on Climate Change (NAPCC), wherein various institutes are engaged under National Communication (NATCOM). Relevant institutes from NATCOM list can be utilized for setting up such centres. Plan

accordingly for setting up of these centres needs to be formulated as part of the State Action Plan.

- **Institutional Strengthening:**

  Institutional Strengthening is an important pillar for effective roll-out of air pollution mitigation strategy. State Action Plan need to list out action plan for institutional strengthening by focussing on a) Public awareness and education and b) Training and capacity building measures required to be undertaken to achieve the goal.

- **Afforestation & Green Cover:**

  States need to list out action plan for plantation initiatives at pollution hot spots in the cities/towns may be undertaken under the National Mission for Green India (GIM), Nagar Van Yojana etc. Any other policy measures or activities planned to be undertaken for afforestation and development of green areas also need to be shared with target, timelines and financial implications.

- **Public grievance redressal mechanism at State Level:**

  Similar to the non-attainment cities, States may implement a centralised public grievance redressal mechanism (web portal/app based) at the state level. States are expected to list out action plan for the same. It shall also include mechanism to address and dispose grievances in 24-48 hours by the concerned Department.

- **Hotspots of air pollution:**

  Hotspots with respect to air pollution (such as stubble burning, illegal waste burning, unauthorised operations, cluster activities, forest fires etc.) should be identified and localised action plan for mitigation of the same should be prepared.

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- Categorization of industries zones red, orange, and green sectors has already been implemented so states may choose to permit or ban an industry depending on the state of the environment in their state or zones, for example- in TTZ some industries are banned. A similar strategy could be adopted by other states.

- State Action plan may further dwell upon other relevant action points as per need and requirement of the respective state.

2.3 Timeline & Budget

The State should also mention overall and action wise timelines and budget required for implementation along with responsible authority/department. AQMC may quantify required finances/funding for implementation of SAP through mobilisation of funds through convergence of Central and State Schemes.

Further, private financing and grants may be explored. SAP may also include the climate co-benefits interms of reduction of CO_2 equivalent to attract more investments from financial institutions and private organisations. Finance Dept. to allocate specific budget for implementation of SAP.

2.4 Review & Approval Mechanism

AQMC under chair of Principal Secretary, Environment to prepare SAP and to be approved by Steering Committee under chair of Chief Secretary.

AQMC to monitor the implementation periodically and report to Steering Committee which will review the progress of implementation.

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STATUS REPORT FILED ON BEHALF
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Advocate P. Jayalakshmi

COUNSEL FOR CPCB