

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN BENCH
CHENNAI

ORIGINAL APPLICATION NO. 66 OF 2023

IN THE MATTER OF:

P. Bala Murali Krsihna, Karnataka

.....APPLICANT

VERSUS

Hindustan Aeronautics Limited, Airport Services Centre
(BC), Bangalore and Ors

..... RESPONDENTS

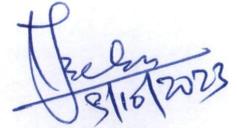
I N D E X 

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Dated this the 9th day of October, 2023



Counsel for the 4 respondent


8/10/2023

DEPONENT

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903



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REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 4, i.e.,
CENTRAL POLLUTION CONTROL BOARD

I, J. Chandra Babu, Son of late Sh. J. Balarammaiah, Hindu, aged about 55 years, having office at the Regional Directorate, Central Pollution Control Board, 1st & 2nd Floors, Nisarga Bhavan A- Block, Thimmaiah Main Road, 7th D Cross, Shivanagar, Bengaluru – 560 079 do hereby solemnly affirm and sincerely state as follows:-

- That I am presently working as Scientist 'E' & Regional Director, Central Pollution Control Board (hereafter referred as CPCB), Bengaluru and have been authorized to file the present affidavit. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present reply affidavit as under:

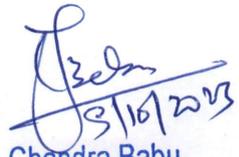


J. Chandra Babu
9/10/2023

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
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3. That, it is humbly submitted that CPCB has been created under Section 3 of the Water (Prevention & Control of Pollution) Act, 1974, hereinafter referred to as "Water Act", to perform the functions assigned to it under the said Act and also complies with Section 3 of the Air (Prevention & Control of Pollution) Act, 1981, hereinafter referred to as "Air Act", CPCB has also been designated to perform the functions under the said Act.
4. That, it is humbly submitted that vide Section 4 of the Water Act and Section 5 of the Air Act, State Pollution Control Boards / Committees has been created in all States / Union Territories to implement the provisions of these Act in respect of their territorial Jurisdiction.
5. That, it is submitted that the applicant in the application has raised the issue of noise pollution in nights due to take-off and landing of passenger flights, flying of Air Force flights, jets, helicopters at Hindustan Aeronautics Limited (herein after referred to as HAL) Airport.
6. That it is humbly submitted that Ministry of Environment, Forests and Climate Change (MoEF&CC) vide its notification No. G.S.R. 568(E) dated 18th June, 2018 has notified the Ambient Air Quality Standards with respect to Noise in Airport Noise Zone (copy of the notification is enclosed as **Annexure**) which are as follows:




J. Chandra Babu
 REGIONAL DIRECTOR
 CENTRAL POLLUTION CONTROL BOARD
 REGIONAL DIRECTORATE - BENGALURU
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S.No	Industry	Types of Airports	Limits in dB (A) Leq*	
			Day time	Night time
112	Airports	Busy Airports	70	65
		All other airports excluding newly proposed airports	65	60

*dB(A) Leq denotes the time-weighted average of the level of sound in decibels on scale A which is relatable to human hearing. A daytime from 6.00 a.m. to 10.00 p.m. and a night time from 10.00 p.m. to 6.00 a.m. are considered for time-weighted average.

Busy Airport - For the purpose of noise management at airports, a busy airport shall be defined as "a civil airport which has more than 50,000 aircraft movements per year (a movement being a take-off or a landing)" excluding those purely for training purposes on light aircraft.

Other Airports – an airport having more than 15000 but less than 50000 aircraft movement annually.

Proposed Airports – airports that are not functional yet and is under development

7. That it is humbly submitted, that the said notification under note no. (i), it states that "The above-specified limits shall have a tolerance limit of 10dB (A) Leq."

In the said notification under note no. (iii), it states that "The specified limit excludes defence aircraft and aircraft landing and take-off noise from all runways and aircraft engine/ground run-ups, helipad locations earmarked by Airport Operator for this purpose".

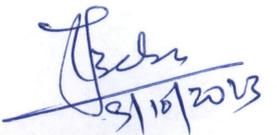
In the said notification under note no. (v), it states that "The noise limits specified in above shall replace and supersede the ambient air quality in respect of noise limits of the following existing zones:

- (a) Silence; (b) Residential; and (c) Commercial areas



J. Chandra Babu
 05/10/2023
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8. That it is humbly submitted, that the said notification also states that
"Compliance of noise levels applicable to Airport Noise Zone as specified above shall lie with the airport operator and overseen by the Directorate General of Civil Aviation and Airport operators shall prepare Noise Management Plan for compliance of the Airport Noise Standards".
9. That in view of the above, it is most respectfully prayed that this answering Respondent No. 4 i.e., Central Pollution Control Board shall abide by any order/direction passed by this Hon'ble Tribunal.


31/10/2023

DEPONENT
J. Chandra Babu
REGIONAL DIRECTOR

CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
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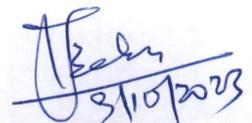
VERIFICATION

It is verified that the content of this Reply Affidavit which is based on official record and information available in the office are true and correct and nothing has been concealed therein.

Signed and verified on this the 9th day of October, 2023 at Bengaluru



**COUNSEL FOR 4
RESPONDENT**


31/10/2023

DEPONENT

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REGIONAL DIRECTOR
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(2) राज्य/संघ शासित प्रदेश विकास प्राधिकरणों को विमानपत्तन के आस-पास भूमि उपयोग योजना के लिए विमानपत्तन ध्वनि परिक्षेत्र में विमानपत्तन प्रचालनअपेक्षाओं पर विचार करना चाहिए।

5. विमानपत्तन ध्वनि मैपिंग:

सभी विमानपत्तनों के लिए ध्वनि मैपिंग का कार्य विमानपत्तन के मास्टर प्लान के अनुसार, विमानपत्तन भावी विमान संचलन और यातायात अनुमानों पर विचार करते हुए विमानपत्तन के प्रचालकों द्वारा नागर विमानन महानिदेशक की अपेक्षाओं में निर्दिष्ट आवश्यकताओं के अनुसार किया जाना चाहिए। यह जानकारी विमानपत्तनों के प्रमुख स्थानों के साथ-साथ संबंधित विमानपत्तन प्रचालक और राज्य/संघ शासित प्रदेश विकास प्राधिकरण की वेबसाइट में प्रदर्शित की जाएगी।

6. प्रोटोकाल और मापन प्रक्रिया:

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय और केंद्रीय प्रदूषण नियंत्रण बोर्ड की वेबसाइट पर प्रदर्शित विमानपत्तन ध्वनि परिक्षेत्र के लिए निगरानी प्रोटोकाल और मापन प्रक्रिया का अनुपालन किया जाएगा।

7. विकास प्राधिकरण/क्षेत्रीय आयोजना विभाग, विमानपत्तन ध्वनि परिक्षेत्रों के अंतर्गत आने वाले किसी भी भवन निर्माण के लिए मौजूदा भवन कोडों और उप-कानूनों के तहत भीतरी वातावरण में सुधार के लिए डिज़ाइन, निर्माण और सामग्रियों के चयन में नई इमारतों, सुविधाओं और आवासीय, संस्थागत, अस्पताल और वाणिज्यिक सुविधाओं की परियोजनाओं में ध्वनि प्रतिरोध को शामिल करने के लिए प्रावधान निर्दिष्ट करेंगे।

8. सभी विमानपत्तन, एयरलाइन और प्राधिकरण अधिसूचना की तारीख से दो साल के भीतर अधिसूचना में निर्दिष्ट अपेक्षाओं का पालन करेंगे।”

[फा. सं. क्यू-15017/31/2015-सीपीडब्ल्यू]

डॉ. ए. सेंथिल वेल, वैज्ञानिक 'जी'

टिप्पण: प्रमुख नियम, भारत के राजपत्र, असाधारण, भाग-II, खंड 3, उप-खंड (i) में दिनांक 19 नवम्बर, 1986 की संख्या – का.आ 844 (अ) के द्वारा प्रकाशित किए गए थे और अंतिम संशोधन दिनांक 22 मार्च, 2018 की अधिसूचना सा.का.नि. 263 (अ) द्वारा किया गया।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 18th June, 2018

G.S.R. 568(E).—In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:

1. (1) These rules may be called the Environment (Protection) Amendment Rules, 2018.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986, in Schedule-I, after serial number 111 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

Sl. No.	Industry	Parameters	Standards	
1	2	3	4	
		Ambient Air Quality Standards with respect to Noise in Airport Noise Zone		
"112"	Airports	Type of Airports	Limits in dB (A) Leq*	
			Day Time	Night Time
		Busy Airports	70	65
		All other Airports excluding proposed airports	65	60

Definitions:

- (a) *dB(A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing. A day time from 6.00 a.m. to 10.00 p.m. and night time from 10.00 p.m. to 6.00 a.m. are considered for time weighted average.
- (b) "A", in dB(A) Leq, denotes the frequency weighting in the measurement of noise and corresponds to frequency response characteristics of the human ear (The range of human hearing is 20 Hz to 20 kHz).
- (c) A "decibel" is a unit in which noise is measured.
- (d) Leq: It is energy mean of the noise level over a specified period.
- (e) Busy Airport - For the purpose of noise management at airports, a busy airport shall be defined as "a civil airport which has more than 50,000 aircraft movements per year (a movement being a take-off or a landing)" excluding those purely for training purposes on light aircraft.
- (f) Take-off – A phase of flight from the application of takeoff power to an altitude of final take-off segment.
- (g) Landing – A phase of flight from the beginning of the landing flare until aircraft exits the landing runway comes to a stop on the runway, or when power is applied for takeoff in the case of a touch-and-go landing.
- (h) Lmax is unit for aircraft maximum noise level in units dB(A) which is maximum or peak noise value for aircrafts at the monitoring location in accordance with the noise standards notified by the Directorate General of Civil Aviation for respective airports.
- (i) Other Airports – an airport having more than 15000 but less than 50000 aircraft movement annually.
- (j) Proposed Airports – airport that is not functional yet and is under development.

- Note :**
- (i) Day time shall mean from 6.00 a.m. to 10.00 p.m and night time shall mean from 10.00 p.m. to 6.00 a.m.
 - (ii) The above specified limits shall have a tolerance limit of 10dB (A) Leq.
 - (iii) The specified limit excludes defense aircraft and aircraft landing and take-off noise from all runways and aircraft engine/ground run-ups, helipad locations earmarked by Airport Operator for this purpose.
 - (iv) However, the limit for aircraft noise as Lmax will be notified by the airport operator with approval of the Directorate General of Civil Aviation at the aircraft noise monitoring locations installed by the airports as mentioned in paragraph 1 of this notification.
 - (v) The noise limits specified in above shall replace and supersede the ambient air quality in respect of noise limits of the following existing zones:
 - (a) Silence;
 - (b) Residential; and
 - (c) Commercial areas;

- (vi) As specified in the Noise Pollution (Regulation and Control) Rules, 2000 in the areas falling directly under Airport Noise Zone.
 - (vii) The noise standards within the overall boundary of airports shall be applicable as Industrial Areas i.e. day time 75 dB (A) Leq and night time 70 db (A) Leq as per the Noise (Regulation and Control) Rules 2000 and shall be measured at different points of airport boundary and then averaged.
 - (viii) These standards will not be applicable to a civil airport which has less than 15,000 aircraft movement annually.
- 1(1) For Airports excluding newly proposed airports:
- In addition to dB(A) Leq applicable in the 'airport noise zones' specified above, Lmax value in dB(A) shall be published by the airport operator with approval of the Directorate General of Civil Aviation only for airports having more than 50,000 annual traffic movements. These Lmax values shall be complied by airlines and to be monitored and communicated by Airport Operator to the Directorate General of Civil Aviation. These Lmax value shall be reviewed as and when there is a requirement in future.
- (2) For Proposed Airports (yet to be operationalized):
- (i) For any upcoming/New Airports, noise modeling shall be conducted by the airport operators and results should be submitted to the Ministry of Environment, Forest and Climate Change while seeking Environment Clearance under the Environment Impact Assessment Notification, 2006.
 - (ii) The airport operators should also develop airport noise zone as specified in paragraph 4 and share the same with Ministry of Housing and Urban Affairs and concerned State Development Authority for necessary land use planning around airport.
 - (iii) The concerned State / Union Territory Development Authorities should not allow any new residential, institutions & commercial facilities and other noise sensitive area falling in the airport noise zone area without any noise reduction measure.
2. Compliance of noise levels applicable to Airport Noise Zone as specified above shall lie with the airport operator and overseen by the Directorate General of Civil Aviation.
3. Airport operators shall prepare Noise Management Plan for compliance of the Airport Noise Standards.
4. Airport Noise Zones:
- (1) The Airport Noise Zone area for each Airport shall be defined as Noise Contour for day and night period by the respective Airport Operator on the basis of existing GSR 751 (E), issued by the Ministry of Civil Aviation (Height Restrictions for Safeguarding of Aircraft Operations) Rules, 2015 published on 30th September, 2015 as amended from time to time on Height Restriction for Safeguarding of Aircraft Operation considering all approach and departure funnels and Instrument Flight Procedures (i.e. Instrument Approach Procedures, Standard Instrument Departure & Standard Terminal Arrival Route) in consultation with airports Air Navigation Service Provider as per the Master Plan of the Airport. The same shall be approved by the Directorate General of Civil Aviation and displayed on the website of respective Airport Operators. This activity shall be completed within two years from the date of issuance of the final notification.
 - (2) State / Union Territory Development Authorities should take into consideration of Airport Operations requirements in the airport noise zone area for the land use planning around the airport.
5. Airport Noise Mapping:
- Noise mapping in for all airports should be carried out as per the requirements specified in the Director General Civil Aviation's requirements by the airport operators considering future aircraft movement and traffic projections of the airport as per the Master Plan of the Airport. This information to be displayed at a prominent places at Airports as well as in the website of respective Airport Operator and State / Union Territory Development Authority.
6. Protocol and Measurements Procedure:
- Monitoring protocol and measurements procedure for airport noise zone displayed on the website of the Ministry of Environment, Forest and the Climate Change and the Central Pollution Control Board shall be followed.
7. Development Authorities / Regional Planning Department shall specify provisions for inclusion of sound resistance in new buildings, facilities and projects of residential, institutional, hospital and commercial facilities in the design, construction and materials selections for improving indoor environment under existing building codes and bye laws for any building constructions coming under airport noise zones.

8. All the Airport, Airline and Authority shall comply with the requirements specified in the notification within two years from the date of notification. ”.

[F.No. Q-15017/31/2015-CPW]

Dr. A. SENTHIL VEL, Scientist 'G'

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number S.O. 844 (E), dated the 19th November, 1986 and last amended *vide* notification G.S.R. 263(E), dated the 22th March, 2018.