

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 109 OF 2022**

IN THE MATTER OF:

VIVEK KAMBOJ & ANR.

...APPLICANTS

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENTS

ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPLICANTS

I, Vaishali Rana, R/o 1403, T-10 Valley View Estate, Gurugram, Haryana, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the Applicant No. 2 in the above titled application and conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the above-titled Original Application was filed bringing to the notice of the Hon'ble Tribunal dumping of municipal solid waste in forest areas of Aravallis and discharging of leachate in surrounding areas of Bandhwari landfill site in District Gurugram, Haryana. It was submitted that this action of dumping of waste and discharging leachate is not only in violation of the Solid Waste Management Rules, 2016, Forest (Conservation) Act, 1980, Punjab Land Preservation Act, 1900 but also in violation of several directions including Order dated 07.04.2021 of this Hon'ble Tribunal passed in O.A. No. 415 of 2015, O.A. No. 514 of 2018 and O.A. No. 606 of 2018. That this act of dumping of waste and discharging leachate is also causing irreversible



damage to the ecology and environment of the Aravallis as well as causing nuisance to the people living in the Bandhwari village.

3. That the Applicant is filing the present Affidavit to place on record significant facts that will be instrumental in adjudicating the matter by this Hon'ble Tribunal.

A. No steps taken to control the fire incidents at Bandhwari site

4. That as many as four incidents of fire have been reported from Bandhwari landfill in the month of April 2024. These fires have broken out due to mismanagement of waste, unscientific dumping of mixed waste and lack of processing.
5. That this Hon'ble Tribunal has also taken suo motu cognizance of this issue in Original Application No. 492 of 2024 titled "*News item titled 'NCR sees second landfill fire in 3 days this time in Bandhwari' appearing in the Times Of India dated 24.04.2024'*" and issued notices to the authorities.
6. That one of the reasons for landfill fires is excess methane getting trapped in the waste and the heat generated due to the gas leads to fire.
7. That the Solid Waste Management Rules, 2016 provide specifications on the concentration of methane gas that has to be maintained to ensure ambient air quality. The Rules reads as follows:

"Schedule I

(F) Criteria for ambient air quality monitoring. –

(i) Landfill gas control system including gas collection system shall be installed at landfill site to minimize odour, prevent off-site migration of gases, to protect vegetation planted on the rehabilitated landfill surface. For enhancing landfill gas recovery,

Vaishali

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use of geomembranes in cover systems along with gas collection wells should be considered.

(ii) The concentration of methane gas generated at landfill site shall not exceed 25 per cent of the lower explosive limit (LEL).

(iii) The landfill gas from the collection facility at a landfill site shall be utilized for either direct thermal applications or power generation, as per viability. Otherwise, landfill gas shall be burnt (flared) and shall not be allowed to escape directly to the atmosphere or for illegal tapping. Passive venting shall be allowed in case if its utilisation or flaring is not possible.

(iv) Ambient air quality at the landfill site and at the vicinity shall be regularly monitored. Ambient air quality shall meet the standards prescribed by the Central Pollution Control Board for Industrial area."

(Emphasis supplied)

8. That the Central Pollution Control Board has also issued "*Criteria for Hazardous Waste Landfills*" dated February 2001 that provides for steps that can be taken to ensure that incidents of fire are minimized. It reads as follows:

"5.11. Gaseous Emissions Management

*Landfill gas is generated as a product of waste biodegradation or on account of presence of VOCs in the waste. **Gas generation can be reduced or eliminated by avoiding disposal of biodegradable/ organic wastes.** For HW landfills where gaseous emissions are anticipated (as in the case of mixed waste having biodegradable components), **the gas management strategy shall be (a) controlled passive venting or (b) controlled collection and treatment/ reuse.***



8.5 (ix) *Landfill Fire Management: Fires in waste on landfill sites are not uncommon and **it is important for site operators to be aware of the dangers, how to treat fires and to address the problems associated with them.** All fires on-site shall be treated as a potential emergency and dealt with accordingly.*

...

12.0 *Contingency plan for emergencies*

*The owner/ operator of a HW landfill shall **prepare a contingency plan listing procedures to be executed immediately whenever there is fire explosion or unexpected release of hazardous waste at the landfill site during the active period as well as during the closure and post-closure periods. Such a contingency plan shall be approved by the SPCB/PCC.***

(Emphasis supplied)

Relevant pages of issued "Criteria for Hazardous Waste Landfills" dated February 2001 issued by Central Pollution Control Board is annexed herewith as **ANNEXURE A-1.**

9. That however, none of these steps have been taken leading to multiple incidents of landfill fires at Bandhwari.

B. The Divisional Wildlife Officer has highlighted the issues of waste dumping and leachate discharge

10. That the Applicant has filed IA No. 757 of 2023 dated 29.09.2023 (Page 361) and an Additional Affidavit dated 06.11.2023 (Page 427) highlighting the issue of dumping of waste on Aravalli forest land, leachate discharge in watering holes of wild animals etc.

11. That these issues have been corroborated by the Divisional Wildlife Officer, Gurugram in its letter dated 02.05.2024 to Chief Conservator of Forests,



Gurugram wherein the Divisional Wildlife Officer had mentioned incidents of leachate discharge from Bandhwari into Aravalli forest land, blocking of revenue raasta due to waste dumps, filling of leachate in the watering holes of wild animals and fires in landfillsetc.

12. That these facts were stated on the basis of a Report of a Committee constituted by the Divisional Wildlife Officer, Gurugram. In pursuance of the Report of this Committee, the Divisional Wildlife Officer recommended to the Chief Conservator of Forests, Gurugram to withdraw the Wildlife NOC granted to the project vide letter dated 02.05.2024, until the irregularities are solved. Copy of letter dated 02.05.2024 written by Divisional Wildlife Officer to the Chief Conservator of Forests, Gurugram is annexed herewith as **ANNEXURE A-2.**

13. That in light of above-mentioned facts, this Hon'ble Tribunal may be pleased to pass appropriate directions for management of waste and leachate discharge at Bandhwari landfill in compliance with Solid Waste Management Rules, 2016, Guidelines of Central Pollution Control Board.

I, IDENTIFIED THE DEPONANT WHO HAS SIGNED IN MY PRESENCE

Vaidika

DEPONENT

VERIFICATION

16 MAY 2024

Verified at Delhi on the ___ day of ___, 2024 that the contents of the above affidavit are true and correct, that no part it is false and nothing material has been concealed therefrom.

NOTARY PUBLIC APPOINTED BY GOVT. OF INDIA G. S. KHARRANDA		
Notary Reg. No. 785	16 MAY 2024	ADVOCATE Enr. No. D 28781
ATTESTED 9899422266		

Vaidika

DEPONENT

ATTESTED

[Signature]
NOTARY PUBLIC



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DC Law Chambers <dclaw160@gmail.com>

Copy of the Application on behalf of the Applicant in OA No. 109 of 2022 Vivek Kamboj & Anr. Vs. Union of India & Ors.

1 message

DC Law Chambers <dclaw160@gmail.com>
To: rkhranalegal@gmail.com

Wed, Apr 24, 2024 at 2:02 PM

Dear Sir,
Please find attached- Copy of the Application on behalf of the Applicant in OA No. 109 of 2022 Vivek Kamboj & Anr. Vs. Union of India & Ors.
Thanks & Regards

Counsel for the Applicant

 **Application for Modification.pdf**
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