BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 529/2024

In the matter of:

News item titled "MCD's First Engineered Landfill Opens" appearing in the Times of India dated 13.03.2024.

NDOH:- 04.04.2025

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Filed by:

Delhi Pollution Control Committee

Dated : 18.12.2024

Delhi

(1)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION No. 529/2024

In the matter of:

News item titled "MCD's First Engineered Landfill Opens" appearing in the Times of India dated 13.03.2024.

AFFIDAVIT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE (DPCC) (RESPONDENT No. 2).

I, D.K. Singh, Additional Director, Delhi Pollution Control Committee, 3rd Floor, Block-B, Delhi IT Park, Shastri Park, Delhi- 110053, do hereby solemnly affirm and state as under:

1. That, I am working as Additional Director with Delhi Pollution Control Committee and am conversant with the facts of the present case on the basis of record maintained by Delhi Pollution Control Committee in its ordinary course.

2. That this Original Application is registered by this Hon'ble Tribunal suo-motu on the basis of the news item titled "MCD's First Engineered Landfill Opens" appearing in 'The Times of India' dated 13.03.2024 and impleaded DPCC as a respondent. Further, vide order dated 14.05.2024 Hon'ble National Green Tribunal pleased to ordered:

   " .... 9. The Respondents are required to explain as to why this ash is being dumped at the site in question when ash can be used as landfill in low lying area, brick kilns as construction material for hollow bricks and interlocking tiles etc. ...."

3. That in compliance to the earlier order a status report dated 27.08.2024 was filed, which is available on the records of this Hon`ble Tribunal. In the report it was mentioned that, DPCC is in process of issuing Directions u/s 5 of the Environment (Protection) Act, 1986 read along with Solid Waste Management Rules, 2016 regarding utilization of Ash generated from Waste to Energy Plants in Delhi and utilization of Ash based products from Waste to

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Appointed by
Govt.of NCT of Delhi
Reg. No. 010/00

Energy Plants in Delhi to Govt. Departments in NCT of Delhi involved in construction.

4. That following Directions u/s 5 of the Environment (Protection) Act, 1986, read along with Solid Waste Management Rules, 2016, regarding utilization of Ash generated from Waste to Energy Plants in Delhi, have been issued on 09.12.2024, to existing four operational Waste to Energy Plants at Okhla, Bawana, Ghazipur & Tehkhand in Delhi and Municipal Corporation of Delhi:

"....

1. Waste to Energy Plants shall ensure following:

(i) Phasing out of dumping of ash in the Low-Lying Areas / Dumping sites / Engineered Sanitary Landfill at the earliest (at least within six months) and an Action Plan shall be submitted in this regard within 30 days.

(ii) Ash (Fly Ash & Bottom Ash) must be used by Waste to Energy Plants in making Bricks and other products which can be consumed in construction activities road (Paver Blocks, Kerbs Stones, subgrade preparation etc.) / building construction (Fly Ash Bricks, etc.), and submit Time Bound Action Plan in this regard within 30 days for 100% utilization of Ash within six months.

2. Municipal Corporation of Delhi shall ensure following:

(i) Ensure compliance of above-mentioned Directions at (i) & (ii) by the existing four operational Waste to Energy Plants in Delhi.

(ii) Ensure proper segregation of waste at source so that inert (Soil/ Silt/ C & D Waste) does not mix with the General Municipal Solid Waste being sent to Waste to Energy Plants and also ensure collection and disposal of the segregated inert (Soil/ Silt/ C & D Waste) generated from the operational Waste to Energy Plants in Delhi to the C & D Waste Processing Facilities in Delhi.

(iii) Shall prepare detailed Action Plan for utilization of Ash (Fly Ash & Bottom Ash) from the existing as well as proposed Waste to Energy Plants in Delhi so that there is no/ minimal disposal of Ash (Fly Ash & Bottom Ash) in the Engineered Sanitary Landfills in future and submit the same to DPCC within two months.

(iv) Shall provide requisite assistance and support to the existing Waste to Energy Plants in utilization of Ash (Fly Ash & Bottom Ash) generated from the Plants.

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Govt.of NCT of Delhi
Reg. No. 010/06

(3)

(v) Shall ensure procurement of products made from Ash (Fly Ash & Bottom Ash) by the Waste to Energy Plants for use in construction activities road (Paver Blocks, Kerbs Stones, subgrade preparation etc.) / building construction (Fly Ash Bricks) etc)....."

Copy of the above mentioned Directions u/s 5 of the Environment (Protection) Act, 1986 issued by DPCC on 09.12.2024 is enclosed herewith as **Annexure-1.**

5. That following Directions u/s 5 of the Environment (Protection) Act, 1986, read along with Solid Waste Management Rules, 2016 have been issued by DPCC, vide letter dated 09.12.2024 to Government Departments in NCT of Delhi involved in construction:

"....That the Govt. Departments in NCT of Delhi involved in construction shall ensure procurement of products made from Ash (Fly Ash & Bottom Ash) by the existing operational Waste to Energy Plants at Okhla, Bawana, Ghazipur & Tehkhand in Delhi for use in construction activities - road (Paver Blocks, Kerbs Stones, subgrade preparation etc.) / building construction (Fly Ash Bricks, Fly Ash tiles, mixing with Aggregates etc)....."

Copy of the above-mentioned Directions u/s 5 of the Environment (Protection) Act, 1986 issued by DPCC on 09.12.2024 is enclosed herewith as **Annexure-2.**

6. That present affidavit may kindly be taken on record.

Dupall Singh
DEPONENT

VERIFICATION:

I, the above-named deponent, declare the contents of the present affidavit are true and correct to the best of my knowledge based upon the documents and records available in the office and nothing material has been concealed therefrom.

Verified at New Delhi on this 18th day of December, 2024.

THE SEAL OF NOTARY PUBLIC
RAJ KR. GULATI
Appointed by
Govt. of NCT of Delhi
Reg. No. 010/06

ATTESTED
NOTARY PUBLIC
GOVT OF NCT OF DELHI

18 DEC 2024

Dupall Singh
DEPONENT

Annexure- 1

By Speed Post/Email

DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
B-Block, 3rd FLOOR, DELHI IT PARK, SHASTRI PARK, DELHI-110053
visit us at: https://dpcc.delhigovt.nic.in

LiFE Lifestyle For Environment

(4)

F. No. DPCC / WMC-II /Ash Utilization / 2024/3437- 3445 Dated: 09/12/2024

Subject: Directions u/s 5 of the Environment (Protection) Act, 1986 read along with Solid Waste Management Rules, 2016 regarding utilization of Ash generated from Waste to Energy Plants in Delhi.

Central Government has notified the standards for discharge of environmental pollutants from various categories of industries under the Environment (Protection) Act, 1986 and the Rules framed there under.

Ministry of Environment, Forest & Climate Change has notified Solid Waste Management Rules, 2016 (SWM Rules, 2016) which inter-alia state procedures for Solid Waste Management.

Local Authorities / Municipal Corporation in Delhi are responsible for proper management of Solid Waste in their area of jurisdiction as per the SWM Rules, 2016 and duties & responsibilities of Local Authorities are mentioned under Rule 15 of said SWM Rules, 2016.

As per Rule 16 (a) of Solid Waste Management Rules, 2016, the State Pollution Control Board or Pollution Control Committee [Delhi Pollution Control Committee (DPCC) in case of Delhi] shall enforce these rules in their State through local bodies in their respective jurisdiction and review implementation of these rules at least twice a year in close coordination with concerned Directorate of Municipal Administration or Secretary-in-charge of State Urban Development Department.

The Ministry of Environment, Forest & Climate Change has issued notification dated 14.09.1999 followed by subsequent amendments including amendment vide notification dated 27.08.2003 from time to time regarding use of fly ash bricks or blocks or tiles or clay fly ash bricks or cement fly ash bricks or blocks or similar products or combination or aggregate of them in construction projects giving time schedule for compliance, 100 % (by volume) use of fly ash bricks blocks and tiles by August, 2005 in respect of construction of buildings within a radius of 50 kilometers from a Coal or Lignite based Thermal Power Plant and by August, 2007 in respect of construction of buildings within a radius of 100 kilometers from a Coal or Lignite based Thermal Power Plant.

The above-mentioned provisions are also applicable to all construction agencies such as Housing Boards and those in the private sector builders of apartments, hotels, resorts and cottages and the like. It shall be the responsibility of the construction agencies either undertaking the construction or approving the design or both to ensure compliance of the above-mentioned provisions.

Municipal Solid Waste being sent to Waste to Energy Plants in Delhi is having inert (Soil/ Silt/ C&D Waste) which is about 50 % of the total Rejects [Inert + Ash Generated from Waste to Energy Plants (About 25 % of total MSW received at WTE)] due to improper segregation at source. The mixing of inert (Soil/ Silt/ C&D Waste) can be avoided through proper segregation at source.

There are operational C & D Waste Processing Facilities in Delhi meant for processing of C & D Waste generated in Delhi including inert (Soil/ Silt/ C&D Waste).

In the 32nd Meeting of the Committee for II (a) Category cases headed by Chairman, DPCC held on 27.12.2023, following decision was taken by the Committee:

"The Committee underlined that there is substantial amount [about 1200 TPD] of Ash (Fly Ash and Bottom Ash) generated from the existing four operation Waste to Energy Plants at Okhla, Bawana, Ghazipur & Tehkhand in Delhi. The disposal of this quantity of Ash from the Waste to Energy Plants in the Low-lying areas or at Dumpsite or even at Engineered Sanitary Landfill is not solution to problem.

Engineered Sanitary Landfill will also filled and then MCD will again start seeking another piece of land. Delhi cannot afford to have such graveyard of Engineered Sanitary Landfill sites, Land is precious resource in Delhi. Therefore, ash generated from all the existing operational Waste to Energy Plants in Delhi must be used in making Bricks and other products which can be consumed in construction activities-road/building construction etc.

DPCC shall issue necessary directions under section 5 of the Environment (Protection) Act, 1986 on the pattern of instructions issued by MoEF&CC for usage of ash from Thermal Power Plants, to the Municipal Corporation of Delhi and all the existing four operational Waste to Energy Plants in Delhi for production & usage of products from Ash generated from the Waste to Energy Plants in Delhi. Accordingly dumping of such ash in the low-lying area/Dumping sites / Engineered Sanitary Landfill shall be phased out at the earliest.

Directions will also be issued to Govt. Departments involved in construction to off take/ utilize ash based products from ULBs"

A meeting was taken by the Member Secretary, DPCC with the Operators of Waste to Energy Plants in Delhi regarding utilization of Ash generated from the Waste to Energy Plants in Delhi held on 02.04.2024

Various issues related to utilization of Ash generated from the Waste to Energy Plants in Delhi, were deliberated.

Representatives of Waste to Energy Plants suggested that Fly Ash & Bottom Ash can be utilised in making following, Fly Ash Bricks, Fly Ash Tiles, Paver Blocks, Kerb Stones, Aggregates (Sand & Other Aggregates of various size), Fine Ash upto 12mm can be used in making Subgrade of Road and Road Embankments.

Information regarding Ash Generation, Utilisation & Disposal by the Waste to Energy Plants in Delhi for the Financial Year 2023-2024 is briefed in following table:

S. No.	Name of Waste to Energy Plant	Qty. of Ash Generated						Ash Utilisation		Ash Disposed				
		Fly Ash		Bottom Ash		Total				ESLF		Dumpsite		
		Total (MT)	In (TPD)	Total (MT)	In (TPD)	Total (MT)	In (TPD)	Total (MT)	In (TPD)	Name of ESLF	Qty. (in MT)	Name of Dumpsite	Qty. (in MT)	Qty. (in TPD)
1.	WtE at Okhla (1950 TPD Capacity)	10750	29.4	62655	171.2	73405	200.6	2648	7.23	-	-	Okhla	70756	193.3
2.	WtE at Tehkhand (2000 TPD Capacity)	10677	29.2	81708	223.2	92385	252.4	72578	198.3	-	-	Okhla	19807	54.1
3.	WtE at Ghazipur (1300 TPD Capacity)	1791	4.90	81435	222.5	83226	227.4	0	0	-	0	Ghazipur	83226	227.4
4.	WtE at Bawana (1300 TPD Capacity)	4930	13.47	106883	292	111813	305.5	62911	171.9	Bawana	48902	-	-	133.6
Total		28148	76.97	332681	908.11	360829	985.9	138137	377.43	-	48902	-	173789	608.4

Now therefore, in view of the above and in exercise of the powers conferred upon Delhi Pollution Control Committee, following directions u/s 5 of Environment (Protection) Act, 1986, as amended to date, read along with Solid Waste Management Rules, 2016 are issued to the existing operational Waste to Energy Plants at Okhla, Bawana, Ghazipur & Tehkhand in Delhi & Municipal Corporation of Delhi:

Waste to Energy Plants shall ensure following:

(i) Phasing out of dumping of ash in the Low-Lying Areas / Dumping sites / Engineered Sanitary Landfill at the earliest (at least within six months) and an Action Plan shall be submitted in this regard within 30 days.

(ii) Ash (Fly Ash & Bottom Ash) must be used by Waste to Energy Plants in making Bricks and other products which can be consumed in construction activities – road (Paver Blocks, Kerbs Stones, subgrade preparation etc.) / building construction (Fly Ash Bricks, etc.), and submit Time Bound Action Plan in this regard within 30 days for 100 % utilization of Ash within six months.

2. Municipal Corporation of Delhi shall ensure following:

(i) Ensure compliance of above-mentioned Directions at (i) & (ii) by the existing four operational Waste to Energy Plants in Delhi.

(ii) Ensure proper segregation of waste at source so that inert (Soil/ Silt/ C & D Waste) does not mix with the General Municipal Solid Waste being sent to Waste to Energy Plants and also ensure collection and disposal of the segregated inert (Soil/ Silt/ C & D Waste) generated from the operational Waste to Energy Plants in Delhi to the C & D Waste Processing Facilities in Delhi.

(iii) Shall prepare detailed Action Plan for utilization of Ash (Fly Ash & Bottom Ash) from the existing as well as proposed Waste to Energy Plants in Delhi so that there is no/ minimal disposal of Ash (Fly Ash & Bottom Ash) in the Engineered Sanitary Landfills in future and submit the same to DPCC within two months.

(iv) Shall provide requisite assistance and support to the existing Waste to Energy Plants in utilization of Ash (Fly Ash & Bottom Ash) generated from the Plants.

(v) Shall ensure procurement of products made from Ash (Fly Ash & Bottom Ash) by the Waste to Energy Plants for use in construction activities – road (Paver Blocks, Kerbs Stones, subgrade preparation etc.) / building construction (Fly Ash Bricks) etc.).

Abovementioned directions shall be strictly complied and Action Taken / Compliance Report shall be submitted to Delhi Pollution Control Committee within stipulated time as mentioned above failing which necessary action as deemed fit shall be initiated / taken under the provisions of Environment (Protection) Act, 1986.

(Dr. K. S. Jayachandran)
Member Secretary, DPCC

To,

1. Commissioner, Municipal Corporation of Delhi, Dr. S.P.M Civic Center, JLN Marg, Delhi – 110002.
2. M/s Timarpur-Okhla Waste Management Company Limited, Old NDMC Compost plant, Behind CRRI, Mathura Road, New Delhi-110025.
3. M/s Delhi MSW Solutions Limited, Sector 5, Pocket-N1, Bawana Industrial Area, Behind Pragati Power Plant, Bawana, New Delhi-110039.
4. M/s Tehkhand Waste to Electricity Project limited, Adjacent DTC Tehkhand Depot, Maa Anandmai Marg, Tehkhand, New Delhi-110020.
5. M/s East Delhi Waste Processing Company Limited, Adjacent to Veterinary Hospital, Behind Ghazipur DDA Flats, Ghazipur, Delhi-110096.

Copy to:

1. Chairman, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.
2. Additional Chief Secretary (UD), Urban Development Department, GNCTD, 9th Level, Delhi Secretariat Delhi -02.
3. Vice Chairman, Delhi Development Authority, Vikas Sadan, INA, Delhi-110023.
4. PS to Chairman, DPCC

(Dr. K. S. Jayachandran)
Member Secretary, DPCC

Annexure-2

By Speed Post/Email

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DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
B-Block, 3rd FLOOR, DELHI IT PARK, SHASTRI PARK, DELHI-110053
visit us at: https://dpcc.delhigovt.nic.in

LiFE Lifestyle For Environment

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Above mentioned directions shall be strictly complied and Action Taken / Compliance Report shall be submitted to Delhi Pollution Control Committee within 30 days, failing which necessary action, as deemed fit, shall be initiated / taken under the provisions of Environment (Protection) Act, 1986.

(Dr. K. S. Jayachandran)
Member Secretary, DPCC

(9)

1. Vice Chairman, Delhi Development Authority, Vikas Sadan, INA, Delhi-110023.
2. Chairman, National Highways Authority of India, G 5 & 6, Sector 10, Dwarka, New Delhi-110075.
3. Managing Director, National Building Construction Corporation, NBCC Bhawan, Lodhi Road, Delhi-110003.
4. Managing Director, Delhi Metro Rail Corporation, Metro Bhawan, Fire Brigade Lane, Barakhambha Road, New Delhi -110001.
5. Addl. Chief Secretary (Industries), Govt. of NCT of Delhi. 419, Udyog Sadan, FIE Patparganj, Delhi-110092.
6. Director General, Central Public Works Department, Nirman Bhawan, New Delhi-110011.
7. Chairman, New Delhi Municipal Council, Palika Kendra Building, Parliament Street, Delhi-110001.
8. Principal Secretary, Public Works Department, 5th Level, Delhi Secretariat, I.P. Estate, Delhi-110002.
9. Commissioner, Municipal Corporation of Delhi, Dr. S.P.M Civic Center, JLN Marg, Delhi – 110002.
10. Chief Executive Officer, Delhi Cantonment Board (DCB), Delhi Cantt. Sadar Bazaar, Delhi-110010.
11. Chief Executive Officer, Delhi Jal Board, Varunalaya Ph-II, Jhandewalan, Karol Bagh, Delhi-110005.
12. Managing Director, Delhi State Industrial & Infrastructure Development Corporation Ltd. N-36, Bombay Life Building, Connaught Circus, New Delhi – 110001.
13. Pr. Secretary, Irrigation & Flood Control Department (I&FC), Govt. of NCT of Delhi, L. M. Bundh, Shastri Nagar, Delhi - 110031.
14. Pr. Secretary Cum Commissioner, Development Department, GNCTD, 5/9, Under Hills Road, Delhi-110054.
15. Managing Director, Delhi Tourism and Transport Development Corporation, 18, Block A, Defence Colony, New Delhi -110049.
16. Chief Executive Officer, Delhi Urban Shelter Improvement Board, Punarwas Bhawan, I.P. Estate, Delhi-110002.
17. Chief Executive Officer, Tata Power Delhi Distribution Limited, NDPL House, Hudson Lines, Kingsway Camp, Delhi-110009.
18. Chief Executive Officer, BSES Rajdhani Power Limited, BSES Bhawan, Nehru Place, Delhi -110019.
19. Chief Executive Officer, BSES Yamuna Power Limited, Shakti Kiran Building, Karkardooma, Delhi-110092

Copy to:

1. Chairman, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.
2. Additional Chief Secretary (UD), Urban Development Department, GNCTD, 9th Level, Delhi Secretariat Delhi -110002.
3. Pr. Secretary (Revenue) cum Divisional Commissioner, 5 Sham Nath Marg, Delhi-110054.
4. M/s Timarpur-Okhla Waste Management Company Limited, Old NDMC Compost plant, Behind CRRI, Mathura Road, New Delhi-110025.
5. M/s Delhi MSW Solutions Limited, Sector 5, Pocket-N1, Bawana Industrial Area, Behind Pragati Power Plant, Bawana, New Delhi-110039.
6. M/s Tehkhand Waste to Electricity Project limited, Adjacent DTC Tehkhand Depot, Maa Anandmai Marg, Tehkhand, New Delhi-110020.
7. M/s East Delhi Waste Processing Company Limited, Adjacent to Veterinary Hospital, Behind Ghazipur DDA Flats, Ghazipur Delhi-110096.
8. PS to Chairman, DPCC.

(Dr. K. S. Jayachandran)
Member Secretary, DPCC