

**HEAD OFFICE**

**Uttarakhand Environment Protection  
and Pollution Control Board**

**46-B, I.T. Park, Sahasthradhar Road,  
Dehradun (Uttarakhand)**



**Action Taken Report**

**Original Application No. 144 of 2019**

**In compliance of order dated 16.04.2021**

**of the**

**Hon'ble National Green Tribunal,**

**Principal Bench,**

**New Delhi**

**August, 2021**

**Action Taken Report**  
**In the matter of**  
**Original Application No. 144 of 2019**

**Arvind Baniyal**

(Applicant)

Vs

**State of Uttarakhand**

(Respondent)

In compliance of the order passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi on dated 16.04.2021, inspection of the solid waste dump site of Nagar Nigam, Kotdwar was carried out by the officials of Uttarakhand Pollution Control Board, Regional Office, Dehradun and Nagar Nigam, Kotdwar on 01.06.2021. Copy of inspection report is enclosed as **Annexure-1**.

As per inspection report:

1. The population of Nagar Nigam, Kotdwar is 135000 and divided in to 40 municipal wards.
2. About 60 MT solid wastes is generated per day. Door to door collection of solid has been started.
3. Collected solid waste is disposed at dumping yard located at Paniyali Talli, Village Ratanpur, Kotdwar.
4. Said solid waste dump site is not developed scientifically and collected bio-degradable and non-biodegradable wastes are being dumped at this site. Said dump site is being used by Municipal Corporation since 2008-09.
5. Said solid waste disposal site is located about 10-15 feet from the *Khoh* River. Though, boundary wall towards *Khoh* river was made by the Nagar Nigam, but possibility of leachate from dump site into *Khoh* river during rain can not be ruled out. Boundary wall was also found broken at some places for which Assistant Municipal Commissioner, Kotdwar was directed to repair at the earliest.
6. Nagar Nigam has provided Trommel Machine of 60 MT capacity and Bio-Remidical Machine of 30 MT capacity for disposal of legacy wastes, however, same were found non-operational. It was informed that so far 2500 MT legacy waste has been segregated, however, no evidence has been placed in this regard.

↓ 13/8/2021

7. Nagar Nigam Kotdwar has identified land (02 Hec.) for development of integrated Solid Waste Management Facility at Mauza Jaidevpur, Haldukhata, Sigaddi, however, land acquisition is yet to be done.
8. From the inspection carried out by the Board, it is evident that Nagar Nigam, Kotdwar is not complying with provisions of Solid Waste Management Rules, 2016 and moreover, not submitted action plan in this regard.
9. It was informed by Assistant Municipal Commissioner that new site for solid waste processing and disposal facility has been identified at Haldukhata, Kotdwar near Malam nadi. Land acquisition is under way. DPR of the same is being prepared.
10. Following directions were issued by the Uttarakhand Pollution Control Board under section-5 of the Environment (Protection) Act, 1986 to the Municipal Commissioner, Nagar Nigam, Kotdwar, Distt. Pauri Garhwal on dated 23.07.2019.
  - a) The Nagar Nigam, Kotdwar shall immediately stop illegal dumping of solid wastes at the bank of river *Khoh*, Village Ratanpur, Kotdwar.
  - b) The Nagar Nigam shall ensure preventives measure for leaching of leachate from dump site in to river *Khoh* and also ensure cleaning of all dumped waste from the said dump site at the earliest.
  - c) The Nagar Nigam shall establish solid waste processing and disposal facility in accordance of the Solid Waste Management Rules, 2016 at the earliest.

However, the Municipal Authority has neither complied with said directions nor submitted action plan for the same.

11. Based on above observation and in compliance of the Hon'ble NGT order dated 16.04.2021, the Uttarakhand Pollution Control Board has issued show cause directions under section-5 of the Environment (Protection) Act, 1986 to Municipal Commissioner, Kotdwar for imposition of an environmental compensation of Rs. 1.0 Lacs/Month from 01.04.2020 onwards. Copy of direction issued on 02.08.2021 is enclosed as **Annexure-2**.

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11/8/2021

## क्षेत्रीय कार्यालय

उत्तराखण्ड पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड  
ई-115, नेहरू कॉलोनी, देहरादून-248001



## REGIONAL OFFICE

Uttarakhand Environment Protection &  
Pollution Control Board  
E-115, Nehru Colony, Dehradun-248001

पत्रांक सं०-यूईपीसीबी/आरओडी/NCVT-08/2019-20/716-149 दिनांक: 05/06/21

सेवा में,

सदस्य सचिव महोदय,  
उत्तराखण्ड पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड,  
गौरा देवी पर्यावरण भवन,  
आई0टी0 पार्क, सहस्त्रधारा रोड़,  
देहरादून।

U. No. 745  
Date.....08/6/21

विषय- माननीय राष्ट्रीय हरित अधिकरण में योजित OA No.-144/2019 अरविन्द बनियाल बनाम उत्तराखण्ड राज्य दिनांक 16.04.2021 को पारित आदेश के सम्बन्ध में।

महोदय,

बोर्ड मुख्यालय के पत्रांक संख्या-यूकेपीसीबी/एच.ओ./सा-183-421/2021-22/691-135 दिनांक 01.06.2021 के अनुपालन में इस कार्यालय द्वारा दिनांक 03.06.2021 को नगर निगम कोटद्वार का स्थलीय निरीक्षण किया गया। नगर निगम, कोटद्वार द्वारा वर्तमान समय तक ठोस अपशिष्ट प्रबन्धन नियम-2016 के अनुपालन एवं माननीय राष्ट्रीय हरित अधिकरण में पारित आदेशों का अक्षरशः अनुपालन जमीनीय स्तर पर होता नहीं पाया गया एवं उक्त के अनुपालन में वर्तमान समय तक Action Taken Report राज्य प्रदूषण नियंत्रण बोर्ड को प्रस्तुत नहीं की गई।

उपरोक्त के अनुक्रम में नगर निगम कोटद्वार पर अधिकरण के पूर्व आदेश 28.02.2020 में O.A. No. 606/2018 के क्रम में पर्यावरणीय क्षतिपूर्ति (Environment Compensation) Rs. 100000/- प्रति माह आरोपित किये जाने की संस्तुति सहित आख्या आवश्यक कार्यवाही हेतु सादर प्रेषित है।

संलग्नक-उपरोक्तानुसार।

भवदीय

*(Signature)*  
05/06/2021  
(अमित पोखरियाल)  
क्षेत्रीय अधिकारी (प्र०)

CEO (T)	CEO (S)	CEO (A)
CEO (M)	CEO (C)	CEO (N)
Nodal-Env	Nodal-Legal	Nodal-AW
Nodal-Environ	Nodal-Account	AO (I/C)

*(Signature)*  
08/6/21

माननीय राष्ट्रीय हरित अधिकरण में Application No. 144/2019 अरविन्द बनियाल बनाम उत्तराखण्ड राज्य दिनांक 16.04.2021 में पारित आदेश के सम्बन्ध में।

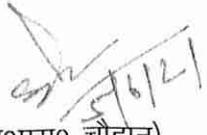
कृपया उपरोक्त विषयक बोर्ड मुख्यालय के पत्रांक संख्या-यूकेपीसीबी/एच.ओ./सा-183-421/2021-22/691-135 दिनांक 01.06.2021 के अनुपालन में इस कार्यालय द्वारा दिनांक 03.06.2021 को नगर निगम कोटद्वार का स्थलीय निरीक्षण किया गया। निरीक्षण के दौरान उपस्थिति-

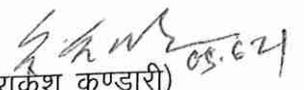
1. श्री राकेश कण्डारी, सहायक पर्यावरण अभियन्ता, यूकेपीसीबी, देहरादून।
2. श्री एस0एस0 चौहान, सहायक वैज्ञानिक अधिकारी, यूकेपीसीबी देहरादून।
3. श्री संजय कुमार, (सहायक नगर आयुक्त) नगर निगम, कोटद्वार, पौड़ी गढ़वाल।
4. श्री अभिषेक खण्डूरी, लिपिक, नगर निगम, कोटद्वार, पौड़ी गढ़वाल।

नगर निगम कोटद्वार की बिन्दुवार निरीक्षण आख्या-

- नगर निगम, कोटद्वार में 40 वार्ड हैं, जिसकी जनसंख्या वर्ष 2011 की जनगणना के अनुसार 135000 है।
- नगर निगम के क्षेत्रान्तर्गत 60 मीट्रिक टन/दिन टोस अपशिष्ट जनित होता है, जिसमें जैविक व अजैविक दोनों प्रकार के टोस अपशिष्ट है।
- नगर निगम द्वारा अवगत कराया गया कि डोर-टू-डोर अपशिष्ट एकत्रण की प्रक्रिया की जा रही है।
- नगर निगम द्वारा जो टोस अपशिष्ट का निस्तारण स्थल (डम्पिंग यार्ड) खो नदी के किनारे पनियाली तल्ली, ग्राम रतनपुर में संचालित/स्थापित है। सहायक नगर आयुक्त द्वारा निरीक्षण के समय अवगत कराया गया कि उक्त स्थल पर निगम द्वारा 2008-09 से टोस अपशिष्ट को डम्प किया जा रहा है।
- नगर निगम द्वारा उक्त डम्पिंग यार्ड वैज्ञानिक तरीके से विकसित नहीं किया गया है एवं अजैविक व जैविक अपशिष्ट का एकत्रण किया जा रहा है, डम्पिंग यार्ड की वारदीवारी क्षतिग्रस्त पाई गई, (फोटोग्राफ संलग्न) जो कि खो नदी से 10-15 फिट की दूरी पर स्थित है, जिसकी रोकथाम हेतु Leachate Proof, Leachat Tank व्यवस्था नहीं की गई है, जिससे Leachate रिसाव को नदी में जाने से रोका जा सके।
- निरीक्षण के समय सहायक नगर आयुक्त को निर्देशित किया गया कि टोस अपशिष्ट साइट पर अपशिष्ट की रोकथाम हेतु पूर्व में स्थापित सुरक्षा दीवार, जो कुछ स्थानों पर निरीक्षण के समय क्षतिग्रस्त पायी गई, उसका यथाशीघ्र पुर्ननिर्माण किया जाए, जिससे कि आगामी मानसून सत्र में टोस अपशिष्ट को नदी में प्रवाहित होने से रोका जा सके। साथ ही यह भी निर्देशित है कि टोस अपशिष्ट प्रबन्धन नियम-2016 के अनुसार 01 लाख से अधिक जनसंख्या वाले सभी स्थानीय निकायों को टोस अपशिष्ट प्रसस्करण सुविधा स्थापित की जानी है, जिसे हेतु निगम स्तर पर त्वरित कार्यवाही अपेक्षित है।
- निरीक्षण के दौरान 60 मीट्रिक क्षमता की Trommel Machine एवं 30 मीट्रिक क्षमता की बायो रेमीडीकल मशीन Legacy Waste के निस्तारण हेतु स्थापित की गई है, जो कि निरीक्षण के समय क्षतिग्रस्त पायी गई। सहायक नगर आयुक्त के द्वारा अवगत कराया गया कि उनके द्वारा वर्तमान समय तक 2500 मीट्रिक टन Legacy Waste का पृथकीकरण किया गया, जिसके सम्बन्ध में उनके द्वारा कोई साक्ष्य प्रस्तुत नहीं किया गया।
- Integrated Solid Waste Management की स्थापना हेतु सहायक नगर आयुक्त द्वारा अवगत कराया गया कि स्थल का चयन औद्योगिक क्षेत्र सिगगुडी से लगती मौजा जयदेवपुर, हल्दूखाता के खाता संख्या-34, जिसका कुल क्षेत्रफल 02 हैक्टेअर है, किया गया है, जिसके हस्तान्तरण हेतु महाप्रबन्धक, सिडकुल, देहरादून को पत्र प्रेषित किया गया है। किन्तु वर्तमान तक उक्त भूमि का टोस अपशिष्ट प्रबन्धन एवं निस्तारण हेतु हस्तान्तरण नहीं हो पाया है, जिस कारण Legacy Waste उक्त स्थल पर ही डम्प पड़ा है।
- नगर निगम, कोटद्वार द्वारा वर्तमान समय तक टोस अपशिष्ट प्रबन्धन नियम-2016 के अनुपालन एवं माननीय राष्ट्रीय हरित अधिकरण में पारित आदेशों का अक्षरशः अनुपालन जमीनीय स्तर पर होता नहीं पाया गया एवं उक्त के अनुपालन में वर्तमान समय तक Action Taken Report राज्य प्रदूषण नियंत्रण बोर्ड को प्रस्तुत नहीं की गई।

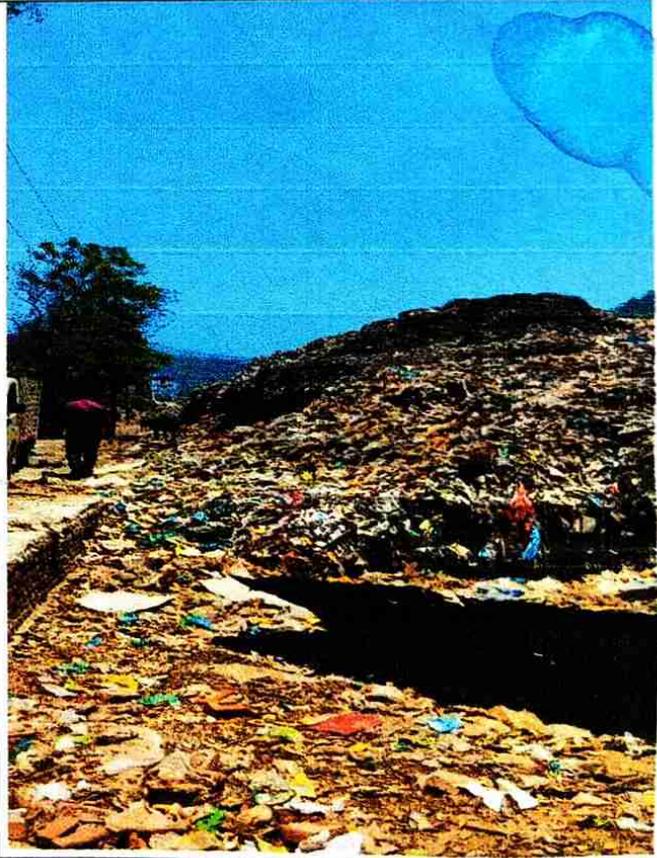
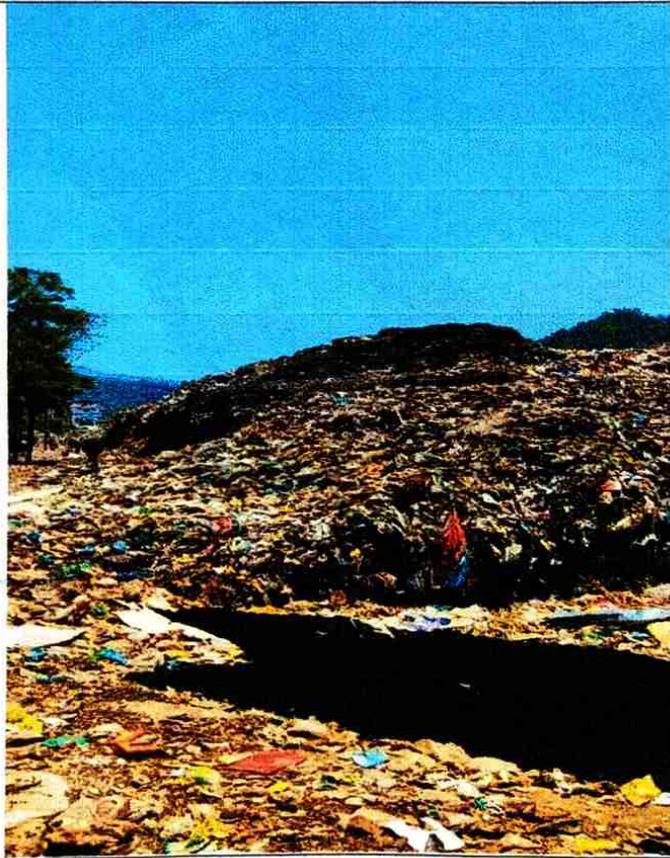
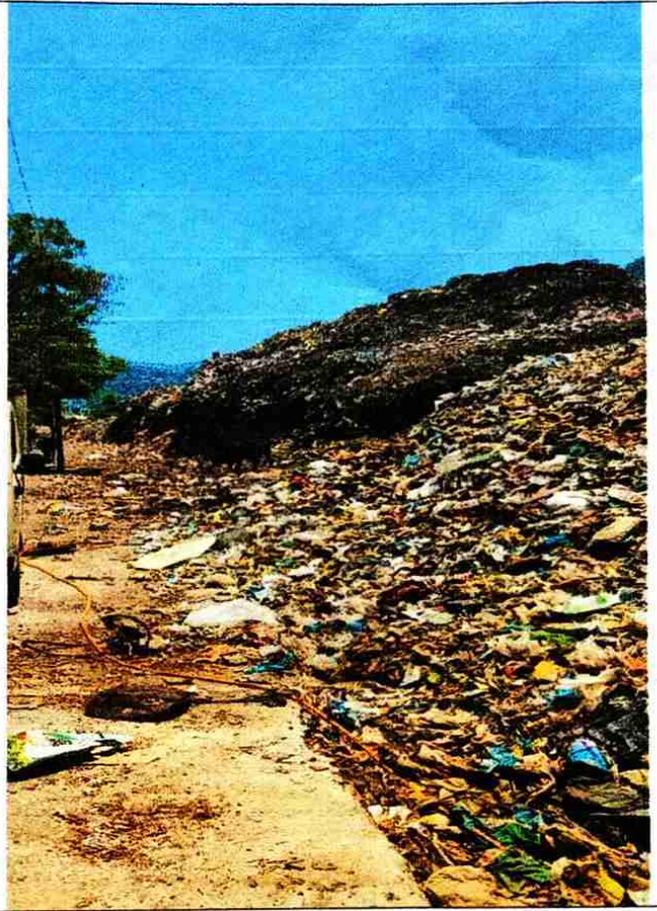
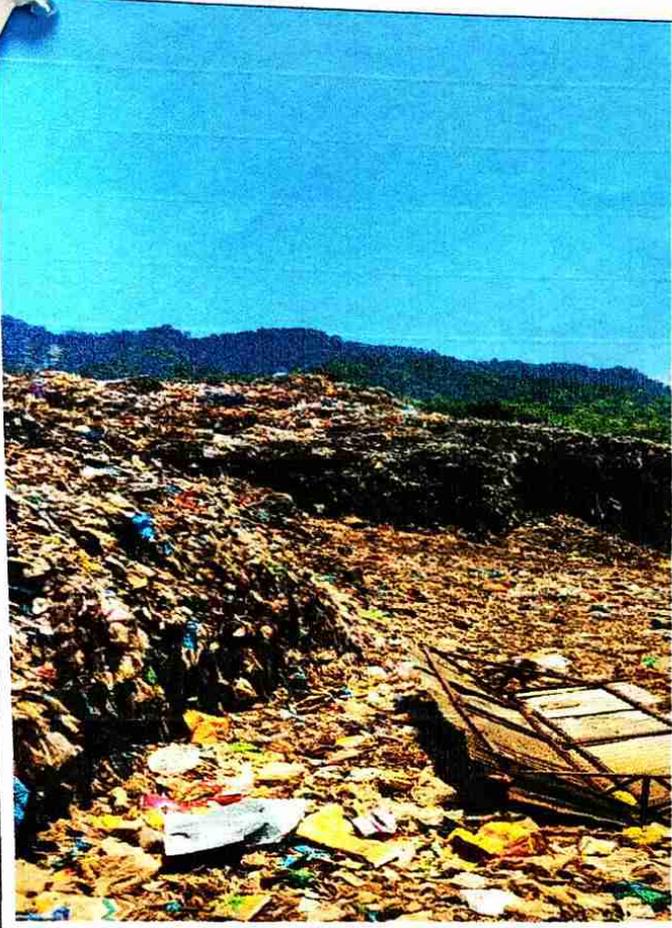
उपरोक्त के अनुक्रम में नगर निगम कोटद्वार पर अधिकरण के पूर्व आदेश 28.02.2020 में O.A. No. 606/2018 के क्रम में पर्यावरणीय क्षतिपूर्ति (Environment Compensation) Rs. 100000/- प्रति माह आरोपित किये जाने की संस्तुति सहित आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित है।

  
(एस0एस0 चौहान)  
सहा0वैज्ञा0अधिकारी

  
(राकेश कण्डारी)  
सहा0पर्या0अभियन्ता

क्षेत्रीय अधिकारी (प्र0)

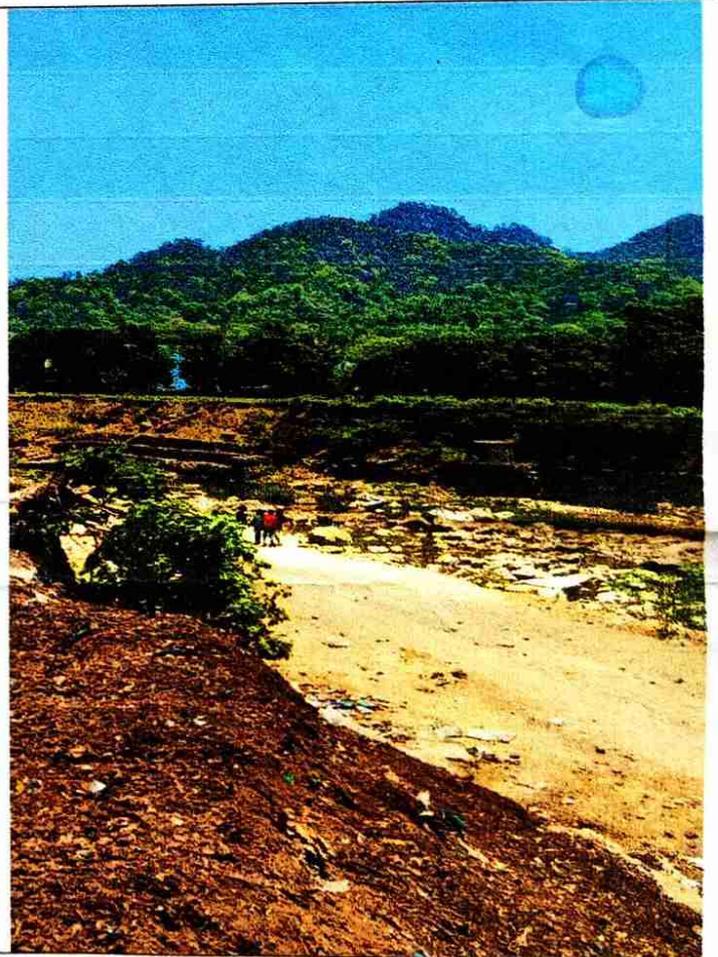
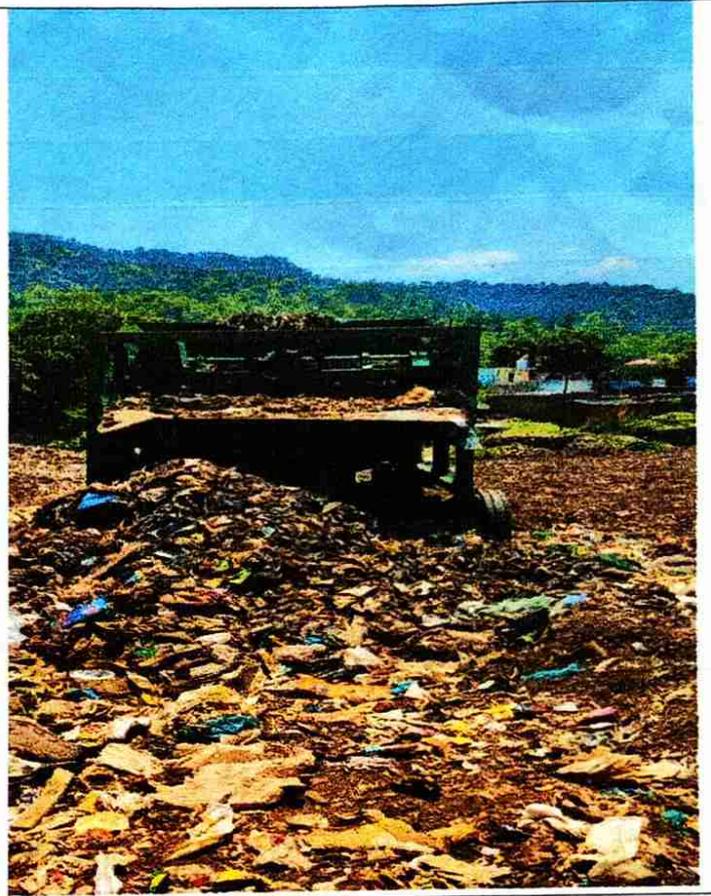
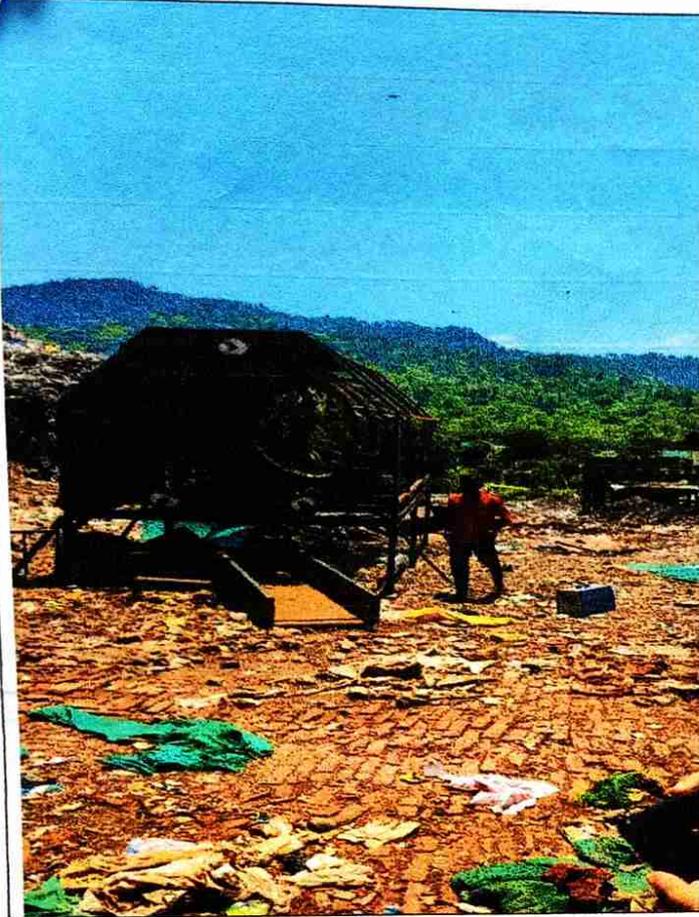
  
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HEAD OFFICE

Uttarakhand Pollution Control Board

"Gaura Devi Paryavaran Bhawan"

46B, IT Park, Sahastradhara Road, Dehra Dun (Uttarakhand)

Web : www.ueppcb.uk.gov.in. E-mail : msukpcb@yahoo.com

Annexure-2

UKPCB/HO/

12021/ 2218-441,  
Gen-183-402, Speed Post

Date: 07.2021

02/08/21

To,

Municipal Commissioner,  
Nagar Nigam, Kotdwar,  
Distt- Pauri Garhwal.

**Directions under Section-5 of Environment (Protection) Act – 1986**

**WHEREAS, Ministry of Environment, Forests and Climate Change, Government of India** has promulgated Solid Waste Management Rules, 2016 under Environment (Protection) Act, 1986; and

**WHEREAS, as per Rule – 20 of the Solid Waste Rules, 2016, the Urban local bodies located in hilly areas shall implement extra measures in addition to duties and responsibilities assigned under Rule-15; and**

**WHEREAS, a complaint regarding illegal waste dumping on the bank of khoh river at village Ratanpur, Kashirampur, Gadighat and near sports stadium, Kotdwar was received by the Hon'ble NGT and**

**WHEREAS, Hon'ble NGT in its order dated on 29.03.2019, in the matter of O.A. no. 144/2019, Arvind Baniyal Vs State of Uttarakhand, directed to the Uttarakhand State Pollution Control Board and the Municipal Corporation, Kotdwar to look into the matter and take appropriate action in accordance with law and furnish a factual and action taken report to the Hon'ble NGT; and**

**WHEREAS, in compliance of order of the Hon'ble NGT order dated 29.03.2019, joint inspection of site was carried out by the officials of Uttarakhand Pollution Control Board (UKPCB) and Municipal Corporation, Kotdwar on 02.07.2019 and made following observations :-**

1. The population of Nagar Nigam, Kotdwar is 135000 and divided into 40 Municipal wards.
2. About 60 MT solid waste is generated per day, 14 RRC waste bins have been made for waste collection. Door to door collection of solid has been started.
3. Nagar Nigam has 54 man powers, 02 Trucks, 02 Refused Collectors, 01 Dumper Placer, 160 Wheel Brose & 160 Tri-cycles for collection and transportation of solid wastes.
4. Collected solid waste is disposed at Paniyali Talli, Village Ratanpur. Said site is not developed scientifically and collected bio-degradable and non-biodegradable wastes are being dumped at this site. Said dump site is being used by Municipal Corporation since 2008-09.
5. Said solid waste disposal site is located at the bank of Khoh River. Though, Nagar Nigam has made boundary wall towards khoh river, but possibility of leachate from dump site into river Khoh during rain is obvious.
6. Since solid waste disposal site is located at the bank of river Khoh, therefore there is possibilities of scattering of waste by animals. Scattering of waste was observed nearby dump site.
7. It was informed by Assistant Municipal Commissioner that new site for solid waste processing and disposal facility has been identified at Haldukhatta, Kotdwar near Malam nadi. Land acquisition is under way. DPR of the same is being prepared.

**WHEREAS, Municipal Commissioner of Nagar Nigam, Kotdwar was issued following directions vide this office letter no. UEPPCB/HO/Gen-183-402/2019/86 dated 23.07.2019 :-**

1. The Nagar Nigam, Kotdwar shall immediately stop illegal dumping of solid wastes at the bank of river Khoh, Village Ratanpur, Kotdwar.
2. The Nagar Nigam shall ensure preventives measure for leaching of leachate from dump site into river Khoh and also ensure cleaning of all dumped waste from the said dump site at the earliest.
3. The Nagar Nigam shall establish solid waste processing and disposal facility in accordance of the solid Waste Management Rules, 2016 at the earliest.

**WHEREAS**, Hon'ble NGT in its order dated 16.04.2021, in the matter of O.A. no. 144/2019, Arvind Baniyal Vs State of Uttarakhand, directed that :- "Accordingly we direct the Chief Secretary of Uttarakhand to ensure that remedial action is taken, which may include compliance of rules in respect of setting up of waste processing plant and clearing legacy waste sites, recovery of compensation and coercive action erring officers"; and

**WHEREAS**, Hon'ble NGT in the matter of O.A. no. 606/2018 issued directions that :- "The work of legacy waste sites remediation from dated 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10.00 Lakh per month per local body for population of above 10 lakh, Rs10.00 Lakh per month per local body for population of above 10 Lakh, Rs 5.00 Lakh per month per local body for population between 5 Lakh to 10 Lakh and Rs 1.00 Lakh per month per local body; and

Further, in compliance of the directions issued by the Board to Nagar Nigam, Kotdwar, inspection of the site was done by the officials of Regional Office, Dehradun of this Board on dated 01.06.2020 and found that Unit is not complying with the directions issued by the Board vide their letter dated 23.07.2019; and

Now Therefore, in exercise of the power conferred under **Section-5 of Environment (Protection) Act - 1986** as amended with approval of the competent authority of the Board, notice is hereby served to **Nagar Nigam, Kotdwar to Show Cause within 30 days of time from issue of this notice to the undersigned, why not the Environment compensation of ₹1.0 Lakh/Month from 01.04.2020 shall be imposed on the Nagar Nigam, Kotdwar under the provisions of above Acts.**

This issues with the approval of competent authority of this Board.

  
(S.P. Subudani)  
Member Secretary.

Copy to :-

1. Secretary, Urban Development Department, Dehradun for kind information
2. Director, Urban Development Directorate, Dehradun for kind information and necessary action.
3. District Magistrate, Pauri Garhwal for kind information and necessary action.
4. Regional Officer, Uttarakhand Pollution Control Board, Dehradun for information and necessary compliance.
5. Guard File.

  
Member Secretary

