BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
Principal Bench, New Delhi

Original Application No. 395/2022

Dr. Gaurav Aggarwal — Applicant

Vs.

Central Pollution Control Board & Ors. — Respondent(s)

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S. No.	Particulars	Page No.
1.	Counter Affidavit in compliance to order dated 27.05.2022 passed by Hon'ble NGT (PB) in O.A. No. 395 of 2022, Dr. Gaurav Aggarwal Vs Central Pollution Control Board & Ors.	
2.	**Annexure R1:** A copy of Guidelines for buffer zone and further clarification issued by CPCB.	
3.	**Annexure R2:** A copy of directions regarding onsite and offsite measures for fire control and management in dumpsites issued by CPCB to the Chairpersons of all SPCBs/ PCCs.	
4.	**Annexure R3:** A copy of order dated 27.05.2022 passed by Hon'ble NGT (PB) in O.A. No. 395 of 2022, Dr. Gaurav Aggarwal Vs Central Pollution Control Board & Ors.	

(Divya Sinha)
Scientist 'E'
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi-110032.

Divya Sinha
Central Pollution Control Board
Mo Envt Forest & Climate Change, Govt of India
Parivesh Bhawan, East Arjun Nagar
Delhi-110032

Place: Delhi
Date: 29.07.2022

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

ORIGINAL APPLICATION NO 395 OF 2022

IN THE MATTER OF:

DR. GAURAV AGGARWAL ...APPLICANT

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ORS

... RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1, CENTRAL POLLUTION CONTROL BOARD, (CPCB)

MOST RESPECTFULLY SHOWETH:-

I, Divya Sinha, D/o Late Shri H.P. Sinha, Hindu, aged about 52 years and having office at the Delhi, Central Pollution Control Board, Pravesh Bhawan, East Arjun Nagar, Delhi, do hereby solemnly affirm and sincerely state on oath as follows:

NOTARY PUBLIC R.L. Chaudhary N.C.T. of Delhi Regd. No. 1513 GOVT. OF INDIA

1. That I am presently working as Scientist 'E' at Central Pollution Control Board (hereafter called as CPCB), and have been authorized to file the Present Affidavit. I have read and understood the contents of the copy of the above Petition and I have perused the documents annexed therewith, and as I am conversant with the facts and circumstances of the present case, I am duly authorized and competent to file the present Counter Affidavit on behalf of the Respondent No. 1.

2. That contents of Para 1 to 3 under reply of the Petition are not pertaining to the answering Respondent and merits no reply. The Applicant be put to strict proof of the contents mentioned in the para under reply.

3. That contents of Para 4 under reply of the Petition, are not pertaining to the answering Respondent and merits no reply. The Applicant be put to strict proof of the contents mentioned in the para under reply.t.

NOTARY PUBLIC R.L. Chaudhary N.C.T. of Delhi Regd. No. 1513 GOVT. OF INDIA

4. That contents of Para 5 under reply of the petition, the averments made therein pertains to buffer zone around solid waste treatment and disposal facility. The relevant Rule 11 (j) of the Solid Waste Management Rules, 2016 pertaining to Duties of the Secretary-in-Charge, Urban Development in the states and union territories, is reproduced verbatim below for reference, as :-

"11(j) Notify buffer zone for the solid waste processing and disposal facilities of more than five tons per day in consultation with the State Pollution Control Board;"

It is further submitted that the Guidelines for buffer zone were notified by the Answering Respondent i.e. CPCB in March 2022

and further clarification was issued on April 4, 2015. The relevant Copy of the guidelines and clarification are annexed herewith as **Annexure R1**.

Furthermore, the responsibilities assigned to various agencies for the implementation of these guidelines is represented as under:

"7.1 Role of State Pollution Control Board

a) The SPCB shall link the buffer zone achievement with grant of Consent to operate and establish under stipulated norms

b) The SPCB shall conduct periodic environmental monitoring around buffer zone and assess the impact on the sensitive receptors

c) The SPCB shall bi-annually review the Green Belt conditions within the facility premises and give suggestions to the ULBs for further improvements. Stringent measures and penalties as per the stipulated norms to be imposed in case of default

d) The SPCB shall extend all necessary support to local authority for the site selection for the newly proposed waste processing and disposal facility

7.2 Role of Local Body/ Facility Operator

NOTARY PUBLIC R.L. Chaudhary N.C.T. of Delhi Regd. No. 1513 GOVT. OF INDIA

a) *The ULB shall be responsible for the selection of site in close coordination with SPCB*

b) *The ULB/ operator shall be responsible for green belt development and maintenance in the buffer zone.*

c) *The ULB shall direct operator concerned, in case of outsourced facility to comply with these guidelines*

7.3. Role of Town Planning Department

a) *Town and Country Planning Department shall allocate adequate land for waste management facilities in the Master Land Use Plan*

b) *Town and Country Planning Department shall make all efforts to restrict/ prohibit peri-urban growth near such facility*

c) *Town and Country Planning Department shall be responsible for making provisions of Green Area development around such existing/ exhausted facilities to the extent feasible to minimize the impact of pollution to sensitive receptors..*"

NOTARY PUBLIC R.L. Chaudhary N.C.T. of Delhi Regd. No. 1513 GOVT. OF INDIA

5. That contents of Para 6 under reply of the Petition are not concerning the Respondent-1 and it pertains/ addressed to Respondent 3 and Respondent 4. Accordingly, it does not call for any comments from the answering Respondent.

6. That the contents of Para 7 & 10 under reply of the Petition, are not concerning the Respondent-1 and it pertains to Respondent 3 and Respondent 4 for monitoring.

7. That the contents of Para 8 under reply of the petition, does not pertain to the answering Respondent and merits no reply. The Applicant be put to strict proof of the contents mentioned in the para under reply.

NOTARY PUBLIC R.L. Chaudhary N.C.T. of Delhi Regd. No. 1513 GOVT. OF INDIA

8. That the contents of Para 9 under reply of the petition, are not pertaining to the answering Respondent does not pertain to the answering Respondent and merits no reply. The Applicant be put to strict proof of the contents mentioned in the para under reply.

9. That the contents of Para 11 to 13 are not pertaining to the answering Respondent and merits no reply. The Applicant be put to strict proof of the contents mentioned in the para under reply.

10. That the contents of Para 19 to 21 of the Petition, the averments that the answering Respondent i.e. CPCB had issued direction on

May 26, 2022 under Section 5 of the Environment (Protection) Act, 1986 to Chairpersons of all SPCBs/ PCCs regarding onsite and offsite measures for fire control and management in dumpsites. The relevant details of the directions are annexed herewith as **Annexure R2**.

11. That the contents of Para 15 to 18 under reply are not pertaining to the answering Respondent and merits no reply. The Applicant be put to strict proof of the contents mentioned in the para under reply.

NOTARY PUBLIC R.L. Chaudhary N.C.T. of Delhi Regd. No. 1513 GOVT. OF INDIA

12. That the contents of Para 19 to 21 of the Petition, the averments made therein are not concerning the Respondent 1, pertains to Respondent 4.

PRAYER

In view of the above facts indicated in earlier paras it is respectfully prayed that the Respondent No.1 shall abide by any order or direction, passed by this Hon'ble Tribunal.

DEPONENT

दिव्या सिन्हा/Divya Sinha
वैज्ञानिक "ई"/Scientist "E"
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
M/o Envt. Forest & Climate Change, Govt. of India
परिवेश भवन, पूर्वी अर्जुन नगर
Parivesh Bhawan, East Arjun Nagar
दिल्ली/Delhi-110032

VERIFICATION

I, the above named deponent do hereby verify that the contents of my above affidavit are true to my knowledge and belief based on official record. No part of it is false and no material has been concealed therein.

Verified at Delhi on this 29th day of July, 2022.

NOTARY PUBLIC
R.L. Chaudhary
N.C.T. of Delhi
Regd. No. 1513
GOVT. OF INDIA

ATTESTED
NOTARY PUBLIC
GOVT. OF INDIA
29 JUL 2022

Annexure R1

AMENDED GUIDELINES ON THE PROVISION OF BUFFER ZONE AROUND WASTE PROCESSING AND DISPOSAL FACILITIES

Central Pollution Control Board
March, 2019

Contents

1. Introduction

Indian cities are expanding with the increase in population, economic activities and the resulting urbanization. Whereas population residing in urban areas was 11.4% of total population in 1901, it increased to 28.53% in the 2001 census and crossed 30% as per 2011 census, standing at 31.16%. There are 53 urban agglomerations in India with a population of 1 million or more as of 2011 against 35 in 2001. About 43 percent of the urban population of India lives in these cities. The unprecedented growth of these cities has posed several challenges for municipal authorities. Identification of suitable sites for waste management infrastructure in cities is one of the toughest challenges municipal authorities are facing at present. Lack of proper/ updated land use plan with urban authorities is a stumbling block in implementing solid waste management projects.

Most of the existing solid waste management facilities are practicing crude dumping of solid waste. In some cases where solid waste is processed, the situation is still alarming due to use of conventional treatment technologies coupled with poor operation and maintenance by the fund starved ULB. This situataion is giving rise to numerous environmental and public health concerns in and around urban areas. "Not in My Back Yard (NIMBY) syndrome" and litigations are common as public at large do not trust ULBs in providing credible waste management services. Majority of existing solid waste treatment plants and dumping sites, though initially away from habitation but now have no adequate buffer zone from these habitations. Buffer even where available have come under illegal encroachment in many cities and settling societies demand shifting the waste treatment facility itself. Thus there is a general public resistance to the location of waste management facility in any area. Lack of identified sites for municipal solid waste management in master plan compounds the problem.

Disposal of waste in landfills/ dumpsites without any treatment is still practiced even as it impacts on the surrounding environment. Waste management sites encompass waste processing/disposal facilities, which become sources of pollution in terms of air, water, land and noise besides emitting foul smell. Therefore, provision of buffer zone around these facilities is essentially required to protect people living in the surroundings from

exposure/impacts of such pollutants but also to ensure continued safe operations in the waste management facility by maintaining its "island character". Buffer zone also acts as barrier, absorber and to some extent as remedial measure against the fugitive emissions. Fugitive emissions of pollutants emitted during handling of waste, storage, transportation and movements of traffics.

Currently, no scientific basis is available for making provisions for buffer zone around waste processing/disposal facilities. The provisions recommended in the "Municipal Solid Waste Management Manual, 2016" were broadly drawn from the "Report of the Committee constituted by the Hon. Supreme Court of India in March 1999" on Solid Waste Management in Class 1 Cities in India.

In this context, the Government of India through CPCB has framed these guidelines on maintaining Buffer zone including green belt around waste management facilities. These guidelines will not only facilitate the ULBs in meeting the regulatory requirements, reduce the aforesaid nuisance value of the waste management facilities but also make an effort to enhance their aesthetic appeal. In addition to above, the siting criteria for setting up these facilities for waste processing/ landfill is adopted as mentioned in SWM Rules, 2016 at tailing part of these guidelines.

In some instances, the actual separation distance may vary from those recommended in these Guideline, due to site-specific constraints. In such cases, variations to the recommended separation distances may be acceptable, subject to detailed assessment by concerned authorities and to the satisfaction of the State Pollution Control Board/Committee.

2. Objective of the Guidelines

The purpose of this Guideline is to specify adequate separation distances between solid waste management facility and its surrounding area having different land usage characteristics.

To achieve the purpose, these Guidelines aim to:

- minimize the risk of adverse impacts on the environment (land, air, water, noise pollution) and the impacts on the Public Health
- inform and support strategic land use planning decisions and prevent encroachment of controlled areas
- Generate/ develop public acceptance for solid waste treatment and disposal infrastructure
- Encourage new technological innovations for processing facilities with minimal land requirement

3. Regulatory Framework

The buffer zone was first envisaged in 1982 after Indian task force developed the 'Core-Buffer-Multiple Use Zone' strategy. This strategy aimed at separating incompatible land uses, particularly in relation to wildlife. In this approach, the buffer zone would be under the wildlife park authorities' administration and controlled use of forest produce would be allowed. The multiple-use zone was located outside the park boundaries designated for rural development. With similar analogy, these buffer zone guidelines are framed for waste processing and disposal facilities. The existing regulatory provisions for these guidelines are given as under:

i. Provisions related to Buffer Zone specified in the **Solid Waste Management Rules**, 2016 mentioned as under;

- **Rule 11** Section (l)- **Duties of the Secretary–in-charge, Urban Development in the States and Union territories-** Notify buffer zone for the solid waste processing and disposal facilities of more than five tonnes per day in consultation with the State Pollution Control Board
- **Rule 12** Section (h)- **Duties of Central Pollution Control Board-** Publish guidelines for maintaining buffer zone restricting any residential, commercial or any other construction activity from the outer boundary of the waste processing and disposal facilities for different sizes of facilities handling more than five tonnes per day of solid waste;

- The **distance/siting criteria's for setting up waste management facilities as** specified in Solid Waste Management Rules, 2016 at **Schedule I (A)(vii)**
- **Schedule I (A) (viii)**-The sites for landfill and processing and disposal of solid waste shall be incorporated in the Town Planning Department's land-use plans.
- **Schedule I (A) (ix)**-A buffer zone of no development shall be maintained around solid waste processing and disposal facility, exceeding five tonnes per day of installed capacity. This will be maintained within the total area of the solid waste processing and disposal facility. **The buffer zone shall be prescribed on case to case basis by the local body in consultation with concerned State Pollution Control Board**.
- **Schedule I (F)**-Criteria for ambient air quality monitoring

ii. The **Coastal Zone Regulation** notified by Ministry of Environment Forest And Climate Change also prohibits setting up and expansion of units or mechanism for disposal of wastes in High Tide Line (hereinafter referred to as the HTL) to 500 mts on the landward side along the sea front. Also dumping of city or town wastes including construction debris, industrial solid wastes, fly ash for the purpose of land filling and the like with high tide line shall be regulated by the concerned authority, where shall implement schemes for phasing out any existing practice, if any.

iii. The buffer zone guidelines for setting up processing and disposal facility also come under the purview of The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981.

iv. For setting up solid waste processing and disposal facilities, The Environment (Protection) Act, 1986 also need to be adhered to particularly from the angle of Environmental Clearances. Authorities concerned need to deliberate on the number of issues and criteria when siting a buffer zone as broadly categorized below:

a) Environmental considerations

- Distance from the flood plains, coastal regulation, wetland, Critical habitat areas, sensitive eco-fragile areas, highways, habitations, public parks and water sources

- Topography- Hilly areas, land availability and also the slope's landslide potential.
- Wind Speed and Direction- Wind direction is one of the important consideration as to the area that can be affected due to dust and odour.

b) Proximity and access considerations

- Transportation Network
- Utilities and Services

c) Land-use considerations

- Land Usage and Activities on Adjacent Sites
- Allowable Land Uses and Zoning
- Proximity to Airports
- Proximity to Other Waste Management Facilities

4. Existing Norms for Buffer Zone in India and Abroad

A.) Buffer Zone

The buffer zone, particularly in context of NIMBY syndrome in India, is one of the limiting conditions for obtaining Environmental Clearance for setting up solid waste processing and disposal facilities. At present, there are no published norms for buffer zone for solid waste management facilities by MoEFCC/ CPCB.

However, the "Manual on Municipal Solid Waste Management, 2016" published by CPHEEO, Ministry of Urban Development recommends certain provisions for buffer zone particularly the one of maintaining 500 m buffer zone around the waste processing facilities. In the given pace of urbanization in the country, getting such large piece of land is becoming increasingly difficult and costly. ULBs in setting up waste processing and disposal facilities expeditiously.

The provisions made for Buffer zone for solid waste processing and disposal facilities in various countries are tabulated below:

i. Landfill

International Solid Waste Association	500 m should be provided depending on the size of landfill, height, wind direction
South Australia	500m buffer distance shall be maintained between areas dedicated for waste disposal and the nearest surface water
Ontario, Canada	Buffer area shall be at least 100 m wide at every point, if that does not apply to a buffer area, if the buffer area is at **least 30 metres** wide at every point and a written report confirms that; (a) the buffer area provides adequate space for vehicle entry, exit, turning, access to all areas of the site and parking; (b) the buffer area provides adequate space on the surface of the site for all anticipated structures, equipment and activities; and (c) the buffer area is sufficient to ensure that potential effects of the landfilling operation do not have any unacceptable impact outside the site.
Malaysia	500m
South Africa	Buffer zone min 200m to 500m
Bangladesh	250m from the habitat
Hong Kong	250 m away from the edge of the waste (landfill boundary)

ii. Waste processing facilities

Canada	minimum buffer strip between composting facility boundary and adjacent property. For in-vessel Composting distance between active area and the nearest residential or institutional building shall be min 500m, nearest commercial or industrial building 250 m and nearest property boundary will be **min 100m.**

CANADA-Nova Scotia	In case of in-vessel composting facilities, where it can be demonstrated that particular equipment will not release odours generated from the composting process into the surrounding environment, the distance between the equipment and the nearest property boundary shall be a minimum of **30 metres**
Malaysia	production of compost from organic waste- 500m
Devon city Council (UK)	buffer distance 500m
China	300m buffer zone between incineration plants and local residents

From above, it i s observed that the minimum buffer area varies from 100 m to 500 m in case of both waste processing and disposal facilities.

B.) Facility Siting Criteria

In addition to the suitable provisions of the buffer zone, the SWM Rules, 2016 provides norms for siting criteria for landfills. The same is reproduced below for adoption while setting up **landfill facilities.**

Table 1. Criteria specified for identifying Suitable Land for Sanitary Landfill Sites (Not a treatment facility)

S. No.	Place	Minimum Siting Distance
1.	Rivers	100 m away
2.	Ponds, Lakes, water bodies	200 m
3.	Highway, **Habitations, Public Parks and water supply wells**	200 m from center line
4.	Flood Plains as recorded for the **last 100 years**, zone of coastal regulation, wetland, Critical habitat areas, and sensitive eco-fragile	Sanitary landfill site not permitted

	areas	
5.	Airport/ Airbase	20 km**

In a special case, **landfill site** may be set up within a **distance of 10 and 20 km** away from the Airport/Airbase after obtaining no objection certificate from the civil aviation authority/ **Air force as the case may be.

However, there is no such siting criteria applicable for setting up waste processing facilities.

5. Recommended Provisions for Buffer Zone

The Solid Waste Management Rules, 2016 specified the terminology of **Buffer Zone**, *as "**no development zone to be maintained around solid waste processing and disposal facility, exceeding 5 TPD of installed capacity. This will be maintained within total land area allotted for the solid waste processing and disposal facility.**"*

Buffer Zone around the core waste processing area consists of utility area, open parks and green belts etc. Further, depending on feasibility of planning, the interface land use between the boundary of waste processing facility and sensetive receptors, can also be developed as an additional measure.The layout of buffer zone (utility area, open parks and green belts) including core waste processing area and optional interface land use is shown in the figure below:

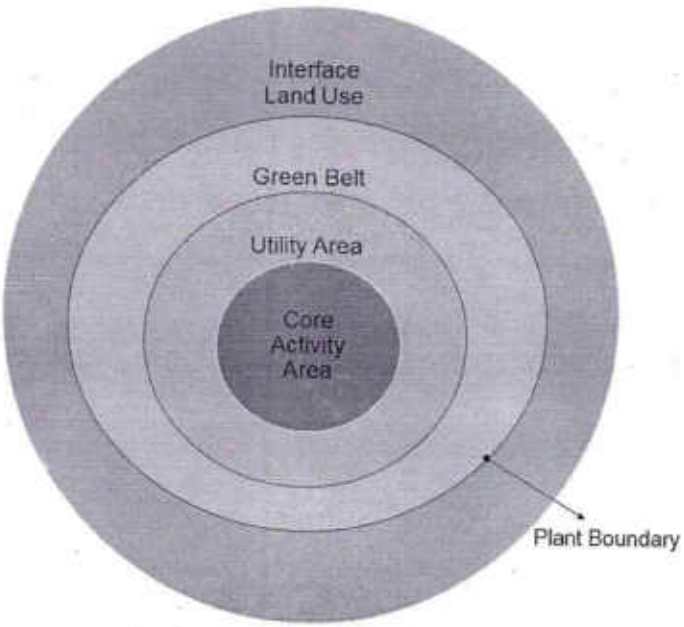

Figure 1 Depicts activity boundary, green belt and separation distance

For the purpose of these guidelines, the Buffer Zone, Separation Distance, Utility Area, Green belt and Interface Land use shall have the meanings set out below, unless otherwise provided, hereafter, for the exclusive interpretation of these Guidelines.

a) The **Buffer Zone** is generally defined as an area of restricted activities, depending on the activity in adjacent land uses. It also ensures long-term continuous availability of disposal sites by avoiding potential conflicts between waste disposal sites and adjacent lands with different users.

b) **Buffer Distance or Separation distance** is measured as the areal distance between the source of emission and sensitive receptors. For the purpose of these guidelines and addressing the required protection from adverse impacts, separation distance is measured from the tip of core SWM facility processing boundary, as the source of emission, to the nearest boundary of the property of sensitive receptors as shown in figure 1.

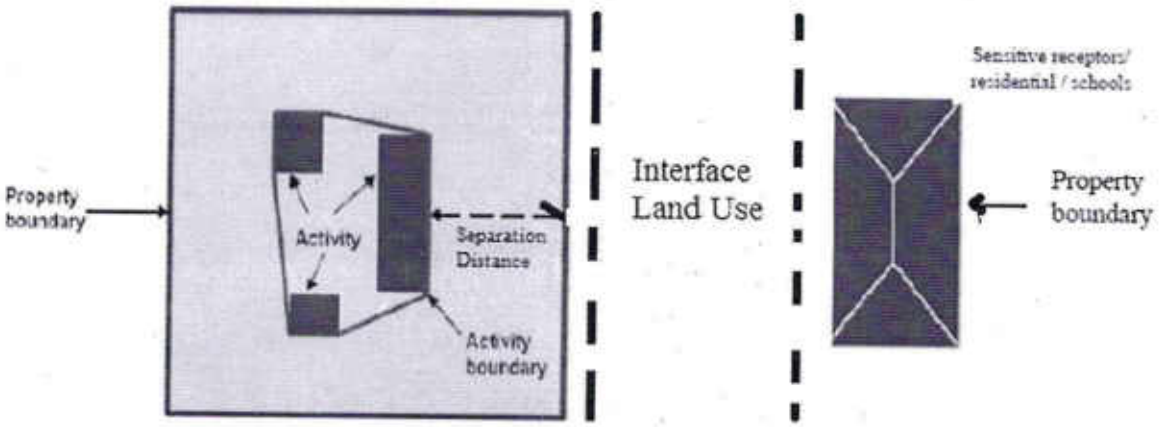

Figure 2. Core Plant activity area, buffer Zone and interface land use

c) **Core Waste Processing/Landfilling Area** typically requires space for receiving waste, storing waste, segregation of waste and treatment units within the facility. Similarly, for Landfilling it is the area of cell which is receiving the waste/inert.

d) **Utility Area** within the facility is designated area for the facility operations other that the core activities like. Weigh bridge, parking, vehicle cleaning, laboratory, emergency services etc.

e) **Green Belt** for the purpose of these guidelines shall refer to an area that is kept in reserve within the alloted land for setting up facility, around the core SWM processing area, for the purpose of plantation and landscaping to reduce the adverse effects from pollutants like air & noise, soil erosion control etc. It also works as a natural shield to protect people around the facility from these pollutants.

f) **Interface Land Use:** The buffer zone could be further augmented with interface land use area, where above beneficial and feasible as an additional optional measure, after due approval of the concerned authorities. The interface land use shall not generate significant emissions, nor warrants protection from them. The activities in the interface land use are **vehicle**

showrooms, service stations, warehouses, display homes, emergency services facilities, funeral, veterinary clinic and parks etc.

i. Separation Distances for Solid Waste Processing and Disposal Facilities

Ideally, a distance of 500 meter from the boundary of the Solid Waste Processing and Disposal Facility (sanitary landfill) should be maintained. However, on case to case basis a distance of minimum 200 meter from the Solid Waste Processing and Disposal Facility (sanitary landfill) can be considered subject to the condition that such facility meets the stipulated standards prescribed by State Pollution Control Board with respect to ambient air as well as for stack emissions.

The above provisions have been made keeping in view of high population density in urban areas, scarcity of land to set up such facilities and protest from local inhabitants in the area of processing/ disposal facility and is in line with those being adopted at international level. Besides, the following three conditions need to be ensured:

(a) the buffer area provides adequate space for vehicle entry, exit, turning, access to all areas of the site and parking;
(b) the buffer area provides adequate space on the surface of the site for all anticipated structures, equipment and activities; and
(c) the buffer area coupled with technological interventions is sufficient to ensure that potential effects of the processing/ landfilling operation do not have any unacceptable impact outside the site.

Note:

1. ***Land of 200-500 m from the boundary of the processing unit is excluded for setting up the facilities but it is mandatory outside the project site as " No development area" for 30 years.***
2. ***No Development area can be utilized for agriculture purpose.***

6. Green Belt

The buffer zone effectiveness is reinforced by the green belt within the solid waste processing and disposal boundaries. An important aspect of a green belt sometimes overlooked is that the plants constituting green belts are living organisms with limits to their tolerance towards air pollutants. For the purpose of these guidelines, the green belt shall refer to an area that is kept in reserve within and around the SWM facility for the plantation and landscaping to reduce the adverse effects from the activity area like air & noise pollution, soil erosion etc. The green belt is an effective pollution sink only within the tolerance limits of constituent plants. The philosophy is that when primary pollutants are taken care of, formation of secondary pollutants will not reach menacing proportions. Primary pollutants of concern are – SO_2, HF, NO_2, CO, CO_2, NH_3, H_2S, Cl, SPM and organics. **Annexure- 1** attached to these guidelines shows the selection criteria for plants near the processing facility.

These guidelines recommend minimum 10 metres green belt within and all around the facility along the boundary. Vegetation, shrubs, trees, and berms with high density greenery can be incorporated into green belt within facility limits to serve as visual barriers and to reduce noise levels. Depending on the monitoring of level of pollutants in ambient air after the boundary of facility, on case to case basis, suitable technological measures/ barriers to check pollutants need to be resorted. The important factors for developing green belt for agro-climatic conditions are stated below:

a) Criteria for Selection for Plant Species

- The plant species should be fast growing
- They should have thick canopy cover
- They should be perennial and evergreen
- They should have high carbon – CO_2 sink potential
- They should be effective in absorbing pollutants without significantly affecting their growth

b) Recommended plant species:

Keeping in view the nature of pollutants expected from the disposal site, a green belt of minimum 10 metre width is recommended and the following plant species can be selected for plantation:

- Acacia nilotica (Babul)
- Deldergia Sissoo (Shishum)
- Acacia auriculiformis (Australian Babul).
- Azadirachta Indica (Neem)
- Lagerstroemia speciosa (jamun)
- Prongamia pinnata (Karanji)

c) Recommended plant species Density around Processing & Disposal/ Landfill site:

These guidelines recommend the green belt width of minimum 10 meters within and all around processing and disposal facilities. The recommended minimum density of the green belt should be as discussed in the green belt model provided in the CPCB guidelines for developing green belts in 2000. These guidelines introduce the concept of a pollution attenuation coefficient for estimating the removal of pollutant while passing through the green belt. The formulation of pollution attenuation coefficient makes use of parameters such as leaf area, density of the tree plantation, deposition velocity of the pollutant on leaf surface and wind speed to the green belt. The model gives the dependence of the pollution attenuation factor of a green belt on various physical parameters of the green belt such as its height, width, distance from the pollution source and on atmospheric stability conditions and hence the model can be used to optimize the design of the green belt in obtaining the desired degree of attenuation of the pollution around an industry. The case to case basis CPCB guidelines for developing green belts (March, 2000) to be referred for optimal density applications.

7. Operationalization Framework

Solid Waste Management Rules, 2016 has empowered Central Pollution Control Board for maintaining buffer zones restricting any residential, commercial or any other construction activity from the outer boundary of the waste processing and disposal facilities for different sizes of facilities handling more than five tonnes per day of solid waste. The guidelines will be updated, from time to time, and address environmental aspects of processing and disposal of solid waste to enable local bodies to comply with the provisions of SWM Rules, 2016.

i. Role of State Pollution Control Board

a) The SPCB shall link the buffer zone achievement with grant of Consent to operate and establish under stipulated norms;
b) The SPCB shall conduct periodic environmental monitoring around buffer zone and assess the impact on the sensitive receptors;
c) The SPCB shall bi-annually review the Green Belt condition within the facility premises and give suggestions to the ULBs for further improvements. Stringent measures and penalties as per the stipulated norms to be imposed in case of default;
d) The SPCB shall extend all necessary support to local authority for the site selection for the newly proposed waste processing and disposal facility;

ii. Role of Local Body/ Facility Operator

a) The ULB shall be responsible for the selection of site in close coordination with SPCB;
b) The ULB/ operator shall be responsible for green belt development and maintenance in the buffer zone;
c) The ULB shall direct the operator concerned, in case it outsources facility to comply with these guidelines

iii. Role of Town and Country Planning Department

a) Town and Country Planning Department shall allocate adequate land for waste

management facilities in the Master Land Use Plan;

b) Town and Country Planning Department shall make all efforts to restrict/ prohibit peri-urban growth near such facility;

c) Town and Country Planning Department shall be responsible for making provisions of Green Area development around such existing/ exhausted facilities to the extent feasible to minimize the impact of pollution to sensetive receptors.

8. Annexure-1- Selection criteria for plants near the processing facility

Table 2.6 Compilation of research in India indicating sensitive and tolerant species, with reference to industrial pollutants

Name of Plant	Sensitive	Tolerant	Reference
Mangifera indica	Coal dust		
Citrus limon		Coal dust	Rao, 1971
Phaseolus aureus (Green gram)	Petro coke		Prasad and Rao (1981)
Zea mays	Cement dust		Sree Rangaswamy et al. (1973)
Syzygium cumini	Cement dust		Jafri et al. (1979)
Psidium guyava	Cement dust		Yunus and Ahmed (1980)
Triticum aestivum	Cement dust		Singh and Rao (1980 a)
Calotropis procera	Cement dust		Yusuf and Vyas (1982)
Cassia fistula	Cement dust		
Dalbergia sissoo	Cement dust		
Withania somnifera	Cement dust		
Glycine max	Cement dust		
Hordeum vulgare		5% fly ash	Singh and Rao (1979 a)
Portulaca sp			Bhatia (1976)
Triticum aestivum	Above 20% fly ash		
Trifolium aestivum		6g/m²/day fly ash	Pawar and Dubey (1982)
		4g/m²/day fly ash	Dubey et al. (1980)
Dolichos biflab		4g/m²/day fly ash	
Abelmoschus esculentus Var Pusa sawani	Cement and Coal dust	fly - ash	Pawar et al. (mean) (1983)
Corchorus hengalensis	Air borne dust	fly - ash	Pawar et al. (1982)
Brassica oleraceae	Urban air		Chapholer et al. (1980)
Chenopodium album			Garg and Varshney (1980)
Cicer arietinum			
Dolichos biflab			
Sonchus asper			
Withania somnifera			
Tabernaemontana coronaria	Polluted environment		Srivastava et al. (1980)
Calotropis procera		Polluted conditions	Yunus and Ahmed(1981)

(Contd....)

12

Table 2.6 (*Contd...*)

Name of Plant	Sensitive	Tolerant	Reference
Calotropis gigantea	Polluted areas		Bhirava Murthy and Kumar (1983)
Boro paddy, Var. Ratna	Urban dust		Das and Pattanayak (1978)
Mangifera indica		Dust Collector	Shetye and
Thespesia populnea			Chaphekar (1980)
Erythrina indica	Poor dust Collector		
Polyalthia longifolia			
Ficus benghalensis		Dust Collector	Das 1981 and Das et al. (1981)
Ficus infectoria			
Ficus religiosa			
Mangifera indica			
Tectona grandis			
Polyalthia longifolia			
Shorea robusta			
Terminalia arjuna			
Cassia fistula	Poor dust Collector		Das (1981) and Das et al. (1981)
Poinciana regia			
Sesbania sp.			
Pithecolobium dulce		Better dust collector.	Rao (1971)
Argyrea speciosa			
Leucaena leucocephala			
Melilotus alba	Polluted area		Ghouse and Khan (1983)
Banana Crop.	SO_2 and dust From brick Kiln		Bedi et al. (1982)
Lycopersicum esculentum	SO_2 and dust from brick Kiln		Bell and Bedi (1981)
Mangifera indica	SO_2		Rao 1972 Shetye 1979 Giridhar (an published data) Pawar and Dubey (1983)
Helianthus annus	To pollute areas		Chaphekar et al. (1980 a)
Crotalaria juncea			
Commelina benghalensis			
Cyamopsis tetragonoloba			
Cicer arietinum	Fly ash SO_2		Dubey et al. (1982)

(*Contd.....*)

13

Table 2.6 (Contd....)

Name of Plant	Sensitive	Tolerant	Reference
Medicago sativa (Alfa-alfa)	SO_2		Singh and Rao (1975, 1980)
Sorghum vulgare var CSH - 1	SO_2		Boralkar and Chaphekar (1978)
Glycine max	SO_2		Pandey and Rao (1979), Prasad and Rao (1982)
Phaseolus aureus	SO_2		Singh and Rao (1980)
Arachis hypogea	SO_2		Mishra (1980)
Dolichos lablab	SO_2		Banerjee and Chaphekar (1979)
Phaseolus aureus Var. Vaishakhee	SO_2		Boralkar and Chaphekar (1980)
Trigonella foenum-graecum	SO_2		Boralkar and Chaphekar (1983)
Pisum sativum	SO_2		Varshney and Varshney (1978)
Crossandra undulaefolia	SO_2		Chaphekar and Kamthan (1974)
Mirabilis jalapa			
Amaranthus spinosus	SO_2		Boralkar and Chaphekar (1980)
Spinacea oleracea			
Raphanus sativus	SO_2		Banerjee and Chaphekar (1979)
Commelina benghalensis			
Erythrina indica			
Barley, Cotton, Wheat, Aster, Cosmos, Verbena Zinnia, Sweat Pea, Ipomoea purpurea, 4 o'clock plant, Bean, Beet, Carrot, Chilli, Pumpkin, Radish Bhendi, Sunflower etc.	SO_2		Pandey and Vaidya (1979)
Most trees		SO_2	Pandey and Vaidya (1979)
Mangifera indica	SO_2		Chaphekar (1972)
Terminalia catappa			
Malachra capitata Dahlia			
Croton, Plumeria		SO_2	Chaphekar (1972)
Opuntia, Nerium			
Dahlia, Petunia, Alfalfa, cotton	SO_2		Vashisavi (1976)
Barley			

(Contd....)

14

Table 2.6 (Contd...)

Name of Plant	Sensitive	Tolerant	Reference
Dalbergia sissoo Terminalia arjuna Cassia fistula Cedrela toona Syzygium cumini Oat, Pea, Brinjal, Potato Cucurbit	SO_2		Yunus and Ahmed (1979)
Azadirachta indica Ficus religiosa Pithecolobium dulce Calotropis procera Trees, Bushes, crops of those areas		SO_2	Yunus and Ahmed (1979)
Phaseolus aureus Cicer arietinum	SO_2, O, SO_2+O	SO_2, O, SO_2+O	Agrawal and Rao (1983)
Oryza sativa Panicum miliaceum	SO_2, O, SO_2+O	SO_2, O, SO_2+O	
Solanum melongena Vicia faba Abelmoschus esculentus Var. Pusa savani	SO_2, O, SO_2+O SO_2, O, SO_2+O SO_2, O, SO_2+O		
Abelmoschus esculentus	SO_2, O, SO_2+O,		Bolalkar and Shinde (1983)
Phaseolus aureus Triticum aestivum Brassica juncea	SO_2, HF, SO_2+HF		Sharma (1981)
Triticum aestivum	NO_2		Prasad and Rao (1979)
Triticum aestivum	NO_2+SO_2		Prasad (1980)
Dalbergia sissoo Madhuca indica	SO_2		Rao et al. (1983)
Pisum sativum var. Bonneville, Pisum sativum var. T163 Hordeum vulgare Zea mays	NaF		
Lycopersicum esculentum Terminalia tomentosa Buchanania lanzan	NaF HF		Arya (1971) Pandey (1979)
Zea mays	HF		Rao and Pal (1978 b)
Gladiolus sp.	HF		Pandey and Rao (1980 a)

(Contd....)

Table 2.6 (*Contd....*)

Name of Plant	Sensitive	Tolerant	Reference
Spinacia oleracea	Gasoline Vapour,		Prasad (1980)
Abelmoschus esculentus Cyamopsis tetragonoloba Crotalaria juncea Trigonella foenum-graecum	Ammonia		Chaphekar and Boralkar (1979)
Nerium indicum	SO_2		Varshney, (Unpublished)
Cynodon dactylon	HF		Meenakshy et al (1961)
Cicer arietinum Nasturtium indicum Petunia alba Tradescantia axillaris	SO_2		Varshney and Varshney (1981)
Madhuca indica	SO_2, fly-ash		Agrawal M (1989)
Cassia siamea Delonix regia Shorea robusta			
Acacia arabica		SO_2, fly-ash	
Acacia catechu Zizyphus sp			
Mangifera indica		Dust	Agrawal & Khanam (1989)
Ficus benghalensis L Ficus infectoria Roxb Holoptelia integrifolia Planch Ipomoea fistulosa Mart ex choisy Lagerstroemia sp Nyctanthes arbortristis L Peltophorum pterocarpum (DC) K Heyne		Dust	Ahmad Yunus et al (1991)
Tectona grandis L Terminalia arjuna W & A Thevetia nerifolia Juss Acacia arabica Willd Bougainvillea spectabilis Willd Hibiscus rosa sinensis Willd Morus alba		Dust	Ahmad Yunus et al (1991)

(*Contd....*)

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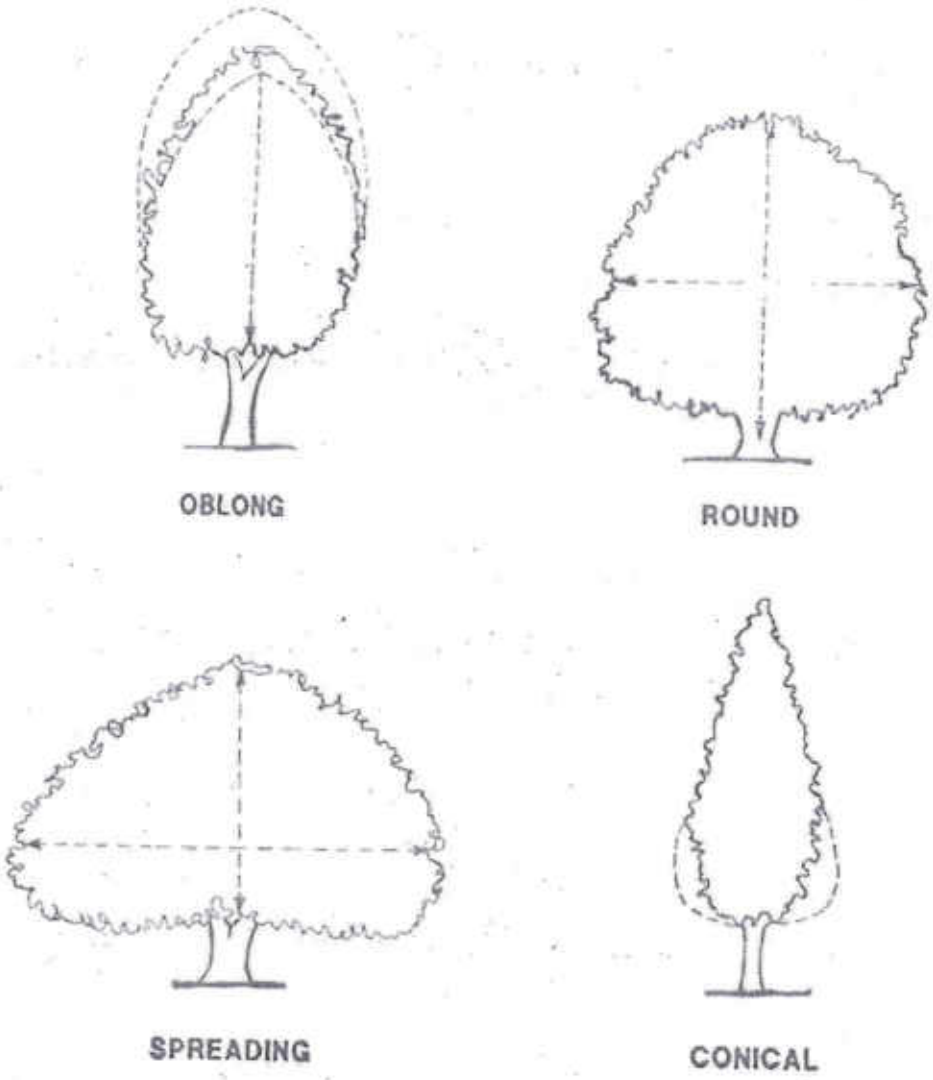
Table 2.6 (Contd...)

Name of Plant	Sensitive	Tolerant	Reference
Nerium indicum Mill Thevetia perifolia Juss Dalbergia sissoo Roxb		Cement dust	
Azadirachta indica A.Juss Brassica campestris L Citrus aurantium L Delonix regia Raffin Syzygium cumini (L.) skeel Mangifera indica L Pisum sativum L Tabernaemontana coronaria Willd Trifolium aestivum L Zizyphus mauritiana Lamk Helianthus annus L	Cement dust	fly ash	Pandey, Misra et al (1994)
Opuntia monacantha Opuntia dillenii Kalanchoe marmorata Crassula		SO_2	Raza S.H., Shyraja G. (1992)
Bryophyllum Aloe Bryophyllum tubiflorum Euphorbia cattamindoose	SO_2		
Caesalpinia pulcherima Eugnia jambolana Polyalthia longifolia Pongamia pinnata	SO_2	SO_2	Murthy M.S.R. et al (1990) Raza S.H. et al (1991)
Caesalpinia pulcherima Pithecolobium dulce Cassia fistula Pongamia glabra Polyalthia longifolia	Dust	Dust	
Pithecolobium dulce Caesalpinia pulcherima Polyalthia longifolia Pongamia pinnata	SO_2	SO_2	Raza S.H. et al (1998)

Fig.5.1 TREE CANOPY SHAPES



The shapes given here are for convenience only. Many crown shapes range between those identified following viz. Oblong-Round, Round-Spreading, Conical-Oblong, etc. Some shapes also change with age or environmental stresses.

FIG. 5.1 TREE CANOPY SHAPES

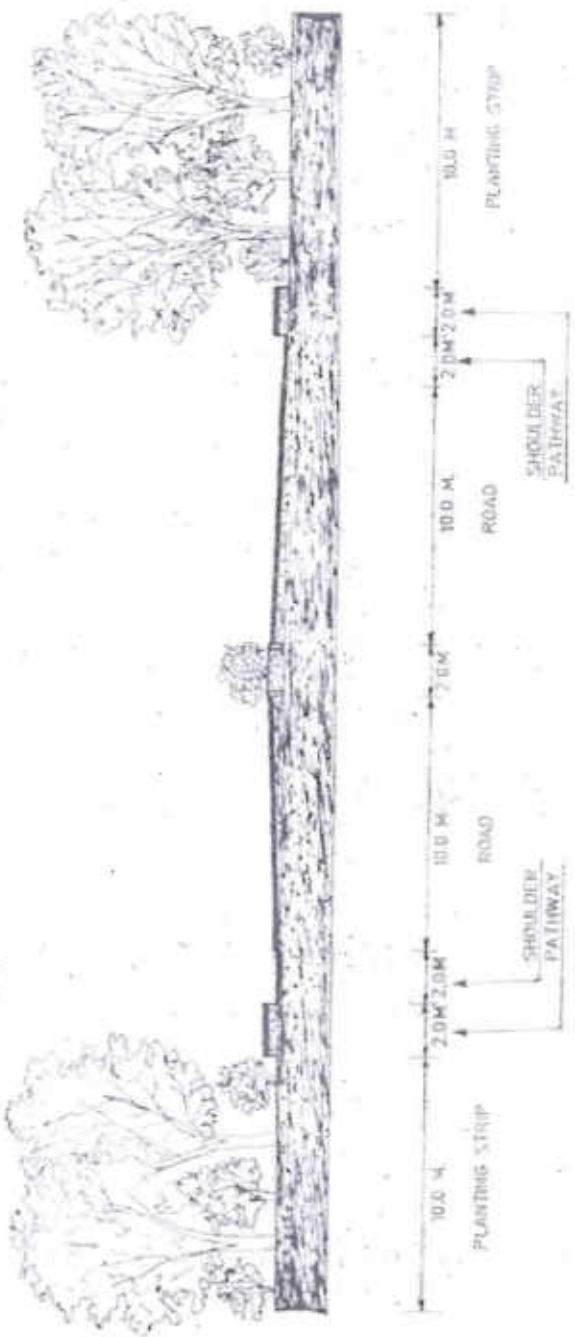


FIG. 5.2 TYPICAL ROAD-SIDE PLANTATION

Central Pollution Control Board

UPC-II

Date: 15-04-2019

OFFICE MEMORANDUM

SUBJECT: - " *Clarification on Buffer Zone* Guidelines " issued by CPCB.

CPCB issued guidelines on Buffer Zone around waste processing and disposal facilities in April, 2017.

Subsequently, Central Monitoring Committee constituted under Solid Waste Management Rules, 2016 suggested MOEF & CC to revisit the buffer zone in respect of distance. The Central Pollution Control Board in its 182nd meeting agreed for revisiting of Guidelines.

It is decided that following changes have been made as mentioned at page no.13 of aforesaid Guidelines;

1. **Land of 200-500 m from the boundary of the processing unit is excluded for setting up the facilities but it is mandatory outside the project site as "No development area" for 30 years.**
2. **"No development area" can be utilized for agriculture purpose.**

(A. Sudhakar)
Member Secretary

To,
(As per list attached)
All SPCBs/PCCs

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

CP-99/143/2021-UPC-II-HO-CPCB-HO

May 26, 2022

To,

The Chairman
All SPCBs/ PCCs

Sub: Directions under Section 5 of Environment (Protection) Act, 1986 for implementation of the Solid Waste Management Rules, 2016-regarding Fire Incidents at MSW Dumpsites.

WHEREAS, the Ministry of Environment, Forest & Climate Change has notified Solid Waste Management Rules on April 08, 2016 which inter-alia state procedures for Solid Waste Management;

WHEREAS, in accordance with Rule 11(d) of the Rules, it is the duty of the State/UT Urban Development Department to ensure implementation of provisions of these Rules by all local authorities;

WHEREAS, in accordance with Rule 15(a) of the Solid Waste Management (SWM) Rules, 2016, the local authorities and Panchayats should prepare a solid waste management plan as per state policy and strategy on solid waste management within six months from the date of notification;

WHEREAS, in accordance with provision of Rule15(zd) of the SWM Rules, 2016, the local authorities and Panchayats shall ensure that the operator of a facility provides personal protection equipment including uniform, fluorescent jacket, hand gloves, raincoats, appropriate foot wear and masks to all workers handling solid waste and the same are used by the workforce;

WHEREAS, in accordance with provision of Rule 16 (1a) of SWM Rules, 2016, the State Pollution Control Board or Pollution Control Committee shall enforce these rules in their State through local bodies 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;

WHEREAS, MSW is being disposed of unscientifically in most cases which is one of the major causes for public nuisance due to frequent fire incidents, foul odour, generation of leachate and other adverse environmental impacts;

WHEREAS, waste disposed at dumpsites is prone to catching fire in view of inadequate waste management practices adopted at these sites;

WHEREAS, several fire incidents have been reported recently at Ghazipur & Bhalsawa dumpsites in Delhi, Manesar in Haryana and Ludhiana in Punjab;

WHEREAS, fire incidents at dumpsites may lead to severe adverse impact on environment and related health hazards. People living in and around the dumpsites are likely to be affected due to the frequent outbreaks of fire

WHEREAS, Hon'ble NGT in OA No. 286 of 2022, in reference to News item published in The Indian Express dated 20th April, 2022, titled "7 Charred to death in fire near Ludhiana dumpsite" issued the following Directions:

"*CPCB to collect information about garbage dumpsites from all States/ UTs in respect of at least Metro cities and issue statutory directions / guidelines for preventing such fires and handling them effectively if they take place, specifying serious consequences of delay in dealing with the issue, in violation of binding rules.*"

WHEREAS, as per the information provided by SPCBs/PCCs there are 3,184 dumpsites in the country, of which XXX are located in your State/UT;

WHEREAS, CPCB had issued Directions dated October 20, 2018 regarding fire at Bhalsawa site to North Delhi Municipal Corporation in which specific measures to be taken for prevention of fire at the dumpsites had been identified which amongst others included using Construction & Demolition waste material to immediately check fire, stopping dumping of fresh waste, installation of CCTV cameras, setting up of decentralized facilities for biodegradable waste;

WHEREAS, as per Guidelines for Disposal of Legacy Waste (Old Municipal Solid Waste) issued by CPCB, it is important to carry out comprehensive risk assessment and develop onsite emergency plan which should be kept handy prior to commencement of dumpsite bio-remediation & bio-mining;

WHEREAS, CPCB had issued following Directions dated January 27, 2021 to SPCBs/PCCs regarding biomining of legacy waste

i. SPCBs/PCCs to provide complete list of legacy waste dumpsite in their States /UTs as per format enclosed
ii. SPCBs/PCCs to ensure that necessary action for biomining and bio-remediation of these dumpsites is done by the concerned Local authorities in compliance with provisions of SWM Rules 2016
iii. SPCBs/PCCs shall ensure that concerned Local authorities engaged in the biomining process of legacy waste follow procedures as per CPCB Guidelines for disposal of legacy waste with specific compliance to the following points:

    a. Analysis of various screened fractions i.e. RDF, fine earth / bio earth etc. prior to its disposal / utilization
    b. Preparation of action plan for utilization / disposal of screened fractions
    c. Adequate provisions for leachate treatment
    d. Maintenance of records / documents for disposal / utilization of the RDFs or fine earth and other material

iv. SPCBS shall ensure that the local bodies prepare time targeted Action Plan for biomining / bio-remediation of these dumpsites in compliance with points listed above. The timeline as specified in SWM Rules and Hon'ble NGT Directions on the matter are to be adhered to for remediation of these sites

v. SPCBs/PCCs to ensure that no fresh waste is disposed at these dumpsites and local authorities make proper arrangement for management of fresh solid waste

vi. SPCBs/PCSS to ensure that at least one legacy waste dumpsite is remediated in their jurisdiction which can be considered as model for compliance for other legacy waste dumpsites in Non-Attainment Cities

WHEREAS Hon'ble NGT in its Order dated April 22, 2022 in O.A No. 288/ 2022 regarding News item published in the Times of India dated April 22, titled "Delhi: Another long-drawn effort to douse fire at Ghazipur landfill" has stated that dumpsite may be considered as isolated and vulnerable site which require On-site and Off-site Fire and other disaster management plans; **AND**

WHEREAS, CPCB made the following observations based on inspected various dumpsites, where bioremediation of legacy waste is being carried out:

i. Fresh solid waste continued to be dumped at these dumpsites.

ii. Fire incidents have been reported at locations where fresh waste is being dumped

iii. Inaccessible slopes of garbage were observed

iv. No standard operating plan in place for prevention and management of dumpsite fires

v. Cause of fire incident reported is excess release of Methane (CH_4) gas due to anaerobic decomposition of the bio-degradable organic waste, high temperature and dry atmospheric conditions.

vi. Partial fencing with barbed wire provided at the boundary observed.

vii. Police patrolling the site not observed.

viii. No fire tender observed at site.

ix. Anti-Smog Gun have been installed which were not found in use; **AND**

NOW THEREFORE, in view of above and in exercise of powers vested under section 5 of Environment (protection) Act, 1986 to the Chairman, Central Pollution Control Board (CPCB) the following directions are issued for compliance;

i. Provide updated information w.r.t Directions dated 27.1.21 regarding biomining issued to SPCBs/PCCs. It is to be ensured that updated information w.r.t at least all Metro cities is provided in accordance with NGT Directions

ii. Direct State UDDs to conduct comprehensive risk assessment studies and accordingly prepare detailed On-site Emergency Plan for each dumpsite located in their jurisdiction addressing the following issues:

   a. The onsite emergency plan to cover potential risks / emergencies due to fire, obnoxious / flammable emissions, odour, vector borne diseases,

rodents, bird nuisance, seasonal affects i.e. summer / winter / monsoon (rainy season) and all other potential risks at the dumpsites.

b. The onsite emergency plans to address the worst possible case scenarios preferably using appropriate risk assessment softwares covering any or all of the potential emergency issues / scenarios cited above.
c. The on-site emergency management plan to cover likely affected geographical area including population, flora & fauna in and around the dumpsites
d. The on-site emergency plan to contain detailed remedial measures both hardware and software based for mitigating various emergency situations, which should finally be available with respective control rooms and on-site emergency notice boards.

iii. To direct District Collector or District Emergency Authority designated by the State Government for integrating such (dumpsites) On-site Emergency Plans with the existing Off-site District Disaster Management Plans in their respective Districts, prepared by the Local Authorities in compliance with Rule 14 of The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989

iv. The State / UT Authorities to prepare the on-site & off-site (or update off-site) emergency management plans preferably through an expert agency on the subject.

v. The following interim measures to be implemented on priority till the time On-site/Off-site Emergency Plans are prepared and implemented.

a. **Disposal of Waste**: Fresh waste not to be disposed at the dumpsite where bio-remediation is being undertaken. Organic waste from slaughter house, fish market etc., industrial waste not to be disposed at the dumpsite. It is to be further ensured that industrial waste / E-waste / lithium battery is not dumped at the site. Waste that is being unloaded at the site should be examined visually for potential fire sources fire sources when located, should be neutralized with cover material immediately. Emergency tipping area to be provided to set aside from the immediate working area where incoming loads of material known to be on fire or suspected of being so can be deposited, inspected and dealt with.Adequate compacting of waste to be done to minimize formation of air or methane pockets which can lead to subsurface fire at site
b. **Monitoring at dumpsites**: Methane Gas Detectors (on downwind side) to be installed at site so that area with high methane concentration can be identified and preventive actions be undertaken. Further temperature at windrows to be monitored with non-contact infrared thermometer (as used for monitoring human body temperature under COVID circumstances) and recordsbe maintained for any major deviations. The temperature is to be in the range of 35°C to 59°C. Treated leachate / water to be sprayed on the waste when rise in temperature is observed

at the bioremediation site. Suitable mechanism to be in place.Installation of CCTV cameras at the site and provision of fencing & frequent patrolling to be donefor checking unauthorized entry at dumpsite

c. **Arrangements for Fire Extinguishing**: Arrangements for adequate storage of sand / chemical fire extinguishing medias such as foam or powder at site to be made to douse fire in case a fire incident is reported. Usage of water for dousing fire to be avoided. Isolation and allowing rapid natural burnout or smothering with soil to be done for dousing dumpsite fires. Dedicated fire tenders (preferably chemical extinguishing media) and adequate fire safety measures are to be deputed, specifically during summer season when dumpsites fire is more likely to take place. All mobile equipment or vehicles should be fitted with fire extinguisher and spark arrester

d. **Health &Safety of Workers**: Fire protection measures and safety equipment to be provided to all workers at the site and checked before entry to the dumpsite. Workers to be trained for detection of fire and necessary action to be taken in case of fire. Periodic training of workers be conducted in Safe handling of Waste, PPE's, Health & Safety issues etc

e. **Mock Drills & safety audits**: Periodic mock drills to be conducted to prevent fire accidents at dumpsites. Quarterly, Fire Safety and Hazardous Emissions Audits to be conducted.

SPCBs/PCCs are hereby directed to submit action taken report within 15 days for Action Point listed at (v) above. Action taken report for Points (i-iv) to be provided within thirty days of receipt of these Directions

(Naresh Pal Gangwar)
Chairman

Copy to:

1. **Additional Secretary (CP Division)**
   Ministry of Environment, Forests & Climate Change,
   Indira Paryavaran Bhawan, Jor Bagh Road,
   New Delhi - 110003 : for information please

2. **DH-IT Division, CPCB** : for uploading on website please

(Prashant Gargava)
Member Secretary

O/C

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

ORIGINAL APPLICATION NO. 395 OF 2022

DR. GAURAV AGGARWAL VS CENTRAL POLLUTION CONTROL BOARD & ORS

To

1. **THE MEMBER SECRETARY,**
   Central Pollution Control Board,
   Parivesh Bhawan, East Arjun Nagar, Delhi-110032 (RESPONDENT NO. 1)

2. **THE HEALTH SECRETARY,**
   Chandigarh Administration, PQXR+HCH,
   9-D, Sector 9, Chandigarh-160009 (RESPONDENT NO. 2)

3. **THE MEMBER SECRETARY,**
   Chandigarh Pollution Control Committee,
   Paryavaran Bhawan, Ground Floor, Sector-19B,
   Madhya Marg, Chandigarh-160019 (RESPONDENT NO. 3)

4. **THE MUNICIPAL COMMISSIONER,**
   Chandigarh Municipal Committee,
   PQQP+V84, Madhya Marg, Bridge Market, 17C,
   Sector 17-C, Chandigarh-160017 (RESPONDENT NO. 4)

NOTICE

Whereas the above titled Application was listed before the Tribunal on 27.05.2022 (copy of order as well as petition is enclosed), when the Tribunal inter-alia passed the following order (reproduced relevant extracts only):-

> ***"Para 6:- Let notices be issued to respondents requiring them to file replies specifically responding to all material averments made in the application within one months. Respondents No. 3 & 4 shall in particular mention all relevant details of steps taken by them for compliance with the environmental norms, rules and regulations in collection and disposal of solid waste and related management and particularly with the directions given vide orders dated 26.03.2019 and 10.01.2020 passed by this Tribunal in O.A No. 606/2018 titled as In re: Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues.***
>
> -******-

2. Now, take further notice that the above matter will be listed for further consideration before the Hon'ble Tribunal on 29th July, 2022, at **Faridkot House, Copernicus Marg, New Delhi-110001** through physical hearing (with hybrid option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed, and file replies, as per directions of the Hon'ble Tribunal vide Order dated 27.05.2022.

3. Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

4. Given under my hand and the seal of this Tribunal, on this 04th June, 2022.

Note: *(For Orders, Cause Lists & other information, please visit our website www.greentribunal.gov.in)*

4/6/2022

Consultant (Judicial), NGT

NATIONAL GREEN TRIBUNAL (Principal Bench), New Delhi

Item No.3 (Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH

(By Video Conferencing)

Original Application No. 395/2022

Dr. Gaurav Aggarwal Applicant

Versus

Central Pollution Control Board & Ors. Respondents

Date of hearing: 27.05.2022

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Applicant: Applicant in person

ORDER

1. Dr. Gaurav Aggarwal has filed the present application under Section 18(1) read with Sections 14, 15, 16 & 17 of the National Green Act 2010, seeking the following reliefs.

> *"i. It is prayed that a strict policy be framed in Chandigarh for collection, transportation and final disposal of all types of waste taking into account the waste characterization and as per the guidelines framed by CPCB with local adaptation;*
>
> *ii. It is further prayed that a state level committee be formed under senior Judiciary member involving experts from Chandigarh and nearby areas and environmental health experts in particular who will continuously monitor the progress based on actual data and not fabricated data. Hon'ble Bench may issue the directions to involve applicant in the committee as he himself has worked towards waste management and is Public Health Expert and specialized in waste management; and*
>
> *iii. A stricter orders be passed with monetary punishment to be paid from personal pocket not from the Government funds to the erring officials if they fail to comply with the orders as has been evident in the past to protect the human right to clean air, safe drinking water and others."*

2. The applicant has submitted that the Chandigarh Municipal Corporation has failed to comply with Solid Waste Management Rules 2016 in terms of its collection, transportation and final disposal of solid waste. The Solid Waste Management Plant was setup in the year 2008 at huge cost and the Chandigarh Municipal Corporation has also paid hefty amount to Jaypee Group but the plant is not operational which has led to dumping of tonnes of waste into dumping ground around the area in question. The machinery installed in the plant is not up to the mark and is not of the capacity to handle the waste. The people living around the dumping site are suffering from various diseases like Skin, Asthma, Cancer etc. Till date, leachate has never been treated and no remedial steps have been taken. The walls of Solid Waste Management Plant have collapsed several times due to expansion of dumped solid waste which is also leading to soil contamination of nearby agriculture fields. Several incidents of outbreak of fire have taken place at the dumping site causing massive air pollution. No care has been taken till date regarding emissions of gases which are neuro toxic in nature and can even lead to paralysis. No waste characterization has been carried out so far to remedy the solid waste menace. During rainy season these dumping sites emit foul smell intolerable to the residents of the nearby areas. The Chandigarh Municipal Corporation is not following the environmental norms, rules and regulations.

3. The applicant has also attached brief note presenting the grounds for filing the case. In the brief note, it has been submitted that landfills are a major contributor to the world's anthropogenic greenhouse gas emissions and contamination of surface and ground water by leachate. People living nearby to landfill site suffer from diseases. Nothing has

been done in the direction of ensuring proper conversion of the waste to compost. No concrete steps have been taken to get relived from the legacy waste. No proper segregation of the waste of various categories from collection till disposal is being carried out. The concerned officers do not have the background/training and have failed to manage solid waste

4. We have heard learned Counsel for the applicant and gone through the relevant record.

5. The averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010 and non-compliance of environmental norms, rules and regulation on the part of Chandigarh Municipal Corporation.

6. Let notices be issued to respondents requiring them to file replies specifically responding to all material averments made in the application within one months. Respondents No. 3 & 4 shall in particular mention all relevant details of steps taken by them for compliance with the environmental norms, rules and regulations in collection and disposal of solid waste and related management and particularly with the directions given vide orders dated 26.03.2019 and 10.01.2020 passed by this Tribunal in **O.A No. 606/2018 titled as In re: Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues**.

7. The applicant is directed to take requisite steps for service of notices on the respondents and file affidavit regarding the same by email at judicial-ngt@gov.in within seven days.

8. List the matter for further consideration on 29.07.2022.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 27, 2022
Original Application No. 395/2022
AG