

# 3676

**BEFORE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**IN**

**ORIGINAL APPLICATION NO. 606 OF 2018**

**IN THE MATTER OF:**


**COMPLIANCE OF MUNICIPAL SOLID WASTE MANAGEMENT RULES, 2016 AND  
OTHER ENVIRONMENTAL ISSUES**

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New Delhi



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**Observation note by the Amicus Curiae to Status Report/ Compliance Affidavit filed by the Respondent State of Haryana**

It is respectfully submitted that the undernoted observations emerge from the affidavits and compliance reports filed in the above-captioned matter by the States of Haryana

S.NO	TOPIC	OBSERVATION
1.	Population	i. Total population in the State- 25,351,462 ii. Total ULBs- 87
2.	Solid waste (pg. 3542)	i. GAP in processing- 3055.46 TPD (gap table @ 3566/ timeline table- 3609) ii. Total waste generated (urban)- 6927.18 TPD (pg. 3570) iii. Total waste collected- 6927.18 TPD iv. Total waste transported- 6927.18 TPD v. Total waste processed- 3871.72 TPD residue is used for filling low lying areas (at some places inert is used for filling low lying areas- Barara Ambala, Charkhi dhari, barwala, hisar, hansi, bahadurgarh. Jhajhar, beri etc. -(pg. 3559)

		<ul style="list-style-type: none"> <li>vi. Total waste disposed in landfill- 3055 TPD</li> <li>vii. WTE Plant (Faridabad)- 1 @ 750 TPD (8MW). Daily input in WTE is 481.5 TPD. (pg. 3558)</li> <li>viii. Fly ash &amp; bottom Ash (WTE)- used as construction material (15%) and filling of low lying areas. (pg. 3558).</li> <li>ix. Inert &amp; Silt- 541.47 TPD</li> <li>x. Compost generated- 2177.80 TPD (pg. 3546)</li> <li>xi. Compost utilised for – Agri, horticulture, park, self-consumption by the agency, fertilizer company, <i>Filling low lying areas</i>: Yamunagar and Ambala.. (residue and reject are also dumped for filling low lying areas)</li> <li>xii. RDF utilisation- mostly to <i>fill low lying areas, SLF and landfill</i>. Some <i>inert</i> is also used as back filling</li> <li>xiii. C&amp; D plant- no information provided</li> <li>xiv. Bio- methanation plant- no information provided</li> <li>xv. Sanitary waste collection &amp; processing- no information provided</li> <li>xvi. Quality of compost- information not provided</li> <li>xvii. Plastic waste- no information provided</li> </ul>
3.	Legacy waste (pg. 3571)	<ul style="list-style-type: none"> <li>i. Total identified LWS- 62 (pg. 3575)</li> <li>ii. Total legacy waste- 3460234.83 MT</li> <li>iii. Daily waste added to legacy waste- 3055 TPD (5.62 lakh MT)</li> <li>iv. Leachate disposal- no information provided</li> <li>v. Legacy waste remediated- 82 LMT</li> <li>vi. Total land recovered- 176 acres (14 sites)</li> <li>vii. Inert &amp; Silt utilisation- for filling of low lying areas</li> <li>viii. RDF utilisation- filling of low lying areas</li> <li>ix. Soil and groundwater Remediation plan - no information provided</li> <li>x. Utilisation plan for recovered land- no information provided</li> </ul>
4.	Liquid waste (pg. 3617)	<ul style="list-style-type: none"> <li>i. GAP- 553 MLD</li> <li>ii. Total sewage generation- 2239.88 MLD (pg. 3621)</li> <li>iii. Total STPs- 81 functional STPs (pg. 3638)</li> </ul>

		<ul style="list-style-type: none"> <li>iv. STP operational capacity- 2374.7 MLD</li> <li>v. STP utilised capacity- 1257.06 MLD</li> <li>vi. STP sludge utilisation- 803.8175 MTD/ Agri, landfilling (pg. 3675)</li> <li>vii. Final discharge of drains- farmers field, Yamunaji, Najafgarh drain/ Sahibi river, sub drains, etc.</li> <li>viii. Water quality analysis of rivers/ streams- no information provided</li> <li>ix. Water quality analysis of STP inlet- no information provided</li> <li>x. Water quality analysis of STP outlet- no information provided</li> <li>xi. Number of sewage drains- (pg. 3622) complete info not provided</li> <li>xii. Number of storm water drains used for sewage disposal- no information provided</li> <li>xiii. Number of streams used for sewage disposal- no information provided</li> <li>xiv. Household connections- information not provided</li> <li>xv. Industrial effluent discharged- information not provided</li> <li>xvi. Flood plain zoning of streams/ rivers/ storm drains/ water bodies- no information provided</li> </ul>
5.	Ring fenced account	<ul style="list-style-type: none"> <li>i. Account opened-</li> <li>ii. Amount deposited-</li> <li>iii. Amount Utilised- 201960.73 lakhs</li> </ul> <p><i>“Urban Local Bodies Department and Municipalities have sufficient funds to tackle the various sanitation activities in the coming years and there is <b>no scarcity of funds in Urban Local Bodies Department in respect to dealt with Municipal Solid waste.</b> So, opening of ring-fenced account for Urban Local Bodies Department to tackle Municipal Solid Waste is <b>not required.</b>”</i> (pg.3539)</p>

**OBSERVATION****A. SOLID WASTE MANAGEMENT: Collection at 100%, Processing at 55.9%**

The most intriguing information in the compliance affidavit filed by the State of Haryana is the arithmetic it itself presents: the State claims that waste generated (6,927.18 TPD), waste collected (6,927.18 TPD), and waste transported (6,927.18 TPD) are all identical — each equal to the quantum of generation. In other words, the State asserts 100% collection and transportation of all solid waste generated. Yet, simultaneously, the State discloses that total waste processed is only 3,871.72 TPD — leaving a processing gap of 3,055.46 TPD (p. 3566/p. 3609), which is equivalent to 44.1% of total waste generated remaining unprocessed.

What the data actually reflects is that 3,055.46 TPD of waste is being deposited daily at legacy waste sites without any processing — i.e., it is being openly dumped in a low lying area or elsewhere. This is not collection followed by disposal; it is dumping, clothed in the language of transport.

The use of fly ash and bottom ash from the Waste-to-Energy (WTE) plant to fill low-lying areas (p. 3558) is a matter of particular regulatory concern. Fly ash and bottom ash generated from the incineration of municipal solid waste may contain concentrated heavy metals including lead, cadmium, mercury, chromium, arsenic, and dioxins/furans — substances that are not present in the original waste in such concentrated forms but are generated or concentrated by the combustion process. Disposal of such ash in unlined low-lying areas permits leaching of these heavy metals into soil and groundwater.

**The 'Low-Lying Area' Euphemism: A Pattern of Unscientific Disposal**

Perhaps the most alarming pattern that emerges from the State's compliance affidavit is the repeated use of "*filling of low-lying areas*" as the stated destination for multiple categories of waste. This has been mapped in the disclosure across every waste stream reported by Haryana:

Parameter	Quantum / Status (Page Reference)
Waste Stream	Stated Destination: 'Low-Lying Areas'
Processing residue and reject waste	Yes — Barara Ambala, Charkhi Dadri, Barwala, Hisar, Hansi, Bahadurgarh, Jhajjar, Beri (p. 3559)
Fly ash and bottom ash from WTE plant	Yes — 85% (only 15% as construction material) (p. 3558)
RDF (Refuse Derived Fuel)	Yes — used to fill low-lying areas, SLF, and landfill
Compost residue (Yamunanagar, Ambala)	Yes
Inert waste and silt (541.47 TPD)	Yes
Daily unprocessed waste (3,055 TPD)	Yes — deposited at LWS (p. 3575)

It is pertinent to note, that (p. 3566) with respect to Ambala, which discloses zero legacy waste sites and simultaneously discloses zero gap in generation and processing. The inference to be drawn is that processing residue, reject, and inert waste from Ambala are being diverted to low-lying areas, thereby avoiding the disclosure of a Legacy Waste Site.

## B. LEGACY WASTE MANAGEMET

The State of Haryana reports a total of 62 identified legacy waste sites carrying 34,60,234.83 metric tonnes of accumulated waste (p. 3575). To this quantum, the State is adding 3,055 TPD of unprocessed waste every single day — which translates to approximately 5.62 lakh metric tonnes per annum. In the light of this information, believing that several big ULBs have attained zero legacy waste sites is not factually accurate.

While the State reports having remediated 82 LMT of legacy waste and recovered 176 acres across 14 sites, no soil and groundwater remediation plan for the remediated or the existing sites has been placed on record. No leachate collection system data has been disclosed. There is no plan for the utilisation of the 176 acres of land already recovered.

**C. LIQUID WASTE MANAGEMENT**

Haryana's installed STP capacity nominally exceeds its sewage generation. The installed capacity surplus over generation is thus rendered meaningless by the gross underutilisation of existing STPs — a utilisation rate of only **52.93%** of installed capacity.

This 553 MLD of untreated sewage does not disappear. The compliance affidavit itself discloses (p. 3622) that the final discharge destinations of drains carrying sewage from Haryana's urban areas include farmers' fields, River Yamuna, the Najafgarh Drain/Sahibi River, and sub-drains.

The State has not disclosed any data on household connections to the sewer network, the extent of sewer network coverage, or the percentage of urban households generating sewage that is in fact reaching an STP.

**D. RING FENCED ACCOUNT**

The State has stated, at page 3539 of the affidavit, that because the Urban Local Bodies Department has "sufficient funds", the opening of a ring-fenced account is "not required". This Tribunal records its categorical rejection of this position.

A State generating 6,927.18 TPD of waste and adding 3,055 TPD to legacy dumps daily — claiming that its funds are sufficient and therefore ring-fencing is unnecessary, is difficult to reconcile with the ground reality disclosed by its own affidavit.

**SUGGESTIONS:**

Accordingly, the following suggestions are respectfully proposed to ensure time-bound compliance, strengthen institutional accountability, enhance environmental safeguards, and align implementation with statutory mandates and judicial directions.

1. The State should, within 30 days from the date of order, submit to this Hon'ble Tribunal a district-wise and ULB-wise Time-Bound Action Plan for eliminating the solid waste processing gap of 3,055.46 TPD.
2. Direct immediate cessation of:
  - a) dumping in low-lying areas,

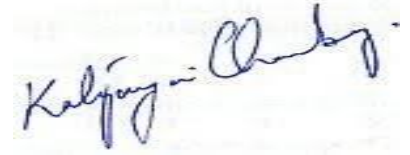
- b) unscientific backfilling using waste rejects,
  - c) open pit processing.
3. Direct scientific remediation of all legacy waste sites within a fixed timeline.
  4. The Haryana State Pollution Control Board (HSPCB) should, within thirty days, independently verify the legacy waste site data reported in the compliance affidavit, including by physical inspection of sites in major ULBs where zero LWS have been reported.
  5. The State should, within thirty days from the date of this order, file a ULB-wise statement disclosing: (a) total urban households; (b) number of households connected to the sewer network as of March 2026; (c) percentage coverage; (d) the quantum of sewage that is, on account of absent household connectivity, flowing through open drains rather than to an STP; and (e) a time-bound plan for achieving 100% household sewer connectivity in each ULB, with quarterly targets.
  6. The State may, within thirty days from the date of order, file a disclosure of all industrial effluent generated in urban areas across Haryana, the treatment capacity of ETPs and CETPs, the quantum of industrial effluent treated and untreated, and the discharge destinations.
  7. Direct installation of:
    - a) leachate treatment systems,
    - b) methane capture systems,
    - c) continuous emission monitoring systems (OCEMS),
    - d) groundwater monitoring wells.

The observation note is respectfully submitted for the kind perusal of the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

AND FOR THIS ACT OF KINDNESS, THE ADVOCATE AS IN DUTY BOUND SHALL EVER BE GRATEFUL.

Dated: 22.05.2026  
New Delhi

3684

A handwritten signature in blue ink, appearing to read 'Katyayni Chaubey'.

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