

234

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 1257 of 2024

In the matter of:

Gaur Green Vista

...Applicant

Versus

State of UP & Ors.

...Respondents

Index

Sr. No.	Particulars	Page No.
1.	Reply on behalf of the Respondent No. 02, Central Pollution Control Board (CPCB) in compliance of Hon'ble NGT order dated 25.10.2024 in Original Application No. 1257/2024.	
2.	ANNEXURE-I A copy of the Hon'ble NGT Order dated 25.10.2024 in Original Application No. 1257/2024	
3.	ANNEXURE-II A copy of letter dated 23.12.2024 issued by CPCB to Uttar Pradesh Pollution Control Board (UPPCB)	
4.	ANNEXURE-III A copy of reminder letter dated 16.01.2025 issued by CPCB to UPPCB	
5.	ANNEXURE-IV A copy of information provided by the Regional Office, Noida, UPPCB	
6.	ANNEXURE-V A copy of nomination letter issued by CPCB in compliance of Hon'ble NGT order dated 25.10.2024	
7.	ANNEXURE-VI A copy of directions issued by CPCB regarding biomining of legacy waste vide dated 27.01.2021	
8.	ANNEXURE-VII A copy of directions issued by CPCB regarding fire incidents at MSW Dumpsites vide dated 26.05.2022	

Srinivas Vishven

**Filed by: Adv. Srinivas Vishven
On behalf of Central Pollution Control Board**

Place: Delhi

Date: 17.02.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 1257 of 2024

In the matter of:

Gaur Green Vista

...Applicant

Versus

State of UP & Ors.

...Respondents

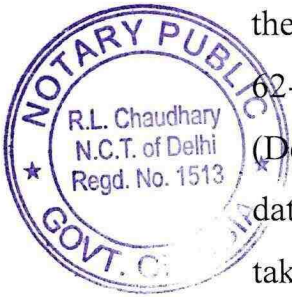
REPLY ON BEHALF OF THE RESPONDENT NO. 02: CENTRAL
POLLUTION CONTROL BOARD (CPCB)

1. That the answering Respondent, Central Pollution Control Board (hereinafter referred to as "CPCB"), is constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "Water Act"). The CPCB is mandated to discharge its functions under the provisions of the Water Act, the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "Air Act"), and the Environment (Protection) Act, 1986 (hereinafter referred to as "EP Act").
2. That the present reply is being submitted pursuant to the directions issued by the Hon'ble National Green Tribunal (hereinafter referred to as "NGT") vide its order dated 25.10.2024 (**Annexure-I**), wherein the answering Respondent has been directed to submit its response regarding the illegal dumping of



municipal solid waste (hereinafter referred to as "MSW") at Makanpur Colony, Sector 62-A, Noida.

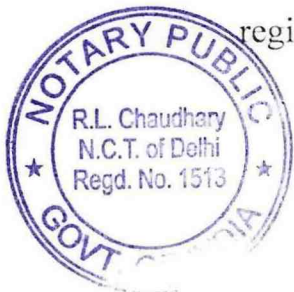
3. That at the outset, the answering respondent denies all claims, contentions, allegations and averments against answering respondent CPCB in the above Original Application (hereinafter referred as OA) contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial, save any averment which has been expressly admitted hereinafter.
4. That it is humbly submitted that the CPCB, in its regulatory capacity, issued a letter dated 23.12.2024 (**Annexure-II**) to the Uttar Pradesh Pollution Control Board (hereinafter referred as UPPCB) to coordinate with the concerned authority and provide a status cum action-taken report regarding the illegal dumping of municipal solid waste at Makanpur Colony, Sector 62-A, Noida, located around 200 meters from the National Expressway-3 (Delhi-Meerut Expressway). Subsequently CPCB issued a reminder letter dated 16.01.2025 (**Annexure-III**) to UPPCB to furnish a status cum action-taken report in the matter.
5. That as per the information provided by the Regional Office, Noida, UPPCB (**Annexure-IV**), the total MSW generation in Noida is **800 TPD (tonnes per day)**, which is processed through the following mechanisms:
 1. **426 TPD** through composting,
 2. **14 TPD** through biomethanation,
 3. **320 TPD** through a Material Recovery Facility (MRF),



4. **40 TPD** of sanitary and domestic hazardous waste is sent to **Synergy Waste Management Pvt. Ltd., Meerut** for treatment and disposal. However, it is observed that M/s Synergy Waste Management Pvt. Ltd., Meerut, is a Bio-medical waste management facility. Hence, UPPCB may examine the same and take appropriate action.
6. That the Hon'ble NGT, vide its order, has constituted a **Joint Committee** comprising representatives from:
- CPCB (Member Secretary),
 - UPPCB (Member Secretary),
 - Regional Office, MoEF&CC, Lucknow,
 - District Magistrate, Gautam Buddha Nagar (Coordinating Agency).

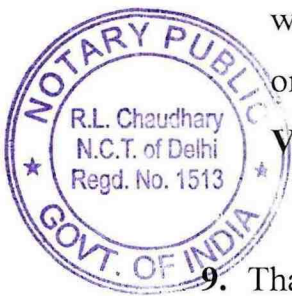
CPCB communicated its nomination vide letter dated 04.12.2024 (**Annexure-V**) to the District Magistrate. A **joint committee site visit** was conducted on **20.12.2024**, wherein officials conducted an extensive survey of the waste disposal site and recorded critical findings regarding improper waste management practices.

7. That it is submitted that, as per information provided to the Joint Committee by UPPCB & Nagar Palika Khoda Makanpur, the site details and status of waste disposal is as given below:
- The waste disposal site is situated at Khoda Makanpur, Sector 62 A, Noida (Latitude: 28.629924, Longitude: 77.352690), covers an area of about 80,000 m². The said site is in possession of New Okhla Industrial Development Authority (NOIDA) however, for purpose of construction of Sewage Treatment Plant (STP), a land parcel of 16,000 m² has been registered in name of Nagar Palika, Khoda Makanpur. The waste is being



disposed at site since 2016-17. Presently, 72,009.30 MT (estimated during Oct-2024) of legacy waste has been disposed at the site covering an area of 28,128.633 m² having average height of 3.2 meter. At the time of inspection, both legacy and fresh waste were found dumped, with no leachate management or waste processing facility available therein.

- On the said site, an area of around 1500 m² has been earmarked for collection of 105 TPD daily waste generated from Nagar Palika, Khoda Makanpur. Executive Officer, Khoda Makanpur has informed the Committee that the fresh waste is being collected at said location and is being sent to M/s Brij Enterprises at Village Nahal, Dasna, Ghaziabad for further processing. However, details of processing were not provided. Further, the officials from Khoda Makanpur Nagarpalika & Noida Authority stated that no waste from Ghaziabad is dumped there. Additionally, officials of Noida Authority informed that its approved vendors are not authorized to dispose the waste at the site.
 - Report of the Joint Committee shall be submitted by District Magistrate Gautam Buddha Nagar (Nodal agency).
8. That, CPCB had issued directions under Section 5 of Environment (Protection) Act, 1986 to all SPCBs/ PCCs regarding biomining of legacy waste on January 27, 2021 and regarding fire incidents at MSW Dumpsites on dated May 26, 2022. Copies of the directions are placed at (**Annexure - VI & VII**).
9. That it is humbly submitted that UPPCB to take necessary action, monitor and ensure compliance of the provision of SWM Rules and aforementioned



Directions issued by CPCB under Section 5 of E(P) Act, 1986 by the concerned local authorities

10. That it is humbly submitted that the answering respondent craves leave of the Hon'ble Tribunal to file additional replies in the future if required.
11. That, in the light of the above submissions, it is most respectfully submitted that the answering respondent CPCB shall abide by the order (s) and/or direction(s) passed by this Hon'ble Tribunal in the instant case.



Suniti Parashar

(Suniti Parashar)

Scientist 'D'

Central Pollution Control Board

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 1257 of 2024

In the matter of:

Gaur Green Vista

...Applicant

Versus

State of UP & Ors.

...Respondents

AFFIDAVIT

I, Suniti Parashar working as Scientist 'D' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 2 in the above matter, do hereby solemnly affirm, declare on oath and state as under: -

1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.



3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Suniti Parashar

DEPONENT

सुनीति पराशर / Suniti Parashar
 वैज्ञानिक 'घ' / Scientist 'D'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (Ministry of Environment, Forest & Climate Change, Govt. of India)
 दिल्ली-110032

VERIFICATION

17 FEB 2025

Verified at New Delhi on this day of _____ 2025 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis- stated.



ATTESTED
[Signature]
 NOTARY PUBLIC
 GOVT. OF INDIA
 17 FEB 2025

Suniti Parashar

DEPONENT

सुनीति पराशर / Suniti Parashar
 वैज्ञानिक 'घ' / Scientist 'D'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (M/o Environment, Forest & Climate Change, Govt. of India)
 परियेश भवन, पूर्वी अर्जन नगर, दिल्ली-110032
 Delhi-110032

Item No.05

Court No. 1

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

Original Application No.1257/2024

Gaur Green Vista

Applicant

Versus

State of UP & Ors.

Respondent(s)

Date of hearing: 25.10.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Saurabh Sharma, Adv.

ORDER

1. In this Original Application the applicant, which is a residential society with about 454 flats, has raised a complaint about the illegal dumping of municipal solid waste at Makanpur Colony, Sector 62-A, Noida.

2. The plea of the applicant is that the place of dumping is situated about 200 meters from the National Expressway-3 (Delhi-Meerut Expressway and about 3 km from the Delhi-Ghaziabad border) and less than 10 km away from Hindon Air Force Station and Hindon Airport.

3. Submission of the learned Counsel for the Applicant is that the municipal solid waste is illegally dumped in an area of about 1 sq. km. which is emitting a foul smell and making it difficult for the residents of the area to live peacefully.

4. Learned Counsel for the Applicant during the course of hearing has referred to the photographs collectively filed as Annexure A-2 to show the

extent of garbage that has been dumped. He has submitted that the garbage has been dumped by the Ghaziabad Development Authority, Nagar Nigam Ghaziabad and Noida Authority illegally, and it is not a designated dump site. Along with the OA, certain news reports have also been filed as Annexure A-3 reflecting the problem that has been created on account of the illegal dumping in the area concerned. Referring to Annexure A-4, he has submitted that though the complaints were made to the Authorities, no action has been taken till now.

5. Issue Notice to the Respondents for filing their replies by way of affidavit at least one week before the next date of hearing.

6. The Applicant is directed to serve the Respondents and file affidavit of service.

7. Having regard to the seriousness of the allegations made in the OA, we also constitute a joint Committee comprising of representative of Member Secretary, CPCB, Member Secretary, UP PCB. Regional Officer, MoEF&CC, Lucknow and District Magistrate, Gautam Budh Nagar who will act as the coordinating agency. The Committee will visit the site, will ascertain the extent of garbage that is dumped and the area covered with the dumped municipal solid waste and the Authorities/persons responsible for dumping it and also suggest punitive and remedial measures.

8. The Committee will submit the report within eight weeks.

9. In the meanwhile, the authorities are directed to ensure that no illegal dumping of solid waste in the area concerned takes place.

10. List on 18.02.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

October 25, 2024
Original Application No.1257/2024
A..



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.

Speed Post/email

File No CM -13011/284/2024-LAW-HO-CPCB-HO

23.12.2024

To,

The Member Secretary
Uttar Pradesh Pollution Control Board (UPPCB)
Building No. TC-12V, Vibhuti Khand, Gomti Nagar, Lucknow-226 01 (Uttar Pradesh)

Subject: Compliance of Hon'ble NGT, PB order dated 25.10.2024 in the matter of Gaur Green Vista Vs. State of UP & Ors (OA No.1257/2024)-reg.

Sir,

This is in reference to the above-mentioned order (Enclosed) issued by Hon'ble National Green Tribunal (NGT) wherein notice has been issued to respondents for their filling replies.

In the Original Application, the applicant, a residential society comprising approximately 454 flats, has raised a complaint about illegal dumping of municipal solid waste at Makanpur Colony, Sector 62-A, Noida. The dumping site is located around 200 meters from the National Expressway-3 (Delhi-Meerut Expressway), about 3 km from the Delhi-Ghaziabad border, and within 10 km of Hindon Air Force Station and Hindon Airport. The applicant's counsel further submitted that municipal solid waste is being dumped illegally over an area of approximately 1 sq. km, resulting in foul smell and making it difficult for the residents of the area to live peacefully.

In view of the above, it is requested to submit detailed status including Action Taken Report of UPPCB on the matter via email at swm.cpcb@gov.in latest by 03/01/2025. It may further be noted that matter is scheduled for hearing on February 18th, 2025.

Yours faithfully

(Divya Sinha)

Director and Divisional Head, UPC-II

Encl: As above

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.

Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट /Website: www.cpcb.nic.in



246

Annexure III

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.

SPEED POST/EMAIL

File No CM-13011/284/2024-LAW-HO-CPCB-HO

Reminder

Date 16 .01.2025

To,
The Member Secretary
Uttar Pradesh Pollution Control Board (UPPCB)
Building No. TC-12V, Vibhuti Khand, Gomti Nagar, Lucknow-226010

Subject: Compliance of Hon'ble NGT, PB order dated 25.10.2024 in the matter of Gaur Green Vista Vs. State of UP & Ors (OA No.1257/2024)-reg.

Reference: CPCB letter no. File No CM-13011/284/2024-LAW-HO-CPCB-HO

Sir,

Kindly refer to our earlier letter dated 23.12.2024 wherein it was requested to provide detailed status including Action Taken Report of UPPCB on the matter regarding illegal dumping of municipal solid waste at Makanpur Colony, Sector 62-A, Noida.

This is to inform that no information has been received from your office in the matter till date. Therefore, it is again requested to submit detailed status including Action Taken Report on the matter via email at swm.cpcb@gov.in latest by January 25, 2025. It may further be noted that matter is scheduled for Hearing on February 18, 2025.

Yours faithfully,

(Divya Sinha)
Director and Divisional Head, UPC-II

Encl: As above

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.

Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट /Website: www.cpcb.nic.in

Item No.05

Court No. 1

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

Original Application No.1257/2024

Gaur Green Vista

Applicant

Versus

State of UP & Ors.

Respondent(s)

Date of hearing: 25.10.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Saurabh Sharma, Adv.

ORDER

1. In this Original Application the applicant, which is a residential society with about 454 flats, has raised a complaint about the illegal dumping of municipal solid waste at Makanpur Colony, Sector 62-A, Noida.
2. The plea of the applicant is that the place of dumping is situated about 200 meters from the National Expressway-3 (Delhi-Meerut Expressway and about 3 km from the Delhi-Ghaziabad border) and less than 10 km away from Hindon Air Force Station and Hindon Airport.
3. Submission of the learned Counsel for the Applicant is that the municipal solid waste is illegally dumped in an area of about 1 sq. km. which is emitting a foul smell and making it difficult for the residents of the area to live peacefully.
4. Learned Counsel for the Applicant during the course of hearing has referred to the photographs collectively filed as Annexure A-2 to show the

extent of garbage that has been dumped. He has submitted that the garbage has been dumped by the Ghaziabad Development Authority, Nagar Nigam Ghaziabad and Noida Authority illegally, and it is not a designated dump site. Along with the OA, certain news reports have also been filed as Annexure A-3 reflecting the problem that has been created on account of the illegal dumping in the area concerned. Referring to Annexure A-4, he has submitted that though the complaints were made to the Authorities, no action has been taken till now.

5. Issue Notice to the Respondents for filing their replies by way of affidavit at least one week before the next date of hearing.

6. The Applicant is directed to serve the Respondents and file affidavit of service.

7. Having regard to the seriousness of the allegations made in the OA, we also constitute a joint Committee comprising of representative of Member Secretary, CPCB, Member Secretary, UP PCB. Regional Officer, MoEF&CC, Lucknow and District Magistrate, Gautam Budh Nagar who will act as the coordinating agency. The Committee will visit the site, will ascertain the extent of garbage that is dumped and the area covered with the dumped municipal solid waste and the Authorities/persons responsible for dumping it and also suggest punitive and remedial measures.

8. The Committee will submit the report within eight weeks.

9. In the meanwhile, the authorities are directed to ensure that no illegal dumping of solid waste in the area concerned takes place.

10. List on 18.02.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

October 25, 2024
Original Application No.1257/2024
A..

regarding MSW Details

ro ronoida@uppcb.in
Mon, 10 Feb 2025 3:22:33 PM +0530
To "swm.cpcb" <swm.cpcb@gov.in>
Tags

as discussed with with mr.Madnesh Dubey Scientist B, CPCB required information provided by NOIDA Authority is as below-

- a. Composting (TPD) - 426 TPD
- b. Biomethanation (TPD) - 14 TPD
- c. WtE (TPD) - 0
- d. MRF (TPD) - 320 TPD
- e. Any other (TPD) - NA

Sanitary and Domestic Hazardous Waste- 40 TPD
Total MSW generation- 800 TPD

For Sanitary and Domestic Hazardous Waste-
Synergy Group

For E-waste-

- 1. RLG Soutions India Pvt. Ltd.
- 2. Green Enable IT Soutions Pvt. Ltd.



Regards
(Utsav Sharma)
Regional Officer
U. P. Pollution Control Board, Noida



251

Annexure V

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.

File No - CM-13011/284/2024-LAW-HO-CPCB-HO

Date: 04/12/2024

To,

The District Magistrate
Collectorate Office, Near Surajpur Police Station,
Surajpur, Greater Noida,
Gautam Buddha Nagar, Uttar Pradesh - 201306

Subject: Nomination of CPCB in compliance to Hon'ble NGT, PB order dated 25.10.2024, in the matter of Original Application No.1257/2024, Gaur Green Vista Vs. State of UP & Ors.

Sir,

This is in reference to the above-cited subject matter wherein the Hon'ble NGT, Principal Bench, vide order dated **25.10.2024 (Copy of the order is annexed)**, directed the following in **Paragraphs 5 and 7**, as represented below:

"5. Issue Notice to the Respondents for filing their replies by way of affidavit at least one week before the next date of hearing.

*7. Having regard to the seriousness of the allegations made in the OA, we also constitute a joint Committee comprising of **representative of Member Secretary, CPCB, Member Secretary, UP PCB, Regional Officer, MoEF&CC, Lucknow and District Magistrate, Gautam Budh Nagar who will act as the coordinating agency.** The Committee will visit the site, will ascertain the extent of garbage that is dumped and the area covered with the dumped municipal solid waste and the Authorities/persons responsible for dumping it and also suggest punitive and remedial measures."*

In compliance with the abovementioned Hon'ble NGT order, Mrs. Suniti Parashar has been nominated as CPCB official to represent the joint committee. Details are given below :

Name : Mrs. Suniti Parashar
Designation : Scientific 'C'
Email ID : suniti.cpcb@gov.in
Mobile No. : 9868819711

This issues with the approval of the Competent authority.

Yours faithfully.



(Divya Sinha)

Director & Divisional Head, UPC-II

Encl: As above

Copy to:

1. Member Secretary, UPPCB : For Information, please.
2. DH, Law Section : For information, please.
3. PS to MS : For kind formation of 'MS' Please.




(Divya Sinha)

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.
Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट/Website: www.cpcb.nic.in



252
SPEED POST

Annexure VI

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

F. No. B-11011/UPC-II/MSW(Direction)/2020-21

27 .01.2021

To,

15320-15354

The Chairman,
All SPCBs/PCCs

Direction under Section 5 of the Environment (Protection) Act, 1986 for enforcement of Provisions of Solid Waste Management (SWM) Rules, 2016 regarding bio mining of legacy waste.

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

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

WHEREAS, under Rule 15(zj) of SWM Rules, 2016 local authorities and village Panchayats shall investigate and analyse all old open dumpsites and existing operational dumpsites for their potential of bio-mining and bio-remediation and whosoever feasible, take necessary actions to bio-mine or bio-remediate the sites;

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

WHEREAS, remediation of all Dumpsites has to be completed by April 7, 2021 as per Rule 22 of SWM Rules, 2016.

WHEREAS, in compliance of Hon'ble NGT Order dated 16.01.2019 in the matter of OA no. 606/2018, CPCB published Guidelines for Disposal of Legacy waste;

WHEREAS, Hon'ble NGT has issued several Directives on the matter including the following:

Contd.

- (i) In OA no. 519/2019, all Chief Secretaries, States/UTs to ensure completion of remediation of dumpsites by October, 2020.
- (ii) In OA no. 53/2020, CPCB to complete inventorization of dumpsites in the Country.
- (iii) In OA no. 593/2017, CPCB to compile information related to Legacy Waste Management and identify gaps thereof.

WHEREAS in compliance with above orders of Hon'ble NGT, several communications dated 14.05.2020, 28.07.20 & 31.07.2020 have been issued by CPCB to States/UTs to provide requisite information on the matter.

WHEREAS complete information on the matter is yet to be received from all States/UTs.

WHEREAS, CPCB officials inspected dumpsites in various States where bioremediation of legacy waste is being carried out and made the following observation:

- i. Most of the ULBs engaged in the bio mining process of the legacy waste not following CPCB Guidelines on disposal of legacy waste.
- ii. Analysis of different screened fractions is not being carried out prior to disposal/utilization.
- iii. Poor quality of screen fractions and screened fractions not being lifted by the users.
- iv. Adequate plan for disposal of screened fractions at the dumpsites not prepared and screened fractions accumulated on site.
- v. No leachate treatment being carried out and stagnation of leachate noticed at the dumpsites.
- vi. Records/documents for the sale of the RDFs, inerts and other materials not maintained.
- vii. Fresh Solid Waste continued to be dumped at these dumpsites.

WHEREAS, vide Order dated 21-8-2020 in the matter of OA no. 681/2018, Hon'ble NGT directed CPCB to issue fresh Direction in this regard to all the State PCBs/ PCCs to coordinate with concerned Local Authorities for further Action in the matter. Further, as per the Hon'ble NGT's Direction, at least one site is to be remediated and made a model of compliance in each of the 122 Non-Attainment Cities;

Contd.

NOW THEREFORE, in view of the above and in exercise of powers delegated to the Chairman, Central Pollution Control Board (CPCB), under Section 5 of the Environment (Protection) Act, 1986, the following directions are issued for compliance:

1. SPCBs/PCCs to provide complete list of Legacy Waste dumpsites in their States/UTs as per format enclosed.
2. SPCB/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.
3. SPCBs/PCCs shall ensure that concerned Local Authorities engaged in the bio mining process of legacy waste follow procedures as per CPCB Guidelines for Disposal of Legacy Waste with specific compliance to the following points.
 - (i) Analysis of various screened fraction materials i.e. RDF, fine earth/bio earth etc., prior to its disposal/utilization.
 - (ii) Preparation of plan for utilization/disposal of screened fractions
 - (iii) Adequate provisions for leachate treatment.
 - (iv) Maintenance of records / documents for disposal/utilization of the RDFs or fine earth and other materials.
4. SPCBs/PCCs 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 timelines as specified in SWM Rules,2016 and Hon'ble NGT Directions on the matter are to be adhered to for remediation of these sites.
5. 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.
6. SPCBs 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 (NAC).

SPCBs/PCCs are hereby directed to submit action taken report within **30 days** from receipt of these Directions.


(Shiv Das Meena)
Chairman

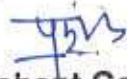

Copy to:

1. **Joint Secretary (CP),**
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi-110003

: For necessary information pls

✓ 2. **DH- IT Division, CPCB**

: For uploading on website pls


✓ **(Prashant Gargava)**
Member Secretary 



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 Rule 15(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 (CH₄) 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;

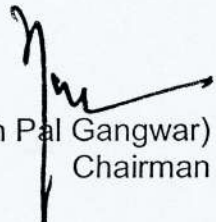
- i. Provide updated information w.r.t Directions dated 27.1.21 regarding biomining issued to SPCBs/PCCs. It is to be ensured that updated information w.r.t at least all Metro cities is provided in accordance with NGT Directions
- ii. Direct State UDDs to conduct comprehensive risk assessment studies 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 records be 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 done for 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)** : for information please
Ministry of Environment, Forests & Climate Change,
 Indira Paryavaran Bhawan, Jor Bagh Road,
 New Delhi - 110003
2. **DH-IT Division, CPCB** : for uploading on website please


 (Prashant Gargava)
 Member Secretary

o/c