

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

IA No. 689/2019

IN

Original Application No. 514 of 2018

IN THE MATTER OF:

Vivek Kamboj & Anr. Applicants

Versus

State of Haryana & Others Respondents

INDEX

Sr. No.	Particulars	Page
1.	Preliminary reply on behalf of Municipal Corporation Gurugram	2- 7
2.	Annexure – R/1 Copy of Clarification Email dated 16.11.2019 of NEERI	8-9

FILED BY:


**Additional Commissioner,
Municipal Corporation, Gurugram
C-1, Info Technology Park,
Sector 34, Gurugram
adcmc3@mcg.gov.in**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****IA No. 689/2019****IN****Original Application No. 514 of 2018****IN THE MATTER OF:**

Vivek Kamboj &Anr.

..... Applicants

Versus

State of Haryana &Anr.

..... Respondents

PRELIMINARY REPLY ON BEHALF OF MUNICIPAL
CORPORATION OF GURUGRAM.

Respectfully Showeth:-

1. That the present reply to IA mentioned above is being filed through Sh. Mahabir Parsad, HCS, Additional Commissioner - III, Municipal Corporation Gurugram, being Chairperson of Project Management Unit (PMU) of Integrated Solid Waste Management Plant for Gurugram & Faridabad Cluster who is authorized and competent to file the present reply on behalf of answering respondent.

DL

2. That the answering respondent is presently filing a preliminary reply and seek liberty from this Hon'ble Tribunal to file parawise reply with the permission of this Hon'ble Tribunal as and when need arise.
3. That applicant in the present application has raised concern of groundwater contamination based on the finding of an interim report of NEERI dated 27.08.2019. The applicant seeks following reliefs:-
 - i. Direct M/s Ecogreen Energy Pvt. Ltd. and Municipal Corporation Gurugram to remediate the ground water in and around Bandhwari plant in a time bound manner as per the CPCB Guidelines titled "Guidelines on Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty, 2015".
 - ii. Direct for proper health checkup and impact assessment of the Residents of village Gwal Pahari, Manger and Baliawas, at the cost of M/s Ecogreen Energy Pvt. Ltd. and Municipal Corporation Gurugram.
 - iii. Impose environmental compensation on M/s Ecogreen Energy Pvt. Ltd. and Municipal Corporation Gurugram under polluter pay principle.
 - iv. Direct M/s Ecogreen Energy Pvt. Ltd. and Municipal Corporation Gurugram to, in the interim, provide clean and potable water to the villages concerned for their drinking water and domestic needs.

DL

v. Pass any other orders as this Hon'ble Tribunal may deem fit in the facts and circumstances in the present case.

4. The interim report of NEERI (National Environmental Engineering Research Institute) dated 27.08.2019, referred by applicant, mentioned that ground water samples collected from three villages namely Mangar, Baliawas, Gwal Pahari surrounding Bandhwari MSW landfill site are found to be contaminated. The observation and conclusion section of the report mentions that presence of TDS, total hardness, alkalinity, nitrate and Boron in most samples indicates possibility of geo-genic contamination which is due to presence of parent rock. It is also mentioned that samples collected from village near MSW landfill site (Manger) has less parameters than the distant villages; Baliawas and Gwal Pahari. The final detailed conclusive report is still pending which will provide analysis of all aspects. Furthermore NEERI by email dated 16th Nov, 2019 has also clarified that enhanced bacteriological parameters and metal contents in the groundwater collected from three villages cannot be prematurely concluded directly linked to contamination from landfill site. Copy of email dated 16th Nov, 2019 from NEERI is annexed herewith as **Annexure-R/1**. It is humbly submitted that remedial measures as suggested in the final report shall be taken by all concerned including the answering corporation. However, interim measures taken by the answering

Corporation are given below in following paragraphs.

5. It is further submitted that, answering respondent is taking up all the precautionary measures to prevent percolation of leachate into the ground. For management & collection of leachate at site, eight leachate collection tanks with HDPE lining are constructed & functional with total capacity of 40,000 KL. All the collection tanks are made up of Geo-textile and HDPE liner (High density Polyethylene) for water proofing. The stored leachate is treated through Leachate Treatment Plant and further transported to STP Berhampur for final disposal.

In addition to this, One DTRO (Disc Type Reverse Osmosis) machine of 200 KLD is installed & operational and another one of same capacity is under process of installation at the plant site to expedite the treatment of collected leachate and to reclaim the land, occupied for storage, in shortest possible time.

6. That it is further submitted that only Municipal Solid Waste is being disposed at the Bandhwari site and no Hazardous Waste and Bio-Medical waste is disposed at the site. The State of Haryana, by notification dated 27th May 1997, has identified separate land for development and operation of Industrial Hazardous Waste Treatment and Storage Facility (TSDF) at village-Pali, District Faridabad. Presently site is operational by



GEPIL (Gujarat Enviro Protection & Infrastructure Ltd) which is authorized by Haryana State Pollution Control Board.

Additionally in accordance with Bio medical Waste Management Rules, 2016 Biomedical Waste generated from all hospitals and medical establishments is collected daily by M/s Vulcan Waste Management Pvt Ltd. (which is authorized agency from HSPCB) and same is being treated at the Bio Medical Waste Treatment and Disposal Facility in sector 37, Gurugram. Thus CPCB Guidelines titled "Guidelines on Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty, 2015" are applicable for handling and disposal of Hazardous waste and thus are not applicable on Bandhwari Plant.

7. That for providing clean and potable water, answering respondent has collected drinking water samples from tubewell in village Bandhwari, Baliawas & Gwal Pahari. Water sample has been tested chemically & bacteriologically through Public Health Engineering Department. The report of water samples are showing presence of bacteria and thus remedial measures for treatment of water has been initiated by Municipal Corporation, Gurugram. For same, MCG has initiated process of procuring & fixing of chlorinator in water tube wells to treat bacteriologically contaminated water of villages Bandhwari, Baliawas and Gwal Pahari. For

this, estimate has already been prepared and same is likely to be installed by end of April, 2020.

8. It is also submitted that answering respondent undertakes regular medical checkup on monthly basis in villages Bandhwari, Baliawas and others surrounding villages through Mobile Medical Units. These medical units undertakes health checkup of general diseases / illness and provide suitable medicines.

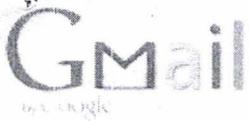
For conducting specialized camp for proper health checkup of villagers of Gwal Pahari, Mangar and Baliawas, answering respondent has approached Civil Surgeon, Gurugram to deploy team of specialist doctors and conduct specialized medical camp on 25th Feb 2020.

In view of above, it is submitted that Municipal Corporation, Gurugram is taking sincere efforts to ensure implementation of environmental safeguards. It is further undertaken to comply with the directions passed by this Hon'ble Tribunal.


Mahabir Parsad, HCS
Additional Municipal Commissioner,
Municipal Corporation, Gurugram

Place : Gurugram

Date : 18.02.2020



Re: Interim report of NEERI - Clarification

1 message

Sanjeev Goyal <sk_goyal@neeri.res.in>
To: "Executive Engineer (S) MCG" <ees@mcg.gov.in>
Cc: Sunil Gulia <s_gulia@neeri.res.in>

Sat, Nov 16, 2019 at 10:15 PM

Dear Sir,

This has reference to your mail below.

Please note the report submitted by NEERI on August 27, 2019, titled as "Brief Interim Report on Ground Water Quality Status of the Villages surrounding Bandhwari MSW Landfill Site, Gurugram, Haryana". The report presented groundwater quality data for 14 locations from three villages; Manger, Baliawas and Gwal Pahari.

The analysis indicated exceedance of a few metals in the samples and bacteriological contamination. Possible reasons/sources resulting in higher levels of these parameters are also mentioned in the brief interim report.

At this stage, the exceedance of bacteriological parameters and metal contents in the groundwater samples collected from the three villages can not be directly linked to the landfill site, and further investigations are going on.

Regards,

SK Goyal

Sr. Principal Scientist & Head
(Professor, AcSIR)
CSIR-NEERI Delhi Zonal Centre
A 93-94, Naraina Industrial Area, Phase I
New Delhi 110028
Tel: 011-45609107; Fax: 011-45609106
Mob: 09423400470 / 8800632801
Email:sk_goyal@neeri.res.in;goyalneeri@gmail.com

On 11/15/19 06:25 PM, "Executive Engineer (S) MCG" <ees@mcg.gov.in> wrote:

Dear Sir,

As you are aware that OA 514 of 2018 (relating to Bhandhwari Plant) is pending before Hon'ble NGT. In the said matter a Misc Application is filed by the applicant on the report submitted by NEERI in the areas surrounding the Bandhwari Waste Plant on August 27, 2019. As per the interim report of the NEERI in light of water sampling study. The affected villages are as follows:-

- a) Gwal Pahari
- b) Manger
- c) Baliawas
- d) Dera
- e) Bandhwari

Further the villages Dera and Bandhwari were also found to be contaminated by CPCB in August 2017 inspection report, NEERI summarized the groundwater samples collected for each of site, that water is highly contaminated bacteriologically as well as different metals depending on the locations, it is therefore recommended by NEERI water must be treated for removal of metals and also must be disinfected for pathogens before its use for any domestic purposes

In view of above Applicant prayed the following directions:

Direct M/s Ecogreen Energy Pvt Ltd and MCG to remediate the ground water in and around Bandhwari Plant in a time bound manner as per CPCB Guidelines titled "

Guidelines on Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty, 2015"

Direct the Proper health check up and impact assessment of the Residents of the villages of Gwal Pahari, Manger and Baliawas, at the cost of M/s Ecogreen Energy Pvt Ltd and MCG.

Impose environmental compensation on M/s Eco Green Energy Pvt Ltd and MCG inder polluter pays principle

Direct M/s Ecogreen Energy Pvt Ltd and MCG to, in the interim, provide clean and potable water to the villages concerned for their drinking water and domestic needs.

In view of above, it is requested to please clarify, if the water contaminated bacteriologically and with metals is due to the existence of landfill site?

Regards

Saurabh Nain

Executive Engineer, Municipal Corporation, Gurugram.