

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO.909/2018**

IN THE MATTER OF:-

CONFEDERATION OF TARNs RWAs GAZIABAD

VS.

APPLICANTS

U.P. STATE POLLUTION CONTROL BOARD

RESPONDENTS

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Pankaj Agrawal

**(PANKAJ AGRAWAL)
SCIENTIST-E**

**CENTRAL POLLUTION CONTROL BOARD,
PARIVESH BHAWAN, EAST ARJUN NAGAR,
DELHI-110032.**

DATE: 14.08.2019

PLACE: DELHI

Central Pollution Control Board, Delhi

Dated:13/08/2019

Subject: Site inspection report under Hon'ble NGT order dated 28th May, 2019 in the matter of Confederation of Trans RWA's Ghaziabad Vs U. P. State Pollution Control Board.

Introduction:

The issue for consideration is the inaction of the Municipal Corporation Ghaziabad in complying with the Solid Waste Management Rules, 2016, in not collecting garbage from Indirapuram, Vasundhara and Visalia which is being dumped at Shakti Khand, adversely affecting the air quality. There was a huge fire in the garbage on 20.10.2017 by burning of the garbage at the dump. Waste is not being segregated. Non-degradable waste is not being recycled.

Hon'ble NGT vide order dated 28 May, 2019 directed the Municipal Corporation Ghaziabad "to deposit a sum of Rs. 25 lakhs towards compensation for damage to the environment within one month with the CPCB".

Hon'ble NGT further directed the Municipal Corporation Ghaziabad "to furnish a Performance Guarantee in the sum of Rs. 25 lakhs within one month to the satisfaction of the CPCB to ensure further satisfactory action within next two months. In case satisfactory steps are not taken, the amount will be forfeited".

Hon'ble NGT directed that CPCB may assess the extent of damage and give its report to this Tribunal about the status after two months.

In compliance of Hon'ble NGT order, CPCB officials (Mr. Ratnesh Kumar, Scientist-B and Ms. Pooja Saroj, Scientific Assistant) inspected the dumpsite at Shakti Khand -4, Indirapuram, Ghaziabad on 5th August, 2019.

Observations: -

The following were the observation during inspection of dumpsite at Shakti Khand-4, Indirapuram:

1. Mixed Municipal Solid Waste(MSW) is being dumped at 30,000 Sq. m. plot area which is part of land allocated for STP. The height of the dumpsite varies from 5 to 15 feet at different places.(**Photo-1 of Annexure-1**)
2. As per UPPCB report, MSW is being dumped at this site from last 2-3 years.
3. The aesthetics of the site has become displeasing and the presence of bad odor, rodents, pests etc. hinders the life of people living in adjoining areas.

4. Rag-pickers were found involved in segregation of bottles, plastic material from MSW. (Photo-2 of Annexure-1)

5. Burning of MSW was not observed during inspection.

6. Boundary wall was found under construction in one side only. (Photo-3 of Annexure-1)

7. No green belt has been developed around the dump site.

8. Municipal Corporation Ghaziabad has neither deposited a sum of Rs. 25 lakhs towards compensation for damage to the environment nor furnished a Performance Guarantee in the sum of Rs. 25 lakhs as per Hon'ble NGT Order till date, the same was to be deposited by 28th June, 2019.

9. Ground Water Analysis:

Ground water samples were collected near dumpsite and also from 2 km away from dumpsite, following are the findings of its testing:

9.1 Analysis result of Ground Water sample Near Dumpsite (Annexure-II):

Sl. No.	Parameters	Value	Permissible limit	Remarks
1	pH	6.9	6.5 -8.5	Within range
2	TDS	2332 mg/l	Max. 500 mg/l	On higher side
3	COD	14 mg/l		Within range
4	Heavy Metals	As, Cd, Co, Cr, Cu, Mn, Pb are Below Detection limit except Iron (Fe) = 3.53 mg/l which is out of permissible limit (0.3 mg /l max.)		

9.2 Analysis result of Ground Water sample taken 2 km away from dumpsite (Annexure-III):

Sl. No.	Parameters	Value	Permissible Limit	Remarks
1	pH	7.3	6.5- 8.5	Within range
2	TDS	360 mg/l	Max. 500 mg/l	Within range
3	COD	BDL		Within range
4	Heavy Metals	As, Cd, Co, Cr, Cu, Mn, Pb are Below Detection limit. Iron(Fe) is 0.17 mg/l which is within permissible limit (0.3 mg/l max.).		

From the above tables 9.1 & 9.2, it is observed that **ground water quality near dumpsite is out of permissible limit with respect to Total Dissolved Solids (TDS) and Iron (Fe)** set for drinking water as per IS 10500 :2012, whereas ground water quality 2 km away from dumpsite is within permissible limit.

To assess the detailed damage caused to soil, ground water, air quality, flora & fauna, extension of time up to 31st October,2019 may kindly be granted to CPCB .

Recommendations:

Dumpsite at Shakti Khand-4, Indirapuram, Ghaziabad is not a scientific landfill. If dumping of MSW is continued, then generated leachate shall percolate to ground water and will lead to further contamination of ground water. As the dumpsite is located in a thickly populated area, further dumping of waste by Ghaziabad Development Authority (GDA) has to be stopped immediately so as to curtail any further damage to the environment and to avoid situation similar to dumpsites in Delhi and elsewhere in the country.

Photo- Gallery – Inspection of area Shakti Khand – 4, Dumpsite on 05.08.2019.



Photo-1: Heaps of Mixed Municipal Solid Waste.



Plastic waste dumped openly at the dumpsite

Hand pump through which samples were collected.



Photo 2: Plastic wastes recovered by Rag pickers



Photo3: Wall under construction around the dumpsite



CENTRAL POLLUTION CONTROL BOARD
Parivesh Bhawan, East Arjun Nagar, Delhi-110 032

INSTRUMENTATION LABORATORY
Trace Metals Analysis Report

1. Report no. & issue date : IL/HM/ICPMS-708/08-08-2019
2. Name of the Project : -
3. Sample matrix : Water
4. Date & time of sample collection : 05-08-2019; 11:30 AM
5. Samples collected by : Sh. Ratnesh Kumar
6. Date & time of sample receipt : 05-08-2019; 02:55 PM
7. Date of sample analysis : 08-08-2019
8. Sample registration no. & date : IL/SR-463/HM-01/2019; 05-08-2019
9. Sampling plan reference : -
10. Test method reference : APHA, 3125-B, 23rd Ed. 2017
11. Report sent to : Mrs. Divya Sinha, UPC-II, Division
(Name & Address)

S. No.	Sample Code	As (mg/l)	Cd (mg/l)	Co (mg/l)	Cr (mg/l)	Cu (mg/l)	Fe (mg/l)	Mn (mg/l)	Pb (mg/l)
1.	O ₂	BDL	BDL	BDL	BDL	BDL	3.53	0.04	BDL

BDL: Below Detection Limit

Detection Limit (µg/l): As-0.49, Cd-0.42, Co-0.35, Cr-0.56, Cu-0.35, Fe-0.67, Mn-0.43 & Pb-0.31.

Statement:

1. The results relate only to the samples tested.
2. The report shall not be reproduced except in full, without the written approval of the laboratory.
3. The above parameters are under the scope of NABL accreditation, ISO-17025:2005 (Certification No: TC-7723, Valid up to 14/09/2020).
4. Sample will be retained for 30 days from the date of issue of Test Report.

N. K. Sharma
08/08/2019
(N. K. SHARMA)
Analyst

N. Mishra
8/8/19
(NAMITA MISHRA)
Authorized Signatory

Gurnam Singh
8/8/19
(GURNAM SINGH)
D.H. Instrumentation Lab.

DOC: CB/CL/QR/5.10/IL -6

Issue No.: 01

Revision No.: 00

Issue Date: 31.01.2019

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CENTRAL POLLUTION CONTROL BOARD
 Parivesh Bhawan, East Arjun Nagar, Delhi-110 032
FRESH WATER LABORATORY
ANALYSIS REPORT

NABL Accreditation: ISO /IEC 17025: 2005, Certificate No. TC – 7723 (Valid Until 14.09.2020)

Source of sample : Ground Water
 Samples collected by : Shri Ratnesh Kumar
 Date & time of sample receipt : Given in Table
 Date of sample analysis : 05/08/2019 to 08/08/2019
 Sample registration no. & date : 315/Water/FW/01/2019
 Environmental conditions during sampling :
 Test method reference : APHA / BIS
 Report sent to (Name & Address) : I/c UPC-II

Report No.: FWL/138
 Issue Date: 08/08/2019

S. No.	Sampling Point	Date & time of collection	Date & time of receipt	FWL Sample No.	pH	TDS	COD
1.	D1	05/08/19	05/08/19	636	6.9	2332	14

Note: All the concentrations are expressed in mg/l except of pH and Conductivity ($\mu\text{mho/cm}$)

Statement:

1. The results relate only to the samples tested.
2. The report shall not be reproduced except in full, without the written approval of the laboratory.
3. BDL and test methods are mentioned on the back side of this report.
4. Samples will be retained only for one week after receipt of the report.
5. * not under NABL Scope Parameter.

M.K. Gupta
 08/08/19
 (M. K. Gupta)
 Analyst

J. K. Bhatia
 08.8.19
 (J. K. Bhatia)
 Supervisor & Authorised Signatory

N. C. Durgapal
 08-08-19
 (N. C. Durgapal)
 I/C Water Lab

DOC: CB/CL/QR/5.10/FWL – 1 Issue No.: 04 Amendment No.: 02 Issue Date: 22.05.2007 Amendment Date: 27.07.2016 Page: 01 of 01

Surface Water & Ground Water

S. No.	Parameter	Test Method	Range of Testing/Limit of Detection	Uncertainty of Measurement \pm
1.	Conductivity	APHA 25 10 -B, 23 rd Ed. 2017	1 - 30000 μ mhos/cm	280 \pm 10 μ mhos/cm
2	Total Dissolved Solids	APHA 2540 C, 23 rd Ed. 2017	5 - 18000 mg/l	350 \pm 20.0 mg/l
3	Chemical Oxygen Demand	APHA 5220 B, 23 rd Ed. 2017	5 - 200 mg/l	96 \pm 10 mg/l
4	Bio -Chemical Oxygen Demand	APHA 5210 B, 23 rd Ed. 2017, 4500 OC, (5 days at 20° C). IS- 3025 part 44:1993. BOD (3 days at 25°C).	1 - 100 mg/l	40 \pm 8 mg/l
5	Chloride	APHA 4500 - Cl B, 23 rd Ed. 2017	5 - 600 mg/l	300 \pm 15 mg/l
6	Phosphate - P	APHA 4500 -PD, 23 rd Ed. 2017	0.05 - 10 mg/l	0.3 \pm 0.03 mg/l
7	Total Hardness As CaCO ₃	APHA 2340 - C 23 rd Ed. 2017	10 - 900 mg/l	150 \pm 10.0 mg/l
8	Calcium	APHA 3500 - Ca B, 23 rd . 2017	2 - 200 mg/l	50 \pm 10 mg/l
9	Magnesium	APHA 3500 - Mg B, 23 rd Ed. 2017	2 - 200 mg/l	20 \pm 3 mg/l
10	Fluoride	APHA 4500- F D, 23 rd Ed. 2017	0.2 - 10 mg/l	0.8 \pm 0.1 mg/l
11	pH	APHA 4500 H ⁺ -B, 23 rd Ed. 2017	2 - 14	7.24 \pm 0.18
12	NO ₂ -N	APHA 4500 - NO ₂ , B, 23 rd Ed. 2017	0.01 - 2 mg/l	0.06 \pm 0.01 mg/l
13	NH ₃ -N	IS 3025(Part-34)- 1988, (First reprint April-1992)	0.2 - 20 mg/l	2.0 \pm 0.2 mg/l
14	Color	APHA 2120 'C' 23 rd Ed. 2017	5 - 500 Color Unit	-



CENTRAL POLLUTION CONTROL BOARD
 Parivesh Bhawan, East Arjun Nagar, Delhi-110 032
FRESH WATER LABORATORY
ANALYSIS REPORT

NABL Accreditation: ISO /IEC 17025: 2005, Certificate No. TC – 7723 (Valid Until 14.09.2020)

Source of sample : Ground Water – NGT Matter
 Samples collected by : Shri Ratnesh Kumar
 Date & time of sample receipt : Given in Table
 Date of sample analysis : 08/08/2019 to
 Sample registration no. & date : 320/Water/FW/01/2019
 Environmental conditions during sampling :
 Test method reference : APHA / BIS
 Report sent to (Name & Address) : I/c UPC-II

Report No.: FWL/143
 Issue Date: 09/08/2019

S. No.	Sampling Point	Date & time of collection	Date & time of receipt	FWL Sample No.	pH	TDS	COD
1.	ACOD	08/08/19	08/08/19	653	7.3	360	BDL

Note: All the concentrations are expressed in mg/l except of pH and Conductivity ($\mu\text{mho/cm}$)

Statement:

1. The results relate only to the samples tested.
2. The report shall not be reproduced except in full, without the written approval of the laboratory.
3. BDL and test methods are mentioned on the back side of this report.
4. Samples will be retained only for one week after receipt of the report.
5. * not under NABL Scope Parameter.

(M. K. Gupta)
 Analyst

(J. K. Bhatia)
 Supervisor & Authorised Signatory

(N. C. Durgopal)
 I/C Water Lab

DOC: CB/CL/QR/5.10/FWL – 1	Issue No.: 04	Amendment No.: 02	Issue Date: 22.05.2007	Amendment Date: 27.07.2016	Page: 01 of 02
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Surface Water & Ground Water

S. No.	Parameter	Test Method	Range of Testing/Limit of Detection	Uncertainty of Measurement \pm
1.	Conductivity	APHA 25 10 -B, 23 rd Ed. 2017	1 - 30000 μ mhos/cm	280 \pm 10 μ mhos/cm
2	Total Dissolved Solids	APHA 2540 C, 23 rd Ed. 2017	5 - 18000 mg/l	350 \pm 20.0 mg/l
3	Chemical Oxygen Demand	APHA 5220 B, 23 rd Ed. 2017	5 - 200 mg/l	96 \pm 10 mg/l
4	Bio -Chemical Oxygen Demand	APHA 5210 B, 23 rd Ed. 2017, 4500 OC, (5 days at 20° C). IS- 3025 part 44:1993. BOD (3 days at 25°C).	1 - 100 mg/l	40 \pm 8 mg/l
5	Chloride	APHA 4500 - Cl B, 23 rd Ed. 2017	5 - 600 mg/l	300 \pm 15 mg/l
6	Phosphate - P	APHA 4500 -PD, 23 rd Ed. 2017	0.05 - 10 mg/l	0.3 \pm 0.03 mg/l
7	Total Hardness As CaCO ₃	APHA 2340 - C 23 rd Ed. 2017	10 - 900 mg/l	150 \pm 10.0 mg/l
8	Calcium	APHA 3500 - Ca B, 23 rd Ed. 2017	2 - 200 mg/l	50 \pm 10 mg/l
9	Magnesium	APHA 3500 - Mg B, 23 rd Ed. 2017	2 -200 mg/l	20 \pm 3 mg/l
10	Fluoride	APHA 4500- F D, 23 rd Ed. 2017	0.2 - 10 mg/l	0.8 \pm 0.1 mg/l
11	pH	APHA 4500 H ⁺ -B, 23 rd Ed. 2017	2 - 14	7.24 \pm 0.13
12	NO ₂ -N	APHA 4500 - NO ₂ , B, 23 rd Ed. 2017	0.01 - 2 mg/l	0.06 \pm 0.01 mg/l
13	NH ₃ -N	IS 3025(Part-34)- 1988, (First reprint April-1992)	0.2 - 20 mg/l	2.0 \pm 0.2 mg/l
14	Color	APHA 2120 'C' 23 rd Ed. 2017	5 - 500 Color Unit	-

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CENTRAL POLLUTION CONTROL BOARD
Parivesh Bhawan, East Arjun Nagar, Delhi-110 032

INSTRUMENTATION LABORATORY
Trace Metals Analysis Report

1. Report no. & issue date : IL/HM/ICPMS-710/09-08-2019
2. Name of the Project : -
3. Sample matrix : Water
4. Date & time of sample collection : 08-08-2019; 12:40 PM
5. Samples collected by : Sh. Ratnesh Kumar
6. Date & time of sample receipt : 08-08-2019; 02:45 PM
7. Date of sample analysis : 09-08-2019
8. Sample registration no. & date : IL/SR-464/HM-01/2019; 08-08-2019
9. Sampling plan reference : -
10. Test method reference : APHA, 3125-B, 23rd Ed. 2017
11. Report sent to : D.H.- UPC-II, Division
(Name & Address)

S. No.	Sample Code	As (mg/l)	Cd (mg/l)	Co (mg/l)	Cr (mg/l)	Cu (mg/l)	Fe (mg/l)	Pb (mg/l)	Zn (mg/l)
1.	AHM	BDL	BDL	BDL	BDL	BDL	0.17	BDL	BDL

BDL: Below Detection Limit

Detection Limit (µg/l): As-0.49, Cd-0.42, Co-0.35, Cr-0.56, Cu-0.35, Fe-0.67, Pb-0.31 & Zn- 0.59.

Statement:

1. The results relate only to the samples tested.
2. The report shall not be reproduced except in full, without the written approval of the laboratory.
3. The above parameters are under the scope of NABL accreditation, ISO-17025:2005 (Certification No: TC-7723, Valid up to 14/09/2020).
4. Sample will be retained for 30 days from the date of issue of Test Report.

Nishant Kumar
09/08/2019
(N. K. SHARMA)
Analyst

Namita Mishra
9/8/2019
(NAMITA MISHRA)
Authorized Signatory

Gurnam Singh
9/8/19
(GURNAM SINGH)
D.H. Instrumentation Lab.

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Item No. 02

Court No. 1

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

Original Application No. 909/2018
(M.A. No. 1590/2018 & M.A. No. 1591/2018)

Confederation of Trans Hindan RWA's Ghaziabad

Applicant(s)

Versus

U. P. State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 28.05.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Sanjeev Bhatnagar and Ms. Sarika Tyagi,
Advocates

For Respondent (s): Mr. Pradeep Misra, Advocate for UPPCB

ORDER

1. The issue for consideration is the inaction of the Municipal Corporation Ghaziabad in complying with the Solid Waste Management Rules, 2016, in not collecting garbage from Indirapuram, Vasundhara and Vaishali which is being dumped at Shakti Khand, adversely affecting the air quality. There was a huge fire in the garbage on 20.10.2017 by burning of the garbage at the dump. Waste is not being segregated. Non-degradable waste is not being recycled. The matter has been widely reported in the newspapers, as mentioned in the order of Tribunal dated 19.11.2018.
2. The Tribunal directed constitution of a joint Committee representing the District Magistrate, Ghaziabad, Ghaziabad Development Authority (GDA), Municipal Corporation Ghaziabad and State PCB to prepare an action plan and execute the same.

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3. A period of six months has gone by after the order of this Tribunal.
4. As per report dated 22.04.2019 received by this Tribunal on 06.05.2019 from the State PCB, it is acknowledged that garbage was being dumped in Shakti Khand. There is no segregation of garbage. GDA has constructed approach road for setting up the plant. Land has been arranged and handed over to GDA. Approach road work is to be completed till 27.05.2019 (which date is already over).
5. Having regard to the seriousness of the situation and adverse effect on the public health, Municipal Corporation Ghaziabad is to be held accountable. By way of an interim arrangement, we direct the Municipal Corporation Ghaziabad to deposit a sum of Rs. 25 lakhs towards compensation for damage to the environment within one month with the CPCB.
6. In spite of orders of this Tribunal, no adequate steps are shown to have been taken in the last six months. It will be necessary to require the Municipal Corporation Ghaziabad to furnish a Performance Guarantee in the sum of Rs. 25 lakhs within one month to the satisfaction of the CPCB to ensure further satisfactory action within next two months. In case satisfactory steps are not taken, the amount will be forfeited.
7. The CPCB may assess the extent of damage and give its report to this Tribunal about the status after two months.
8. In the meanwhile, fencing may be done around the dumps and green belt may also be set up to ensure that cows do not enter and consume bio non-degradable garbage as appears to be happening from the photographs annexed to the application. It will be desirable that the garbage dumps be shifted to any other appropriate site

in a scientific manner. In case it is so shifted, all precautions be taken for protection of environment in accordance with the statutory rules.

A copy of this order be sent to the Municipal Corporation Ghaziabad, State PCB and the CPCB by e-mail.

List for further consideration on 21.08.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

May 28, 2019
Original Application No. 909/2018
(M.A. No. 1590/2018 & M.A. No. 1591/2018)
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