

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**  
**Principal Bench, New Delhi**  
**In**  
**Original Application No. 514/2018**  
**(I.A. No. 689/2019)**  
**(Earlier O.A. No. 415/2015)**

**In the Matter of: -**

**Vivek Kamboj & Anr.**

**Applicant(s)**

**Vs.**

**Union of India & Ors.**

**Respondent(s)**

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*Divya*

**(Divya Sinha)**

Scientist 'E'

Central Pollution Control Board  
Parivesh Bhawan, East Arjun Nagar  
Delhi-110032

Place: Delhi

Date: 24<sup>th</sup> September, 2020

# CENTRAL POLLUTION CONTROL BOARD, DELHI

September 22, 2020

## STATUS REPORT IN THE MATTER OF O.A NO. 514 OF 2018; TITLED VIVEK KAMBOJ & ANR. VS UNION OF INDIA & ORS

### 1.0 BACKGROUND:-

Vide Order dated 27.02.2020 in the matter of O.A No. 514 of 2018; titled Vivek Kamboj & Anr. Applicant(s) Versus Union of India & Ors (regarding bio mining of Bandwari dumpsite), Hon'ble National Green Tribunal directed as follows:

*Para 5: --“ CPCB and the State PCB may oversee the execution of the above action plan and file its independent report ---*

*Para 6: We are also informed that issue of contamination of ground water is also involved. The CPCB may give its report about the steps taken in the matter so far and further steps required to be taken in its next report. The CPCB will be at liberty to give directions for the remediation steps which may be taken by the Municipal Corporation, Gurgaon and the said Corporation may take such steps accordingly.”*

### 2.0 Action taken by CPCB:-

In compliance of Para 6 of Hon'ble NGT's Order in the matter, CPCB prepared a Guidance document for assessment and remediation of contaminated sites in India which is arranged in following three Volumes:

- Volume I: Methodologies and Guidance;
- Volume II: Standards and Checklists;
- Volume III: Tools and Manuals.

Vide letter dated July 29th ,2020, this document was forwarded to Municipal Corporation, Gurgaon for taking remediation steps for contaminated ground water at Bandhwari dumpsite. Steps taken by Municipal Corporation of Gurugram (MCG) for remediation of Ground Water were to be informed to CPCB 10th September,2020. Reply of the same is awaited from MCG. (**Annexure I**)

In compliance of Hon'ble NGT's Directions as per aforesaid Para 5 of Order, CPCB & Haryana SPCB officials inspected Bandhwari dumpsite on September 18th 2020 alongwith MCG officials.

### 3.0 Observations:

An overview of the observations made during the inspection vis-a vis action plan of MCG is given in Table 1.

**Table 1: Overview of the CPCB observations vis-à-vis action plan of MCG**

Sl. No.	Major points of action plan dated 26-2-2020 of Municipal Corporation, Gurugram	Observations made by CPCB and HSPCB
1.	<b>Treatment of fresh waste</b>	
1a	Treatment & disposal of fresh MSW by Municipal Corporations of Gurugram and Faridabad at new identified sites at Farukkh Nagar and Sihi	<ul style="list-style-type: none"> <li>As informed it could not be undertaken at Farukh Nagar site due to public protest.</li> <li>At Sihi site, boundary wall and foundation to install trommels are being constructed, but no lining system has been done provided as per Schedule-I of Solid Waste Management Rules,2016. This site was also inspected on 18-9-2020.</li> </ul>
1b	No fresh waste dumping at Bandhwari site from 15th March,2020.	<b>Fresh waste @ 2000 TPD is still being dumped at Bandhwari site.</b>
2.	<b>Treatment of legacy waste at Bandhwari</b>	
2a	16 working trommels by September,2020	<ul style="list-style-type: none"> <li>8 trommels of capacity 300 TPD each having screen size of 6mm,</li> </ul>

		<p>16 mm and 35 mm are operational in one shift and 1 more trommel is under installation.(Annexure-II)</p> <ul style="list-style-type: none"> <li>• <b>Operation is not continuous, only 1 or 2 trommels were in operation till 15 September,2020 that also for short time.</b></li> </ul>
2b	17.5 lakh ton legacy waste to be bio remediated by September,2020	<p>Only 0.85 lakh MT waste has been Bio remediated and out of it, 0.20 Lakh MT has been passed through trommels. Remaining 0.65 lakh MT stabilized waste is not screened and dumped on site.</p>
2c	Take-off of segregated fractions (Compost, RDF, Inerts)	<ul style="list-style-type: none"> <li>• Remediated Waste is segregated into RDF, Inert and compost.</li> <li>• As informed, approx. 3000 MT Compost is sent for use in parks and 9000 MT RDF to WTE &amp; cement plant. 8000 MT Inerts has been sent for use in filling low lying areas.</li> <li>• <b>Testing of screened fractions has not been done since last 7 months.</b></li> </ul>

**Other Observations:**

-CPCB had earlier inspected this dumpsite on 4th Feb,2020 and at that time height of dumpsite was informed 27 m and total dumped waste was 27.5 lakh Ton. **Presently, as informed, height of dumpsite is increased to 36 m and quantity of total waste dumped is increased to approx. 31 lakh Ton as fresh waste @ 2000 TPD is still being**

dumped at site and Only 20,000 T bio remediated legacy waste has been processed through trommels in last one year which is less than 1 % of total dumped waste at site.

- Waste stabilization of both fresh and legacy waste through bio-remediation is being practiced at Bandwari dumpsite.

-For channelization and disposal of RDF and plastic waste, MCG has issued Work Order (**Annexure-III**) dated 09.03.2020 to M/S Rapidue Technologies Pvt. Ltd . Further it was informed that MCG is in process of undertaking an agreement with M/S Ultratech Cement for disposal of RDF. It was observed that **utilization/disposal of different screened fraction is still a major issue being faced creating space constraint at site.**

- Presently, leachate is being stored in 7 ponds and its treatment is being carried out @ 400 KLD in two DRTO plants which were in operation at the time of inspection and another treatment plant based on activated sludge and Dissolved Air Flotation (DAF) of 150 KLD capacity was under maintenance. Thus total capacity of 3 leachate treatment plants is 550 KLD and it was informed that 350 KLD leachate is generated from dumped waste and 33000 KL leachate is filled in 7 ponds.

If all the three leachate treatment plants are run continuously at full capacity, 7 ponds having 33000 KLD leachate may be emptied out in  $33000/200= 165$  days and space may be used for installation of more no. of trommels and Waste to Energy plant (for which Environmental Clearance has been obtained in November,2019)

-The bio-remediation is being carried out in the open. No shed has been provided in the bio-remediation and trammel area in absence of which work may be hampered during rain.

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## Speed - Post/ Email

COURT MATTER

Date: 29<sup>th</sup> July, 2020

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

3569

To,

The Commissioner  
Municipal Corporation Gurugram  
C-1, Info Technology Park,  
Sector 34, Gurugram,  
Haryana 122001

Sub:- In the matter of Vivek Kamboj &amp; Anr. Vs UOI &amp; Ors. (OA No. 514/2018)

Sir.

Vide Order dated 27<sup>th</sup> February, 2020 in the aforesaid matter, Hon'ble NGT directed as follows:

"The CPCB will be at liberty to give directions for the remediation steps which may be taken by the Municipal Corporation, Gurgaon and the said Corporation may take such steps accordingly."

In this regard, it is informed that CPCB has prepared a **Guidance document for assessment and remediation of contaminated sites in India** which is arranged in following three Volumes:

- Volume I: Methodologies and Guidance;
- Volume II: Standards and Checklists;
- Volume III: Tools and Manuals.

This document may be referred for taking remediation steps for contaminated ground water at Bandhwari dumpsite. It may be noted that the documents is available on following link-

[https://cpcb.nic.in/uploads/hwmd/MoEFCC\\_guidelines\\_contaminatedsites.pdf](https://cpcb.nic.in/uploads/hwmd/MoEFCC_guidelines_contaminatedsites.pdf)

As per directions of Hon'ble NGT, steps taken by Municipal Corporation of Gurugram for remediation of Ground Water are to be informed to this office by 10<sup>th</sup> September, 2020 so that CPCB may file the report within the specified time frame. It is to be noted that hearing on the matter is scheduled on September 30<sup>th</sup>, 2020.

Yours faithfully,

  
(Divya Sinha)

Additional Director &amp; I/c UPC-II

Copy to:

The Member Secretary,  
Haryana State Pollution Control Board,  
C-11, Sector-6. Panchkula,  
Haryana-134109

  
(Divya Sinha)

Additional Director &amp; I/c UPC-II

केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
निर्गत... N. Singh  
दिनांक 21-7-20

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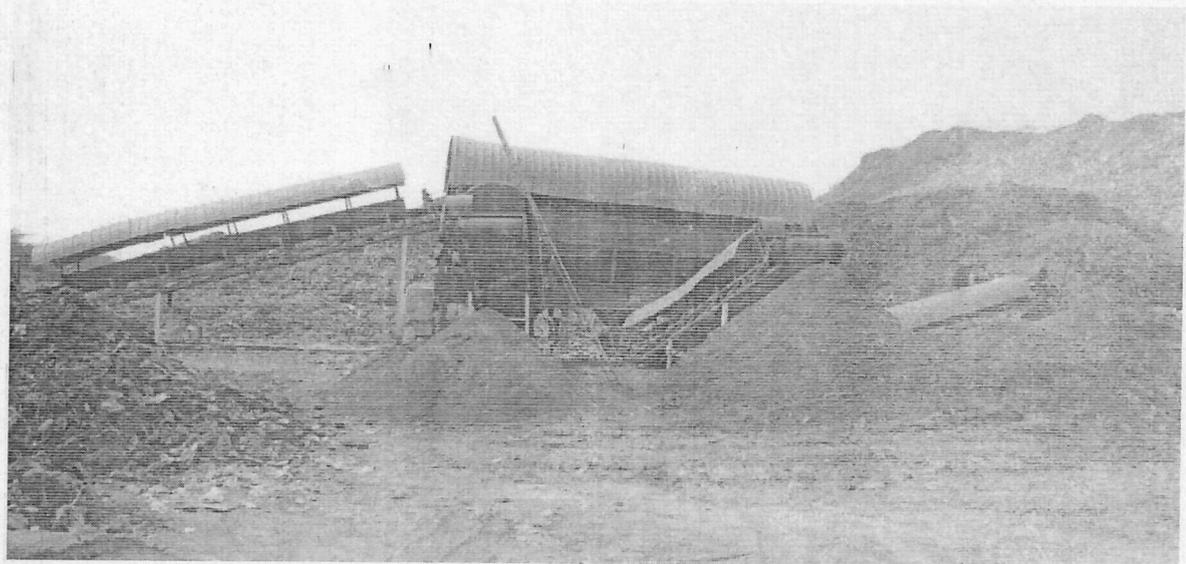
1938/UPC-II/20  
29/7/20

Pictures of trommels at Bandhwari site

Trommel -1 (with ballistic separator- operational)



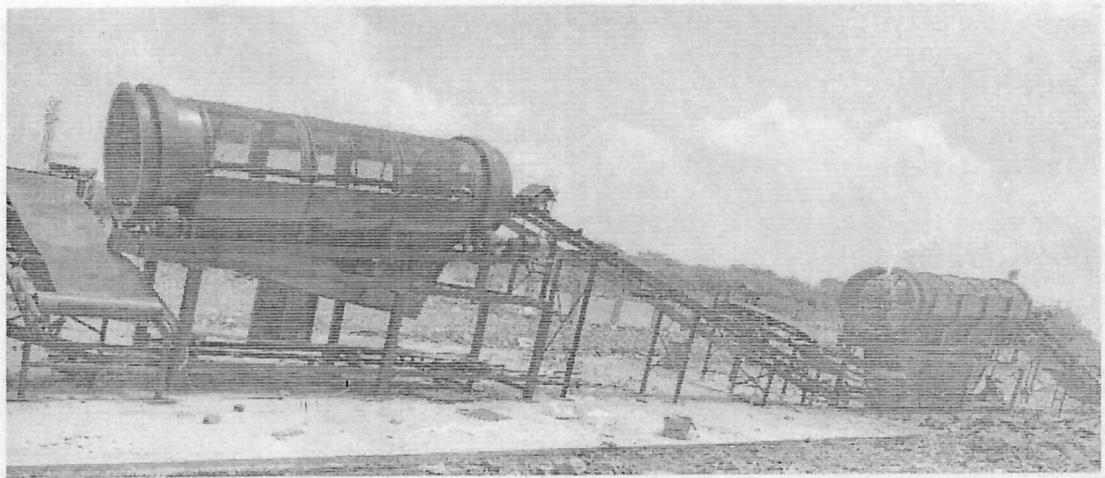
Trommel- 2 (operational)



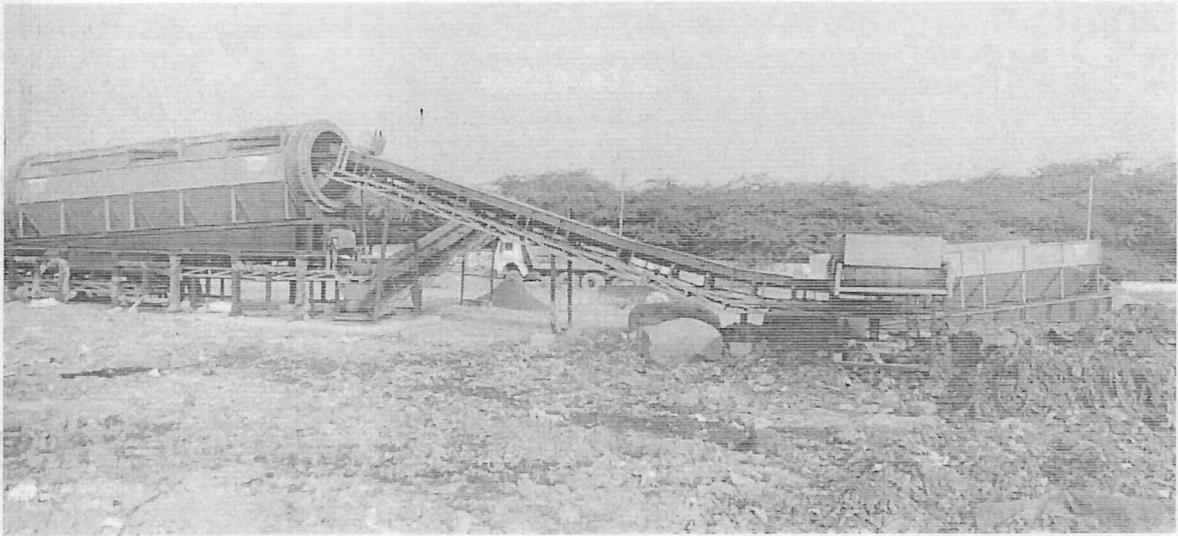
Trommel-3 (operational)



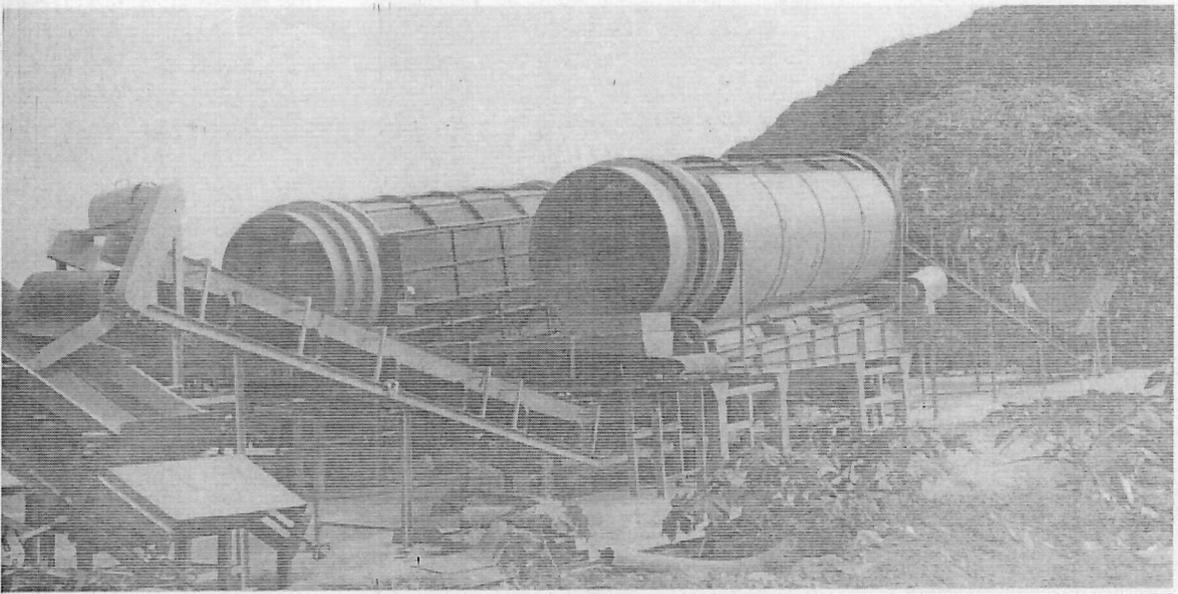
Trommel- 4 (operational)



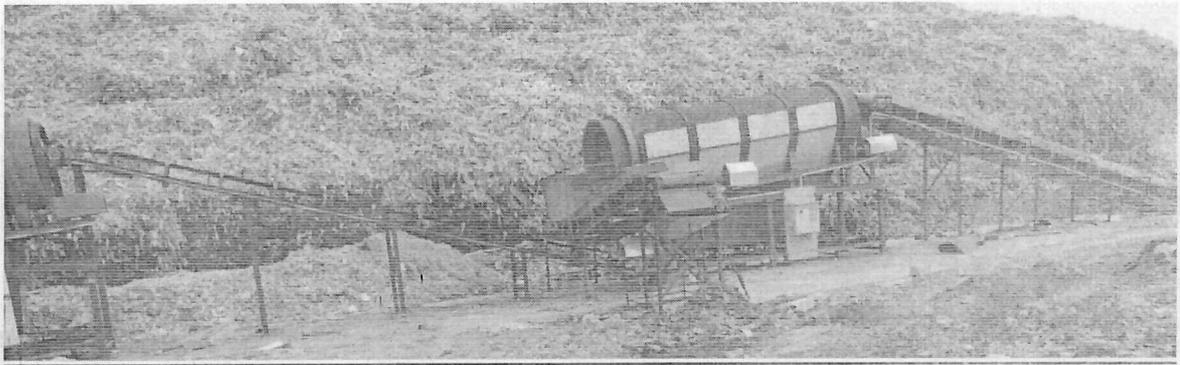
Trommel 5 (operational)



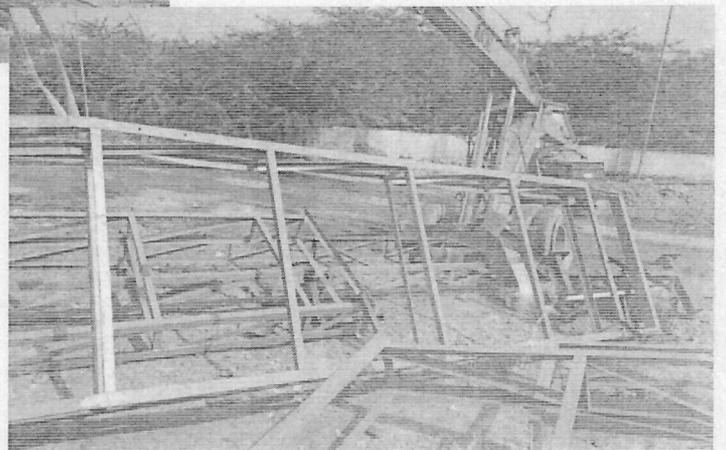
Trommel 6 & 7 (operational)



Trommel 8 (under trial run)



Trommel 9 (under-installation)





From

Commissioner  
Municipal Corporation  
Gurugram.

To,

The Director,  
M/s Rapidue Technologies Pvt. Ltd.  
Hyderabad, Telangana

Memo No. MCG/ADCMC-III/2020/9893

Dated 09.03.2020

Sub:-

**Work order to M/S. Rapidue Technologies Pvt. Ltd., (Recykal) for channelization of all post-consumer plastic waste/ MLP etc. to Authorize Buyers.**

Municipal Corporation Gurugram (MCG) is in receipt of your proposal, dated 24.02.2020 for implementation of Digital Technology in all the collection centers and MRFs for effective management, tracking and traceability of solid wastes generated and channelizing all post-consumer plastic waste.

2. Municipal Corporation Gurugram (MCG) is pleased to inform you that the project for "Channelization of all post-consumer plastic waste Materials to Authorize Buyers such as cement industries or waste to energy plant" is in principally agreed and M/s. Rapidue Technologies Pvt. Ltd., (Recykal) to become a partner on the aforesaid project and will work in coordination with the Municipal Corporation Gurugram.
3. The scope of work of the project are as mentioned below-
  - i. MCG will provide list of collection sites where material will be collected and stored by Corporation
  - ii. Recykal will collect and transport material at its own cost to Authorize Buyers such as cement industries or waste to energy plant or road contractor and submit monthly report to the undersigned.
  - iii. There will be no financial implications on Municipal Corporation Gurugram (MCG) and scope of work will be carried without any financial burden on MCG.
  - iv. MCG reserves the right to cancel the proposal with 3 month notice to the firm.
4. SCF/RDF generated at Bandhwari and Basai solid waste plants to be lifted within 7 days of its generation from the site on 'as is where is basis' at no cost to MCG

  
Addl. Commissioner-III,  
for Commissioner  
Municipal Corporation,  
Gurugram.

Item No.07

Court No. 1

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

Original Application No. 514/2018  
(I.A. No. 689/2019)  
(Earlier O.A. No. 415/2015)

(With report dated 26.02.2020)

Vivek Kamboj &amp; Anr.

Applicant(s)

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 27.02.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER  
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s): Mr. Rahul Choudhary, Advocate

For Respondent(s): Mr. Anil Grover, AAG with Mr. Rahul Khurana, Advocate and Mr. Vinay Pratap, Commissioner, MCG

**ORDER**

1. This order is in continuation of order dated 19.11.2019. The issue for consideration is the remedial action for dealing with the legacy waste at Gurugram which includes waste of Faridabad. The matter has been pending before this Tribunal for the last four years. This Tribunal has repeatedly recorded findings of incapacity and incompetence of the concerned authorities in dealing with the matter for scientific disposal of waste so as to ensure compliance of the statutory procedure under the Solid Waste Management Rules, 2016 and also inability of the contractor hired in producing the results. The dumped waste has resulted in leachate being discharged into the water bodies, contaminating the ground water

and polluting the surface water, apart from causing air pollution and hazard to public health.

2. In the last order dated 19.11.2019, the Tribunal noted the proceedings which had taken place since 16.09.2015 and various orders passed by this Tribunal, including the detailed order dated 10.07.2019. The Tribunal observed:

“

6. Accordingly, we have further considered the matter in the light of affidavit filed on behalf of Municipal Corporation, Gurgaon on 13.11.2019 with the effect that two trommels machines are being installed with the capacity of 300 TPD each which will work in double shifts. More machines will be installed as soon as more space will be available.

7. We are of the view that there is need to take further meaningful and prompt action by preparing an appropriate action plan and executing it so as to clear the legacy waste in shortest possible time but within six months. This timeline is being fixed in view of long time which has already gone in the process. It may be ensured that bio-remediation is carried out rather than mere mechanical separation. Failure to comply may result in coercive action, including stoppage of salaries and entries in ACRs of concerned Municipal Commissioners. Municipal Commissioner, Gurgaon may file progress report as on 15.01.2020 by 20.01.2020 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). CPCB may evaluate whether clearance of legacy is being done as per applicable guidelines and furnish a report before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

8. Response to I.A No. 689/2019 filed by the applicant may also be furnished before the next date by the concerned authority.”

3. Accordingly, an action plan and progress report as on 26.02.2020 has been filed by the Commissioner, Municipal Corporation, Gurgaon *inter-alia* stating as follows:

**“3. Treatment and disposal of fresh MSW by Municipal Corporations of Gurugram and Faridabad, (hereinafter called as "MCG" & "MCF"):-**

- i. in order to reduce pressure at the Bandhwari Landfill Site due to combined disposal of approximate 1900 metric tons per day of fresh MSW from both the Corporations, it has been decided by both the Corporations to scientifically process fresh waste at new sites, so that legacy MSW at Bandhwari site can be

treated within the timeline mention by this Hon'ble Tribunal. This has been necessitated by lack of available space at Bandhwari site to handle both Fresh & Legacy MSW simultaneously.

- ii. That to process the approximate 1900 Metric tons of fresh MSW daily within the jurisdiction of both Corporations, in scientific manner as prescribed by SWM Rules 2016 and CPCB, it has been decided that from 15th March 2020 onwards fresh MSW of both Corporations will be transported and bio-remediated for 4-5 weeks at the new identified site.
- iii. That the possession of the new identified sites have been taken by both the Corporations in their respective jurisdictions for scientific treatment and disposal of fresh MSW, copy of both are annexed herewith. **(Annexure R/1 and R/2)**
- iv. That the layout plans of the both fresh MSW processing facilities have been prepared by both Corporations for the execution of work and the same is annexed herewith **(Annexure - R/3 & R/4)**
- v. That as per guidelines of CPCB, sites are being lined up with HDPE membrane and the proposed combined processing capacity of both sites is (1200 MT from MCG + 900 MT from MCF) = 2100 TPD. Work for treatment of fresh MSW is proposed to be done by both Corporations on their own through assistance of solid waste management experts. The schedule of deployment of trommels at the new sites for bio-mining of bio-remediated fresh MSW is as under:

**For Gurugram:-**

Sr. No.	Schedule	Schedule of Deployment
1	Trommel 1 (Capacity of 300 TPD in single shift).	On or before 11 <sup>th</sup> March 2020
2	Trommel 2 (Capacity of 300 TPD in single shift).	On or before 25 <sup>th</sup> March 2020
3	Trommel 3 (Capacity of 300 TPD in single shift).	On or before 5 <sup>th</sup> April 2020
4	Trommel 4 (Capacity of 300 TPD in single shift).	On or before 19 <sup>h</sup> April 2020

**For Faridabad**

Sr.No.	Schedule	Schedule of Deployment
1	Trommel 1 (Capacity of 300 TPD in single shift).	On or before 11 <sup>th</sup> March 2020
2	Trommel 2 (Capacity of 300 TPD in single shift).	On or before 25 <sup>th</sup> March 2020

3	Trommel 3 (Capacity of 300 TPD in single shift).	On or before 5th April 2020
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- vi. Considering the future annual increase of 5% in waste generated within both Corporations, the above proposed processing capacity at both sites will be sufficient for next 3 years.
- vii. That bio remediation of fresh MSW is expected to start from 15th March 2020 onwards, as per the CPCB guidelines for bio-stabilization through windrow methodology and spray of bio culture. After the fresh MSW is stabilised for 4-5 weeks in windrows, bio-mining will start from 15th April 2020 onwards, however, installation of trommels will start from 11th March onwards. Till the time stabilized waste is ready for bio-mining, the waste processing capacity will be of 2100 TPD. Further, by adopting the CPCB guidelines for bio-stabilization of fresh waste it will be ensured that minimum leachate is generated and necessary steps for safe collection of same will be done at the processing site. The collected leachate will be transported to CETP, Manesar (Gurugram) and CETP, Sector-25 (Faridabad) respectively for scientific treatment and final disposal,
- viii. Both the Corporations have already done arrangements for disposal of byproduct, which will be generated after bio-mining process, such as :
- Refuse—Derived Fuel (RDF) will be sent to nearby cement kilns and Waste to Energy plants
  - C&D waste recovered from bio-mining will be sent to C&D waste processing plant of MCG, which is situated next to the site of proposed MSW processing plant.
  - 100 % reuse of compost in parks, gardens, dividers etc. under the jurisdiction of MCG & MCF

**4. Treatment of Legacy MSW at Bandhwari:-**

- i. That from 15th March 2020 onwards fresh MSW will not be transported to Bandhwari by both Municipal Corporation Gurugram and Municipal Corporation Faridabad.
- ii. That considering the legacy MSW at the site, which is approximately 27.5 Lacs MT, the MCG will immediately install necessary processing capacity / infrastructure to the tune of 1800 TPD within next 45 days for treatment of legacy MSW, which will be further enhanced as per below given schedule.
- iii. That further segregated fraction of Refuse-Derived Fuel (RDF) and compost of around 5000 MT, which was stored at Bandhwari site has been removed with immediate effect to create additional space for installation of additional processing capacity of 1200 TPD. Compost has been utilized for horticulture by MCG and RDF has been channelized to nearby cement kilns and Waste-to-Energy plants.

- iv. That additionally 2 DTROs (Disc-type Reverse Osmosis units) have been made operational at site with leachate processing capacity of 400 KLD. With the current processing capacity 4-5 acres of space occupied by leachate storage ponds will also be cleared in next 4 months and additional space will be created for further installation of processing capacity as per the below mentioned schedule.
- v. That further, to treat total 27.5 lakhs MT within timeline as directed by this Hon'ble Tribunal, the revised schedule/action plan has been prepared for installation of higher processing capacity at Bandhwari site by MCG for treating legacy waste in shortest possible time. Currently 02 trommels of 600 TPD are operational at site and process of installation of additional 02 trammels with 600 TPD capacity will be completed by 3rd week of March 2020. The revised action plan for installation of additional capacity for treating legacy MSW is as under:-

Sr. No.	Trommel Machine Installation Time	No. of working Trommels	Capacity of each trommel (TPD)	Waste to the Bio remediation (In Ton)	Waste to the bio-mined by working in two shift (In Ton)
1	March 2020	4	300 TPD	100000	72000
2	April 2020	6	300 TPD	150000	108000
3	May 2020	8	300 TPD	200000	144000
4	June 2020	10	300 TPD	250000	180000
5	July 2020	12	300 TPD	300000	216000
6	August 2020	14	300 TPD	350000	252000
7	September 2020	16	300 TPD	400000	288000
8	October 2020	18	300 TPD	450000	324000
9	November 2020	20	300 TPD	500000	360000
<b>Total</b>				<b>27,00,000</b>	<b>19,44,000</b>

- vi. The above revised action plan has been made considering that the weight of dumped legacy MSW will be reduced by 40% after proper stabilisation and bio-remediation and the reduced weight will be processed through bio-mining.
- vii. That as per the direction of this Hon'ble Tribunal, MCG will undertake processing of legacy MSW on its own through assistance of solid waste management experts instead of further relying on the concessionaire.

viii. *That in pursuance to the detailed environmental damage cost assessment report submitted by CPCB and NEERI before this Hon'ble Tribunal, the contents of which are being examined in detail by state government for suitable remedial actions, MCG undertakes to discharge its due responsibility to prevent future potential environmental damage by ensuring compliance of safeguards prescribed under SWM Rules 2016 and CPCB guidelines."*

4. In view of the above, we direct that further steps be taken in the matter in terms of the above plan and status as on 15.06.2020 may be brought on record by 20.06.2020 by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).
5. We also direct that the CPCB and the State PCB may oversee the execution of the above action plan and file its independent report by 30.06.2020 by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). Nodal agency will be the CPCB
6. We are also informed that issue of contamination of ground water is also involved. The CPCB may give its report about the steps taken in the matter so far and further steps required to be taken in its next report. The CPCB will be at liberty to give directions for the remediation steps which may be taken by the Municipal Corporation, Gurgaon and the said Corporation may take such steps accordingly.

List for further consideration on 16.07.2020.

Adarsh Kumar Goel, CP

Dr.Nagin Nanda, EM

Siddhanta Das, EM

February 27, 2020  
Original Application No.514/2018  
(I.A. No. 689/2019) (Earlier O.A. No. 415/2015)  
AK