

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

ORIGINAL APPLICATION NO. 65/2021 (WZ)

IN THE MATTER OF: -

SARANG YADWADKAR

APPLICANT

VERSUS

STATE OF MAHARASHTRA & ORS.

RESPONDENT(S)

INDEX

| S.No. | Particulars | Page No. |
|-------|---|----------|
| 1. | Reply Affidavit on behalf of Respondent No. 6, Central Pollution Control Board. | 1-6 |
| 2. | Annexure I - Copy of Office Memorandum dated 13.10.2021 by Ministry of Environment, Forests & Climate Change, Govt. of India regarding Development of State Action Plan on initiatives for air quality improvement under National Clean Air Program. | 7-21 |

Place : Pune

Date : 20.01.2022



(Bharat Kumar Sharma)

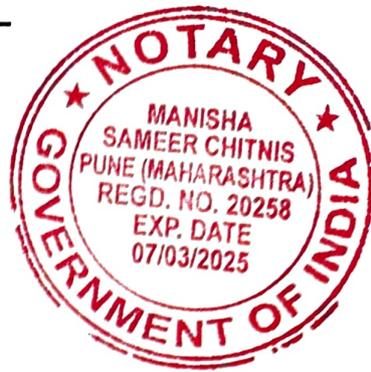
Regional Director

Central Pollution Control Board

Regional Directorate, Pune

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 65/2021 (WZ)



IN THE MATTER OF: -

SARANG YADWADKAR

APPLICANT

VERSUS

STATE OF MAHARASHTRA & ORS.

RESPONDENT(S)

Reply Affidavit on behalf of Respondent No. 6.

Central Pollution Control Board (CPCB).

I, Bharat Kumar Sharma S/o Shri. D.P Vishwakarma aged 48 years, and having office at Regional Directorate, Central Pollution Control Board, Pune Hirabai Dhankude Hall, Survey No. 110, Pune – 411045 and am presently working as Scientist 'F' & Regional Director, Central Pollution Control Board (CPCB) Regional Directorate, Pune. I am fully conversant with the facts of the case and hence, competent and authorised to depose and swear the present Reply Affidavit as under:

1. That the averments made in Paras I & II pertains to information about the Applicant and Respondents and hence require no comments from this Answering Respondent No.6.
2. That with respect to the averments made in Paras III & IV which pertain to the formulation of guidelines for preparation of State Action Plan by 2019 as per National Clean Air Programme (hereinafter referred as 'NCAP'), this Answering Respondent has elaborately replied the same in subsequent

paras 4 to 7 of the present Reply Affidavit.

3. That the averment made in Paras 1 & 2 pertains to official information about the Applicant and Respondents and hence require no comments from this Answering Respondent.
4. That in respect of allegations made in Paras 3 to 6, this Answering Respondent submits that the National Clean Air Programme (NCAP) has been launched as a comprehensive plan to tackle air pollution problem across the country in a focused manner to achieve 20% to 30% reduction in PM10 and PM2.5 levels by 2024 from 2017 levels. City Specific Clean Air Action Plans have been prepared and rolled out for implementation in 132 non-attainment cities. City action plans include actions to control vehicular emission, road dust, biomass/crop/garbage/MSW burning, construction activities, industrial emission and other city specific sources and have timelines and responsible agencies identified for implementing actions.

Under NCAP, in the State of Maharashtra and Gujarat there are 19 cities (Akola, Amravati, Aurangabad, Badlapur, Chandrapur, Jalgaon, Jalna, Kolhapur, Latur,

Mumbai, Nagpur, Nashik, Navi Mumbai, Pune, Sangli, Solpaur, Thane, Ulhasnagar, Vasai-Virar City) and 4 non- attainment cities (Ahmedabad, Surat, Vadodara and Rajkot) respectively. The city action plan for the above 23 cities have been prepared and approved by CPCB and they are being implemented by respective State Government through their respective Nodal Government agencies. The work is under progress as per the action plan to combat air pollution in the States.

5. That with respect to the averments made in Paras 7 to 9 that refer to formulation of the Guidelines for the preparation of the State Action Plan. It is submitted that:
 - CPCB had shared an indicative template for the preparation of the State Action Plan for improvement of air quality, developed by the Ministry of

Environment Forest and Climate Change (MoEF&CC), with respective stakeholders (SPCBs/PCCs and National Knowledge Network- an advisory group to CPCB under NCAP) for their inputs/comments. CPCB also conducted a meeting with the National Knowledge Network to discuss the template for the preparation of the State Action Plan.

A Comprehensive template had been developed by CPCB after incorporating its comments along with that received from seven SPCBs (Assam, Meghalaya, Maharashtra, Odisha, Uttarakhand, Uttar Pradesh and West Bengal) and NKN. The template was shared with MoEF&CC in September, 2021 for consideration.

- The template now has been improvised by MoEF&CC and an indicative template has been developed for preparation of the State Action Plan addressing the activities that would help in the improvement of air quality. States / UTs may include the activities with respect to requirements in their respective States / UTs and finalise the State Action Plan.
 - MoEF&CC has requested the concerned State Government Authorities to share the completed / filled up template through email latest by November 30, 2021. A copy of Office Memorandum along with an indicative template is annexed herewith and is marked as 'Annexure I.'
6. That with respect to the averments made in Para 10 regarding the delay in the formulation of Guidelines for the preparation of the State Action Plan, this Answering Respondent, in addition to the above-stated submissions, submits that the unexpected delay is caused due to sudden and prevalent outbreak of COVID- 19 pandemic situation in the Country.
7. That with respect to the averments made in the Paras 11 & 12 which refers to the functions of CPCB, this Answering Respondent submits as under:
- 7.1. That the city Specific Clean Air Action Plans have been prepared and rolled out for implementation in 132 non-attainment cities and approved by CPCB. City action plans include actions to control vehicular emission, road dust, biomass/crop/garbage/MSW burning, construction activities, industrial emission and other city specific sources and have timelines and

responsible agencies identified for implementing actions.

- 7.2. CPCB has deputed its nodal officers for 132 non-attainment cities to visit the cities to monitor ground level implementation of the action plans.
- 7.3. A Portal for Regulation of Air pollution in Non-Attainment cities: (PRANA) is developed for monitoring physical and financial progress of implementation of city action plan for improvement of air for disseminating the information to the public. (Link: www.prana.cpcb.gov.in)
8. That the averments made in Para 13 pertain to scope of State Action Plan and its mandate, and hence require no comments from this Answering Respondent.
9. That the averments made in Para 14 to 16 pertains to formulation of guidelines by MoEF&CC and CPCB, and therefore this Answering Respondent reiterates the submissions made in Para 5 above.
10. That the averments made in Paras 17 & 18 pertain to the process of implementation of State Action Plan by 2020, and therefore this Answering Respondent reiterates the submissions made in Para 6 above.
11. That the averments made in Para 19 is related to Right to information (hereinafter referred as 'RTI') application filed and the same was already replied by this Answering Respondent. In regard to formulation of guidelines for preparation of SAP, this Answering reiterates the submissions made in Para 5 above.
12. That the averments made in Para 20 pertain to allegation of Applicant on failure of CPCB in ensuring adherence to the timelines stipulated in NCAP, 2019, this Answering Respondent reiterates the submissions stated in Para 7 above.

13. That the averments made in Paras 21 and 22 pertain to RTI replies by State Pollution Control Board and hence require no comments from this Answering Respondent.

14. That the averments made in Para 23 pertains to functions of CPCB under Section 16 (2) (b) of Air Act, 1981. In reply to this and to avoid repetition, this Answering Respondent wants to reiterate submissions made in Para 7 above.

15. That the averments made in Para 24 refers to functions of State Pollution Control Board, and hence require no comments from this Answering Respondent.

16. That the averments made in Para 25 refers to RTI replies of CPCB and State Pollution Control Board, this Answering Respondent submits that continuous efforts are being made in formulation of SAPs as per NCAP for improvement in air quality.

17. That the averments made in Para 26 & 27 is about the outbreak of COVID-19 pandemic and its effect on environment, the same deserve no comments from this Answering Respondent.

18. That the averments made in Para 28 is about drafting and implementation of State Action Plan, to which this Answering Respondent has already initiated steps and further this Answering Respondent reiterates the submissions made in Para 5 above.

19. That the averments made in Para 29 (A) to (C) have been elaborately answered by this Answering Respondent in Paras 4 to 7 above.

20. That the averments made in Para 29 (D) to (H) pertains to actions to be taken by State Pollution Control Board and hence require no comments from this Answering Respondent.

21. That with respect to the averments made in Para 29 (I) this Answering Respondent submits that out of 132 identified cities, decrease in PM10 concentration was observed in 96 cities during Financial Year 2020-2021 as compared to levels during Financial Year 2019-2020.

22. That the averments made in Para 29 (J) with respect to observations made by Hon'ble Supreme Court in W.P. (Civil) No. 13029/1985 titled M.C. Mehta v. Union of India and Ors., this Answering Respondent submits that appropriate steps are being undertaken towards curbing air pollution.

That in light of the above submissions, it is respectfully prayed that this Answering Respondent No.6 i.e. CPCB, shall abide by any Order or directions passed by this Hon'ble Tribunal.



VERIFICATION

[Signature]
DEPONENT

Noted & Registered
At.Sr.No. 79/2022.

I, Bharat Kumar Sharma, working as Scientist 'F' & Regional Director, Regional Directorate, Central Pollution Control Board, Pune, the Respondent no. 6 herein, do hereby declare that, the contents of this Reply Affidavit which is based on official record and information available in the office are true to the best of my knowledge and belief.

BEFORE ME

[Signature]

MANISHA SAMEER CHITNIS
NOTARY
GOVERNMENT OF INDIA



Verified at Pune on the 26th day of January 2022.

[Signature] **20 JAN 2022**

Deponent - Respondent No.6

Counsel for Respondent No.6

Indicative template for State Action Plan

1. Industrial Emissions

| S. No. | Activities | Status of activity (Completed/ Ongoing/ To be Started) | Timeline for completion | Target (Coverage/ Percentage) | Financial implications (Yes/ No) | Funds Allocated (Rs crore) | Funds Utilized as on date (Rs crore) |
|--------|--|---|----------------------------|-------------------------------------|--|-------------------------------|---|
| 1. | Policy for permitting new industries in Critically Polluted Areas (CPAs) | | | | | | |
| 2. | Guidelines for laying city gas distribution network | | | | | | |
| 3. | Policy for replacement of heavy oil (eg., furnace oil, diesel etc.) based industries to alternate energy sources (CNG/ PNG/ Electricity) | | | | | | |
| 4. | Policy for restriction on usage of Pet coke for industrial use. | | | | | | |
| 5. | Rules and Regulations on uninterrupted power supply in State/ UT | | | | | | |
| 6. | Policy for use of DG sets | | | | | | |





| S. No. | Activities/ Action plan | Status of activity (Completed/ Ongoing/ To be Started) | Timeline for completion | Target (Coverage/ Percentage) | Target Completed as on date (no.) | Funds Allocated (Rs crore) | Funds Utilized as on date (Rs crore) |
|--------|--|---|----------------------------|-------------------------------------|---|-------------------------------|---|
| 14. | Number of industries in the state complying emission standards | | | | | | |
| 15. | Inventory of fuel consumed in the industries (type and quantity) | | | | | | |
| 16. | Shifting of industries/commercial units to gaseous fuels (CNG/ PNG/ CBG) | | | | | | |
| 17. | Number of households shifted to PNG/ LPG | | | | | | |
| 18. | Any other activity/project pertaining to industrial emissions | | | | | | |

2. Vehicular Emissions

| S. No. | Activities/ Action plan | Status of activity (Completed/ Ongoing/ To be Started) | Timeline for completion | Target (Coverage/ Percentage) | Financial implications (Yes/ No) | Funds Allocated (Rs crore) | Funds Utilized as on date (Rs crore) |
|--------|---|---|----------------------------|-------------------------------------|--|-------------------------------|--|
| 1. | Notification for phasing out old vehicles (Commercial: 10 years; Private: 15 years) | | | | | | |
| 2. | Policy for scrapping old vehicles | | | | | | |
| 3. | Policy/ Plan for Li-battery waste management from scrapped vehicles | | | | | | |
| 4. | Policy / Scheme for Eco-Friendly Mass Rapid Transport Systems | | | | | | |
| 5. | Policy for augment e-vehicles | | | | | | |
| 6. | Notification and enforcement of PUC norms | | | | | | |
| 7. | Online monitoring of PUC implementation | | | | | | |
| 8. | Mechanism for centralized record maintenance of PUC checks, certification and | | | | | | |

3. Construction & Demolition Waste and Road Dust Management

| S. No. | Activities/ Action plan | Status of activity (Completed/ Ongoing/ To be Started) | Timeline for completion | Target (Coverage/ Percentage) | Financial implications (Yes/ No) | Funds Allocated (Rs crore) | Funds Utilized as on date (Rs crore) |
|--------|--|---|----------------------------|-------------------------------------|--|----------------------------------|---|
| 1. | Policy for development of projects/ plants for C&D waste management | | | | | | |
| 2. | Policy for use of C&D waste in laying and construction of State highways. | | | | | | |
| 3. | Demand creation for C& D waste and alternative use of C& D waste material | | | | | | |
| 4. | Schemes for development of green belt/ open spaces and street sides greening on State highways | | | | | | |
| 5. | Penalty provisions for non-compliance of C&D waste management rules at construction sites | | | | | | |
| 6. | Maintenance, repair and paving of State highways | | | | | | |
| 7. | Monitoring of road dust especially in and around | | | | | | |



| | | | | | | | | | | |
|----|--|--|--|--|--|--|--|--|--|--|
| | hotspot areas and in the vicinity of State highways | | | | | | | | | |
| 8. | Mechanism for development and maintenance of road infrastructures for industrial states and clusters | | | | | | | | | |
| 9. | Any other Policy / Rules/ Standards/ Guidelines pertaining to C&D waste and Road dust management | | | | | | | | | |

| S. No. | Activities/ Action plan | Status of activity (Completed/ Ongoing/ To be Started) | Target Number (No.)/ (%) | Total Capacity (TPD) / Coverage (Acres) | Funds Allocated (Rs. crore) | Timeline for completion | Target Completed as on date | Funds Utilized as on date (Rs crore) |
|--------|--|--|--------------------------|---|-----------------------------|-------------------------|-----------------------------|--------------------------------------|
| 10. | C&D waste processing plants | | | | | | | |
| 11. | Greening of open spaces/ parks developed | | | | | | | |
| 12. | Any other activity/ project pertaining to C&D waste and Road dust management | | | | | | | |

4. Emissions from burning of waste

| S. No. | Activities/ Action plan | Status of activity (Completed/ Ongoing/ To be Started) | Timeline for completion | Target (Coverage/ Percentage) | Financial implications (Yes/ No) | Funds Allocated (Rs crore) | Funds Utilized as on date (Rs crore) |
|--------|--|--|-------------------------|-------------------------------|----------------------------------|----------------------------|--------------------------------------|
| 1. | Notification and Enforcement of municipal solid waste (MSW) management rules | | | | | | |
| 2. | Policy for MSW management | | | | | | |
| 3. | Policy for legacy waste management at dumpsites | | | | | | |
| 4. | Policy for implementation of ban on single use plastics | | | | | | |
| 5. | Policy for development and Construction of Waste to Energy Plants | | | | | | |
| | (a) non-recyclable / combustible dry waste | | | | | | |
| | (b) Bio- methanation / Bio CNG | | | | | | |
| | (c) Composting plant etc. | | | | | | |
| 6. | Any other Policy / Rules/ Standards/ Guidelines pertaining to MSW Management | | | | | | |

| S. No. | Activities/ Action plan | Status of activity (Completed/ ongoing/ To be Started) | Target Number (No.)/ (%) | Total Capacity (TPD) / Coverage (Acres) | Funds Allocated (Rs. crore) | Timeline for completion | Target Completed as on date on date | Funds Utilized as on date (Rs crore) |
|--------|--|--|--------------------------|---|-----------------------------|-------------------------|-------------------------------------|--------------------------------------|
| 1. | Waste collection status in the city (%) | | | | | | | |
| 2. | Waste segregation status in the city (%) | | | | | | | |
| 3. | Material Recovery Facility | | | | | | | |
| 4. | Waste to Energy plants | | | | | | | |
| 5. | Waste to compost plants | | | | | | | |
| 6. | Remediation of dumpsites in the city | | | | | | | |
| 7. | Control open burning of MSW | | | | | | | |
| 8. | Any other activity/ project pertaining to MSW Management | | | | | | | |



5. Emissions due to burning of agro residues

| S. No. | Activities/ Action plan | Status of activity (Completed/ Ongoing/ To be Started) | Timeline for completion | Target (Coverage/ Percentage) | Financial implications (Yes/ No) | Funds Allocated (Rs crore) | Funds Utilized as on date (Rs crore) |
|--------|---|--|-------------------------|-------------------------------|----------------------------------|----------------------------|--------------------------------------|
| 1. | In-situ treatment of biomass residues for management of stubble burning | | | | | | |
| a) | Schemes for procurement of agriculture machinery | | | | | | |
| b) | Assistance for establishment of farm machinery banks/ custom hiring centres | | | | | | |
| c) | Use of decomposer for in-situ Crop residue management. | | | | | | |
| 2. | Ex-situ treatment of biomass residues for management of stubble burning | | | | | | |
| a) | Schemes for balers/ pellet/ briquette machines, etc. | | | | | | |
| 3. | Biomass projects with respect to the hotspots of crop residue burning | | | | | | |
| 4. | Use of biomass / crop residue based pellets mass | | | | | | |





| | | | | | | | | | | | |
|--|---|--|--|--|--|--|--|--|--|--|--|
| <p>blending with coal and its co-firing in thermal power plants with blending ratio which needs no modification in boilers</p> | <p>5. Policy for supply chain mechanism for in-situ and ex-situ management of stubble</p> | <p>6. Supply chain for crop residues to cow shelters</p> | <p>7. Development of effective protocol for monitoring of fire incidents including crop area consideration and crop fire area data</p> | <p>8. Collaboration with ISRO and preparation of Satellite based maps for monitoring of fire incidence</p> | <p>9. Any other scheme/program that may help in reducing air pollution</p> | | | | | | |
|--|---|--|--|--|--|--|--|--|--|--|--|

6. Household emissions

| S. No. | Activities/ Action plan | Status of activity (Completed/ Ongoing/ To be Started) | Timeline for Completion | Target (Coverage/ Percentage) | Financial implications (Yes/ No) | Funds Allocated (Rs crore) | Funds Utilized as on date (Rs crore) |
|--------|---|---|----------------------------|----------------------------------|--|----------------------------------|---|
| 1. | Schemes for use of LPG/ PNG for cooking fuels | | | | | | |
| 2. | Amendments to the building by-laws for “ indoor air quality management” | | | | | | |
| 3. | Any other Policy / Rules/ Standards/ Guidelines pertaining to Household emissions | | | | | | |

Additional Instructions:

- Air quality is affected by both regional and background contributions hence actions at state and regional levels which also consider the airshed approach are required.
- Identification of prominent air polluting sources: Inventory of air pollution sources in State/UT including hotspots or areas of concern pertaining to air pollution should be carried out.
- Hotspots of air pollution: Hotspots with respect to air pollution (such as stubble burning, illegal waste burning, un-authorized operations, cluster activities, forest fires etc.) should be identified and localised action plan for mitigation of the same should be prepared.
- Categorization of industrial zones into red, orange, and green sectors has already been implemented so states may choose to permit or ban an industry depending on the state of the environment in their state or zones, for example- in TTZ some industries are banned. A similar strategy could be adopted by other states.
- Ambient air quality data: Plan to get access to available air quality monitoring stations in the State/UT operated by both public and private agencies. Quantification of improvement in existing air quality.
- Awareness on Air Quality: To develop Mobile App / Online portal for dissemination of air quality as well as to take complaints on local air pollution.
- State Action plan may dwell upon other relevant action points as per need and requirement of that state which are not mentioned in above template.



Q-16017/69/2021-CPA
 GOVERNMENT OF INDIA
 MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE
 CP DIVISION

6th Floor, Jal Wing,
 Indira Paryavaran Bhawan
 Jor Bagh Road,
 New Delhi-110003
 Dated: 13 October, 2021

OFFICE MEMORANDUM

Subject: Development of State Action Plan on initiatives that would help in air quality improvement under NCAP - regarding.

The undersigned is directed to convey that Hon'ble Prime Minister has made an announcement with regard to bring improvement in air quality in identified cities. This Ministry under National Clean Air Program (NCAP) is coordinating and implementing various activities for improvement of air quality in 132 non-attainment cities (Annexure-I) across the country. Many activities/schemes/programs have been identified as measures contributing to the objectives of NCAP which are under implementation through various on-going or are proposed by the Ministries/Departments of Central as well as State/UT governments.

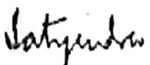
2. A web based Dashboard has been developed to populate the data (physical and financial progress with targets) of all identified activities/schemes/programs from the respective implementing/executing Ministries/Departments for their monitoring and effective coordination of progress under NCAP.

3. In this regard, an indicative template has been developed for preparation of State Action Plan addressing the activities that would help in improvement of air quality. The template is indicative and States/ UTs may include the activities wrt requirements in their respective States/ UTs and finalize the State Action Plan at the earliest.

4. It is further requested to share the completed/ filled-up template through email in word format (Email - ncap.moefcc@gov.in) by 30 November 2021.

5. This issues with the approval of the competent authority.

Encl: As above.


 (Satyendra Kumar)
 Director
 Email: satyendra.kumar07@nic.in
 Telefax: 011- 24611719

To:

1. Chief Secretaries, States/ UTs (covered under NCAP)
2. Chairman, Central Pollution Control Board
3. Principal Secretary, Environment, States/ UTs (covered under NCAP)

Copy to:

PPS to JS (NPG)

