

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application No.492 OF 2023

IN RE: "News item titled "NCR sees second landfill fire in 3 days,
this time in Bandhwari" appearing in The Times of India
dates 24.04.2024"

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Filed By

New Delhi
Dated: 15.07.2024


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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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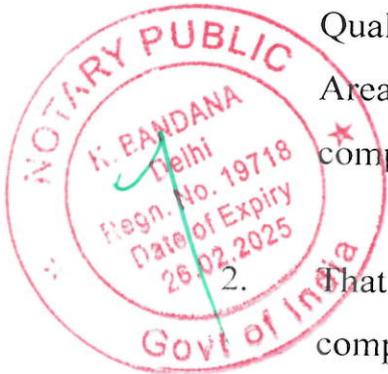
IN RE: "News item titled "NCR sees second landfill fire in 3 days, this time in Bandhwari" appearing in The Times of India dates 24.04.2024"

**RESPONSE AFFIDAVIT ON BEHALF OF RESPONDENT
NO.5, COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS**

I, Ram Kumar Agrawal aged about 55 years, S/o Shri Prabhat Kishor Agrawal, working as Director in the Commission for Air Quality Management in National Capital Region and Adjoining Areas, New Delhi (hereinafter referred to as 'Commission') having office at 17th Floor, Jawahar Vyapar Bhawan, STC Building, Tolstoy Marg, New Delhi – 110001, do hereby, in my official capacity, solemnly affirm and state as under:

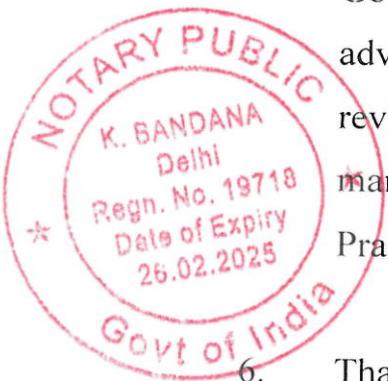
1. That I, in the capacity of Director of the Commission for Air Quality Management in National Capital Region and Adjoining Areas, am fully conversant with the facts of the case and competent to swear this affidavit on behalf of respondent no. 5.

2. That the replying respondent is filing the present affidavit in compliance of order dated 25.04.2024 passed by this Hon'ble Tribunal.




राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
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3. That in the present matter this Hon'ble Tribunal took up the subject matter *suo moto* in connection with the fire incident on April 23, 2024 at Bandhwari landfill site in Gurugram district of the State of Haryana and vide its Order dated 25.04.2024 also impleaded the Commission for Air Quality Management in National Capital Region and Adjoining Areas (hereinafter referred to as the "Commission") as Respondent No. 5 and issued notice for filing a response.
4. That the Commission in its comprehensive policy to curb air pollution in National Capital region issued in July, 2022, identified MSW management and burning of open waste as one of the major sources of air pollution and accordingly advised various departments/authorities concerned to develop and monitor appropriate plans to manage the waste generated in the region.
5. That the departments concerned in the GNCTD and Governments of Haryana, Uttar Pradesh and Rajasthan were advised to guide, facilitate, monitor, resolve and periodically review the status of this critical aspect of municipal solid waste management in Delhi and NCR districts of Haryana, Uttar Pradesh and Rajasthan with the ULBs and agencies concerned.
6. That the policy also advocated the concerned departments/authorities to develop and monitor appropriate plans to prevent, control / manage fire incidents at sanitary landfill sites and regularly review the progress of




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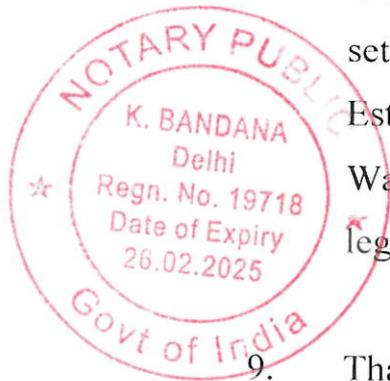
preparatory/mitigative measures to address this challenge *inter alia* ensuring the following:

- (i) 24 x 7 deployment of personnel, CCTVs and Hydrant system/fire protection equipment etc. at the SLFs.
- (ii) Physical fencing/ boundary at the SLF sites.
- (iii) Prohibiting unauthorised persons at such sites.
- (iv) Enforce no smoking zones.
- (v) Liquidation/ management of legacy MSW at the SLFs.

7. The Commission, as a part of regular follow up in this context, convened regular meetings, with recent meetings held on 28.12.2023, 31.01.2024, 28.03.2024, 30.04.2024 and 28.05.2024, to comprehensively review the status of Solid waste management in Delhi and NCR districts of Haryana, Uttar Pradesh and Rajasthan.

8. That the Solid Waste Management Rules 2016 *inter alia* list down responsibilities and timelines for effective implementation of SWM Rules and enabling / facilitating mechanisms like identification of sites for setting up Solid Waste processing facilities, identification of suitable sites for setting up common regional sanitary landfill facility, Establishment of Waste Processing facilities, Segregation of Waste at source and Bio-remediation/ capping / liquidating legacy waste at various landfill sites.

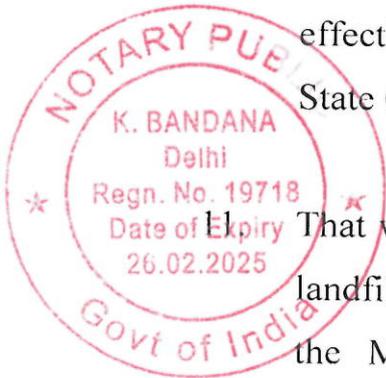
9. That with regard to fire incidence in the Bandhwari landfill site, it is stated that it occurred at Bandhwari landfill site on 23rd April, 2024 as also the incidents reported earlier on 6th, 7th and



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17th April, 2024, CAQM vide letters dated 16.05.2024, 29.05.2024 and 24.06.2024 asked the HSPCB and other departments concerned viz. Municipal Corporation of Gurugram, Department of Urban Local Bodies, Department of Environment, Forest & Wildlife, Govt. of Haryana, to take immediate preventive and corrective actions and furnish a detailed action taken report, including levying of appropriate environment compensation / other penal measures against the agencies responsible for proper upkeep and management of landfill sites, as also to furnish an updated action plan to prevent such fire incidents in future, particularly at the Bandhwari landfill site.

10. That the matter was discussed in details during the meetings convened by the CAQM on 28.05.2024 and 09.07.2024. The Chairperson, CAQM also took up the matter with ACS, Environment, Forest & Climate Change, Govt. of Haryana vide a D.O. letter dated 02.07.2024 for appropriate action in this context. Detailed / concrete action plans / SOP etc. in this context thus need to be formulated and implemented effectively by the respective departments and agencies in the State Govt.



That with regard to liquidation of legacy waste at Bandhwari landfill site it is stated that as per the information furnished by the Municipal Corporation Gurugram, Bandhwari is the common landfill site for handling the entire MSW generated in Gurugram and Faridabad. A total estimated legacy waste at this site as on 01.01.2021 was 33 Lakh MT, which owing to

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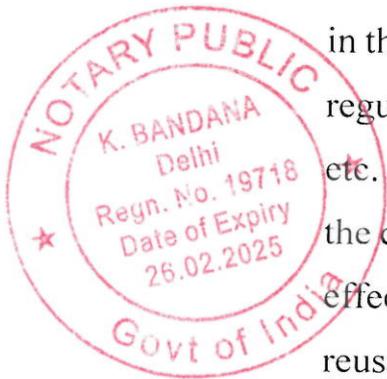
efforts towards remediation, has been brought down to about 9.76 Lakh MT presently (including some quantity of fresh waste still being dumped at the site). The Municipal Corporation of Gurugram (MCG) have engaged 04 different agencies for remediation / treatment of the legacy waste at the site. The cumulative treatment capacity of the machinery installed at the site is approx. 16000 TPD which would be enhanced as more space would be reclaimed after treatment of legacy waste. As of now, all of the available space is being utilized for the waste treatment process deploying adequate number of machines at the site. An indicative timeline for complete liquidation of waste at this landfill site as projected by the State Government is December, 2024.

12. That regarding management of fresh MSW it is stated that as per data shared by the authorities concerned, the breakup of estimates of total MSW generated in Gurugram and Faridabad is as under:

NOTARY PUBLIC K. BANDANA Delhi Regn. No. 19718 Date of Expiry 26.02.2025 Govt of India	MSW generation (TPD)	Current MSW Processing capacity (TPD)	Upcoming MSW processing facility and timelines
Gurugram	1200	192	Balance fresh quantity of MSW is being processed at the Bandhwari landfill site along with the

			legacy waste being processed at the site.
Faridabad	1000	230	2 sites of 300 TPD and 400 TPD respectively have become operational in Mujheri & Pratapgarh which would run on full capacity w.e.f. 01.08.2024

13. That While presently there remains a gap between the total fresh MSW generation and the processing capacities in these regions, it is expected that the entire fresh MSW generated would be targeted to be processed by December, 2024.
14. That there is a reasonably satisfactory institutional mechanism for door-to-door collection of MSW in Gurugram & Faridabad. Segregation of MSW at source i.e., dry / wet / misc. waste etc. however, needs to be stepped up and implemented effectively in the respective jurisdictions. Solid Waste management in un-regularized colonies, resettlement colonies and in rural set ups etc. remains a weak area. It is considered essential to step up the capabilities for collection and segregation of MSW towards effective waste processing including facilitating recovery of reusable items.
15. That regarding control on open burning of MSW waste open burning of municipal solid waste and bio-mass etc. across the



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National Capital Region, particularly in the winter months poses a serious concern on the overall air quality.

- 16. It is further submitted that the Commission, in consonance with NGT's order dated 28th April, 2015 in OA 21 of 2014, shared the concern with the State Govts. / GNCTD while directing for formulating plans for effective control and enforcement actions to guard against instances of such open burning of MSW and misc. wastes.

[Handwritten Signature]

DEPONENT

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IDENTIFIED

15 JUL 2024

VERIFICATON

Verified at New Delhi on this 15th day of July, 2024 that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.

[Handwritten Signature]

DEPONENT

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15 JUL 2024



EMPOWERED TO ADMINISTER THE OATH
 SECTION 139 OF CPC 1908
 SECTION 297 OF CRPC 1973
 DELHI HIGH COURT RULES 1967
 PART-6, CHAPTER XVIII-227
 EVIDENCE BY AFFIDAVIT BEFORE NOTAR
 SUPREME COURT RULES, 2013
 ORDER-X-7

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