

Item No. 02

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 1011/2018

(With report dated 29.04.2022)

Jagdish Kumar

Versus

Applicant

State of Haryana

Respondent

Date of hearing: 09.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Respondent(s): Mr. Rahul Khurana, Advocate for the State of Haryana & HSPCB

ORDER

1. The issue for consideration initially taken up was the remedial action for restoration of the site where garbage was unscientifically dumped at Gohana, District Sonapat, Haryana. However, in the light of earlier proceedings, the Tribunal took up for consideration the steps for compliance of Solid Waste Management Rules, 2016 in the entire State since timelines given for various steps under the Rules have expired. Collected garbage is source of air pollution, affecting public health.

2. The Tribunal sought a factual report in the matter from the State Authorities. Vide order dated 23.09.2021, the matter was last considered in the light of report of the Chief Secretary, Haryana updated on 02.09.2021 giving the status of legacy waste in different cities of Haryana. It was found that non-compliance continued beyond the statutory timeline

for which prompt action was required. The operative part of the order is reproduced below:

“7. In view of above, non-compliance of statutory rules cannot be appreciated. Timeline being statutory and violation being criminal offence under the law of the land, the Tribunal cannot allow what is prohibited in law. Prayer for extending the time beyond the statutory date has, thus, to be rejected. The State may take further action to uphold the law, including against the violators, record adverse ACRs against the officers responsible for delay and deposit compensation as already directed. The Chief Secretary, Haryana may file a further status report within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The CPCB and Haryana State PCB, with State PCB as nodal agency for coordination and compliance, may jointly verify some of the sites where biomining has been taken up to ascertain whether the guidelines/SOP prepared by CPCB are being followed and ensuring that the material recovered/rejects arising out of biomining process are properly routed to the authorized user/recyclers. It may also be ascertained as to how much land has been recovered out of the biomining process. Joint report may be filed before the Tribunal within three months with its copy to the Secretary, Urban Development, Haryana by 30.12.2021 for response of the Chief Secretary to the observations, if any, requiring response.”

3. In pursuance of above, the Chief Secretary, Haryana has filed a status report dated 29.04.2022 as follows:

“3 That vide aforesaid orders, Joint Committee of CPCB and HSPCB was constituted to verify some of the sites where biomining was taking place to ascertain whether the guidelines/SOPs prepared by CPCB are being followed and to ensure that the material recovered/rejects arising out of biomining process are properly routed to the authorised user/recyclers and also to ascertain how much land has been recovered out of the biomining process.

4. That the report of Joint Committee was forwarded to the Urban Local Bodies Department to take requisite steps in view of the observations and recommendations made in the Joint Committee Report.

5. That the Directorate of Urban Local Bodies has informed that all the ULBs have already been directed to take requisite steps in view of observations and recommendations of Joint Committee with immediate effect vide letter/memo No. Tech/NGT/DULB/2022/2223 dated 22 April 2022 (Annexure R-1).

6. That the Directorate of Urban Local Bodies has also informed that a response to the observations of Joint Committee has been

submitted to CPCB vide letter memo No. Tech/NGT/DULB/2022/2233 dated 25 April 2022 (Annexure R-2).

7. That from the perusal of the data as mentioned in Annexure R-2, it is clear that almost 40.72 lakh metric tonnes (52%) of legacy waste has already been processed in 37 Municipalities upto 31 March 2022. It is also relevant to mention here that MCs mentioned at Sr. No. 35-37 in Annexure R-2, where zero quantity of legacy waste is shown as processed is due to the recent award/finalization of the contracts. However, the requisite machineries have been installed at these dumpsites and processing of waste shall start very soon.

8. That Urban Local Bodies Department and Haryana State Pollution Control Board have been directed to take requisite steps in the light of observations and recommendations of the Joint Committee in accordance with the law and policy of Pollution Control Board. The status of compliance of the observations and recommendations of Joint Committee shall be considered in the next monitoring meeting to be held as directed by Hon'ble NGT in O.A. No. 606.”

4. We have considered the report and find that the same does not give complete picture about the compliance status. From the information given, the progress can hardly be held to be satisfactory. At some places, there is zero processing and at other places processing is not complete. Report dated 15.03.2022 about the following of the SOP also shows various serious failures. For example, as per information in column 11, it is mentioned that mist-spray of bio-culture is not taking place. Land recovered at eight sites, in the eight cities visited, is shown as nil. Fresh waste is being dumped at same site which will obstruct the clearance of legacy waste. It is not clear whether any waste processing plants have been set up.

5. Based on the findings given by the Joint Committee, we observe that process of bio-mining has been very slow as evidenced from the following table:

Sl. No.	Locations	Estimated quantity of Legacy Waste (in lakh MT)	Waste Processed as on 15.08.2021	Area occupied	Quantity of Legacy Waste	Waste processed as on 25.02.2022	Waste to be processed

1	Panchkula	3.96	1.27,556	10.24 Acres	3.96	1.46	2.5
2	Yamuna Nagar	1.27	0.57500	12.0 Acres	1.26	1.16	0.10
3	Ambala	6.0	3.54957	13.77 Acres	5.43	5.14	0.29
4	Kaithal	0.80	0.60	4.74 Acres	0.98	0.84	0.13
5	Jind	1.0	0.20	4.50 Acres	1.0	0.42	0.58
6	Gohana	0.42	0.32532	5 Acres	0.42	0.42	0.77
7	Karnala	0.95	0	8 Acres	1.99	0.25603	1.99
8	Gurugram	33.0	10.20158	12 Acres	33.0	8.15	24.85

It appears that estimation of legacy waste may need verification as at some locations fresh waste is also being dumped.

6. Further, details of recovered components shows that the same are not properly routed to the end users except at Yamunanagar, Kaithal and Gohana. The details are as follows:

Sl. No.	Locations	Waste Processing and Recovery (in lakh MT)				
		Manure/compost	Refused Derive Fuel (RDF)	Inerts	C&D Waste	Total recovered
1	Panchkula	0.306	0.49	0.183	0.061	1.04
2	Yamuna Nagar	0.18	0.10	--	0.023	--
3	Ambala	2.46	1.46	0.54	0.67	--
4	Kaithal	0.588	0.098	0.098	0.056	0.843
5	Jind	0.19320	0.084	0.0588	0.084	0.42
6	Gohana	0.34	0.0336	0.0188	0.008	--
7	Karnala	0.04599	0.02073	0.04606	0.0025	--
8	Gurugram	2.02	3.05	2.92	0.136	8.15

The manure/compost is not characterised for its fitness in supplying to the farmers. Inerts and C&D waste remain undisposed. Unless adequately required waste processing plants are set up, the process of remediation will remain incomplete. Bio-mining may tackle one time accumulated (legacy) issue but for scientific management of waste, it must be processed on day to day basis. During bio-mining/remediation, the associated environmental issues need to be addressed, including the fire

incidents. CPCB may issue appropriate guidelines on protection of fires where bio mining takes time in handling waste.

7. In view of above, the Chief Secretary, Haryana may undertake more rigorous monitoring. The sites where legacy waste is cleared must be properly closed. The end destination of the material removed from the legacy waste site must be specified to ascertain the effectiveness of the waste processing. Steps be also taken to prevent setting up of fire to the garbage. The Chief Secretary, Haryana may have a joint meeting with the Monitoring Committee constituted by this Tribunal and the Regional Officer, CPCB within one month for interaction. Points for discussion may include compliance of Guidelines for bio mining, end utilisation plan for the recovered material for Compost, RDF, C&D waste, Inerts and others so that actually the land is reclaimed, status of 37 MCs in terms of waste generation and processing facilities to process day to day waste generated and still being dumped into dumping grounds, preventing mishaps due to landfill fires, and regulation and monitoring safety of habitation in close proximity of dumping grounds.

8. A further report about compliance status as on 31.08.2022 may be filed by 15.09.2022 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 12.10.2022.

A copy of this order be forwarded to Chief Secretary, Haryana, CPCB and Justice Pritam Pal, former Judge, Punjab and Haryana High Court by e-mail.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 09, 2022
Original Application No. 1011/2018
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