

Item No. 03

Court No. 1

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

Original Application No. 1011/2018

Jagdish Kumar

Applicant

Versus

State of Haryana

Respondent

Date of hearing: 16.01.2023

**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: Mr. Rahul Khurana, Advocate for the State of Haryana & HSPCB

ORDER

1. The issue initially taken up was for remedial action for restoration of the site where garbage was unscientifically dumped at Gohana, District Sonapat, Haryana. However, in the light of later 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 had expired.

2. The matter has been dealt with by this Tribunal in the last five years by several orders, last order being dated 09.05.2022 on consideration of status report filed by the Chief Secretary, Haryana dated 29.04.2022. The Tribunal noted that the status report did not give complete picture about the compliance status of solid waste management. Accordingly, Tribunal required further report about compliance status with all the details and

destination of the material recovered from the legacy waste sites as follows:-

“

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	<i>Kaithal</i>	<i>0.588</i>	<i>0.098</i>	<i>0.098</i>	<i>0.056</i>	<i>0.843</i>
5	<i>Jind</i>	<i>0.19320</i>	<i>0.084</i>	<i>0.0588</i>	<i>0.084</i>	<i>0.42</i>
6	<i>Gohana</i>	<i>0.34</i>	<i>0.0336</i>	<i>0.0188</i>	<i>0.008</i>	<i>--</i>
7	<i>Karnala</i>	<i>0.04599</i>	<i>0.02073</i>	<i>0.04606</i>	<i>0.0025</i>	<i>--</i>
8	<i>Gurugram</i>	<i>2.02</i>	<i>3.05</i>	<i>2.92</i>	<i>0.136</i>	<i>8.15</i>

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.”

3. In pursuance of above, further report has been filed by the ACS, Urban Local Bodies, Haryana dated 13.01.2023 giving following information:-

“3. That in compliance of the aforesaid orders, a meeting was held under the Chairmanship of Sh. Sanjeev Kaushal, Chief Secretary Haryana with the Monitoring Committee, constituted by this Hon'ble Tribunal and Municipalities, on 09 November, 2022. The status of remediation of legacy waste sites and issues such as compliance of Guidelines for bio mining, status of utilization of recovered material for Compost, RDF, C&D waste, Inerts, land reclaimed, status of 37 MCs in terms of waste generation and processing facilities, to process day to day generated waste preventing mishaps due to landfill fires and

regulation and monitoring, safety of habitation in close proximity of dumping grounds were reviewed in the meeting. The minutes of meeting are annexed at **Annexure R-1**.

4. That as per the earlier assessment, the legacy waste in municipalities of State was approximately 71.68 lakh MT which was got re-assessed as per the observation of the Joint Committee constituted by Hon'ble NGT vide order dated 23 September 2021 in the matter vide report dated 15 March 2022 and it came out to be approximately 101 lakh MT. The density of waste is the major component which affects the quantity of legacy waste. At the time of tendering, standard density @600 kg/Cum was taken for estimation purpose. While, when the revised assessment of legacy waste was got done at all the sites, at some of the sites, the quantity of legacy waste is found to be more than the earlier estimated quantity because of variation in density and depth of the legacy waste. Latest status of remediation of legacy waste sites has been prepared after taking the information from Municipalities.

5. That the work of remediation of legacy waste at 40 sites having approximately 94.68 lakh MT legacy waste, i.e., 93.74% of total quantity which also includes 40.50 lakh MT legacy waste at Bandhwari, Gurugram and being dealt with by the Hon'ble Tribunal in separate case, i.e., OA No. 172 of 2021 title as Poonam Yadav Vs. M/s Ecogreen Energy Pvt. Ltd. and Others. Out of the 54.18 Lakh MT legacy waste (except Gurugram), approximately 31.90 Lakh MT (58.87%) waste has been processed. The processing of remaining waste is likely to be completed by December, 2023. The detail is annexed at Annexure R-2.

6. That the municipalities have reported that processed fractions of legacy waste are being disposed off scientifically. Out of total processed waste, i.e., 31.90 Lakh MT, approximately 29.29 Lakh MT processed fractions such as compost/soil enricher, RDF, C&D waste and inert etc. were recovered out of which approximately 24.38 Lakh MT have been disposed off by municipalities till date and approximately 101.05 acre land has been reclaimed. The fresh waste generation in those 39 ULBs where remediation work is in progress is approximately 2642.45 TPD out of which approximately 2146 TPD is being processed and remaining is being dumped at dump sites. The detail is as under:-

Sr. No.	Description	Status
1	Quantity of legacy waste in 39 ULBs(except Gurugram) where remediation work is in progress. (In MT).	5418292
2	Total quantity of legacy processed (In MT).	3190696
3	Total land reclaimed (In Acres).	101.05
4	Quantity of manure/ compost/soil enricher recovered from the processing of legacy waste (In MT).	1624534.79

5	Quantity of Soil enricher/compost disposed off (In MT).	1486772.77
6	Quantity of RDF recovered from the processing of legacy waste (In MT).	612277.61
7	Quantity of RDF disposed off(In MT)	452260
8	Quantity of C&D waste recovered from the processing of legacy waste (In MT).	165171.40
9	Quantity of C&D waste disposed off(In MT).	136179.91
10	Quantity of inert recovered from processing of legacy waste (In MT).	527592.29
11	Quantity of inert disposed off(In MT).	362999.97
12	Fresh waste generated (In TPD).	2642.45
13	Fresh waste processed (In TPD).	2146.00

To manage the gap in processing of fresh waste in the Municipalities mentioned in Annexure R-2, (ULBD) Urban Local Bodies Department has selected concessionaire for Integrated Solid Waste Management (ISWM) cluster of Bhiwani, Sirsa and Karnal-Kaithal-Kurukshetra. The concessionaire shall manage the collection, segregation, transportation and processing of waste in Municipalities under the said clusters and concession period shall be 22 years. The likely date to achieve the 100% processing of waste in above said cluster is 30 June 2023 and gap in processing of fresh waste in MC, Bhiwani, CharkhiDadri, Rania, Ellenabad, Kalanwali, Kaithal, Kalayat & Cheeka shall be covered. For remaining Municipalities, MCs are hiring agencies for collection, segregation, transportation and processing of waste in decentralized way on yearly basis till finalization of concessionaire under ISWM cluster and hopefully, the gap in processing of fresh waste shall be covered upto 30 June 2023.

7. That in the meeting dated 09 November 2022, municipalities have also been directed to ensure all safety precautions at land fill sites to prevent fire incidents, noise pollution and ground water contamination. However, no major fire incident has been reported at land fill sites in last 01 year except Gurugram. The municipalities have also been directed to use the 30% area of land reclaimed through remediation of legacy waste, for forestation.

8. That accordingly, State of Haryana is trying its best to manage bio-remediation of legacy waste. However, some delay has occurred in bio-remediation of legacy waste because of unavoidable constraints and due to lack of technical knowhow in the staff associated with remediation work. However, Urban Local Bodies Department is trying to build the capacity of municipalities staff associated with waste management for which two days workshops/training programmes were scheduled on 26th May, 2022 at Karnal and 27th May, 2022 at Gurugram on Solid Waste Management wherein Sh. Absar Ahmad Kazmi, Professor of Environment Engineering, IIT Roorkee, Engineers from Goa Waste Management Corporation and Officers from Municipal

Corporation, Bhopal were invited to share their experience in waste management. The officers from all ULBs participated in those workshops.”

4. We have considered the report and find that there is still gap in generation and processing of fresh waste, apart from processing of legacy waste as per Solid Waste Management Rules, 2016.

5. Since statutory timelines have already expired, environmental compensation may have to be levied @ Rs. 300 MT of legacy waste on the pattern of orders in such cases which aspect is deferred in view of scheduled hearing in *O.A No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016* on 09.02.2023, when the Chief Secretary, Haryana is to appear.

6. In the meanwhile, we expect the state authorities to take further remedial measures to ensure that there is no gap in generation and processing of waste and legacy waste remediation is expedited by preponing proposed dates.

The Application is disposed of.

A copy of this order be forwarded to the Chief Secretary, Haryana by email for compliance.

A copy of this order be also placed in O.A No. 606/2018 relating to State of Haryana.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

January 16, 2023
Original Application No. 1011/2018
AB

Prof. A. Senthil Vel, EM