

Item No. 8

Court No. 1

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

Original Application No. 283/2020

R.S. Virk

Applicant

Versus

Central Pollution Control Board

Respondent(s)

Date of hearing: 03.12.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. This application seeks remedial action to mitigate the impact of dust pollution arising out of dry sweeping of roads in metro cities. According to the applicant, dust pollution contributes to about 43% of the air pollution. Suggestion is that dust suppressant should be used alongwith water as a remedial measure.

2. In *M.C. Mehta vs. Union of India & Ors.*, (2020) 7 SCC 573, following direction was issued:

“ xxx xxx xxx
20. For taking care of the road dust **let water sprinklers/dust suppressors be used on the roads. An IIT expert suggested about the appropriate water pressure for the sprinklers. At what pressure water should be sprinkled so as to reduce the pollution and dust so that it does not add to the pollution. Let the Corporations act on advice of the expert of the IIT. Such roads where traffic congestion is more, let traffic plan be also prepared in such a manner so that there is no extra burden on a particular road so that traffic congestion is taken care of. It is for the concerned traffic authorities to take immediate steps in this regard.**”

3. The issue of vacuum cleaning of roads has been considered by the Hon'ble Supreme Court in *M.C. Mehta vs. Union of India*, (2016) 4 SCC 269, at page 281 as follows:

“ xxx xxx xxx

13. We, accordingly, direct the Government of NCT of Delhi to take immediate steps for repair of pavements and make pavements wherever the same are missing and also to take immediate steps for procurement of the requisite vacuum cleaning vehicles for use on Delhi roads expeditiously but not later than 1-4-2016.”

4. We note that as per 'Air Quality Monitoring Emission Inventory & Source Apportionment Studies' for Delhi conducted by the NEERI, Nagpur in December, 2018, dust pollution was noted to be one of the contributors to the air pollution of Delhi. The contribution of road dust was found to be 52.5% to PM₁₀ emissions. The sources of dust pollution are wind blown, natural dust, road dust, re-suspension, construction dust and particles generated from combustion sources. It was observed that the dust components can be controlled.

5. We also note that in the Graded Response Action Plan (GRAP) for Delhi and NCR prepared by the CPCB, there is a provision for **“increase frequency of mechanized cleaning of road and sprinkling of water on roads. Identify road stretches with high dust generation”** by Municipal Corporations, PWD and NHAI when the air quality is 'severe'. There is also a study of "Source Apportionment of PM_{2.5} & PM₁₀ Concentrations of Delhi NCR for Identification of Major Sources" by the Automotive Research Association of India (ARAI) and The Energy and Resources Institute (TERI) in August, 2018 noting as follows:

“4.1 PM₁₀

Seasonal variation of PM₁₀ shows higher contribution of dusty sources in summer (38%–42%) as compared to winter in Delhi-city as well as NCR Towns. This can be attributed to dry conditions and higher wind velocities resulting in entrainment of dust. However, contribution of dusty sources (e.g. road, construction and soil dust) was also significant in winter season (23%–31%). contribution of vehicles to PM₁₀ was slightly higher in winter (17%–18%) in Delhi-city and NCR Towns than in summer (15%–16%).”

6. This Tribunal has been considering remedial action for control of air pollution in 122 Non-Attainment Cities (NACs) in the country in OA 681/2018, News item published in "The Times of India" Authored by Shri Vishwa Mohan titled "NCAP with multiple timelines to clean air in 102 cities to be released around August 15." The Tribunal directed constitution of Air Quality Monitoring Committees (AQMCs) in all the States/UTs having NACs comprising of Directors of Environment, Transport, Industries, Urban Development, Agriculture and Member Secretary, State Pollution Control Board or Committee of the concerned State. The AQMCs work under the Principal Secretary, Environment of the State and finally under the Chief Secretary. The function of the AQMCs is to prepare and execute action plan for control of the air pollution.

7. In view of acknowledged fact that dust pollution is significant component of air pollution and sweeping of roads is one of the sources of dust pollution **sprinkling of water before sweeping of roads including the pavements needs to be explored, as directed by the Hon'ble Supreme Court quoted above.** The water to be used for the purpose of sprinkling should be treated STP water and not the fresh water. Further mitigation which may be considered is planting of grass/raising small herbs and shrubs on the sides of the pavements and on open dusty

areas including the areas on the sides of the pavements. The pavements may also be appropriately covered so as to prevent generation of dust.

8. Accordingly, we direct all the Municipal Corporations/Local Bodies in NCR where air quality levels are normally non-compliant and in all other cities with the air quality 'poor' and above to take necessary steps to ensure sprinkling of water before sweeping of roads, using treated water from STPs, and take further steps of planting of grass/raising small herbs and shrubs on the sides of the pavements/road shoulders and on open dusty areas, including the areas on the sides of the pavements/right of way. The pavements may also be appropriately covered so as to prevent generation of dust. Attention also needs to be given to stop burning of biomass/waste and regulate construction and demolition activities following the laid guidelines and protocols under GRAP/NCAP. All the Municipal Corporations/Local Bodies may send their reports to the Principal Secretary, Environment of the State, heading the AQMCs, once in a quarter. First such report may be furnished by 01.02.2021, mentioning the steps initiated and thereafter every quarter such action taken reports may be furnished. The Principal Secretary, Environment heading the AQMCs may compile the data and furnish the same to the CPCB. First such report by AQMCs may be furnished to the CPCB by 28.02.2021. The CPCB may give a consolidated report by 31.03.2021 to this Tribunal in OA 681/2018 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 application is disposed of.

A copy of this order be forwarded to the Chief Secretaries, Secretaries, Environment and Urban Development Department/Local Bodies of all the States/UTs and the CPCB by e-mail for compliance.

The Secretary, Urban Development/Local Bodies may forward a copy of this order to all the Municipal Corporations/Local Bodies in the States/UTs for compliance forthwith.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

December 03, 2020
Original Application No. 283/2020
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