

To
Mr. Montu Choudhury
Central Pollution Control Board

Sub: Comments on draft notification by the Central Pollution Control Board for ***“maintaining buffer zone around waste processing and disposal facilities”***

Dear Sir,

This has reference to the draft notification issued by CPCB to delineate the buffer zone around waste processing and disposal facilities.

We have gone through the proposed guideline and henceforth sending our comments and suggestions. We would be available for providing any further clarifications or information as well as for participation in any consultation meetings on the subject.

Yours sincerely,

1. Dr. R. Sreedhar, Director, Environics School of Management Sciences
2. Kankana Das, Deputy Director, EIA Resource & Response Centre (eRc)

Introduction:

Central Pollution Control Board vide dated 15th February, 2017 has come up with a draft guideline on “maintaining buffer around waste processing and disposal facilities” asking for suggestion and comments from the concerned stakeholders.

We are hereby representing a group of organizations tuned with the similar objective of ensuring better environmental performance of waste management facility in the country are hereby presenting our comments and suggestions on the proposed draft guideline.

Background:

For years, Indian cities were depending on the landfills to dump their municipal solid waste. However, an examination of landfills across India shows that all kinds of mixed waste including municipal solid waste as well as hazardous wastes are being dumped in the landfills, with negative impacts on the soil and water. Moreover, due to the release of methane from wet waste, landfills are on fire, making it very hard for residents or nearby workers etc. to work or live safely¹. Therefore, provision of buffer zone around these facilities is essentially required to prevent the environment and the people in the surrounding from exposure/impacts of such pollutants.

A close look at the document reflects that, the science and logic behind the delineation of buffer zone distance seem to be missing in all probability.

Therefore, an attempt has been made to give representation on the draft guideline.

1. Availability of Time Frame for submission of critic

In recent past, it has been seen as a practice followed by CPCB, of putting any draft guideline for public opinion for a very short span of time, per se, 7- 10 days. It is highly unacceptable given the criticality of the issue. Any draft must be made available in the public domain for atleast one month time.

¹ News Article published in The Wall Street Journal, dated 22nd March, 2016

<http://blogs.wsj.com/indiarealtime/2016/03/22/mumbais-vast-garbage-dump-catches-fire-again-covering-city-in-smog/>

An Article published in The Indian Express on 14th October, 2016

<http://indianexpress.com/article/opinion/editorials/ghazipur-landfill-site-east-delhi-fires-and-smoke-cloud-3081340/>

2. Science is missing

The science and logic behind the guideline seems missing completely, when an analysis has been conducted. Any framework or guideline on buffer zone identification must do identification and characterization of waste coming to any plant and the technology being used, as the quality of emission and/or effluent will be very much dependent on these two. For example, if a waste processing facility is located close to any dominant industrial region, the waste from that industrial region is eventually going to come up for dumping there.

At every point, the buffer area should extend beyond the distance, which a contaminant can travel in the groundwater or beyond a reasonable width.

3. Buffer Zone can not be so generic in nature

The proposed buffer zone is very generic in nature and can not be same for every processing technology. It must take into consideration of the different waste processing technology, specific site condition and the characterization of the various pollutants that are being generated from the different process technologies and therefore an uniform 20m buffer zone can not be acceptable at all. The buffer should consider the possible accidents and impact on human and environment health of the surrounding localities.

NGT in its order dated 22nd December, 2016 stated criteria for selection of appropriate solid waste treatment technology which includes a buffer zone.² In its order, NGT has directed creating a buffer zone as mandatory, which should be atleast minimum of 20 m distance. However, it has also been stated that, the distance must vary as per the nature and extent of the facility. Therefore, an uniform distance of 20 m irrespective of the capacity of the facility is in violation of the order.

The buffer area should be sufficient to ensure that the land filling operation does not have any unacceptable impacts outside the site (such as surface runoff, the spread of litter or vermin, the escape of leachate, or the subsurface migration of landfill gas or any air pollution impact from burning waste).

Even if we are considering the buffer zones ear marked in other countries for various waste processing technologies, the proposed buffer zones in this guideline are very less. Even the land starved countries have earmarked high buffer zone.

Also, there is no clarity on 200 m. It should be clearly spelt out.

² Almitra Patel v. UoI. Available at: [http://urbandevelopment.up.nic.in/data/GO-2016/NGT-Order\[22-12-16\].pdf](http://urbandevelopment.up.nic.in/data/GO-2016/NGT-Order[22-12-16].pdf)

4. *Too complicated to reach to public*

The draft guideline lacks focus on the issue, i.e the need of buffer zone delineation needs to be discussed more in detail. It is not a guideline at all. For inviting public comments the document has to be simple and must be understood by all.

Rather than giving a list of existing practices in other countries and listing out the name of plant species, it must study each and every pollutant that can come out of various processing facilities and their impact on environment and human health, so as to finally fix on the distance of buffer zone.

Once done with such impact study, there should be regional level public consultation, per se, in the areas around existing waste to energy plants to present the impact and decided on the distance based on the larger public input.

5. *What about new encroachment*

With the continuous expansion of the city and or urban landscape, the once identified landfill sites have now encompassed by the ever growing real estate sectors and or any other anthropogenic activities³. What happened to these encroachers and who is going to monitor their encroachment? Details about this are missing.

Encroachment onto the buffer area should be avoided for a minimum period of time (such as 25 years) following the completion of post-closure care in order to avoid any negative impact on environment and human health. Jurisdictions of authority may have specific numerical criteria regarding buffer areas and should be consulted regarding their specific requirements.

Performance audit in 2014 by the Urban Development Department of solid waste management in Bruhat Bangalore Mahanagara Palike (BBMP) noted that buffer zone was not maintained in any of the 10 landfill sites/dump yards. As a result, habitations had come around seven out of 10 test-checked landfills/dump yards, which was found during joint physical inspections. It was therefore recommended that Buffer zones around dumpsites should be maintained and periodic monitoring of dumpsites for contamination of environment should take place.

6. *Buffer around Waste to Energy Plant needs environmental and health impact study*

Identification of buffer area around the waste to energy plants needs to first present the possible impacts on the environment and human health, as otherwise this kind of processing facility will keep getting enormous public opposition and hinder any efforts in that direction.

³ An article published on e-paper of Times of India
<http://epaper.timesofindia.com/Default/Layout/Includes/TOINew/ArtWin.asp?From=Archive&Source=Page&Skin=TOINew&BaseHref=TOIKM%2F2010%2F08%2F07&ViewMode=HTML&EntityId=Ar00200&AppName=1>

For example, in case of Okhla Waste to Energy Plant public protest resulted into the interruption of plants since 2009.

The probable impacts on environment and human health must be identified first before delineating the buffer zone.

7. Lack of Authority

The guideline lacks any mention of the concerned authority which will be given with the responsibility of controlling and managing the buffer zone and also the green belt as well. Also the guideline remains silent on the probable actions which will be taken in case of non-compliance happening with respect to the earmarking of both the buffer zone and green belt.