

Item No. 07

Court No. 1

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

(By Video Conferencing)

Original Application No. 176/2020
(Earlier O.A. No. 306/2016)

Social Action for Forest and Environment (SAFE)

Applicant

Versus

Union of India & Ors.

Respondent(s)

(Earlier titled as D.K. Joshi Vs. Union of India & Ors.)

Date of hearing: 15.03.2021

**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**

Applicant: Ms. Meera Gopal, Advocate for Applicant

Respondent(s): Mr. Rajiv Bansal, Senior Advocate with Ms. Priyanka Swami,
Advocate, for State of UP
Ms. Deep Shikha Bharati, Advocate for Irrigation Department
Mr. Raj Kumar, Advocate for CPCB
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB
Mr. Sharad Chauhan, Advocate for R - 12 to 23

ORDER

1. This order is being passed in continuation of order dated 10.08.2020. The issue for consideration is compliance of Solid Waste Management Rules, 2016, Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016 and Bio-medical Waste Management Rules, 2016 in the city of Agra as well as the areas coming under the Cantonment Board, Agra and eco-sensitive zone of Taj Trapezium Zone.

2. The matter was considered on 02.03.2020 in the light of earlier proceedings and status report filed by State of U.P. on 23.10.2019. The Tribunal noted that there were deficiencies in taking steps for dealing with solid and liquid waste, resulting in continuing damage to the environment and public health. Reference was made to earlier orders, including order passed on 10.01.2020, in the presence of the Chief Secretary, UP, laying down specific timelines and providing consequences in terms of payment of compensation for failure to take necessary steps in the matter.

3. The matter was last considered on 10.08.2020 in the light of the status reports filed by the Nagar Nigam Agra, Department of Urban Development, U.P. and report of the Oversight Committee dated 05.10.2020. The Tribunal noted that the problem of leachate treatment and remediation of legacy waste was still continuing. The recommendations of the Oversight Committee for taking further steps were required to be complied with. Further report was required to be furnished of the compliance status as on 31.12.2020.

4. Accordingly, reports dated 01.02.2021 and 02.02.2021 have been filed respectively by the Oversight Committee and the CPCB. Reports have also been filed by the State of UP on 15.02.2021 and 12.03.2021. However, it will be sufficient to refer to the reports of the Oversight Committee and CPCB. We first take up report of the CPCB giving the status of the bio-mining of legacy waste with observations and suggestions, the relevant extracts are as follows:-

“1.2. Observations:

(i) Process of Bio-mining of Legacy waste:

They are making Windrows of Legacy waste by the help of Poclain machines at the site. Then, Inoculums was sprinkled on that and turning of waste is carried out as per standard protocol. After stabilization (Appx. 4-5 weeks) of the waste, it was processed through 06 no. of (25-60 TPH) which have total capacity of 235 TPH.

The methodology of screening is being executed through trommeling method of different sieve size. Initially, belt conveyor of 1500 mm at feeding stage is installed to feed trommel of >125 mm. The rejects of >125 mm size get stored while <125 mm get feed into 35 mm trommel through conveyor. The same processes are getting replicated again and process it for further 6 mm through another trommel. The rejects of 125 mm, 35 mm and >6 mm is treated as segregated combustible fraction (SCF) and inert, while remaining <6 mm fraction is bio-earth which can be used as soil conditioner in field application except agriculture practices. All segregated waste is being stored in processing site at present.

Test Certificate of Shriram Institute for Industrial Research, Delhi for segregated combustible fraction (SCF) (No. C1/0000212087) and Legacy waste (No. C1/0000212088) as provided by M/s Spaak Super Infra India Pvt. Ltd. are attached herewith as Annexure-1.4 (a)-(c).

Testing of SCF and less than 6 mm fraction has been carried out by the operator and it is observed that SCF does not meet parameters for maximum Ash content as specified by MoHUA and less than 6 mm fraction does not meet most of the paraments (e.g. TOC, Nitrogen, Arsenic, Cadmium, Copper, Nickel) as specified in schedule II of SWM Rules, 2016.

(ii) Waste processing and Composting:

The present Waste processing and Composting facility is designed for processing of 300 tons per day. The facility is equipped with pre-sorting Trommels to handle mixed waste. They are using sprinkle of leachates and other additives as per their standard protocol to for composting from organic portion of waste. The processing facility is facilitated with weighing bridge, presorting, windrow yard, some area with wind barrier also, the processing section along with finishing and packaging section.

At the time of inspection, as informed by the representative of operating agency M/s Spaak Super Infra India Pvt. Ltd. the volume of leachate generating daily is not so high at present, so whole of the leachate volume collected in storage tank at dumpsite are being used to sprinkle on the organic waste material in order to speed up the decomposition process in making

compost from fresh waste. No leachate was observed going outside of the plant from dumpsite and meets surface water/sewer/land.

Analytical Report of Laboratory of Kaaps Agra Waste Processing Pvt. Ltd for organic compost (Date. 23.11.2020) as provided by M/s Kaaps Agra Waste Processing Pvt. Ltd is attached herewith as Annexure-1.5.

Testing of compost has been carried out by the operator and it meets the parameters specified in SWM Rules, 2016.

1.3. Summary:

- Presently ANN is carrying out collection & transportation of MSW from Agra city and MSW is being dumped at Kuberpur disposal & treatment site along with legacy waste. Due to the legacy waste volume is increasing continuously, there is need to speed up the processing of bio-mining work by firm.*
- At the site, processing work of MSW was being carried out with 06 no. of Trommels (25-60 TPH) which have total capacity of 235 TPH.*
- Three types of rejects is being coming out after trommeling i.e soil enricher (<6 mm), Segregated Combustible Fraction (SCF) of <35 mm and C&D Waste above 35mm.*
- 300 TPD Plant for Compost making from organic portion of MSW was found functional at the site. However, Appx. 4000 MT of compost was found stored at the site.*
- It is estimated that Appx. 4.0 Lakh Ton volume of unprocessed legacy waste is still present at the Kuberpur site. The hired firm processed about 50% of legacy waste till date.*
- After processing of MSW, RDF (Refused derived fuel) is left at the end, which is non-decomposable and having calorific value. At present, Appx. 16000 - 18000 MT of RDF is stored at the site.*
- Representative of firm told that the soil enricher portion will be sold to nursery/NHAI/Other civil contract.*
- For the collection of leachates (liquid portion) coming out from MSW dump, underground Leachate collection tank (capacity 85 KL) is available at the site. As informed by the representative of firm, they are using Leachate to sprinkle on the organic waste material for speed up the decomposition process.*

1.4. Suggestions

- About 50% of legacy waste has been processed till date. As informed by the representative of the firm that about 12 more months will be required for the completion of rest of the MSW legacy waste processing work: so there is need to increase the processing speed as well as capacity of bio-mining processing work.*
- At present, segregated waste is not disposed out and all the segregated portions of waste are found stored at processing*

site. Proper and timely disposal of stored segregated waste i.e. SCF, RDF, Compost is required as soon as possible.

- There is a scope for improvement in processing by increasing no. of trommels and their capacity, wind barrier/ blockage to stop floating of small plastic materials etc. from dumping & windrows sites.
- Properly Leachate collection and treatment is required at legacy waste site and at fresh MSW stored site also.
- The housekeeping at different sections of site requires maintaining as per Municipal Solid Waste (Management and Handling) Rules, 2016.
- The process operation for legacy waste to be improved upon so as to ensure that the screened fractions meet the desired requirements.
- Proper records related to quantity of waste treatment, quantity of screen fractions produced and their utilization be maintained by the operator. Similar records be maintained for leachate management.
- Appropriate direction may be given to concern agencies for compliance of the Municipal Solid Waste (Management and Handling) Rules, 2016.

xxx.....xxx.....xxx

2. Status of in-situ remediation of drains:

xxx.....xxx.....xxx

2.5. Observations:

- M/s Layers Enviro & Organics was awarded contract for bio-remediation work in 10 no. of drains in March-2020 & they started dosing in to drains since October-2020, as they reported to inspection team. The operator has not started Phyto-remediation work at present. Copy of award letter issued by ANN to M/s Layers Enviro & Organics is attached as Annexure-2.2.
- M/s Sign-Age (India) Pvt. Ltd was awarded contract for bio-remediation work in 57 no. of drains in August-2020 & they started dosing in to drains since October-2020, as they reported to inspection team. The operator has started construction of check dams on drains and plantation work is yet to begin for phyto-remediation work. Copy of award letter issued by ANN to M/s Sign-Age (India) Pvt. Ltd is attached as Annexure-2.3.
- It was found that these 67 no. drains (Annexure-2.4) were not fully tapped however, some were partially tapped. For bio-remediation, dosing by diluted enzymes through containers and dropping system (containers capacity 100 'tr. — 1000 IV.) at the selected points of drains were going on. Capacity of enzymes containers was not sufficient at some drains in Trans Yamuna and continuous dropping of enzymes was also not observed at some drains. In some drains enzymes container's tap was not working.
- Non-steady or time-varying flow problems are common at some drains of the residential locations. No flow was

observed in 10 small drains, however merging of 04 no. drains and 02 no. drains (separately) were found at Trans Yamuna area during visit. In Foundry Nagar area, 05 drains were found not reaching to Yamuna River. Local farmers were found using waste water of drains for irrigation in agriculture purpose.

- Inspection team felt relatively less smell at downstream side of all the drains in comparison to upstream area, it may be due to action of enzymes dosing.
- No measuring devices were installed in any drains. Containers were placed on top end of selected point and diluted enzymes dosing is being done through taps by dropping and allowed for naturally mixing, however at some points, more drains were found merging at the downstream direction. It may be the possible reason behind the results of high values at downstream side in comparison to upstream side of the drain (after treatment).
- No screening system was found at any drains, due to this enormous amount of suspended, floating materials were flowing in drains.
- Samples were collected in the presence of agency representative before the dosing point and at the end of 21 no. drains as final outlet point. The analysis was carried out for pH, SS, BOD, COD, Total Nitrogen, Ammonium Nitrogen and Faecal Coliforms at RD-Lucknow laboratory.
- The laboratory results show that discharge effluents of 21 drains are not meeting the General Standard for discharge of Environmental Pollution Part-A: Effluent, for Inland surface water for BOD, COD, TSS, Total Nitrogen, and Ammonium Nitrogen. In some drains reduction in BOD, COD and TSS was observed. However, in some drains final results values are higher than the inlet, it happened because in that drains some other drain's effluent are merging just before the final discharge point. Details results with drain list are attached as annexure-2.5 (07 pages) & 2.6.

2.6. Suggestions:

- The analysis results of drains discharge samples shows that effluent is not meeting the discharge standard norms, so there is need to improve Bio-remediation process and immediately start the phyto-remediation process in all drains to treat the discharge effluent as per norm before discharge to Yamuna River.
- The ANN should ensure that operating agencies are doing work as per agreement to fulfil the discharge effluent norm. At the time of field inspection, some of the drains were found merging to other drain and some of drains were found not reaching to the river Yamuna due to use of their waste water for irrigation purpose by local farmers.
- No constructed check dams were observed on the downstream side of drains during the inspection. This type of bioremediation requires retention time of about 20 -30 hours, therefore may be suitable for drains with low flow or for drains those have check dams to slow down the flow rates and increase the retention time.

- *Dumping of municipal solid waste and presence of suspended objects in drains are common problems need to be screened. Installation of screens at required places in all drain must be done.*
- *Operating firms have not started phyto-remediation step at present. Plantation at downstream of drains will also help to reduce the suspended objects and pollution load which confluence with river Yamuna. It will also help by removal of organic compounds and nutrients from wastewater through bio-sorption/uptake.*
- *There is need to install online flow meter or V notch at suitable places on drains and maintenance of record.*
- *There is need to install organic solution container of sufficient capacity (as per drain flow) with steady flow valve at the site for proper dosing in to the drain as per running flow.*
- *Online sensors of waste water parameters should be installed at the downstream of important/major flow drains like Mantola drain, Bhairo Nala etc.*
- *Performance evaluation of the bio-remediation process needs to be done on periodically basis by ANN.*
- *Appropriate direction may be given to concern agencies for compliance of the norms, as no untreated effluent should go to Yamuna River.”*

5. Report of the Oversight Committee gives the status of compliance and recommendations as follows:-

“IV. SUMMARY OF THE COMPLIANCE STATUS AS PER THE DIRECTION GIVEN BY HON’BLE NGT IN O.A. No. 306/2016

The Oversight Committee reviewed the progress regarding Waste Management Rules, 2016 and other pollution abatement measures in the light of orders of Hon’ble NGT dated 10.08.2020 and 02.03.2020. Based on the reports received from Nagar Nigam, Agra on 13.01.2021 (Annexure-IV), the present compliance status in OA No. 306/2016 is as follows:

Sl. No.	Directions by Hon’ble NGT	Compliance Status	Present Status/ Reasons for Non-Compliance
1	Status of installation of the Screens to prevent dumping of solid waste into the River Yamuna along with arrangements for regular collection of	Complied	<i>Screens have been installed at all the drains which are directly falling into river Yamuna and their regular cleaning is being done.</i>

	waste		
2	Status of Ward wise action plan with regards to Treatment capacity of Solid Waste	Partially Complied	A detailed action plan for each ward was prepared comprising of micro level plans for comprehensive solid waste management in the city. This includes 100% door to door collection and transportation along with route map assigned to each designated vehicle. AMC is developing centralized processing capacity as well as it is promoting onsite decentralised processing methods. At present approximately 52.7 TPD waste is being processed through de-centralized method.
3	Status of Treatment capacity of Solid Waste	Partially Complied	The total waste generated in Agra is 712 TPD. Existing functional treatment capacity is 472.7 TPD (420 TPD through Centralised treatment facility- 300 TPD for wet waste & 120 TPD for dry waste, 35 TPD through de-centralised treatment facilities and 17.7 TPD through home composting). The remaining 240 TPD of waste is being managed scientifically at designated dumping site, Kuberpur. The existing gap in the treatment is 239 TPD, which shall be covered through waste to energy plant of 500 TPD. The Plant has been sanctioned and approved but the work couldn't be started due to absence of NOC/ Consent of CEC/NEERI and the matter is pending in Hon'ble Supreme Court. It is pertinent to mention here that the existing gap of 239 TPD would generate another huge waste dump in the near future if the waste to energy plant is not commissioned at the earliest. As per the authorities, it is being delayed because there is no clearance from Hon'ble Supreme Court. (However, in the considered opinion of the Oversight Committee there is no such requirement of NOC from CEC/NEERI in the cases of environment related projects mentioned in the order).
4	Status of purchase of 262 vehicles required for DTDC and implementation of IT based adaptor for DTDC collection	Complied	The work of DTDC is being done by 110 newly purchased motorized Vehicles + 150 other motorised vehicles + 1700 Tricycles having 6 buckets + 1000 Hand carts with 4 dustbins.
5	Status of installation of QR code in respective households (earlier 3,50,000 households), installation of GPS in vehicles	Majorly Complied	As per information, 3,50,000 households are tagged with QR Code. 150 Vehicles used for primary collection and transportation are equipped with GPS monitoring system. Also, 1044 community bins are RFID Tagged for better monitoring of the solid waste management.

	<i>involved in transporting solid waste (earlier 98 vehicles) and dustbins equipped with RFID tags (earlier 1,044 dustbins)</i>		
6	Status of Byelaws on user charges and spot fines etc.	Yes (The enforcement of sanitation practices is done regularly)	<p>Bye-Laws for Municipal Corporation Agra have been notified for imposing User Charges and spot fines. The details of penalties collected are as follows:</p> <p>-Rs. 7,22,550 through spot fines for violations under various offences related to sanitation,</p> <p>-Rs. 3,97,806 for littering,</p> <p>-Rs. 17,57,600 for violation of plastic ban and</p> <p>- Rs. 70,000 for Garbage Burning.</p>
7	Status of closing of existing landfill sites and biomining of legacy waste	Partially Complied	<p>The project of Bio-remediation of legacy waste costing Rs. 27.35 Cr. has been approved. Estimated legacy waste at Kuberpur dumpsite is 8 Lakh tons out of which 5.8 Lakh tons has been processed and rest of the waste is shaped in windrows for primary treatment in the area of 4 Acres. Legacy waste remediation is planned to be completed by February, 2021.</p> <p>The comparative pictures (before and after) of ongoing work are enclosed as Annexure IV.</p> <p>Currently, the windrow has been formed in cluster form by concessionaire for winter preparation and about 15 acres of land has been reclaimed. Due to Covid-19 outbreak the efficiency of processing was reduced but till date about 5.8 lakhs MT of legacy waste has been processed.</p> <p>The screening of legacy waste is being carried out after following stabilization of organic fraction followed by addition of inoculum. The different EMP activities like water sprinkling, wind break net, green area development and leachate management plan has been implemented at site.</p> <p>The entire process of biomining is being recorded through 14 different cameras and third-party PMC.</p>
8	Status of Temporary Moratorium in TTZ area,	Partially Complied	To fill the gap of MSW processing a writ application no: 13381/1984 was submitted to Hon'ble Supreme Court for exemption from Consent/ NOC from CEC/NEERI to set-up the waste to energy plant of 10MW Capacity.

	<p>establishment of STPs, Solid Waste, C & D waste and processing plants</p>		<p>Hon'ble Supreme Court directed CPCB and NEERI to present a joint inspection report. In view of the report submitted jointly by CPCB and NEERI for setting up the plant at Kuberpur site, 10 Acres of land was earmarked out of total 72 Acres for waste to energy plant on 13.02.2019. Agreement with the selected concessionaire M/s Spark Bresson, has been done for processing of MSW and Construction & Demolition waste. In the above matter the report of EIA was sent to NEERI from Hon'ble Supreme Court on 22.11.2019 and a revised draft report was submitted to NEERI through letter No: 1347/D/SBM/19 dated 23.12.2019 for further vetting/ review. The next date of hearing on the above matter has not yet been fixed. Processing plants shall be made operational as soon as the orders from Hon'ble Supreme Court are received. Thus, the status of setting up of various projects is still awaited due to temporary moratorium. In this regard, a letter has been sent to the Chairman, TTZ Authority and Commissioner, Agra by Director, NEERI on 31.12.2020 (Refer Appendix- 4 of Annexure- III). However, the Oversight Committee felt that Hon'ble Supreme Court order dated 06.12.2019 is very clear that work on all environmental projects can start and the clarification application/affidavit filed by TTZ/ Municipal Corporation regarding exemption from moratorium is unnecessary. Moreover, the fact that it is pending for more than 10 months underlines the fact that the State Govt./ TTZ Authority need to take this matter more seriously as all environmental projects are lying standstill because of this wrong interpretation.</p> <p>Under the scheme of National Clean Air Programme of MoEF&CC, GoI an amount of INR 345 Lac has been sanctioned in which the first instalment of INR 90.00 lacs for establishment and operation of C&D plant has been received against the total cost of Rs 150 Lacs. On 24.06.2020 through webinar Secretary, UDD, GoUP has emphasized for Decentralized C&D waste management and accordingly tender has been floated for 5 TPD for designing, installation, commissioning, operation and maintenance for 3 years. Based on LCS method, M/s-Rise Eleven Eco Green Pvt. Ltd became the successful bidder with total project cost of 4.24 Cr in which Capex was Rs 1.25 Cr, O&M for 1st year was Rs 90.50 Lacs, 2nd Year Rs 99.50 Lacs and for 3rd year Rs 1.09 cr. The cost of O&M includes the entire management of site facility, machinery & tools and monthly electrical bill. The commissioner, Agra Nagar Nigam approved the same on 20.08.2020. The LoA has been awarded to firm on 29.09.2020. The total concession period for this project is 3.5 years in which 6 months is construction period while 3 years is O&M period. It is envisaged that the proposed 5 TPD C&D plant will be ready by 30.04.2021 for processing of collected C&D waste.</p>
9	<p>Status of Sewage Treatment/ Gap deficit in Agra</p>	<p>Partially Complied</p>	<p>As per information given by Municipal Corporation Agra, the population of Agra city is about 19.90 lacs. The generation of sewage as per norms of CPHEEO is 80% of per capita water consumption. The per capita water</p>

	<p>with reference to water supply was 156 MLD</p>		<p>consumption norm is 150 lpcd. So, for 19.90 lacs population the requirement of sewage treatment comes out to 238 MLD. But due to bulk consumers, floating population and private sources, discharge of 90 drains is about 286 MLD including sewer discharge.</p> <ul style="list-style-type: none"> The installed capacity of 9 STPs is 220.75 MLD. Out of this 7 STPs of 180.25 MLD capacity are being operated and maintained by M/s V A Tech Wabag Ltd., under one city one operator scheme of State Govt. The State Govt. has introduced one city one operator scheme based on competitive bidding process. The work in the city of Agra has been awarded to M/s V A Tech Wabag Ltd., for 10 years extendable upto 15 years. Rest 2 STPs of 40.50 MLD capacity are being operated and maintained by Agra Development Authority, Agra. Under Namami Gange Programme a DPR of Rs. 1174.45 Crore was earlier prepared and approved by NMCG. Since the operation and maintenance work of existing assets has been awarded to M/s VA Tech Wabag Ltd., a revised DPR of Rs. 842.25 Cr. has been approved by NMCG, New Delhi on 06.05.2020 in which work of tapping of 23 untapped drains and const. of 177.60 MLD STPs (to meet the demand of year 2035) have been covered for which bid document & tendering process is being done by Transaction Advisor M/s Deloitte Touche Tohmatsu India LLP, Gurgaon appointed by NMCG. The above sanctioned project will be carried out on Hybrid Annuity based PPP mode, funded by World Bank. Apart from the above estimate, for balance work related to existing assets i.e. tapping of 38 untapped drains & excess discharge of partially tapped drains, a project amounting of Rs. 78.86 Crore has been sent to State Govt. for approval. Now as per instructions of HQ U.P. Jal Nigam, Lucknow, revised estimate amounting to Rs. 78.86 Crore is being sent to Namami Gange Department. For improvement of the sewer network connectivity in the city of Agra the state government has sanctioned projects of Rs. 443.56 Crore under AMRUT scheme for laying new sewer line and house connections. Under this sanctioned amount six projects have been proposed out of which four projects related to Sewer House Connections are completed and two projects are under progress which are proposed to be completed by the year 2021. The work shall be monitored to ensure completion as per timelines proposed in DPR. (By the year 2021). <p style="text-align: center;">Present Status of Schemes under AMRUT</p> <table border="1" data-bbox="800 1999 1485 2341"> <thead> <tr> <th>S. No</th> <th>Name of scheme</th> <th>Proposed work</th> <th>Progress</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Sewer house connection Agra (Part-I)</td> <td>28079 (SHCs)</td> <td>Completed</td> <td>-</td> </tr> <tr> <td>2</td> <td>Sewer house connection Agra (Part-II)</td> <td>11780 (SHCs)</td> <td>Completed</td> <td>-</td> </tr> </tbody> </table>	S. No	Name of scheme	Proposed work	Progress	Remarks	1	Sewer house connection Agra (Part-I)	28079 (SHCs)	Completed	-	2	Sewer house connection Agra (Part-II)	11780 (SHCs)	Completed	-
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			3	Construction of House connecting chambers and sewer house connection from house hold to HCC in Agra city (Part-III)	13051 (SHCs)	Completed	-
			4	Sewer house connecting chambers in Agra city (Part-IV)	7627 (HCCs)	Completed	-
			5	Agra Western Zone Sewerage scheme.	251.00 Km. (Sewer line) 47827 (SHCs)	33% Work on sewer line completed	Work in progress.
			6	Septage Management Solution (Co-Treatment 75 KLD) in Agra Town	1. Collecti on tank/ settling chamb er-01 2. Screw Press & Pumps - 01 3. Compost Pits-12 4. AC Room for SCAD A System etc.-01		Work in progress.

				5.Desludi ng vehicle s- 10																										
				<ul style="list-style-type: none"> Another project of Rs 100.04 Crore of Sewerage strengthening work in Tajganj area in the city has been sanctioned by Agra Municipal Corporation under its Smart City Mission programme and work is under progress to be completed by May, 2021. The Bio/ Phyto remediation work on 57 drains started from 22.10.2020. <p>Sewage Gap deficit: The projected population of Agra city for year 2020 is 19.90 lacs. The domestic water demand corresponding to this projected population is 343 MLD. Further, the bulk demand is 51 MLD and the demand for floating population is 3 MLD. Thus, the total demand for year 2020 is 397 MLD and 360 MLD of water is being supplied to the people of Agra. With the completion of various projects related to strengthening water supply system in city of Agra, the installed water treatment capacity is now 513 MLD, which is sufficient to cater to the demand till year 2032. Thus, the issue related to water supply in the city, is now confined to proper distribution of water only.</p> <p>The Govt. of U.P. has sanctioned following projects under AMRUT Programme that are under various stages of planning and execution: -</p>																										
				<table border="1"> <thead> <tr> <th>S. No</th> <th>Name of Scheme</th> <th>SAAP Year</th> <th>Cost of Scheme</th> <th>Proposed works</th> <th>Present Status</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Agra Water Supply Scheme (Phase1)</td> <td>2015-16</td> <td>11.67</td> <td>27263 water supply house connection</td> <td>Completed and handed over to Jalkal Vibhag</td> </tr> <tr> <td>2</td> <td>Agra Water Supply Scheme (Phase3)</td> <td>2016-17</td> <td>113.79</td> <td>OHT-3 CWR-4 ZPS- 4 RM- 6.16 km. DS- 85 km. HC - 9461 no.</td> <td>Work in progress and shall be completed up to year 2022.</td> </tr> <tr> <td>3</td> <td>Agra Water Supply Scheme (Phase4)</td> <td>2017-20</td> <td>61.87</td> <td>OHT - 4 no. CWR - 2 no. RM - 11 km. DS -</td> <td>Work in progress and shall be completed</td> </tr> </tbody> </table>	S. No	Name of Scheme	SAAP Year	Cost of Scheme	Proposed works	Present Status	1	Agra Water Supply Scheme (Phase1)	2015-16	11.67	27263 water supply house connection	Completed and handed over to Jalkal Vibhag	2	Agra Water Supply Scheme (Phase3)	2016-17	113.79	OHT-3 CWR-4 ZPS- 4 RM- 6.16 km. DS- 85 km. HC - 9461 no.	Work in progress and shall be completed up to year 2022.	3	Agra Water Supply Scheme (Phase4)	2017-20	61.87	OHT - 4 no. CWR - 2 no. RM - 11 km. DS -	Work in progress and shall be completed		
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3	Agra Water Supply Scheme (Phase4)	2017-20	61.87	OHT - 4 no. CWR - 2 no. RM - 11 km. DS -	Work in progress and shall be completed																									

12	Present status of Starting up of Waste to Energy Plant (500 TPD)	Partially Complied	Nagar Nigam, Agra informed that the project is under judicial appraisal at Hon'ble Supreme Court. On 17.12.2019, EIA Report was asked to put on record as per direction of Hon'ble Supreme court. In this connection, on 23.01.2020 EIA report along with affidavit was filed by Nagar Nigam, Agra. The Hon'ble Supreme Court has directed to the Chairman of TTZ to file an affidavit. According to directions, affidavit has been filed on 19.02.2020. The letter of same is enclosed as Appendix-3 of Annexure- III. (The Oversight Committee does not agree with the views of Nagar Nigam Agra and feels clearly that as per Hon'ble Supreme Court Order, there is no bar on starting Environmental Projects in Agra.)
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VI. RECOMMENDATIONS OF THE OVERSIGHT COMMITTEE

1. *First and foremost is the issue of adhoc moratorium in Agra specially in reference to directions of Hon'ble Supreme Court regarding seeking permission for environmental projects. It is well known that all the Environmental Projects in Agra including Waste to Energy Plant are stuck because of the stand of the Municipal Corporation/ TTZ Authority that before starting any work, they require permission of CCE/ NEERI from Adhoc Moratorium imposed in TTZ. In this regard, the Hon'ble Supreme Court had in its order dated 06.12.2019 clearly differentiated between Environmental Projects and industries. While it had permitted setting up of Environmental Projects, it had directed the State Govt to seek consent of NEERI and Central Empowered Committee for setting up industries. The Oversight Committee had in its last report pointed it out to the Hon'ble NGT. Hon'ble NGT also after studying the Hon'ble Supreme Court order reiterated this point of view in its order dated 10.08.2020. However, Commissioner Agra/ Chairman TTZ in his letter dated 15.01.2021 has again mentioned that they have filed a clarification IA 42482/2020 dated 22.03.2020 in Hon'ble Supreme Court regarding exemption from NEERI/Central Empowered Committee permission for environmental projects. He mentioned that the Municipal Corporation Agra has been again asked to file a fresh application in Hon'ble Supreme Court in this regard. The Oversight Committee felt that Hon'ble Supreme Court order dated 06.12.2019 is very clear and the clarification application is unnecessary. Moreover, the fact that it is pending for more than 10 months underlines the fact that the State Govt/ TTZ Authority need to take this matter more seriously as all environmental projects are lying standstill because of this wrong interpretation. The matter being very important and covering the entire area of TTZ, where environment projects are not moving ahead, the Committee deems it proper to bring it to the kind notice of Hon'ble NGT.*
2. *There is an urgent need to supplement the Solid Waste Treatment capacity in Agra. Total solid waste generation in*

Agra is 712 TPD while the existing functional treatment capacity is 472.7 TPD (420 TPD through Centralized treatment facility: 300 TPD for wet waste, 120 TPD for dry waste, 35 TPD through de-centralized treatment facilities and 17.7 TPD through home composting). The remaining 240 TPD of waste is being managed scientifically at designated dumping site, Kuberpur. The State Government must address the issue of infrastructure gaps by installation of more treatment plants/facilities at the earliest.

- 3. The ward wise action plan has been formulated in Agra. The State Government should ensure the implementation of the action plan effectively and within timelines.*
- 4. As far as installation of QR code is concerned, all 3,50,000 households are tagged by the concerned department. 150 Vehicles used for primary collection and transportation are equipped with GPS monitoring system. Also, 1044 community bins are RFID Tagged for better monitoring of solid waste management. In this regard, the Committee recommends that all households be monitored with QR code on interval basis.*
- 5. Municipal Corporation, Agra has notified User Charges and spot fines. The enforcement of sanitation practices is done regularly. The Committee recommends effective enforcement by the Municipal Corporation regarding collection of penalty for violations under various offences related to sanitation, for littering, for violation of plastic ban and for Garbage Burning.*
- 6. The estimated legacy waste at Kuberpur dumpsite is 8 Lakh tons out of which 5.8 Lakh tons has been processed and rest of the waste is shaped in windrows for primary treatment in the area of 4 Acres. The complete legacy waste remediation is planned to be completed by February, 2021. Remediation of legacy waste dump at Kuberpur be completed within the stipulated timelines. UPPCB may conduct on-site inspection and submit the progress report to the Committee within one month.*
- 7. Regarding the gap in water supply in Agra, the total demand for year 2020 is 397 MLD while 360 MLD of water is being supplied to the people of Agra. With the completion of various projects related to strengthening water supply system in city of Agra, the installed water treatment capacity is now 513 MLD, which is sufficient to cater to the demand till year 2032. Still, proper water supply is not being ensured till date. While supply of water is no longer a problem, the problem lies in lack of water distribution network commensurate with the augmented supply. The construction on the newly sanctioned distribution projects needs to be expedited. The Committee directs immediate action on this matter. District Magistrate Agra must look into the issue personally and ensure compliance within stipulated timelines.*
- 8. It has been informed that the work of plantation will be started around the drains after completion of check dam.*

UPPCB must conduct an on-site inspection and submit the report within one month.

9. *The Oversight Committee also observed that there is a need for proper monitoring the progress on the ground. Chief Secretary, UP may review all these issues in his monthly meeting so that the progress is expedited.”*

6. From the reports of the CPCB and the Oversight Committee it is seen that the work executed so far is not adequate. Thus, the capacity for solid waste (including bio-mining) and sewage management needs to be enhanced by addressing the infrastructure gaps, installing more equipments and taking all other necessary measures. The matter has been pending for the last about five years and repeated directions have been issued for taking remedial measures but still the progress is not upto the expectations. There are statutory timelines under the Solid Waste Management Rules, 2016. Rule 22 requiring clearance of legacy waste within 5 years of commencement of Rules i.e. by 07.04.2021. Failure of the Authorities, apart from violation of right of citizens to clean environment, is also violation of the statutory Rules under the Environment (Protection) Act, 1986 (EP Act) which is a serious criminal offence, punishable under the law of the land, by jail sentence and heavy fine, including by concerned government officers. Such failure results in serious harm to public health and environment. Dealing with this situation, this Tribunal, in the light of binding orders of the Hon'ble Supreme Court, vide order dated 10.01.2020 in O.A. No. 606/2018 passed, in the personal presence of Chief Secretary, UP, directed compliance of rules and liability of pay compensation for violation as follows:-

“a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, compensation scale is hereby laid down for

continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.

b. Legacy waste remediation was to "commence" from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 28 even though statutory timeline for "completing" the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places. Continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.

c. Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries" of the States/UTs."

7. Accordingly, the Chief Secretary, UP may ensure further remedial action in a mission mode, taking into account the recommendations of the CPCB and Oversight Committee by ensuring that adequate measures are taken to bridge the gap for solid and sewage management. Due attention is required on utilization of treated sewage and setting up of adequate capacity for solid waste processing plant to avoid mounting of

legacy waste. Leachate re-circulation and treatment has to be ensured as per MSW Rules and keeping monitoring of ground water to check contamination. There is need to devise manifest system for tying up rejects and residues arising out of bio-mining. Further, duly authorized bio-medical, plastics and hazardous waste management facilities need to be set up and operated. The Monitoring Committee constituted in terms of order dated 19.11.1999 of the Hon'ble Supreme Court in W.P. (C) No. 426 of 1992, *D.K. Joshi v. Chief Secretary, State of UP & Ors.*, may also monitor compliance at its level. The Chief Secretary may oversee further action in the matter on monthly basis.

The application is disposed of.

A copy of this order be sent to the Chief Secretary UP, Commissioner, Agra, CPCB and the State PCB by email.

A copy of this order be also sent to Justice SVS Rathore, former Judge Allahabad High Court at Lucknow by email.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 15, 2021
Original Application No. 176/2020
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