

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

Original Application No. 606/2018(Main)

Compliance of Municipal Solid Waste Management Rules, 2016 and
other environmental issues

Date of hearing: 18.10.2019

CORAM: **HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON**
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

ORDER

1. This order is being passed in pursuance of chamber meeting held today in the National Green Tribunal on the subject of enforcement of orders of this Tribunal relating to solid waste and sewage management dealt with by way of earlier orders in above matter and in O.A. No. 673/2018 and O.A. No. 06/2012 and other connected matters.
2. The meeting became necessary as it was being repeatedly put forward that compliance of the orders was taking lot of time on account of procedures of DPRs and tendering process which could be curtailed if standardize technologies, cost breakup and service providers could be identified and placed on *GeM Portal* operated by the Ministry of Commerce, Govt. of India. The subject of the meeting is as follows:

“Clean environment and implementation of Swachh Bharat Mission, and Namami Gange initiatives inter alia require proper management of solid and liquid waste. In absence of collection, treatment and disposal of sewage, untreated sewage is being discharged in water bodies or on land. There is huge collection of solid waste which needs to be remedied. It may be noted that there are 351 polluted river

stretches in the country and about 2500 legacy waste dumpsites which are hazard to health and environment.

One of the challenges for effective remedial action is to reduce avoidable delays caused in DPRs and Tender process. Information of suitable service providers at reasonable terms can be of great help. There is need to standardise the methodology and terms for empanelling credible service providers and evolving an appropriate mechanism which may obviate the need for DPRs and Tender process. Observations of NGT on the subject in some of the orders are annexed.

GeM portal developed by Government of India is one of the standardized focal point which can be followed for this purpose as well. This requires consideration of the following:

- (i) **Procedure for standardising technologies and cost breakup for operation and maintenance of such methodologies.**
- (ii) **Developing a business models for privatisation of**
 - (a) **sewage collection, treatment and disposal, including utilisation of treated water and sludge;**
 - (b) **remediation of legacy waste dumpsites; and**
 - (c) **other such activities relating to collection, treatment and processing and utilisation of wastes and provision of services such as setting up of rainwater harvesting system”**

3. The orders already passed on the subject annexed to the meeting note are as follows:

“ANNEXURE

- **The Tribunal is of the view that instead of every Local Body individually floating tenders for different services, standards and technical specifications of available services may be specified by the Department of Urban Development and adopted by Local Bodies. Such services may be hired on laid down standard norms to save time. However, this aspect may be finally gone into by the Committees.**

Tabular chart furnished by the MoHUA suggesting solution to the problems presented during the interactions is as follows:

Sr. No.	Problems faced by the States/Union Territories	Solution suggested by the MoHUA
3.	Financial constraints	<ul style="list-style-type: none"> • Collect user fee • Levy penalty for polluters • Bulk Waste Generators rules be complied

- O.A No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 Order dated 20.08.2019; para 22& 14.

- **Procedure for giving of contracts (for STPs etc.) may be shortened and standardized at State level and if possible at**

National level by NMCG and CPCB. - O.A No. 6/2012 Manoj Mishra Vs. Union of India & Ors. Order dated 11.09.2019; para 12.

- **A flat recovery rate towards collection and treatment of sewage may be adopted as a viable option for sustainable sewage management.** – O.A 496/2016 News Item Published in “Hindustan Times” dated 19.06.2015 Titled “Dirty flows your drinking water” authored by Ritam Halder” Order dated 11.09.2019; para 18.
- **Having regard to urgency of the situation, if Indore model is to be adopted, wholly or in part, the need for tender process can be dispensed with if the work is to be done departmentally, as already directed in the cases of Ahmedabad and Gurugram.** - O.A No. 519/2019 WITH O.A No. 386/2019, News item published in "The Times of India" Authored by Jasjeev Gandhiok & Paras Singh Titled "Below mountains of trash lie poison lakes" WITH Centre for Wildlife and Environment Litigation Applicant(s) Versus Union of India & Ors Order dated 17.07.2019; para 21.
- **(iii) Technical specification for the RWH systems and recharge purposes and indicative list of available service providers may be placed on the website of the DJB and the Local bodies within one month from today. Online interactive helpline/information may also be made available to facilitate the users. It maybe made clear that the users are at liberty to engage services of their choice from any source**– O.A 496/2016 News Item Published in “Hindustan Times” dated 19.06.2015 Titled “Dirty flows your drinking water” authored by Ritam Halder” Order dated 11.09.2019; para 18.”

4. The meeting was attended *inter-alia* by representatives of Niti Ayog, MoHUA, MoEF&CC, DG, NMCG, Chairman CPCB, Mr. Talleen Kumar, CEO, GeM and Ms. Radha Chauhan, former CEO GeM Portal.
5. The general view of the participants was that standardization of technologies and cost breakup and identification of service providers and placing them on GeM Portal will go a long way in tackling the situation by curtailing the procedural delay. This requires coordination among the concerned authorities and clarifying the existing CVC guidelines, if necessary.
6. As per CPCB data, there are more than 4000 legacy waste dump sites which need immediate remediation under the binding rules and

orders of this Tribunal having regard to harmful impacts on environment and public health. Besides, this will unlock the land occupied by such waste sites which is urgently required for setting up of integrated waste management and processing facilities/for afforestation/green belts/bio-diversity parks/buffer zones in accordance with environmental laws. If necessary, a part of the land could be monetized if so decided by the concerned State Governments. The legacy dump sites remediation is to start at the earliest as already directed in *O.A. No. 519/2019* vide order dated 17.07.2019.¹

7. Discharge of untreated sewage in water bodies is a major source of pollution of rivers. 351 river stretches are identified as polluted including Ganga, Yamuna and other major rivers. Either STPs are inadequate or non-functional and/or not connected to the sewerage network. This needs to be remedied and treated sludge utilized for manure or otherwise and treated water utilized for industrial or agricultural purposes. No untreated sewage may be discharged in the rivers. This direction has been issued by this Tribunal vide order dated 28.08.2019 in *O.A. No. 593/2017*.²

8. Expedient compliance of directions for clearance of legacy waste sites as well as stopping of discharge of untreated sewage and directions on associated subjects require immediate implementation

¹ Remediation work on all other dumpsites may commence from 01.11.2019 and completed preferably within six months and in no case beyond one year. Substantial progress be made within six months.

² Thus, the mandate of law is that there must be 100% treatment of sewage as well as trade effluents. This Tribunal has already directed in the case of river Ganga that timelines laid down therein be adhered to for setting up of STPs and till then, interim measures be taken for treatment of sewage. There is no reason why this direction be not followed, so as to control pollution of all the river stretches in the country.

... (iii) All the Local Bodies and or the concerned departments of the State Government have to ensure 100% treatment of the generated sewage and in default to pay compensation which is to be recovered by the States/UTs, with effect from 01.04.2020. In default of such collection, the States/UTs are liable to pay such compensation. The CPCB is to collect the same and utilize for restoration of the environment.

for protection of environment and public health by curtailing undue delay. As suggested, necessary technologies need to be standardized with cost breakups for operation and maintenance, including procurement. Besides this, the service providers need to be identified and empaneled. This exercise may also require the concerned authorities to explore business models. For this purpose, we consider it necessary to constitute a Committee as follows:

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|------|---|---|--------------------------|
| i. | Nominee of Vice-Chairman, Niti Ayog | - | Chairman and Coordinator |
| ii. | Secretary, Ministry of Urban Development | - | Member |
| iii. | Secretary, Ministry of Jal Shakti | - | Member |
| iv. | DG, National Mission for Clean Ganga | - | Member |
| v. | Secretary, Ministry of Environment, Forest & Climate Change | - | Member |
| vi. | Chairman, Central Pollution Control Board | - | Member |
| vii. | CEO of GeM Portal | - | Member |

9. Let the above Committee hold its first meeting preferably within two weeks and take further prompt action in the matter preferably within one month. An action taken report may be furnished to this Tribunal within two months from today by e-mail at judicial-ngt@gov.in.

A copy of this order be sent to Niti Ayog, National Mission for Clean Ganga, Ministries of Urban Development, Jal Shakti and Ministry of Environment, Forest & Climate Change, Central Pollution Control Board, CEO of GeM Portal and the Chief Secretaries of all the States/UTs.

Adarsh Kumar Goel, CP

Raghuvendra S. Rathore, JM

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Satyawan Singh Garbyal, EM

Dr. Nagin Nanda, EM

October 18, 2019
Original Application No. 606/2018

