

## **Final Report of the Monitoring Committee**

### **In The Matter Of**

### **Original Application No.361/2017**

The Committee filed its Report in respect of OA No 361/2017, wherein Hon'ble NGT passed the orders dated 23 July 2019. Thereafter, Committee has called for the say of stake holders from Government on what should be done to ensure that the legal regulations are well complied with by the Industries inspected and all such industries. In pursuance of the meetings held, Committee makes the following recommendations for consideration of Hon'ble NGT.

1. The approval for ground water extraction must for part of 'Consent to Establish' and 'Consent to Operate' by the industries issued by appropriate Pollution Control Body. It must also be a part of evaluation by the Joint Inspection Team that inspects Industry's compliance to environment norms.
2. CGWA must frame the standard operating procedure with specific responsibility for ensuring the compliance of its Charter. As of now the authority and its activities remain only on paper with no supervision on ground.  
Neither UP PCB, nor CPCB nor CGWA could respond to the direction of NGT dated 23 July 2019 in OA No 361/2017 with regard to the issue as to who has to act as regulatory authority to protect ground water.

### **3. Joint Inspection of GPIs'**

Under the orders of Hon'ble National Green Tribunal dated 13.07.2017 joint inspection of grossly polluting industries (GPIs') was directed to be undertaken by the U.P. Pollution Control Board and Central Pollution Control Board.

Central Pollution Control Board has outsourced its responsibility and inspection on its behalf is said to have been carried out by other institutions. The joint inspection reports are processed by State PCB. The latter agency has never reported deficiencies in the inspection reports and have acted upon.

The Committee had an opportunity to examine the report of the joint inspection with reference to the order of the Hon'ble Tribunal dated 20.05.2019 passed in O.A.No.361 of 2017. The Committee

was surprised to note that joint inspection reports do not even mention:

- Terms and conditions of the orders permitting the industry to start operation issued by the Central Pollution Control Board./UP Pollution Control Board and therefore there had been no consideration in the said joint inspection report qua compliance of the conditions so provided for. These reports are processed and acted upon by the State Pollution Board. CPCB has made a portal where it uploads the report for the State Boards to access easily.
- There is no mention of the permission granted by the Central Ground Water Authority for extraction of underground water to the Industry and the conditions mentioned therein. It has not been noticed in the joint inspection report as to whether the industry had any valid subsisting permission for extracting the underground water and as to whether the conditions mentioned in the permission were being complied with or not.
- No verifiable data were examined/noted by the joint inspection committee with regard to disposal of the sludge generated by the industry as a result whereof the satisfaction recorded in respect of the performance of the ETP installed by the industry appears to be a mere paper transaction.
- It has not been ensured by the joint inspection committee as to whether the industry had any outlet for trade effluent directly without being treated by the ETP installed or not. However, wherever breaches have been found, the same have been reported.
- Even the format used for Joint Inspection Reports differs, so no standardization of information collection is ensured by CPCB/UP PCB.
- Complaint of river water changing colour is on record before the Hon'ble Tribunal (Reference Order of NGT dated 20.05.2019 passed in O.A.No.361/ 2017).
- The Committee is of the opinion that the joint inspection of these GPIs' must be undertaken afresh specifically in light of what has been noticed by the Monitoring Committee in its report dated 05.07.2019 filed in O.A. No.361 of 2017.
- The Central Pollution Control Board and UP PCB are granting permission for disposal of the waste of the industry through

incineration. But such permission does not take into consideration as to what quantity of ash would be generated by resorting to incineration process and how this ash is to be disposed of. The Committee is of the opinion that such permission for resorting to incineration so as to become Z.L.D. industry, it is but necessary that the permission must record conditions in the matter of disposal of ash so generated. In the absence whereof the permission would only lead to conversion of one waste into another kind of the waste.

- Joint inspection of the GPI must be done at regular intervals and not less than once a year. The Joint Inspection Reports must be made public. CPCB provides the reports to the State PCB for action. CPCB shall also monitor and ensure that proper action is taken by State PCB on the reports.
4. The responsibility for taking the remedial measures lies with the industry while the supervision of such action lies with state and central regulatory bodies. The State and Central Regulatory Bodies shall frame a precise responsibility matrix to bring complete transparency into the system. This will ensure that there is complete coordination between the agencies.
  5. Extraction of ground water must be minimised with complete recovery and reuse. The ground water extraction permission should be restricted to the bare minimum after taking into account its complete reuse potential. All measures for water recycling and replenishment of ground water are mandatory and CGWA must be held accountable for the compliance of the same.

Committee suggests that the compliance to the order of NGT on the subject would require a re-visit to the Industries covered. Hon'ble NGT may like to pass appropriate order for the same.



(Anita Roy)

Member



(Arun Tandon)

Chairman

Monitoring Committee on Ganga Phase1

Dated: 23.10.2019