

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 593/2017**

**IN THE MATTER OF:-**

**PARYAVARAN SURAKSHA SAMITI & ANR.**

**APPLICANT (S)**

**VS.**

**UNION OF INDIA & ORS.**

**RESPONDENT (S)**

**INDEX**

<b>Sr. No.</b>	<b>PARTICULARS</b>	<b>PAGE No.</b>
1.	<b>STEPS TAKEN REPORT</b> (STATUS AS ON 04.02.2020) IN COMPLIANCE OF HON'BLE NGT ORDER DATED 03.08.2018 & 28.08.2019 IN THE MATTER OF O.A. NO. 593/2017 TITLED AS PARYAVARAN SURAKSHA SAMITI & ANR. Vs. UNION OF INDIA & ORS.	
2.	<b>ANNEXURE-I:</b> HON'BLE NGT ORDER DATED 03.08.2018.	
3.	<b>ANNEXURE-II:</b> HON'BLE NGT ORDER DATED 28.08.2019.	



**(AJAY AGGARWAL)  
SCIENTIST 'E'  
CENTRAL POLLUTION CONTROL BOARD  
PARIVESH BHAWAN EAST ARJUN NAGAR  
DELHI - 110032**

**PLACE: DELHI  
DATED: 13.02.2020**

# **Steps Taken Report**

(Status as on 04-02-2020)

(In Compliance of Hon'ble NGT Order dated 03<sup>rd</sup> August, 2018 and 28<sup>th</sup> August, 2019 in the matter of OA No. 593 of 2017 (Paryavaran Suraksha Samiti & Anr. v/s Union of India & Ors.))



CENTRAL POLLUTION CONTROL BOARD

“Parivesh Bhawan”, East Arjun Nagar,

Delhi-110032

## Contents

1.0 Background.....	2
2.0 Constitution of Monitoring Committee.....	2
3.0 Meetings of the Monitoring Committee.....	3
4.0 Steps taken by CPCB for compliance of the Hon'ble NGT order dated 03.08.2019.....	3
5.0 Compliance Status of ETPs/CETPs/STPs:.....	4
Table No. 1: Compliance Status of all Industries Generating Trade Effluent and Requiring ETPs (as reported by SPCBs/PCCs).....	6
Table No. 2: Compliance Status of all Industries Generating Trade Effluent and Requiring ETPs (as reported by SPCBs/PCCs).....	7
Table No. 3: Compliance Status of all Existing CETPs(as reported by SPCBs/PCCs).....	8
Table No. 4: Number of CETPs Inspected by SPCBs/PCCs for Compliance Verification.....	9
Table No. 5: Compliance Status of all Existing Sewage Treatment Plants (municipal and other than municipal), (as reported by SPCBs/PCCs).....	10
Table No. 6: Number of STPs Inspected by SPCBs/PCCs for Compliance Verification (municipal and other than municipal STPs).....	11
Table No.7: Number of under Construction/ Proposed CETPs, as reported by SPCBs/PCCs.....	12
Table No. 8: Details of under Construction/ Proposed STPs (municipal and other than municipal), (as reported by SPCBs/PCCs).....	13
Table No. 9: Display of online real time continuous monitoring system data in public domain .....	14

## 1.0 Background

The Hon'ble NGT in the matter of OA No. 593 of 2017 (Paryavaran Suraksha Samiti & Anr. v/s Union of India & Ors.), passed order on 03.08.2018 and directed CPCB to prepare an action plan for implementation by SPCBs/PCCs to ensure the compliance of Hon'ble Supreme Court Order dated 22.02.2017 in the matter of Writ Petition (Civil) 375/2012 (Paryavaran Suraksha Samiti & Anr. v/s Union of India & Ors.), to constitute two-member Monitoring Committee (CPCB and MoEFCC) for monthly review of the issues, to upload quarterly steps taken report on CPCB website and to assess & recover compensation for damage to the environment.

The Hon'ble Tribunal directed CPCB to submit the status report in compliance of the order dated 03.08.2018. CPCB e-filed compliance status report to the Hon'ble NGT on 28.11.2018 and revised report on 12.12.2018. The Hon'ble NGT reviewed the reports and made hearing on 19.02.2019, in which CPCB was further directed to submit compliance report with respect to order dated 19.02.2019 (mainly related to environmental compensation and monitoring of CETPs), by 31<sup>st</sup> May, 2019.

The last hearing in the matter of OA No. 593/2017 was held by Hon'ble NGT on 28.08.2019, wherein NGT reviewed the CPCB reports- i) Report dated 30.05.2019, related to compliance status of ETPs/CETPs/STPs and environmental compensation regime & ii) Report dated 14.08.2019 with regard to monitoring of CETPs. Subsequently, the Tribunal passed following directions:

- i. The Environmental compensation regime fixed for industrial units, GRAP, solid waste, sewage and ground water in the report dated 30.05.2019 is accepted and the same may be acted upon as an interim measure.*
- ii. SPCBs/PCCs may ensure remedial action against noncompliant CETPs or individual industries in terms of not having ETPs/fully compliant ETPs or operating without consent or in violation of consent conditions. This may be overseen by the CPCB. CPCB may continue to compile information on this subject and furnish quarterly reports to this Tribunal which may also be uploaded on its website.*
- 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.*
- iv. The CPCB needs to collate the available data base with regard to ETPs, CETPs, STPs, MSW facilities, Legacy Waste sites and prepare a river basin-wise macro picture in terms of gaps and needed interventions.*
- v. The environmental compensation regime for CETP not meeting the prescribed norms need to be evolved by the CPCB.*

## 2.0 Constitution of Monitoring Committee

In compliance of the Hon'ble NGT Directions, the CPCB has nominated Shri Ajay Aggarwal, Scientist "E" as Nodal Officer to deal with the issue of CETPs/ETPs/STPs. The MoEF&CC has

nominated Dr. (Ms.) Susan George K., Scientist "D" as a representative, associated with the Nodal Officer for monitoring.

### **3.0 Meetings of the Monitoring Committee**

So far, fourteen meetings of the Monitoring Committee were held on 24<sup>th</sup> August, 2018, 24<sup>th</sup> September, 2018, 26<sup>th</sup> October, 2018, 26<sup>th</sup> November, 2018, 21<sup>st</sup> December, 2018 and 22<sup>nd</sup> January, 2019, 28<sup>th</sup> February, 2019, 28<sup>th</sup> March, 2019, 26<sup>th</sup> April, 2019, 29<sup>th</sup> May, 2019, 26<sup>th</sup> June, 2019, 30<sup>th</sup> July, 2019, 27<sup>th</sup> September 2019 and 9<sup>th</sup> December 2019 at CPCB Head Office, Delhi.

### **4.0 Steps taken by CPCB for compliance of the Hon'ble NGT order dated 03.08.2018**

- i. CPCB has been conducting meeting of the Monitoring Committee on regular basis.
- ii. CPCB has circulated the formats to all SPCBs/PCCs through letter dated 30.08.2018 for furnishing the compliance status reports for ETPs/CETPs/STPs by 10<sup>th</sup> of every month.
- iii. CPCB has interacted with SPCBs/PCCs in Review Meetings through video conferencing held on 28.08.2018, 25.10.2018 and 15.11.2018 for ensuring the compliance of the Hon'ble NGT Order dated 03.08.2018.
- iv. CPCB has sent reminder letters dated 12.10.2018, 26.10.2018, 18.12.2018, 17.01.2019, 21.02.2019, 15.03.2019, 15.04.2019, 17.05.2019, 25.06.2019, 12.07.2019, 18.07.2019, 19.08.2019, 23.09.2019, 18.10.2019, 27.11.2019, 20.12.2019 and 22.01.2020 to concerned SPCBs/PCCs, which have not furnished the compliance status reports to the Monitoring Committee. Further, Arunachal Pradesh, Assam, Daman & Diu, Manipur and Jharkhand have not furnished the compliance status reports since a long time.
- v. CPCB has conducted a meeting on 26<sup>th</sup> April, 2019 with SPCBs/PCCs (Assam, Uttar Pradesh, Haryana, Delhi and Jharkhand) which have either not submitted the status reports of ETPs/CETPs/STPs or have major shortcomings in the status reports.
- vi. CPCB has prepared Action Plan for implementation by SPCBs/PCCs for ensuring the compliance of the Hon'ble NGT Order dated 03.08.2018 in the matter of Paryavaran Suraksha Samiti & Anr. v/s Union of India & Ors. (OA No. 593/2017) and circulated the same to all SPCBs/PCCs on 12.10.2018.
- vii. CPCB has been analysing monthly status reports received from SPCBs/PCCs and communicating the shortcomings observed in the reports to the concerned SPCB/PCC on regular basis. Shortcomings have been communicated to SPCBs/PCCs through letters dated 12.10.2018, 26.10.2018, 16.11.2018, 02.01.2019, 23.01.2019, 21.02.2019, 15.03.2019, 16.04.2019, 20.05.2019, 21.06.2019, 19.08.2019, 23.09.2019, 18.10.2019, 27.11.2019, 20.12.2019 and 22.01.2020.
- viii. CPCB has developed an online portal for submission of compliance status reports by SPCBs/PCCs. The details of the portal have been communicated through letter dated 26.10.2018 and video conferencing held on 25.10.2018 & 15.11.2018.
- ix. CPCB has been uploading steps taken on its website, as directed by the Hon'ble Tribunal. The reports can be accessed through the URL- <https://cpcb.nic.in/ngt-court-cases/>. So far, five reports with the status as on 26.10.2018, 23.01.2019, 15.04.2019, 19.07.2019 and 22.10.2019 have been uploaded.

- x. CPCB has prepared and submitted the 'Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund' to the Hon'ble NGT. The Hon'ble NGT in its order dated 28.08.2019, in the matter of Paryavaran Suraksha Samiti & Anr. v/s Union of India & Ors., accepted the methodology for environmental compensation and action plan to utilize the fund.
- xi. CPCB carried out monitoring of 144 CETPs in the country, out of which 66 CETPs were found non-complying with the environmental norms. CPCB issued directions on 13.08.2019 u/s 18(1)(b) of Air and Water Act to concerned SPCBs/PCCs for taking necessary action against defaulting CETPs.

#### **5.0 Compliance Status of ETPs/CETPs/STPs:**

As on 04.02.2020, all SPCBs/PCCs have responded to the communication of CPCB and provided the compliance status reports. However, Delhi PCC has not provided compliance status reports for STPs. Also, the Uttar Pradesh PCB has not submitted the status report for ETPs.

The information received from SPCBs/PCCs are analysed and shortcomings observed or action required are communicated to the concerned SPCBs/PCCs on monthly basis, for appropriate action.

The state-wise details of the compliance status as reported by SPCBs/PCCs are enclosed at **Tables- 1 to 9**. However, summary of the compliance status is as follows:

- i. As per the data received from SPCBs/PCCs, out of total 64538 number of industries requiring ETPs, 62533 industries are operating with functional ETPs and 2005 industries are operating without ETPs. Show-cause notices and closure directions have been issued to 973 and 868 industries respectively for operating without ETPs. Legal cases have been filed against 6 industries and action is under process for 256 industries. Out of 62533 operational industries, 60964 industries are complying with environmental standards and 1423 industries are non-complying. Show-cause notices and closure directions have been issued to 896 and 260 industries respectively for non-compliance. Legal cases have been filed against 18 industries and action is under process for 634 industries.
- ii. As per the data received from SPCBs/PCCs, there are total 193 CETPs, out of which 126 CETPs are complying with environmental standards and 67 CETPs are non-complying. Show-cause notices and closure directions have been issued to 22 and 4 CETPs respectively for non-compliance. Legal cases have been filed against 9 CETPs and action is under process for 32 CETPs.
- iii. As per the data received from SPCBs/PCCs, there are total 15238 STPs (Municipal and other than municipal), out of which, 14685 STPs are complying with environmental standards and 553 STPs are non-complying. Show-cause notices and closure directions have been issued to 286 and 37 STPs respectively for non-compliance. Legal cases have been filed against 16 STPs and action is under process for 214 STPs.

iv. As per the data received from SPCBs/PCCs, there are 74 CETPs in construction/proposal stage, whereas, for STPs, 1264 projects (municipal and non-municipal) are under construction/proposal stage.

v. As per the data received from 36 SPCBs/PCCs, 14 SPCBs/PCCs (namely- Andhra Pradesh, Assam, Bihar, Goa, Haryana, Himachal Pradesh, Jharkhand, Kerala, Madhya Pradesh, Odisha, Puducherry, Tamil Nadu, Telangana, West Bengal) are displaying OCEMS data in public domain. The link provided by Maharashtra and Gujarat is password protected and data is not available in public domain. The 4 SPCBs (namely, Chhattisgarh, Jammu & Kashmir, Punjab and Sikkim) have not provided appropriate web links. Further, Chandigarh PCC has clarified that Data will be displayed after upgradation of STPs. Mizoram SPCB has informed that there is no industry requiring OCEMS connectivity. Lakshadweep PCC informed that there is no industry in the Union Territory of Lakshadweep.

13 SPCBs/PCCs (Andaman & Nicobar, Arunachal Pradesh, Daman & Diu, Dadra Nagar Haveli, Delhi, Karnataka, Manipur, Meghalaya, Nagaland, Rajasthan, Tripura, Uttar Pradesh and Uttarakhand) are not displaying OCEMS data in public domain.

\*\*\*\*\*

**Table No. 1: Compliance Status of all Industries Generating Trade Effluent and Requiring ETPs (as reported by SPCBs/PCCs)**

Sl. No.	Name of the SPCBs/PCCs	Total No. of Industries which require ETPs	No. of industries having functional ETPs	No. of industries operating without ETPs	Action taken against industries operating without ETPs						Details of Industries having functional ETPs				Action taken against industries having ETPs but Non-complying with the Effluent Standards					Month of the Information
					No. of industries against which notice/directions issued	No. of industries against which closure directions issued	No. of industries against which legal cases filed	No. of industries against which action is under process	No. of industries complying with Effluent Standards	No. of industries complying with Effluent Standards	No. of industries Non-complying with Effluent Standards	No. of industries against which show cause notices/directions issued	No. of industries against which closure directions issued	No. of industries against which legal cases filed	No. of industries against which action is under process	No. of industries against which show cause notices/directions issued	No. of industries against which closure directions issued	No. of industries against which legal cases filed	No. of industries against which action is under process	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P					
1	Andaman & Nicobar	22	17	5	4	1	0	0	17	0	0	0	0	0	Dec-19					
2	Andhra Pradesh	1067	1061	6	6	0	0	0	1028	33	29	4	0	0	Dec-19					
3	Arunachal Pradesh	2	2	0	0	0	0	0	2	0	0	0	0	0	Dec-18					
4	Assam	2472	1677	795	399	312	0	84	1440	237	3	0	0	234	May-19					
5	Bihar	229	219	10	6	3	1	0	211	8	8	0	0	0	Dec-19					
6	Chandigarh	222	222	0	0	0	0	0	213	9	9	0	0	0	Dec-19					
7	Chhattisgarh	962	843	119	0	119	0	0	843	0	0	0	0	0	Dec-19					
8	Daman & Diu	85	85	0	0	0	0	0	83	2	2	0	0	0	Feb-19					
9	Dadra Nagar Haveli	159	154	5	0	5	0	0	143	11	11	0	0	0	May-19					
10	Delhi	712	614	98	28	28	0	73	430	38	196	25	0	202	Apr-19					
11	Goa	209	209	0	0	0	0	0	205	4	0	0	0	4	Dec-19					
12	Gujarat	8240	8121	119	48	63	0	8	7951	170	96	35	0	39	Dec-19					
13	Haryana	3529	3462	67	7	43	0	17	3377	85	5	19	11	50	Sep-19					
14	Himachal Pradesh	987	983	4	4	0	0	0	969	14	13	0	0	1	Dec-19					
15	Jammu and Kashmir	435	221	214	179	20	0	15	197	24	9	3	1	11	Dec-19					
16	Jharkhand	207	207	0	0	0	0	0	207	0	0	0	0	0	Jun-19					
17	Karnataka	3419	3244	175	113	55	1	6	3187	57	52	4	1	0	Dec-19					
18	Kerala	5067	5040	27	27	0	0	0	5013	27	4	1	2	20	Nov-19					
19	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0	0	Dec-19					
20	Madhya Pradesh	1179	1178	1	0	0	1	0	1164	14	10	0	1	3	Dec-19					
21	Maharashtra	16597	16597	0	0	0	0	0	16429	168	108	36	0	24	Dec-19					
22	Manipur	0	0	0	0	0	0	0	0	0	0	0	0	0	Feb-19					
23	Meghalaya	231	190	41	12	20	2	7	190	0	0	0	0	0	Aug-19					
24	Mizoram	61	57	4	4	0	0	0	57	0	0	0	0	0	Dec-19					
25	Nagaland	27	6	21	0	0	0	21	6	0	0	0	0	0	Sep-19					
26	Odisha	1157	1115	42	2	34	1	5	1023	92	80	12	0	0	Dec-19					
27	Puducherry	94	90	4	4	0	0	0	78	12	6	1	0	5	Sep-19					
28	Punjab	1793	1705	88	40	38	0	10	1593	112	78	3	0	31	Dec-19					
29	Rajasthan	1369	1257	112	25	84	0	3	1137	120	107	10	2	1	Oct-19					
30	Sikkim	64	64	0	0	0	0	0	64	0	0	0	0	0	Dec-19					
31	Tamil Nadu	10867	10858	9	0	9	0	0	10798	60	19	41	0	0	Nov-19					
32	Telangana	2191	2163	28	1	27	0	0	2066	97	31	66	0	0	Dec-19					
33	Tripura	21	14	7	0	0	0	7	9	5	0	0	0	5	Dec-19					
34	Uttar Pradesh								Data not provided											
35	Uttarakhand	822	820	2	1	1	0	0	808	12	12	0	0	0	Oct-19					
36	West Bengal	40	38	2	0	2	0	0	26	12	8	0	0	4	Nov-19					
	<b>TOTAL</b>	<b>64538</b>	<b>62533</b>	<b>2005</b>	<b>973</b>	<b>868</b>	<b>6</b>	<b>256</b>	<b>60964</b>	<b>1423</b>	<b>896</b>	<b>260</b>	<b>18</b>	<b>634</b>						

**Table No. 2 : Number of Water Polluting Industries Inspected by  
SPCBs/PCCs for Compliance Verification**

Sl. No.	SPCB/PCC	Month of the information					
		Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19
1	Andaman & Nicobar	–	11	–	15	15	15
2	Andhra Pradesh	48	61	65	44	52	35
3	Arunachal Pradesh	4	–	–	5	–	–
4	Assam	–	–	–	–	–	–
5	Bihar	17	15	16	10	10	12
6	Chandigarh	20	25	13	14	20	19
7	Chhattisgarh	98	70	69	58	61	101
8	Daman & diu	–	–	–	–	–	–
9	Dadra Nagar Haveli	–	–	–	–	–	–
10	Delhi	–	–	–	–	–	–
11	Goa	1	1	5	7	11	7
12	Gujarat	2624	2539	–	1991	2167	2157
13	Haryana	–	–	–	–	–	–
14	Himachal Pradesh	155	–	–	194	206	221
15	Jammu and Kashmir	108	142	–	167	171	171
16	Jharkhand	–	–	–	–	–	–
17	Karnataka	562	488	–	464	417	524
18	Kerala	139	–	216	–	191	–
19	Lakshadweep	0	0	0	0	0	0
20	Madhya Pradesh	98	94	122	105	76	136
21	Maharashtra	1056	1197	1068	701	884	988
22	Manipur	–	–	–	–	–	–
23	Meghalaya	–	–	–	–	–	–
24	Mizoram	0	0	–	0	–	0
25	Nagaland	2	3	3	–	–	–
26	Odisha	122	120	37	150	74	64
27	Puducherry	9	10	–	16	–	–
28	Punjab	225	–	–	219	228	249
29	Rajasthan	166	–	–	73	–	–
30	Sikkim	–	–	–	48	4	1
31	Tamil Nadu	2143	1661	1622	1718	1766	1384
32	Telangana	25	0	6	0	0	31
33	Tripura	4	6	17	17	17	16
34	Uttar Pradesh	–	–	–	–	–	–
35	Uttarakhand	–	–	–	108	144	–
36	West Bengal	–	–	–	21	48	–
	<b>TOTAL</b>	<b>7626</b>	<b>6443</b>	<b>3259</b>	<b>6145</b>	<b>6562</b>	<b>6116</b>
– Data not provided by SPCB/PCC							

**Table No. 3: Compliance Status of all Existing CETPs (as reported by SPCBs/PCCs)**

Sl. NO.	Name of the SPCBs/PCCs	Total No. of CETPs in the State/UT	No. of CETPs complying	No. of CETPs Non-complying	Action taken against Non-complying CETPs				Month of the Information
					No. of CETPs against which show cause notice/directions issued	No. of CETPs against which closure directions issued	No. of CETPs against which legal cases filed in the court (s)	No. of CETPs against which action is under process	
A	B	C	D	E	F	G	H	I	J
1	Andaman & Nicobar	0	0	0	0	0	0	0	Dec-19
2	Andhra Pradesh	6	6	0	0	0	0	0	Dec-19
3	Arunachal Pradesh	0	0	0	0	0	0	0	Oct-19
4	Assam	0	0	0	0	0	0	0	May-19
5	Bihar	0	0	0	0	0	0	0	Dec-19
6	Chandigarh	0	0	0	0	0	0	0	Dec-19
7	Chhattisgarh	0	0	0	0	0	0	0	Dec-19
8	Daman & Diu	0	0	0	0	0	0	0	Sep-19
9	Dadra Nagar Haveli	0	0	0	0	0	0	0	Aug-19
10	Delhi	13	4	9	1	0	0	8	Dec-19
11	Goa	0	0	0	0	0	0	0	Dec-19
12	Gujarat	33	13	20	7	0	0	13	Dec-19
13	Haryana	19	11	8	1	0	0	7	Sep-19
14	Himachal Pradesh	1	0	1	1	0	0	0	Dec-19
15	Jammu and Kashmir	2	1	1	1	0	0	0	Dec-19
16	Jharkhand	1	1	0	0	0	0	0	Jun-19
17	Karnataka	10	9	1	1	0	0	0	Dec-19
18	Kerala	6	4	2	2	0	0	0	Nov-19
19	Lakshadweep	0	0	0	0	0	0	0	Dec-19
20	Madhya Pradesh	2	2	0	0	0	0	0	Dec-19
21	Maharashtra	26	23	3	0	1	2	0	Dec-19
22	Manipur	0	0	0	0	0	0	0	Feb-19
23	Meghalaya	0	0	0	0	0	0	0	Aug-18
24	Mizoram	0	0	0	0	0	0	0	Dec-19
25	Nagaland	0	0	0	0	0	0	0	Sep-19
26	Odisha	0	0	0	0	0	0	0	Dec-19
27	Puducherry	0	0	0	0	0	0	0	Sep-19
28	Punjab	4	2	2	1	0	1	0	Dec-19
29	Rajasthan	15	4	11	3	0	5	3	Jul-19
30	Sikkim	0	0	0	0	0	0	0	Dec-19
31	Tamil Nadu	36	32	4	3	1	0	0	Dec-19
32	Telangana	7	5	2	0	2	0	0	Dec-19
33	Tripura	1	1	0	0	0	0	0	Dec-19
34	Uttar Pradesh	7	6	1	0	0	0	1	Dec-19
35	Uttarakhand	3	1	2	1	0	1	0	Aug-19
36	West Bengal	1	1	0	0	0	0	0	Nov-19
<b>TOTAL</b>		<b>193</b>	<b>126</b>	<b>67</b>	<b>22</b>	<b>4</b>	<b>9</b>	<b>32</b>	

**Table No. 4 : Number of CETPs Inspected by SPCBs/PCCs for Compliance Verification**

Sl. No.	SPCB/PCC	Month of the Information					
		Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19
1	Andaman & Nicobar	—	0	—	0	0	0
2	Andhra Pradesh	7	4	4	4	4	2
3	Arunachal Pradesh	0	0	0	0	0	0
4	Assam	0	0	0	0	0	0
5	Bihar	0	0	0	0	0	0
6	Chandigarh	0	0	0	0	0	0
7	Chhattisgarh	0	0	0	0	0	0
8	Daman & diu	0	0	0	0	0	0
9	Dadra Nagar Haveli	0	0	0	0	0	0
10	Delhi	—	—	—	0	0	2
11	Goa	0	0	0	0	0	0
12	Gujarat	39	34	—	33	34	31
13	Haryana	3	—	9	—	—	—
14	Himachal Pradesh	1	—	—	2	4	1
15	Jammu and Kashmir	4	0	—	1	2	1
16	Jharkhand	—	—	—	—	—	—
17	Karnataka	7	8	—	9	6	7
18	Kerala	3	—	1	2	3	—
19	Lakshadweep	0	0	0	0	0	0
20	Madhya Pradesh	2	2	2	2	2	2
21	Maharashtra	25	25	25	24	24	24
22	Manipur	0	0	0	0	0	0
23	Meghalaya	0	0	0	0	0	0
24	Mizoram	0	0	0	0	0	0
25	Nagaland	0	0	0	0	0	0
26	Odisha	0	0	0	0	0	0
27	Puducherry	0	0	0	0	0	0
28	Punjab	4	—	—	4	—	3
29	Rajasthan	8	—	—	2	—	—
30	Sikkim	0	0	0	0	0	0
31	Tamil Nadu	25	—	22	22	25	22
32	Telangana	4	4	4	4	4	4
33	Tripura	1	1	1	1	1	1
34	Uttar Pradesh	4	5	—	6	7	7
35	Uttarakhand	—	—	—	3	3	—
36	West Bengal	—	—	—	1	—	—
	<b>TOTAL</b>	<b>137</b>	<b>121</b>	<b>59</b>	<b>120</b>	<b>119</b>	<b>107</b>

— Data not provided by SPCB/PCC

**Table No. 5: Compliance Status of all Existing Sewage Treatment Plants  
(municipal and other than municipal), as reported by SPCBs/PCCs**

Sl. NO.	Name of the SPCBs/PCCs	Total No. of STPs in the State/UT	No. of STPs complying	No. of STPs Non-complying	Action taken against Non-complying STPs				Month of the information	
					No. of STPs against which show cause notice/directions issued	No. of STPs against which closure directions issued	No. of STPs against which legal cases filed in the court (s)	No. of STPs against which action is under process		
A	B	C	D	E	F	G	H	I	J	
1	Andaman & Nicobar	91	89	2	2	0	0	0	Dec-19	
2	Andhra Pradesh	321	317	4	4	0	0	0	Nov-19	
3	Arunachal Pradesh	1	1	0	0	0	0	0	Jul-19	
4	Assam	3	3	0	0	0	0	0	May-19	
5	Bihar	6	6	0	0	0	0	0	Dec-19	
6	Chandigarh	61	58	3	0	0	0	3	Dec-19	
7	Chhattisgarh	84	84	0	0	0	0	0	Dec-19	
8	Damn & Diu	38	26	12	0	12	0	0	Sep-19	
9	Dadra Nagar Haveli	39	39	0	0	0	0	0	Aug-19	
10	Delhi	Data not provided								
11	Goa	399	397	2	0	0	0	2	Nov-19	
12	Gujarat	217	180	37	18	0	0	19	Dec-19	
13	Haryana	1453	1392	61	14	4	3	40	Sep-19	
14	Himachal Pradesh	492	488	4	4	0	0	0	Dec-19	
15	Jammu and Kashmir	427	362	65	44	3	0	18	Dec-19	
16	Jharkhand	40	40	0	0	0	0	0	Mar-19	
17	Karnataka	2731	2652	79	79	0	0	0	Dec-19	
18	Kerala	2731	2721	10	4	0	0	6	Oct-19	
19	Lakshadweep	0	0	0	0	0	0	0	Dec-19	
20	Madhya Pradesh	558	548	10	7	0	3	0	Dec-19	
21	Maharashtra	1514	1511	3	2	0	0	1	Dec-19	
22	Manipur	0	0	0	0	0	0	0	Feb-19	
23	Meghalaya	10	10	0	0	0	0	0	Oct-19	
24	Mizoram	2	2	0	0	0	0	0	Dec-19	
25	Nagaland	0	0	0	0	0	0	0	Oct-19	
26	Odisha	449	371	78	45	18	0	15	Dec-19	
27	Puducherry	82	71	11	7	0	0	4	Sep-19	
28	Punjab	660	608	52	26	0	6	20	Dec-19	
29	Rajasthan	618	574	44	16	0	4	24	Oct-19	
30	Sikkim	6	6	0	0	0	0	0	Dec-19	
31	Tamil Nadu	1307	1302	5	5	0	0	0	Dec-19	
32	Telangana	371	365	6	6	0	0	0	Dec-19	
33	Tripura	25	24	1	0	0	0	1	Dec-19	
34	Uttar Pradesh	85	62	23	0	0	0	23	Dec-19	
35	Uttarakhand	373	370	3	3	0	0	0	Nov-19	
36	West Bengal	44	6	38	0	0	0	38	Nov-19	
<b>TOTAL</b>		<b>15238</b>	<b>14685</b>	<b>553</b>	<b>286</b>	<b>37</b>	<b>16</b>	<b>214</b>		

**Table No. 6 : Number of STPs Inspected by SPCBs/PCCs for Compliance Verification (municipal and other than municipal STPs)**

Sl. No.	SPCB/PCC	Month of the Information					
		Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19
1	Andaman & Nicobar	—	11	—	15	15	16
2	Andhra Pradesh	22	22	28	25	25	—
3	Arunachal Pradesh	1	—	—	1	—	—
4	Assam	—	—	—	—	—	—
5	Bihar	1	2	2	2	2	2
6	Chandigarh	6	5	6	6	6	6
7	Chhattisgarh	17	17	17	22	19	32
8	Daman & Diu	—	—	6	—	—	—
9	Dadra Nagar Haveli	—	3	—	—	—	—
10	Delhi	—	—	—	—	—	—
11	Goa	—	8	15	17	11	—
12	Gujarat	93	103	—	66	92	93
13	Haryana	—	—	81	—	—	—
14	Himachal Pradesh	113	—	—	154	158	160
15	Jammu and Kashmir	87	99	—	68	76	82
16	Jharkhand	—	—	—	—	—	—
17	Karnataka	383	157	—	139	168	161
18	Kerala	119	—	118	86	—	—
19	Lakshadweep	0	0	0	0	0	0
20	Madhya Pradesh	63	61	72	48	49	67
21	Maharashtra	315	317	287	305	285	271
22	Manipur	—	—	—	—	—	—
23	Meghalaya	—	—	—	5	—	—
24	Mizoram	0	0	0	0	0	0
25	Nagaland	—	0	0	—	—	—
26	Odisha	32	35	0	29	36	34
27	Puducherry	—	11	—	—	—	—
28	Punjab	92	—	—	95	95	97
29	Rajasthan	56	—	—	40	—	—
30	Sikkim	—	—	—	—	0	0
31	Tamil Nadu	396	368	355	281	356	338
32	Telangana	22	22	22	27	—	27
33	Tripura	5	7	24	27	20	25
34	Uttar Pradesh	9	80	—	81	80	85
35	Uttarakhand	—	—	—	—	16	—
36	West Bengal	—	—	—	10	14	—
	<b>TOTAL</b>	<b>1832</b>	<b>1328</b>	<b>930</b>	<b>1549</b>	<b>1523</b>	<b>1480</b>
— Data not provided by SPCB/PCC							

**Table No. 7: Number of under Construction/ Proposed CETPs, as reported by SPCBs/PCCs**

Sl. No.	Name of the SPCB/PCC	No. of Under Construction/Proposed CETPs	Target date
1	Andaman & Nicobar	0	–
2	Andhra Pradesh	3	Mar, 2019- Jun 2020
3	Arunachal Pradesh	0	–
4	Assam	0	–
5	Bihar	5	Jan,2020
6	Chandigarh	0	–
7	Chhattisgarh	0	–
8	Daman & diu	0	–
9	Dadra Nagar Haveli	0	–
10	Delhi	0	–
11	Goa	0	–
12	Gujarat	18	Dec, 2019- Feb, 2020
13	Haryana	11	Jun, 2020- July, 2023
14	Himachal Pradesh	4	Mar, 2023
15	Jammu and Kashmir	2	Mar, 2020
16	Jharkhand	1	Jan, 2019 to still extended
17	Karnataka	4	Mar, 2024
18	Kerala	1	Jan, 2020
19	Lakshadweep	0	–
20	Madhya Pradesh	1	Dec, 2019
21	Maharashtra	4	Jun, 2019- Dec, 2020
22	Manipur	0	–
23	Meghalaya	0	–
24	Mizoram	0	–
25	Nagaland	0	–
26	Odisha	0	–
27	Puducherry	0	–
28	Punjab	4	June, 2019 - Dec, 2020
29	Rajasthan	9	June, 2021
30	Sikkim	0	–
31	Tamil Nadu	5	Dec,2019- Dec,2021
32	Telangana	1	Oct, 2020
33	Tripura	1	Dec, 2019
34	Uttar Pradesh	0	–
35	Uttarakhand	0	–
36	West Bengal	1	Jan, 2020
<b>TOTAL</b>		<b>75</b>	

**Table No. 8: Details of under Construction/ Proposed STPs (municipal and other than municipal), as reported by SPCBs/PCCs**

Sl. No.	Name of the SPCB/PCC	No. of Under Construction/Proposed STPs	Target date
1	Andaman & Nicobar	1	-
2	Andhra Pradesh	25	Oct,2018 - Mar, 2021
3	Arunachal Pradesh	0	-
4	Assam	1	<b>Target date not provided</b>
5	Bihar	33	Jan,2020 - Dec,2021
6	Chandigarh	1	Nov,2021
7	Chhattisgarh	7	Dec,2020
8	Daman & Diu	2	Dec, 2020
9	Dadra Nagar Haveli	0	-
10	Delhi	<b>Data not provided</b>	
11	Goa	8	Jan, 2020
12	Gujarat	65	Oct, 2019 - Dec, 2020
13	Haryana	261	Jan, 2013 - Jan, 2026
14	Himachal Pradesh	12	Sept, 2019 - Sept, 2022
15	Jammu and Kashmir	7	Ending 2019
16	Jharkhand	8	Feb, 2020 - Dec, 2021
17	Karnataka	156	Dec, 2020 - Mar, 2024
18	Kerala	98	Feb, 2020 - Dec, 2024
19	Lakshadweep	0	-
20	Madhya Pradesh	47	Jan, 2019 - Mar, 2021
21	Maharashtra	72	Dec, 2018 - Dec, 2024
22	Manipur	0	-
23	Meghalaya	0	-
24	Mizoram	1	01-Oct-19
25	Nagaland	0	-
26	Odisha	18	Oct, 2017 - Sept, 2019
27	Puducherry	0	-
28	Punjab	118	June, 2019 - June, 2022
29	Rajasthan	62	Apr, 2019 - May, 2020
30	Sikkim	0	-
31	Tamil Nadu	29	Oct, 2018 - Dec, 2020
32	Telangana	223	Dec,2019 - Dec,2021
33	Tripura	2	Oct, 2018 - Mar, 2020
34	Uttar Pradesh	0	-
35	Uttarakhand	3	<b>Target date not provided</b>
36	West Bengal	4	Mar, 2019 - Oct, 2019
<b>Total</b>		<b>1264</b>	

**Table No. 9: Display of online real time continuous monitoring system data in public domain**

Table No. 9: Display of "Online real time, continuous monitoring system" (OCEMS) data in public domain					
Sl. No.	Name of SPCBs/PCCs	Display of OCEMS data on SPCB/PCC website (Yes/No)	If Yes: Weblink of the webpage	If No: Likely date by which data will be displayed on the website	Remarks
1	Andaman & Nicobar	No	--	--	Link not working
2	Andhra Pradesh	Yes	<a href="http://aprtptms.ap.gov.in/publicview.html">http://aprtptms.ap.gov.in/publicview.html</a>	--	--
3	Arunachal Pradesh	No	--	--	There is no industry requiring OCEMS
4	Assam	Yes	<a href="https://pcba.rtdas.in/">https://pcba.rtdas.in/</a>	--	--
5	Bihar	Yes	<a href="http://bpcbeems.nic.in">bpcbeems.nic.in</a>	--	--
6	Chandigarh	No	--	Data will be displayed after upgradation of STPs.	Requested for time till 30-Nov-2020
7	Chhattisgarh	No	--	--	Proper link not provided
8	Daman & Diu	No	--	--	--
9	Dadra Nagar Haveli	No	--	--	--
10	Delhi	No	--	--	--
11	Goa	Yes	<a href="http://gspcb.glensserver.com/GSPCB_ONLINE/index.html">http://gspcb.glensserver.com/GSPCB_ONLINE/index.html</a>	--	--
12	Gujarat	Yes	<a href="https://gpcb.gujarat.gov.in/webcontroller/viewpage/online-monitoring-system-dashboard">https://gpcb.gujarat.gov.in/webcontroller/viewpage/online-monitoring-system-dashboard</a>	--	--
13	Haryana	No	<a href="http://www.hspcbceems.nic.in">www.hspcbceems.nic.in</a>	--	Link not working
14	Himachal Pradesh	Yes	<a href="http://envirologicq.com/public/dashboard/industries">http://envirologicq.com/public/dashboard/industries</a>	--	--
15	Jammu and Kashmir	No	<a href="http://www.cpcb.nic.in">www.cpcb.nic.in</a>	--	--
16	Jharkhand	No	--	--	--
17	Karnataka	No	<a href="https://kspcb.gov.in/onlinemonitoring.html">https://kspcb.gov.in/onlinemonitoring.html</a>	--	--
18	Kerala	Yes	<a href="https://keralapcb.glensserver.com/public/graph.html">https://keralapcb.glensserver.com/public/graph.html</a>	--	--
19	Lakshadweep	No	--	--	--
20	Madhya Pradesh	Yes	<a href="https://esc.mp.gov.in/online/">https://esc.mp.gov.in/online/</a>	--	--
21	Maharashtra	No	<a href="http://www.mpcb.gov.in/Online_CEMS.php">http://www.mpcb.gov.in/Online_CEMS.php</a>	No data provided	--
22	Manipur	No	--	--	--
23	Meghalaya	No	--	--	--
24	Mizoram	No	--	Link not required	--
25	Nagaland	No	--	--	--
26	Odisha	Yes	<a href="http://ospcbtdas.com">http://ospcbtdas.com</a>	--	--
27	Puducherry	Yes	<a href="http://ppcc.glensserver.com/PPCC_ONLINE/index.html">http://ppcc.glensserver.com/PPCC_ONLINE/index.html</a>	--	--
28	Punjab	No	<a href="https://app.epcbcer.com/AQI_India/">https://app.epcbcer.com/AQI_India/</a> and <a href="http://epcbtdms.nic.in">epcbtdms.nic.in</a> in User Id : computer.section.ppcb@gmail.com Password : ppcb@1234	--	Link not working
29	Rajasthan	No	--	--	--
30	Sikkim	No	115.114.10.198:8080/enviroconnect/servlet/com.aipl.pls.web.admin.AdminServlet	--	--
31	Tamil Nadu	Yes	1) <a href="http://117.232.97.121/RealTime_tnpbc_cac/index.html">http://117.232.97.121/RealTime_tnpbc_cac/index.html</a> 2) <a href="http://117.232.97.121/RealTime_tnpbc_cac_new/index.html">http://117.232.97.121/RealTime_tnpbc_cac_new/index.html</a>	--	--
32	Telangana	Yes	<a href="http://183.82.41.227:8080/enviroconnect/aqms">http://183.82.41.227:8080/enviroconnect/aqms</a>	--	--
33	Tripura	No	--	--	--
34	Uttar Pradesh	No	--	--	--
35	Uttarakhand	No	--	--	--
36	West Bengal	Yes	<a href="http://www.wbpcb.gov.in/cmsdata.php">http://www.wbpcb.gov.in/cmsdata.php</a>	--	--

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 692/2017  
(W.P. (Civil) No. 375/2013)

In the matter of

Paryavaran Suraksha Samiti & Anr.

Vs.

Union of India & Ors.

**CORAM :** HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

**Present:** Applicant: Mr. Rohit Prajapati, Applicant in person  
Amicus Curiae: Mr. Jai A. Dehadrai, Adv.  
Respondent Nos. Mr. Nishe Rajan Shonker, Adv. for State of Kerala  
Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar  
Mr. Sandeep Mishra Advs. for GNCTD  
Mr. Anil Shrivastava Mr Rituraj Bswas and  
Ms. Sujaya Bardhan, Advs. for State of Arunachal Pradesh  
Mr. Jogy Scaria, Ms. Beena Victor, Advs. for Kerala State Pollution Control Board  
Mr. Avijit Roy, Adv. for Assam Pollution Control Board  
Mr. Leishangthem Roshmani Kh, Ms. Maibam Babina, Advs. for State of Manipur  
Mr. Nikhil Nayyar, Mr. Dhananjay Bajjal, Advs. for APPCB and TSPCB  
Mr. Mukesh Verma, Adv.  
Mr. Tarunvir Singh Khehar, Adv., Mr. Sandeep Mishra and Ms. Guneet Khehar, Adv.  
Mr. Dinesh Jindal, LO for DPCC  
Ms. Aruna Mathur, Mr. Avneesh Arputham, Ms. Simraj Jeet and Ms. Anuradha Arputham, Advs. for State of Sikkim  
Mr. Raja Chatterjee, Mr. Piyush Sachdev, Ms. Abhinandini Yadav, Advs. and Advs. for State of WB  
Mr. Edward Belho, AAG, Mr. K. Luikang Michael and Ms. Hoineithiam, Advs. for State of Nagaland  
Ms. Enatoli Sema, Adv. for State of Nagaland and Pollution Control Board  
Mr. M. Paikaray and Mr. A.K. Panda, Advs. for SPCB, Odisha  
Mr. Dhruv Pal, Adv. for State of Gujarat  
Mr. V.K. Shukla, Adv. for State of MP  
Mr. Jayesh Gaurav, Adv. for R-47  
Mr. Tayenjam Momo Singh, Adv. for Meghalaya Pollution Control Board  
Mr. Shlok Chandra and Mr. Ritesh Kumar Sharma, Advs.  
Mr. Gautam Singh and Mr. Shoeab Alam, Advs. for State of Bihar  
Ms. Aprajita Mukherjee, Adv.  
Ms. G. Indira, Adv. for UT of Andaman & Nicobar  
Mr. Balendu Shekhar, Mr. Sriansh Prakash and Mr. Rajkumar Maurya, Advs. for Ministry of Environment, Forest and Climate Change  
Ms. Puja Kalra, Adv. for SDMC & NDMC  
Mr. Anil Grover, AAG, Mr. Rahul Khurana and Mr. Mishal Vij, Advs. for State of Haryana and HSPCB

Ms. Yegmaya Agnihotri, Adv. and Ms. Prity,  
Adv. for CECEB

Ms. Sakshi Popli, Adv. for Ministry of  
Environment, Forest and Climate Change

Mr. Shuvodeep Roy, Adv. and Mr. Rituraj  
Biswas, Adv. for State of Tripura & Tripura  
Pollution Control Board

Mr. Shashank Bajpai and Mr. Shakun S. Shukla,  
Adv. for State of Odisha

Ms. Asha Nayar Basu and Ms. Aradhita Ghosh  
Mandal, Adv.

Ms. Priyanka Sinha, Adv. for State of Jharkhand

Mr. Rajul Shrivastav, Adv. for MPPCB

Mr. Pradeep Misra and Mr. Daleep Dhyani Adv.  
for UPPCB

Mr. R. Rakesh Sharma and Mr. V. Mowli, Adv.  
for State of TN & TNPCB

Mr. Shubham Bhalla, Adv.

Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh

Rajpal, Mr. Adhiraj Singh, Ms. Shikha Sandhu

and Mr. Vikrmjeet singh, Adv. for State of  
Rajasthan and Pollution Control Board

Mr. G. M. Kawoosa, Adv. for State of J & K

Mr. Divya Prakash Pande, Adv. For HPSPCB

Mr. Manish Kumar, Adv.

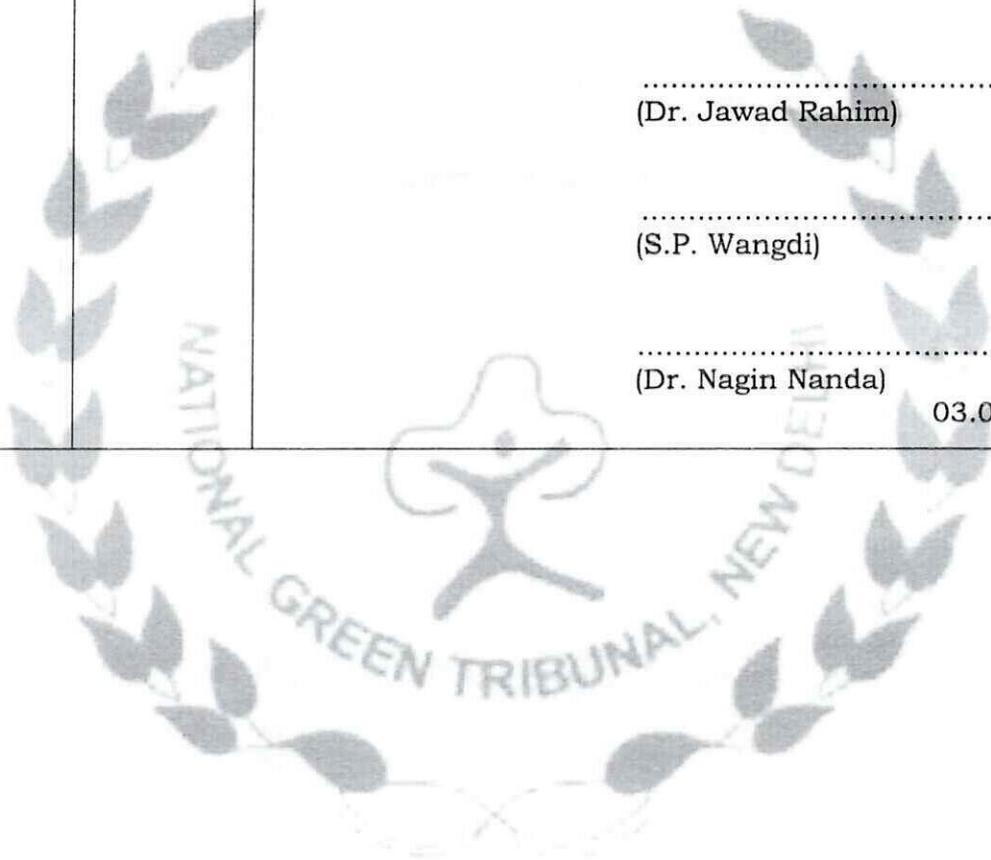
Date and Remarks	Orders of the Tribunal
<p>Item No. 12</p> <p>August 03, 2018</p> <p>A</p>	<p>1. This matter was taken by this Tribunal in furtherance to the orders of the Hon'ble Supreme Court dated 22.02.2017 <i>Paryavaran Suraksha Samiti Vs. Union of India</i> (2017) 5 SCC 326, establishment and functioning of ETPs/CETP/STPs.</p> <p>2. Vide order dated 25.05.2017, Notice was issued to Central Pollution Control Board and all the States Pollution Control Boards/Committees and the Ministry of Environment, Forest and Climate Change. They were directed to file status-cum-compliance report in terms of the orders of the Hon'ble Supreme Court. Accordingly, various status reports have been filed. An affidavit has been filed by the Ministry of Environment, Forest and Climate Change dated 04<sup>th</sup> July, 2017 stating as follows:</p> <p style="text-align: center;">“4. That the answering Respondent is engaged in policy formulation, prescribing standards and its implementation through the Central Pollution Control Board (CPCB), State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) for UTs. This Ministry has written to all SPCBs and PCCs as well as to CPCB to ensure compliance of the judgment of the Hon'ble Supreme Court and to submit detailed compliance report.</p>

	<p><b>Item No.</b> <b>12</b></p> <p><b>August 03,</b> <b>2018</b></p> <p><b>A</b></p>	<p>5. That the CPCB has also followed up with all SPCBs and PCCs through letters and review meetings to ensure compliance of the aforementioned judgment and that the matter was also discussed in the 62<sup>nd</sup> Conference of the Chairmen and Member Secretaries of SPCBs and PCCs held on 27.06.2017. That 26 SPCBs/PCCs have submitted the compliance report, which has been summarized at <b>Annexure-I</b>.</p> <p>6. That the CPCB has also carried out inspections of 17 categories of industries to verify compliance with its directions issued on online effluent/emission monitoring system and to cross-verify online results with manual sampling. During February-June, 2017, 64 industries were inspected and directions under section 5 of the Environment (Protection) Act, 1986 have been issued to 24 non-complying industries; 18 industries were complying; 8 were found closed and inspection reports of 14 industries are under process.</p> <p>7. That the CPCB and NMCG through 11 technical institutions, inspected 751 industries located in the River Ganga main stem during March-April, 2017 to verify the status of installation and connectivity of industries discharging effluents as well as their compliance with the standards. Closure directions have been issued to 154 industries; show cause notices issue to 36 industries; 149 industries were found complying and direction issued to 91 self-closed Grossly Polluting Industries (GPI) to remain closed; 93 GPI units were found closed as per directions; 38 GPI units found operational in violation of closure directions and inspection reports of 190 industries are under process".</p> <p>3. We have heard learned Amicus Curiae Sh. Jai A. Dehadrai and the learned counsel for Ministry of Environment, Forest and Climate Change, Central Pollution Control Board, various State Pollution Control Boards and the Pollution Control Committees.</p> <p>4. Learned Amicus Curiae has drawn our attention to orders dated 04.07.2017, 18.09.2017 and 11.10.2017 of the Tribunal directing the State Pollution Control Boards to file a statement as to how many Industrial Units discharging trade effluents or causing emissions exist in the State, how many are having their own STPs, ETPs and/or connected to Common Effluent Treatment Plant</p>
--	---	---

	<p>Item No. 12</p> <p>August 03, 2018</p> <p>A</p>	<p>(CETP), whether any such CETP or ETP or STP is properly functioning and treating the effluents as per prescribed limits or not.</p> <p>5. Learned Amicus Curiae submitted that contamination of water due to industrial effluents can lead to various diseases and adverse consequences on the aquatic organism due to decreased level of oxygen. The use of technology can help reduction of adverse consequences. However, the best solution is to prevent pollution by soil conservation and proper disposal of toxics and chemicals which may include chemical recycling.</p> <p>6. Having monitored the matter for the last more than one year on several dates, we are of the view that the matter requires continuous monitoring by statutory authorities as per directions which we proceed to issue today.</p> <p>(i) We direct the Central Pollution Control Board (CPCB) to forthwith prepare an action plan after looking into all the status reports. The action plans must have mechanism to ensure compliance or all the directions in the order of the Hon'ble Supreme Court. To enable this to be done, a Nodal officer must be identified to deal with the issue of CETPs/ETPs/STPs.</p> <p>(ii) A representative of the Ministry of Environment, Forest and Climate Change may be associated with the Nodal Officer of the CETP for monitoring. The Monitoring by the said two officers- the representative of the MoEF and the Nodal Officer of the CPCB must be held atleast once in a month and on the basis of such meeting and the feedback taken further follow up action must be taken and</p>
--	--	---

	<p>Item No. 12 August 03, 2018 A</p>	<p>appropriate directions issued. This process may be a continuous process.</p> <p>(iii) It must be ensured that STPs, CETPs and ETPs are functional and meet the requisite standards.</p> <p>(iv) There is already a direction in the above judgment under which 50% of the funds for the purpose are to be provided by the Central Government, 25% by the States and remaining 25% to be arranged by way of loans which is to be re-paid by the user industries. Local bodies and the States have duties as clearly stipulated in the judgment. There has to be online monitoring system by each State to display emission levels in public domain in terms of paragraph 17 of the order of the Hon'ble Supreme Court.</p> <p>(v) A report of the steps taken may be placed on the website of the Central Pollution Control Board atleast once in three months. Deficiencies if any may also be so displayed.</p> <p>(vi) The Central Pollution Control Board may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs Central Pollution Control Board may also assess and recover compensation for damage to the environment and the said fund be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the Central Pollution Control Board within three months from today.</p> <p>(vii) A compliance report in terms of the above order may be furnished to this Tribunal within four months from today by e-mail at <a href="mailto:filing.ngt@gmail.com">filing.ngt@gmail.com</a>.</p>
--	--	--

	<p><b>Item No. 12</b></p> <p><b>August 03, 2018</b></p> <p><b>A</b></p>	<p>(7) Proceedings are disposed of.</p> <p>However, the report received from the Central Pollution Control Board may be placed for consideration before this Tribunal on 04.09.2018.</p> <p>We place on record our appreciation for the services rendered by the learned Amicus Curiae.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p> <p>....., JM (S.P. Wangdi)</p> <p>....., EM (Dr. Nagin Nanda)</p> <p>03.08.2018</p>
--	---	---



Item No. 02

Court No. 1

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

Original Application No. 593/2017  
(arising from W.P. (Civil) No. 375/2012 on the file of the Hon'ble  
Supreme Court)

Paryavaran Suraksha Samiti & Anr. Applicant(s)

Versus

Union of India & Ors. Respondent(s)

Date of hearing: 28.08.2019

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

For Respondent (s): Mr. Shlok Chandra, Advocate for CPCB

**ORDER**

**Issue for consideration- Remedial action against water  
pollution in absence of ETPs/CETPs/STPs**

1. The issue for consideration is establishment and functioning of ETPs/CETPs/STPs to prevent untreated sewage/effluents being discharged in water bodies, including rivers and canals meeting such rivers or otherwise. The magnitude of the problem is well acknowledged. In the year 1962 GoI set up a Committee for prevention of water pollution. The recommendations led to enactment of the Water (Prevention and Control of Pollution) Act, 1974 ("Water Act") in pursuance of Article 252 of the Constitution. The Water Act provides for the constitution of a Central Board and

State Boards/Committees. No polluted matter can be discharged into a stream or well or on land, and no industry, operation or process can be established and no out-let for discharge of sewage used without consent of the State Board. The Water Act provides powers to give directions for closing any such activity as well as for prosecution. Power to give directions implicitly includes recovery of compensation on 'Polluter Pays' principle.

2. In spite of above statutory regime we are faced with serious problem of water pollution. The Hon'ble Supreme Court noted<sup>1</sup> that the water pollution caused serious diseases, including Cholera and Typhoid. Water pollution could not be ignored and adequate measures for prevention and control are necessary. Polluting industries were directed to be shifted on 'Precautionary' principle. It is not necessary to refer to all the judgments of the Hon'ble Supreme Court dealing with the significance of water and need to prevent pollution of water. We may only refer to the observations that everyone has right to have access to drinking water in quantum and equality equal to the basic needs. This is fundamental to life and part of Article 21.<sup>2</sup>
3. As per CPCB's report 2016<sup>3</sup>, it has been estimated that 61,948 million liters per day (mld) sewage is generated from the urban areas of which treatment capacity of 23,277 mld is currently

<sup>1</sup> (1988) 1 SCC 471

<sup>2</sup> APPCB vs. Prof. M.V Nayudu (2001) 2 SCC 62 at para 3, 4, State of Orissa Vs. Government of India (2009) 5 SCC 492, at para 58 "Rivers in India are drying up, groundwater is being rapidly depleted, and canals are polluted. Yamuna in Delhi looks like a black drain. Several perennial rivers like Ganga and Brahmaputra are rapidly becoming seasonal. Rivers are dying or declining, and aquifers are getting overpumped. Industries, hotels, etc. are pumping out groundwater at an alarming rate, causing sharp decline in the groundwater levels."

<sup>3</sup> [http://www.sulabhervis.nic.in/Database/STST\\_wastewater\\_2090.aspx](http://www.sulabhervis.nic.in/Database/STST_wastewater_2090.aspx) July 16, updated on December 6, 2016

existent in India. Thereby the deficit in capacity of waste treatment is of 62%. There is no data available with regard to generation of sewage in the rural areas.

4. We may note that discharge of untreated effluents and sewage is the principal cause of water pollution in the country as noted in cases relating to pollution of rivers.<sup>4</sup> Similarly, in the case of 100 polluted industrial clusters being dealt with by this Tribunal<sup>5</sup>, water pollution is one of the factors polluting the said industrial clusters. As already noted, official data of CPCB is to the effect that 351 river stretches in the Country are polluted. The Tribunal held that remedial action for restoration of the said river stretches is necessary.<sup>6</sup> In the said order, it was observed:

*“As already noted, well known causes of pollution of rivers are dumping of untreated sewage and industrial waste, garbage, plastic waste, e-waste, bio-medical waste, municipal solid waste, diversion of river waters, encroachments of catchment areas and floodplains, over drawl of groundwater, river bank erosion on account of illegal sand mining. In spite of directions to install Effluent Treatment Plants (ETPs), Common Effluent Treatment Plants (CETPs), Sewage Treatment Plants (STPs), and adopting other anti-pollution measures, satisfactory situation has not been achieved. Tough governance is the need of the hour. If pollution does not stop, the industry has to be stopped. If sewage dumping does not stop, local bodies have to be made accountable and their heads are to be prosecuted. Steps have to be taken for awareness and public involvement.”*

<sup>4</sup> O.A No. 673 of 2018 this Tribunal is considering remedial action to rejuvenate 351 polluted river stretches. Therein, other cases of river pollution are mentioned thus “This Tribunal also considered the issue of pollution of river Yamuna, in Manoj Mishra Vs. Union of India, river Ganga in M.C. Mehta Vs. Union of India, river Ramganga which is a tributary of river Ganga in Mahendra Pandey Vs. Union of India & Ors., rivers Sutlej and Beas in the case of Sobha Singh & Ors. Vs. State of Punjab & Ors., river Son in Nityanand Mishra Vs. State of M.P. & Ors., river Ghaggar in Stench Grips Mansa's Sacred Ghaggar River (Suo-Moto Case)”, river Hindon in Doaba Paryavaran Samiti Vs. State of U.P. & Ors., river Kasardi in Arvind Pundalik Mhatre Vs. Ministry of Environment, Forest and Climate Change & Ors., River Ami, Tapti, Rohani and Ramgarh lake in Meera Shukla Vs. Municipal Corporation, Gorakhpur & Ors., rivers Chenab and Tawi in the case of Amresh Singh Vs. Union of India & Ors. and Subarnarekha in Sudarsan Das Vs. State of West Bengal & Ors. and issued directions from time to time”

<sup>5</sup> O.A No. 1038/2018

<sup>6</sup> O. A No.673/2018, order dated 08.04.2019

5. All the States and UTs where polluted river stretches exist are required to constitute River Rejuvenation Committees to prepare action plans for restoration (which are to be reviewed by the highest authority in the States, i.e Chief Secretary) to be monitored by CPCB and thereafter to be further monitored by this Tribunal. Accordingly, the action plans have been prepared which broadly envisage action to prevent discharge of untreated effluent/sewage. The same are being monitored by the CPCB and by this Tribunal and the matter is now listed for hearing on 29.11.2019. In O.A 606/2018 while dealing with the compliance of Solid Waste Management Rules, 2016, this Tribunal vide order dated 16.01.2019 directed personal appearance of all the Chief Secretaries with their monitoring reports on major environment issues including the rejuvenation of polluted river stretches. The Chief Secretaries of all States/UTs have accordingly appeared and furnished their reports which envisage steps for setting up of ETPs/CETPs/STPs to prevent water pollution. The Chief Secretaries have to appear before this Tribunal with further progress reports on the subjects.

6. Further, control of pollution of river Ganga is being monitored by this Tribunal in O. A No. 200/2014 after transfer from the Hon'ble Supreme Court. Therein timelines have been prescribed to the effect that STPs be set up in time bound manner and no a drop of pollution be discharged in the river. The Tribunal observed

*"Bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.11.2019, failing which the State may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB. This however, is not to be taken as an excuse to*

delay the installation of STPs. For delay of the work, the Chief Secretary must identify the officers responsible and assign specific responsibilities. Wherever there are violations, adverse entries in the ACRs must be made in respect of such identified officers. For delay in setting up of STPs and sewerage network beyond prescribed timelines, State may be liable to pay Rs. 10 Lakhs per month per STP and its network. It will be open to the State to recover the said amount from the erring officers/contractors.

With regard to works under construction, after 01.07.2020, direction for payment of environmental compensation of Rs. 10 lakhs per month to CPCB for discharging untreated sewage in any drain connected to river Ganga or its tributaries and Rs. 10 lakhs per month to CPCB per incomplete STP and its sewerage network will apply. Further with regard to the sectors where STP and sewerage network works have not yet started, the State has to pay an Environmental Compensation of Rs. 10 lakhs per month after 31.12.2020. The NMCG will also be equally liable for its failure to the extent of 50% of the amount to be paid. Till such compliance, bioremediation or any other appropriate interim measure may start from 01.11.2019.”

#### **Background of the present case before this Tribunal**

7. The Hon'ble Supreme Court vide order dated 22.02.2017 in Paryavaran Suraksha Samiti Vs. Union of India<sup>7</sup> transferred the matter for monitoring by this Tribunal in the light of the directions of the Hon'ble Supreme Court requiring establishment and functioning of requisite ETPs/CETPs/STPs and in default to close industrial activities discharging effluents without treatment and to take action against local bodies for failing to install STPs and discharging sewage without treatment. Some of the observations in the judgment of the Hon'ble Supreme Court are:

“ 7. Having effectuated the directions recorded in the foregoing paragraphs, the next step would be, to set up common effluent treatment plants. We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50%, that of the State Government concerned (including the Union Territory concerned) is 25%. The balance 25%, is to be arranged by way of loans from banks. The above loans, are to be repaid, by the industrial areas, and/or

<sup>7</sup> (2017) 5 SCC 326

industrial clusters. We are also informed that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up "common effluent treatment plants", according to the learned counsel, is not only financial, but also, the requirement of land acquisition, for the same.

10. Given the responsibility vested in municipalities under Article 243-W of the Constitution, as also, in Item 6 of Schedule XII, wherein the aforesaid obligation, pointedly extends to "public health, sanitation conservancy and solid waste management", we are of the view that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the municipalities (and/or local bodies) concerned, cannot be permitted to shy away from discharging this onerous duty. In case there are further financial constraints, the remedy lies in Articles 243-X and 243-Y of the Constitution. It will be open to the municipalities (and/or local bodies) concerned, to evolve norms to recover funds, for the purpose of generating finances to install and run all the "common effluent treatment plants", within the purview of the provisions referred to hereinabove. Needless to mention that such norms as may be evolved for generating financial resources, may include all or any of the commercial, industrial and domestic beneficiaries, of the facility. The process of evolving the above norms, shall be supervised by the State Government (Union Territory) concerned, through the Secretaries, Urban Development and Local Bodies, respectively (depending on the location of the respective common effluent treatment plant). **The norms for generating funds for setting up and/or operating the "common effluent treatment plant" shall be finalised, on or before 31-3-2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the State Governments (or the Union Territories) concerned, shall cater to the financial requirements, of running the "common effluent treatment plants", which are presently dysfunctional, from their own financial resources.**
11. Just in the manner suggested hereinabove, for the purpose of setting up of "common effluent treatment plants", the State Governments concerned (including, the Union Territories concerned) will prioritise such cities, towns and villages, which discharge **industrial pollutants and sewer, directly into rivers and water bodies.**

12. We are of the view that in the manner suggested above, the malady of sewer treatment, should also be dealt with simultaneously. We, therefore, hereby direct that "sewage treatment plants" shall also be set up and made functional, within the timelines and the format, expressed hereinabove.

13. We are of the view that mere directions are inconsequential, unless a rigid implementation mechanism is laid down. We, therefore, hereby provide that the directions pertaining to continuation of industrial activity only when there is in place a functional "primary effluent treatment plants", and the setting up of functional "common effluent treatment plants" within the timelines, expressed above, shall be of the Member Secretaries of the Pollution Control Boards concerned. **The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default.** The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board concerned, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional National Green Tribunal.

14. To supervise complaints of non-implementation of the instant directions, the Benches concerned of the National Green Tribunal, will maintain running and numbered case files, by dividing the jurisdictional area into units. The abovementioned case files will be listed periodically. **The Pollution Control Board concerned is also hereby directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters."**

8. Accordingly, on 25.05.2017, notice was issued to the Central Pollution Control Board (CPCB), the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) and the Ministry of Environment, Forest and Climate Change (MoEF&CC). They filed their status reports showing gaps in waste generated and treatment capacity. It was further stated that action had been initiated to remedy the situation. After considering the status

report, the Tribunal, vide orders dated 04.07.2017, 18.09.2017 and 11.10.2017, sought information about the steps taken by the SPCBs/PCCs.

9. Vide order dated 03.08.2018, the matter was reviewed and after noting that in absence of functional ETPs/CETPs/STPs, untreated effluents were being discharged in water bodies leading to contamination of surface and ground water which causes various diseases and also has adverse consequence on aquatic organism due to decreased level of oxygen. The Tribunal directed the CPCB to prepare an action plan. Direction was also given for monitoring by a Committee of two officers - one each representing MoEF&CC and CPCB at least once in every month. CPCB was required to place the progress report every three months on the website and take penal action for failure by way of recovery of compensation for damage to the environment, apart from other steps.

10. Vide order dated 19.02.2019, after considering the status report furnished by the CPCB, based on the reports furnished by the States/UTs, this Tribunal after referring to orders passed in O.A NO. 673/2018 for remedial action in respect of 351 polluted river stretches, which had direct nexus with the steps for ETPs/CETPs/STPs and order passed in O.A No. 606/2018 requiring Chief Secretaries to monitor progress *inter alia* on the subject of control of pollution on the river stretches, directed that the Chief Secretaries may look into the subject of setting up and proper functioning of ETPs/CETPs/STPs in their respective States/UTs. Further direction issued was to prepare a report on

assessment of compensation on account of discharge of untreated sewage and dumping of solid waste, loss to ecological services due to illegal mining, deforestation, after taking inputs from expert bodies. The Tribunal also directed the CPCB to compile its monitoring report with regard to 97 CETPs (assuming the total number of CETPs in the country to be 97) installed in different States. CPCB was also directed to furnish its report in O.A. No. 95/2018, *Aryavart Foundation Vs. M/s Vapi Green Enviro Ltd. & Ors.* which concerned the issue of inadequate functioning CETP leading to water pollution.

**Reports filed by the CPCB**

11. Accordingly, two reports filed by CPCB, have been put up for consideration today :-

(i) Report dated 30.05.2019, updated on 19.07.2019, giving status of setting up of ETPs/CETPs/STPs and methodology for assessing environment compensation for discharge of pollutants in water bodies.

(ii) Report dated 14.08.2019 with regard to monitoring of CETPs.

12. We proceed to consider the above reports.

**1. Report dated 30.05.2019 updated on 19.07.2019**

13. According to updated report dated 19.07.2019, out of 62,897 number of industries requiring ETPs, 60,944 industries are operating with functional ETPs and 1949 industries are operating without ETPs. 59,258 industries are complying with environmental standards and 1,524 industries are noncomplying. There are total 192 CETPs, out of which 133 CETPs are complying with

environmental standards and 59 CETPs are non-complying. There are total 13,709 STPs (Municipal and other than municipal), out of which, 13,113 STPs are complying with environmental standards and 637 STPs are non-complying. 73 CETPs in construction/proposal stage, whereas, for STPs, 1164 projects (municipal and non-municipal) are under construction/proposal stage.

14. A report has also been prepared on the scale of environmental compensation to be recovered from individual/authorities for causing pollution or failure for preventing causing pollution, apart from illegal extraction of ground water, failure to implement Solid waste Management Rules, damage to environment by mining and steps taken to explore preparation of an annual environmental plan for the country. Extracts from the report which are considered significant for this order are:

**"I. Environment Compensation to be levied on Industrial Units**

**Recommendations**

*The Committee made following recommendations:*

*1.5.1 To begin with, Environmental Compensation may be levied by CPCB only when CPCB has issued the directions under the Environment (Protection) Act, 1986. In case of a, band c, Environmental Compensation may be calculated based on the formula "EC= Pl x N x Rx S x LF", wherein, Pl may be taken as 80, 50 and 30 for red, orange and green category of industries, respectively, and R may be taken as 250. Sand LF may be taken as prescribed in the preceding paragraphs*

*1.5.2 In case of d, e and f, the Environmental Compensation may be levied based on the detailed investigations by Expert Institutions/Organizations.*

*1.5.3 The Hon'ble Supreme Court in its order dated 22.02.2017 in the matter of Paryavaran Suraksha Samiti and another v/s Union of India and others (Writ Petition (Civil) No. 375 of 2012), directed that all running industrial units which require "consent to operate" from concerned State Pollution Control Board, have a primary effluent*

treatment plant in place. Therefore, no industry requiring ETP, shall be allowed to operate without ETP.

1.5.4 EC is not a substitute for taking actions under EP Act, Water Act or Air Act. In fact, units found polluting should be closed/prosecuted as per the Acts and Rules.

## II. Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in NCR.

**Table No. 2.1: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.**

Activity	State Of Air Quality	Environmental Compensation (₹)
<b>Industrial Emissions</b>	Severe +/Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
<b>Vapour Recovery System (VRS) at Outlets of Oil Companies</b>		
<b>i. Not installed</b>	Target Date	Rs 1.0 Crore
<b>ii. Non functional</b>	Very poor to Severe +	Rs 50.0 Lakh
	Moderate to Poor	Rs 25.0 Lakh
<b>Construction sites (Offending plot more than 20,000 Sq.m.)</b>	Severe +/Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
<b>Solid waste/ garbage dumping in Industrial Estates</b>	Very poor to Severe +	Rs 25.0 Lakh
	Moderate to Poor	Rs 10.0 Lakh
<b>Failure to water sprinkling on unpaved roads</b>		
<b>a) Hot-spots</b>	Very poor to Severe +	Rs 25.0 Lakh
<b>b) Other than Hot-spots</b>	Very poor to Severe +	Rs 10.0 Lakh

## III. Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules:

**Table No. 3.3: Minimum and Maximum EC to be levied for untreated/partially treated sewage discharge**

Class of the City/Town	Mega-City	Million-plus City	Class-I City/Town and others
Minimum and Maximum values of EC (Total Capital Cost Component)	Min. 2000	Min. 1000	Min. 100

recommended by the Committees (Lacs Rs.)	Max. 20000	Max. 10000	Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committees (Lacs Rs./day)	Min. 2 Max. 20	Min. 1 Max. 10	Min. 0.5 Max. 5

**Table No. 3.4: Minimum and Maximum EC to be levied for improper municipal solid waste management**

Class of the City/Town	Mega-City	Million-plus City	Class-I City/Town and others
Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 1000 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 1.0 Max. 10.0	Min. 0.5 Max. 5.0	Min. 0.1 Max. 1.0

### **3.3 Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/ Authority:**

BIS 15-1172:1993 suggests that for communities with population above 100,000, minimum of 150 to 200 lpcd of water demand is to be supplied. Further, 85% of return rate (CPHEEO Manual on Sewerage and Sewage Treatment Systems, 2013), may be considered for calculation of total sewage generation in a city. CPCB Report on "Performance evaluation of sewage treatment plants under NRCD, 2013", describes that the capital cost for 1 MLD STP ranges from 0.63 Cr. to 3 Cr. and O&M cost is around Rs. 30,000 per month. After detail deliberations, the Committee suggested to assume capital cost for STPs as Rs. 1.75 Cr./MLD (marginal average cost). Further, expected cost for conveyance system is assumed as Rs. 5.55 Cr./MLD (marginal average cost) and annual O&M cost as 10% of the combined capital cost. Population of the city may be taken as per the latest Census of India. Based on these assumptions, Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

$$\text{EC} = \text{Capital Cost Factor} \times \text{Marginal Average Capital Cost for Treatment Facility} \times \text{Total}$$

**Generation-Installed Capacity) + Marginal Average Capital Cost for Conveyance Facility x (Total Generation -Operational Capacity)]+ O&M Cost Factor x Marginal Average O&M Cost x (Total Generation- Operational Capacity) x No. of Days for which facility was not available**  
**+ Environmental Externality x No. of Days for which facility was not available**

Alternatively;

**EC (Lacs Rs.)= [17.S/(Total Sewage Generation - Installed Treatment Capacity)+ 55.S/(Total Sewage Generation-Operational Capacity)] + 0.2(Sewage Generation-Operational Capacity) x N + Marginal Cost of Environmental Externality x (Total Sewage Generation-Operational Capacity) X N**

Where; N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority

Quantity of Sewage is in MLD

**Table No. 3.5: Sample calculation for EC to be levied for discharge of untreated/partial treated Sewage**

City	Delhi	Agra	Gurugram	Ambala
Population (2011)	1,63,49,831	17,60,285	8,76,969	5,00,774
Class	Mega-City	Million-plus City	Class-I Town	Class-I Town
Sewage Generation (MLD) (as per the latest data available with CPCB)	4195	381	486	37
Installed Treatment Capacity (MLD) (as per the latest data available with CPCB)	2500	220	404	45.5
Operational Capacity (MLD) (as per the latest data available with CPCB)	1900	140	300	24.5
Treatment Capacity Gap (MLD)	2295	241	186	12.5
Calculated EC (capital cost component for STPs) in Lacs Rs.	29662.50	2817.50	1435.00	0.00

Calculated EC (capital cost component for Conveyance System) in Lacs. Rs.	127372.50	13375.50	10323.00	693.75
Calculated EC (Total capital cost component) in Lacs Rs.	157035.00	16193.00	11758.00	693.75
Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 2000 Max. 20000	Min. 1000 Max. 10000	Min. 100 Max. 1000	Min. 100 Max. 1000
Final EC (Total Capital Cost Component) in Lacs Rs.	20000.00	10000.00	1000.00	693.75
Calculated EC (O&M Component in Lacs Rs./day	459.00	48.20	37.20	2.50
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 2 Max. 20	Min. 1 Max. 10	Min. 0.5 Max. 5	Min. 0.5 Max. 5
Final EC (O&M Component) in Lacs. Rs./Day	20.00	10.00	5.00	2.50
Calculated Environmental Externality (Lacs Rs .Per Day)	2.0655	0.2049	0.1395	0.0094
Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)	Min. 0.60 Max. 0.80	Min. 0.25 Max. 0.35	Min. 0.05 Max. 0.10	Min. 0.05 Max. 0.10
Final Environmental Externality (Lacs Rs. Per day)	0.80	0.25	0.10	0.05

**3.4 Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management:**

Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

**EC = Capital Cost Factor x Marginal Average Cost for Waste Management x (Per day waste generation-Per**

**day waste disposed as per the Rules) + O&M Cost Factor x Marginal Average O&M Cost x (Per day waste generation-Per day waste disposed as per the Rules) x Number of days violation took place + Environmental Externality x N**

Where;

Waste Quantity in tons per day (TPD)

N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority

Simplifying;

**EC (Lacs Rs.) = 2.4(Waste Generation - Waste Disposed as per the Rules) +0.02 (Waste Generation Waste Disposed as per the Rules) x N + Marginal Cost of Environmental Externality x (Waste Generation - Waste Disposed as per the Rules) x N**

**Table No. 3.6: Sample calculation for EC to be levied for improper management of Municipal Solid Waste**

City	Delhi	Agra	Gurugram	Ambala
Population (2011)	1,63,49,831	17,60,285	8,76,969	5,00,774
Class	Mega-City	Million-plus City	Class-I Town	Class-I Town
Waste Generation (kg. per person per day)	0.6	0.5	0.4	0.4
Waste Generation (TPD)	9809.90	880.14	350.79	200.31
Waste Disposal as per Rules (TPD) (assumed as 25% of waste generation for sample calculation)	2452.47	220.04	87.70	50.08
Waste Management Capacity Gap (TPD)	7357.42	660.11	263.09	150.23
Calculated EC (capital cost component) in Lacs. Rs.	17657.82	1584.26	631.42	360.56
Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 1000 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000	Min. 100 Max. 1000

Final EC (capital cost component) in Lacs. Rs.	10000.00	1584.26	631.42	360.56
Calculated EC (O&M Component) in Lacs. Rs./Day	147.15	13.20	5.26	3.00
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./Day)	Min. 1.0 Max. 10.0	Min. 0.5 Max. 5.0	Min. 0.1 Max. 1.0	Min. 0.1 Max. 1.0
Final EC (O&M Component) in Lacs. Rs./Day	10.00	5.00	1.00	1.00
Calculated Environmental Externality (Lacs Rs. Per Day)	2.58	0.18	0.03	0.02
Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. per day)	Max. 0.80	Min. 0.25 Max. 0.35	Min. 0.01 Max. 0.05	Min. 0.01 Max. 0.05
Final Environmental Externality (Lacs Rs. per day)	0.80	0.25	0.03	0.02

#### compensation in Case of Illegal Extraction of Ground Water

#### 4.5 Formula for Environmental Compensation for illegal extraction of ground water

The committee decided that the formula should be based on water consumption (Pump Yield & Time duration) and rates for imposing Environmental Compensation for violation of illegal abstraction of ground water. The committee has proposed following formula for calculation of Environmental Compensation ( $EC_{Gw}$ ):

$$EC_{Gw} = \text{Water Consumption per Day} \times \text{No. of Days} \times \text{Environmental Compensation Rate for illegal extraction of ground water } (ECR_{Gw})$$

Where water Consumption is in  $m^3/\text{day}$  and  $ECR_{Gw}$  in  $Rs./m^3$

Yield of the pump varies based on the capacity/power of pump, water head etc. For reference purpose, yield of the pump may be assumed as given in Annexure-VI.

Time duration will be the period from which pump is operated illegally.

In case of illegal extraction of ground water, quantity of discharge as per the meter reading or as calculated with assumptions of yield and time may be used for calculation of  $EC_{GW}$ .

#### 4.6 Environmental Compensation Rate ( $EC_{GW}$ ) for illegal use of Ground Water:

The committee decided that the Environmental Compensation Rate ( $EC_{GW}$ ) for illegal extraction of ground water should increase with increase in water consumption as well as water scarcity in the area. Further,  $EC_{GW}$  are kept relaxed for drinking and domestic use as compared to other uses, considering the basic need of human being.

As per CGWB, safe, semi-critical, critical and over-exploited areas are categorized from the ground water resources point of view (CGWB, 2017). List of safe, semi-critical, critical and over-exploited areas are available on the website of CGWB and can be accessed from- <http://cgwa-noc.gov.in/LandingPage/NotifiedAreas/CategorizationOfAssessmentUnits.pdf#ZOOM=150>.

Environmental Compensation Rates ( $EC_{GW}$ ) for illegal use of ground water ( $EC_{GW}$ ) for various purposes such as drinking/domestic use, packaging units, mining and industrial sectors as finalized by the committee are given in tables below:

##### 4.6.1 $EC_{GW}$ for Drinking and Domestic use:

Drinking and Domestic use means uses of ground water in households, institutional activity, hospitals, commercial complexes, townships etc.

Sl. No.	Area Category	Water Consumption ( $m^3/day$ )			
		<2	2 to <5	5 to <25	25 & above
		Environmental Compensation Rate ( $EC_{GW}$ ) in Rs./ $m^3$			
1	Safe	4	6	8	10
2	Semi Critical	12	14	16	20
3	Critical	22	24	26	30
4	Over-Exploited	32	34	36	40

Minimum  $EC_{GW}$ =Rs 10,000/- (for households) and Rs. 50,000 (for institutional activity, commercial complexes, townships etc.)

##### 4.6.2 $EC_{GW}$ for Packaged drinking water units:

Sl. No.	Area Category	Water Consumption ( $m^3/day$ )			
		<200	200 to <1000	1000 to <5000	5000 &
		Environmental Compensation Rate ( $EC_{GW}$ ) in Rs./ $m^3$			
1	Safe	12	18	24	30
2	Semi critical	24	36	48	60
3	Critical	36	48	66	90
4	Over-exploited	48	72	96	120

Minimum EC<sub>GW</sub>=Rs 1,00,000/-

#### 4.6.3 ECR<sub>GW</sub> for Mining, Infrastructure and Dewatering Projects

Sl. No	Area Category	Water Consumption (m <sup>3</sup> /day)			
		<200	200 to <1000	1000 to <5000	5000 &
		Environmental Compensation Rate (ECR <sub>GW</sub> ) in Rs./m <sup>3</sup>			
1	Safe	15	21	30	40
2	Semi critical	30	45	60	75
3	Critical	45	60	85	115
4	Over-exploited	60	90	120	150

Minimum EC<sub>GW</sub>=Rs 1,00,000/-

#### 4.6.4 ECR<sub>GW</sub> for Industrial Units:

Sl. No.	Area Category	Water Consumption (m <sup>3</sup> /day)			
		<200	200 to <1000	1000 to <5000	5000 &
		Environmental Compensation Rate (ECR <sub>GW</sub> ) in			
1	Safe	20	30	40	50
2	Semi critical	40	60	80	100
3	Critical	60	80	110	150
4	Over-exploited	80	120	160	200

Minimum EC<sub>GW</sub> = Rs 1,00,000/-

#### 4.3 Recommendations

The committee has given following recommendations:

- The minimum Environmental Compensation for illegal extraction of ground water for domestic purpose will be Rs. 10,000, for institutional/commercial use will be 50,000 and for other uses will be 1,00,000.
- In case of fixation of liability, it always lies with current owner of the premises where illegal extraction is taking place.
- Time duration may be assumed to be one year in case where no evidence for period of installation of bore well could be established.
- For Drinking and Domestic use, where metering is not present but storage tank facility is available, minimum water consumption per day may be assumed as similar to the storage capacity of the tank.
- For industrial ground water use, where metering is not available, water consumption may be assumed as per the consent conditions. Further, where in case industry is operating without consent, water consumption may be calculated based on the plant capacity (on the

recommendation of SPCB/PCC, if required). SPCB/PCC may bring the issue of illegal extraction of ground water in industries in to the notice of CGWA for appropriate action by CGWA.

- Authorities assigned for levy EC and taking penal action are listed below:

S. No.	Actions	Authority
1.	To seal the illegal bore-well/tube-well to stop extraction of water and further closure of project	District Collector
2.	To levy EC <sub>GW</sub> as per prescribed method	District Collector,
3.	To levy EC on water pollution, as per the method prescribed in report of CPCB- "EC on industrial pollution"	CPCB/SPCB/PCC
4.	Prosecution of violator	CGWA under EP Act SPCB/PCC under Air and Water Act

- CGWA may maintain a separate account for collection and utilization of fund, collected through the prescribed methodology in this report."

**Discussion on the report dated 30.05.2019 updated on 19.07.2019**

15. It is clear from the order of the Hon<sup>ble</sup> Supreme Court<sup>8</sup> that the responsibility of operating STPs under Article 243W and item 6 of Schedule XII to the Constitution is of local bodies who have to evolve norms to recover funds for the purpose which is to be supervised by the States/UTs. The norms were to be finalized upto 31.03.2017 to be implemented from the next year, i.e 01.04.2018. In absence thereof, the States/UTs have to cater to the financial requirement from its own resources. The States/UTs are to prioritize the cities, towns, villages discharging effluents/sewage directly into the water bodies. Industrial activity without proper treatment plants (ETPs and CETPs) is not to be allowed by the State PCEs and the Secretaries, Environment of the States/UTs are

<sup>8</sup> Para 10-13 in *Paryavaran Suraksha Samiti Vs. Union of India, Supra*

to be answerable. Thus, the source for financial resources for the STPs, stands finalized under the binding judgment of the Hon'ble Supreme Court. Authorities and persons accountable are identified. Rigid implementation has been laid down. This Tribunal has been required to monitor compliance of the directions and timelines.

16. It is in this background that the present report needs to be appraised and further directions given. As regards the Environmental compensation regime fixed for industrial units, GRAP, solid waste, sewage and ground water is accepted as an interim measure. With regard to setting up of STPs, while we appreciate the extensive work of the CPCB based on information furnished by States/UTs, the challenge remains about verification of the said data on the one hand and analysis of the steps taken and required on the other. There is already a database available with the CPCB with regard to ETPs, CETPs, STPs, MSW facilities, Legacy Waste sites. This needs to be collated and river basinwise macro picture needs to be prepared by the CPCB in terms of need for interventions, existing infrastructure and gaps therein. The States have given timelines which need to be effectively monitored both by the CPCB and the Chief Secretaries in terms of its execution.

17. As already noted, prevention of pollution of water is directly linked to access to potable water as well as food safety. Restoration of pristine glory of rivers is also of cultural and ecological significance. This necessitates effective steps to ensure that no pollution is

discharged in water bodies. Doing so is a criminal offence under the Water Act and is harmful to the environment and public health. 'Precautionary' principle of environmental law is to be enforced. 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. The issue of ETPs/CETPs is being dealt with by an appropriate action against polluting industries. Setting up of STPs and MSW facilities is the responsibility of Local Bodies and in case of their default, of the States. Their failure on the subject has to be adequately monitored. Recovery of compensation on 'Polluter Pays' principle is a part of enforcement strategy but not a substitute for compliance. It is thus necessary to issue directions to all the States/UTs to enforce the compensation regime, latest with effect from 01.04.2020. We may not be taken to be condoning any past violations. The States/UTs have to enforce recovery of compensation from 01.04.2020 from the defaulting local bodies. On failure of the States/UTs, the States/UTs themselves have to pay the requisite amount of compensation to be deposited with the CPCB for restoration of environment. The Chief Secretaries of all the States may furnish their respective compliance reports as per directions already issued in O.A. No. 606/2018.

**II. Report dated 14.08.2019 with regard to monitoring of CETPs**

18. The Committee inspected 127 CETPs in 14 States. Figure of CETP assumed to be 97 was not correct. 66 CETPs were found to be non-compliant. CPCB directed SPCBs to take following steps:

- "1. SPCBs shall direct non-complying CETPs to take immediate corrective actions to comply with the environmental standards.*
- 2. CETP should be directed to take action as per the recommendations provided at Annexure A-N within a time frame.*
- 3. In case of non-complying CETPs, action as deemed fit including levying of environmental compensation may be taken.*
- 4. In case, OCEMS are not connected with CPCB & SPCB servers, ensure a robust system of physical inspections to verify compliance by drawing samples."*

**Discussion on the report dated 14.08.2019**

19. We accept the recommendation of the CPCB and direct the Chief Secretaries, State Governments, Union Territories and the SPCBs/PCCs to take further action accordingly and furnish an action taken report accordingly. The CPCB to meanwhile compile and collate information with regard to ETPs, CETPs, STPs, MSW Facilities, Legacy Waste dump sites and complete the pending task on the subject before the next date and furnish a report.
20. The environmental compensation regime for CETP not meeting the prescribed norms need to be evolved by the CPCB.

**Directions**

21. We may now sum up our directions:
- (i) The Environmental compensation regime fixed for industrial units, GRAP, solid waste, sewage and ground water in the report dated 30.05.2019 is accepted and the same may be acted upon as an interim measure.

- (ii) SPCBs/PCCs may ensure remedial action against non-compliant CETPs or individual industries in terms of not having ETPs/fully compliant ETPs or operating without consent or in violation of consent conditions. This may be overseen by the CPCB. CPCB may continue to compile information on this subject and furnish quarterly reports to this Tribunal which may also be uploaded on its website.
- (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.
- (iv) The CPCB needs to collate the available data base with regard to ETPs, CETPs, STPs, MSW facilities, Legacy Waste sites and prepare a river basinwise macro picture in terms of gaps and needed interventions.
- (v) The Chief Secretaries of all the States/UTs may furnish their respective compliance reports on this subject also in O.A. No. 606/2018.

List for further consideration on 21.05.2020, unless required earlier. A copy of this order be placed on the file of O.A. No. 606/2018 relating to all States/UTs and be sent to Chief Secretaries of all States/UTs, Secretary MoEF&CC, Secretary Jal Shakti and Secretary, MoHUA.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

August 28, 2019  
Original Application No. 593/2017  
(W.P.(Civil) No. 375/2012)  
DV

