

**REPORT OF OVERSIGHT COMMITTEE IN COMPLIANCE OF ORDER OF HON'BLE
NATIONAL GREEN TRIBUNAL PASSED IN O.A.NO. 1038/2018 IN RE: NEWS ITEM
PUBLISHED IN "THE ASIAN AGE" AUTHORED BY SANJAY KAW TITLED "CPCB TO
RANK INDUSTRIAL UNITS ON POLLUTION LEVELS"**

Introduction

1. The Hon'ble National Green Tribunal dealing with the matter of O.A. No. 1038/2018 vide order dated 14.11.2019 considered the issue of remedial action against the polluting industries in the identified polluting industrial clusters.
2. The Hon'ble Tribunal, vide order dated 13.12.2018, treated the news item published in "The Asian Age" dated 06/12/2018 authored by Mr. Sanjay Kaw titled "CPCB to rank industrial units on pollution levels" as an application in view of a substantial question of environment.
3. Industrialization and economic development in any region provide opportunities to improve living by removing poverty and unemployment. Industrial development invariably creates more jobs in any region, but such industrial development must be sustainable and compliant with environmental norms. In the absence of proper monitoring, industrial development has led to environmental degradation on account of industrial pollution.
4. Dust, smoke, fume and toxic gas emissions occur as a result of highly polluting industries such as thermal power plants, coal mines, cement, sponge iron, steel and ferroalloys, petroleum and chemicals unless right technology is used and precaution taken. Industry-specific clusters have not only become hazardous but also cause irreparable damage to our ecology and environment, often breaching the environment's carrying capacity, adversely affecting public health.

5. The news article published in The Weather Channel dated 20.12.2019 entitled “With 23 Lakh Premature Pollution-Related Deaths Every Year, India Remains Most-Affected: Global Study”, highlighted that
- a) 23,26,771 premature pollution-related deaths occur in India every year which is highest in the world.
 - b) Half of all air pollution-related premature deaths in the world occur in India and China. Around 12.4 lakh deaths occur in India in a year.
 - c) Other than air pollution, around 7 lakh premature deaths are attributed to water pollution, 1.5 lakh to occupational pollution deaths and 2.3 lakh to the exposure to lead.
 - d) Apart from premature deaths, pollution also causes multiple health complications and permanent disabilities among the exposed populations. A parameter known as *disability-adjusted life year (DALY)*, is used to indicate disease burden expressed as the number of years lost due to ill-health or disability as well as eventual mortality. About 27.5 crore DALYs are attributable to pollution across the globe, out of which air pollution is responsible for around nearly 15 crores DALYs. This figure is many times higher than the DALYs from other risks like conflicts and violence, high-sodium diet and alcohol use.
6. An article published in ‘Down to Earth’ dated 15.10.2020 entitled “Air pollution kills a child every 3 minutes in India” highlighted that
- a) As per the report of Global Burden of Disease 2017, one child dies every 3 minutes in India because of inhaling toxic pollutants in the air.
 - b) In 2017, 195546 children have died due to air pollution-related diseases, which means 535 deaths occurred daily on an average.
 - c) In the last 27 years, more than a crore of children died before the age of 6 due to deadly infection.
 - d) Uttar Pradesh recorded the second most number of children death due to air pollution after Rajasthan.

7. Another news item published in 'The Hindu' dated 03.04.2020 entitled "In India, air pollution is the third-highest cause of death among all health risks: report" highlighted that exposure to outdoor and indoor air pollution contributed to over 1.2 million deaths in India in 2017.
8. The report of Centre for Science and Environment published on 5th June 2019 entitled "Air pollution kills an average of 8.5 out of every 10,000 children in India before they turn five" highlighted that:
 - a) **State of air:** Air pollution is responsible for 12.5% of all deaths occurring in India. Over 100,000 children below the age of 5 die due to air pollution. While India was one of the first countries which pledged to phase out the non-electric vehicles, its national scheme to promote the sale of e-vehicles is yet to pick up. Against the target of 15-16 million e-vehicles by 2020, the country had only 0.28 million vehicles till May 2019.
 - b) **State of water:** Both surface and groundwater in the country are under stress. 86 water bodies are critically polluted. One of the reasons is the substantial increase (136%) in the number of grossly polluting industries between 2011 and 2018. The groundwater of the country is also reeling under overexploitation, which is running 94.5 % of all minor irrigation schemes in the country. There has been an unsustainable increase in the number of deep tubewells that has gone up by 80 percent between 2006-07 and 2013-14.
 - c) **State of land and agriculture:** India's farm sector is also under duress. The input costs for major crops are rising continuously and the average farmland size is shrinking.
 - d) **State of waste:** The burden of solid waste is becoming unmanageable. While India claims to process 96 percent of its biomedical waste, eight states and UTs have defaulting hospitals. The country has also recorded a 56 percent increase in the number of hazardous-waste generating industries between 2009 and 2016-17. At the same time, most of these industries are not properly maintaining their waste inventory, as mandated by the law

9. The Comprehensive Environmental Pollution Index (CEPI) was developed in 2009 by CPCB. It is an index to categorize the environment quality of industrial clusters. It captures details regarding air, water and land. On the basis of this index, CPCB had notified 88 industrial clusters as Polluted Industrial Areas (PIAs) which depending on the score were ranked as Critical Polluted Areas (CPA), Severely Polluted Areas (SPAs), and Other Polluted Areas (OPAs).

- The index was revised in 2016. Under the revised definition, the categorization was based on emissions (air pollutants), effluents (water pollutants), hazardous waste generated and consumption of resources. Categorization was done as red (>60 score), orange (41-59 score), green (21-40 score) and white (upto 20 score). The number of clusters increased from 88 to 100. CEPI is a warning tool by State Govts to understand the severity of pollution existing in an area and to formulate appropriate action plans. To identify the clusters of polluting industries CPCB has evaluated the CEPI in the year 2009-10. Based on the CEPI criterion, CPCB has identified 88 polluted industrial clusters (PICs) in 16 states in 2009-2010. In 2017-2018, the number of identified PICs in 21 states increased from 88 to 100. The details of the CEPI score ranges and the number of industrial clusters falling in each category are as follows:

CEPI Score	Category	Number of industrial clusters	
		2009-10	2017-18
70 and above	Critically Polluted Areas (CPAs)	43	38
60-70	Seriously Polluted Areas (SPAs)	32	31
Below 60	Other Polluted Areas (OPAs)	13	31
Total		88	100

10. Out of 100 PICs identified in year 2017-2018, 13 were reported in UP. The CEPI Scores for Industrial Areas/Clusters identified in 2018 are as follows:

- The table below shows the CEPI scores for industrial areas/ clusters in descending order. The overall CEPI is presented in the alpha-numeric form

stating the score along with the status of Air, Water and Land environment in terms of subscript as critical/ severe/ normal. A sub-index score of more than 60 shows a critical level of pollution in the respective environmental component, whereas a score between 50–60 shows a severe level of pollution with reference to the respective environmental component.

S. No.	Name of Polluted Industrial Areas (PIAs)	Air	Water	Land	CEPI Score	# Status of Environment
1.	Mathura	86.00	81.00	45.00	91.10	Ac_Wc_Ln
2.	Kanpur	66.00	85.00	45.00	89.46	Ac_Wc_Ln
3.	Moradabad	76.00	71.50	68.75	87.80	Ac_Wc_Lc
4.	Varanasi-Mirzapur	67.50	80.00	39.63	85.35	Ac_Wc_Ln
5.	Bulandsahar-Khurja	79.50	76.00	36.75	85.23	Ac_Wc_Ln
6.	Firozabad	76.00	72.00	32.50	81.62	Ac_Wc_Ln
7.	Gajraula Area	71.00	70.00	45.00	80.14	Ac_Wc_Ln
8.	Agra	60.00	66.88	47.00	76.22	Ac_Wc_Ln
9.	Ghaziabad	57.50	66.00	32.25	72.30	As_Wc_Ln
10.	Noida	59.75	62.75	27.00	68.76	As_Wc_Ln
11.	Meerut	52.00	65.00	6.00	66.09	As_Wc_Ln
12.	Aligarh	56.25	61.88	11.88	64.42	As_Wc_Ln
13.	Singrauli (UP & MP)	45.00	57.25	27.75	62.59	As_Wc_Ln

NGT Orders:

1. **The Hon'ble NGT in the matter O.A. No. 1038/2018 dated 13.12.2018** directed the SPCBs/PCCs to finalize time-bound action plans with regards to identified polluted industrial clusters in accordance with the revised norms laid down by the CPCB to restore environmental quality. A three-month time limit was laid down to finalize the action plan from the date of receipt of copy of this order. The CPCB after receiving the actions plans

should look after the proper implication of the action plans and ensure that all the industrial clusters comply with laid down parameters as per the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

- In compliance to the above order, the CPCB issued the directions to the SPCB/PCCs clearly outlining a protocol to be followed to improve the environmental quality in the critically/severally PIAs along with the format for submission of action plan and submitted the same to MoEF&CC.
2. **In the matter O.A. No. 1038/2018 dated 10.07.2019, the Hon'ble NGT** directed CPCB to coordinate with all State PCBs/PCCs and take necessary steps in exercise of statutory powers and forbid the operation of polluting activities in the CPAs and SPAs within three months. The Hon'ble tribunal also directed to initiate prosecutions against the polluters and assess and recover the environmental compensation (EC) from the polluting units for the period of at least five years which is the period specified under Section 15(3) of the National Green Tribunal Act, 2010.
 3. Taking cognizance of the untreated effluents being discharged by textile units in Tronica city, Loni area, Ghaziabad, the Hon'ble Tribunal in *Rashid Ali Warsi Vs. UPSIDC & Ors.*, directed the closure of 53 units until the time CETP was made functional. Thereafter, vide order dated 13.11.2018, the Tribunal allowed operation of only those units which were later found to be achieving the norms.
 4. In the matter of *Aryavart Foundation Vs. M/s Vapi Green Enviro Ltd. & Ors.* the Hon'ble Tribunal directed all defaulting industries, other than green and white category, connected with CETP, to deposit the interim environmental compensation. The scale is as follows:
 - Large Scale Industries- Rs. One Crore each
 - Medium Scale Industries- Rs. Fifty lakhs each
 - Small Scale Industries- Rs. Twenty-Five Lakhs each

In the matter of OA 1038/2018, the CPCB may recover the Interim Environmental Compensation (EC) on the scale adopted by this Tribunal in case of Vapi industrial area.

5. The Hon'ble Tribunal has also directed that "No further, industrial activities or expansion be allowed with regards to red and orange units till the said PIAs are brought within the prescribed parameters or till carrying capacity of area is assessed". The CPCB is also directed to compile information about PIAs based on water pollution norms separately, air pollution norms separately and other pollution norms separately and notify such information on public domain within three months.
6. On 9.08.2019, CPCB filed an Interim Application (IA) to reconsider the relevant directions in order O.A. No. 1038/2018. Similarly, MoEF&CC filed a Review Application No. 44/2019 in O.A. No. 1038/2018.
7. After due consideration of submissions of MoEF&CC and CPCB, dated 23.08.2019 the Hon'ble NGT directed to identify particular industrial units in all PIAs that are causing pollution, particularly those units which fall under the red and orange category. It also directed to take actions against the defaulters by way of closing them, initiating prosecution, assessing and recovering EC.
8. The matter was again listed in Hon'ble NGT on dated 14.11.2019. In the order dated 19.11.2019 the Hon'ble Tribunal directed CPCB to provide assessment report of the concerned SPCBs/PCCs for necessary actions to ensure that the environmental governance should be done in a meaningful manner in terms of law and order of this Tribunal.
9. The CPCB was also directed to revise its mechanism for expansion. New activities were categorized as red and orange categories of industries in critically/ severely polluted areas. The idea was to focus on individual units to bring down the pollution load and ensure that activities do not further add to such load.
 - Accordingly, CPCB has constituted a committee of Senior Scientists to revise the mechanism evolved by MoEF&CC for allowing new projects/expansion of Red and Orange category of industries in CPAs/SPAs.
 - In compliance with the order of Hon'ble NGT, 18 SPCBs (including Uttar Pradesh) have submitted the information regarding number of non-complying

industries/activities, closure directions issued, EC levied for non-compliance in last 5 years and EC recovered to CPCB.

Compliance status of UPPCB

UPPCB has submitted an action taken report dated 8.02.2020 indicating the identified number of polluters in PIAs, the extent of the closure of polluting activities, the extend of environmental compensation recovered and the prosecution cases filed in all such matters.

1. As per the action taken report submitted by UPPCB, there are 9 CPAs and 4 SPAs categorized based on an evaluation of the Comprehensive Environmental Pollution Index (CEPI) carried out by CPCB in the year 2018. Details of Polluted Industrial Areas (PIAs) in the State are as follows:

S. No.	Name of polluted Industrial Areas (PIAs)	CEPI Score	Demarcation of boundaries/industrial clusters/potential impact zones
1	Agra	76.22	<ul style="list-style-type: none"> • Nunihai Industrial Estate, • Rambag Nagar, UPSIDC • Industrial Area and Runukata • Industrial Areas
2	Aligarh	64.42	<ul style="list-style-type: none"> • ITI Industrial Area, • UPSIDC Industrial Area sectors I and II and TalaNagri in Aligarh
3	Bulansahar-Khurja	85.23	<ul style="list-style-type: none"> • UPSIDC Industrial Area, Shikandarabad, Khurja
4	Firozabad	81.62	<ul style="list-style-type: none"> • Greater Industrial Estate, Firozabad • Greater Industrial Estate, Shikohabad • Mini Industrial Estate Tundla, Firozabad • Mini Industrial Estate, Usaini, Firozabad • UPSIDC Industrial Estate, Firozabad

			<ul style="list-style-type: none"> Industrial Estate, Makkhanpur, Firozabad
5	Gajraula Area	80.14	<ul style="list-style-type: none"> UPSIDC Industrial Area, Gajraula
6	Ghaziabad	72.30	<p>Sub-Cluster A</p> <ul style="list-style-type: none"> Mohan Nagar Industrial Area Rajinder Nagar Industrial Area Sahibabad Industrial Areas <p>Sub-Cluster B</p> <ul style="list-style-type: none"> Pandav Nagar Industrial Area Kavi Nagar Industrial Area Bulandshahar Road Industrial Area Amritnagar Aryanagar Industrial area <p>Sub-Cluster C</p> <ul style="list-style-type: none"> Meerut Road Industrial Area <p>Sub-Cluster D</p> <ul style="list-style-type: none"> Loni Industrial Area Loni Road Industrial Area Roop Nagar Industrial Area <p>Sub-Cluster E</p> <ul style="list-style-type: none"> Hapur Road Industrial Area Dasna Philkua <p>Sub-Cluster F (Other Scattered Industrial Area)</p> <ul style="list-style-type: none"> Southside of GT road Kavi Nagar Tronica City Anand Nagar Jindal Nagar

			<ul style="list-style-type: none"> • Prakash Nagar • Rural Industrial Estate
7	Kanpur	89.46	<p>Industrial areas:</p> <ul style="list-style-type: none"> • Dada Nagar • Panki • Fazalganj • Vijay Nagar • Jajmau
8	Mathura	91.10	Mathura City Agra (6 Km ²)
9	Meerut	66.09	Meerut (25-30 Km ²)
10	Moradabad	87.80	Moradabad City (2.41 Km ²)
11	Noida	68.76	<p>Terrestrial jurisdiction of:</p> <ul style="list-style-type: none"> • Noida Phase-1 • Noida Phase-2 • Noida Phase-3 • Surajpur Industrial Area • Greater Noida Industrial Area • Village-Chhapparaula
12	Singrauli (UP&MP)	62.59	<p>Sonbhadra (Uttar Pradesh):</p> <ul style="list-style-type: none"> • Dala-Tola, Obra, Renukoot, Anpara, Renusagar, Kakri, Dudhichuwa, Bina, Khadia, Shakti Nagar, Rihand Nagar, Bijpur <p>Singrauli (Madhya Pradesh):</p> <ul style="list-style-type: none"> • Vindhya Nagar and Jayant, Nigahi, Dudhichua, Amlohri&Jhingurdah Township
13.	Varanasi-Mirzapur	85.35	<ul style="list-style-type: none"> • Industrial Estate, Mirzapur • Chunar • Industrial Estate, Chandpur Varanasi

			<ul style="list-style-type: none"> • UPSIDC, Industrial Estate, Phoolpur • Industrial Area, Ramnagar, Chandauli • Industrial Area Karkhiyon
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2. Status of Red and Orange category industries/other polluting activities in 13 CPAs and SPAs and within 5 Km from the boundary of CPA/SPA in the State are as follows:

- A total of 1649 IPAs/OPAs are reported in the **Red category in the State of Uttar Pradesh**. Out of which, 1392 small, 150 medium and 107 large scale IPAs/OPAs are operational. Out of 1649 IPAs/OPAs falling in the Red category, 484 IPAs/OPAs were non-compliant with the Environmental Standards. 273 IPAs/OPAs have been closed down and prosecutions have been filed against 117 IPAs/OPAs and 4 IPAs/OPAs have been convicted.
- 2789 IPAs/OPAs were reported in **Orange category**. Out of these operational IPAs/OPAs 2434 were Small, 321 were medium and 34 were Large scale. Under the orange category, 363 IPAs/OPAs were non-compliant with the Environmental Standards. 324 IPAs/OPAs have been closed down. Prosecutions have been filed against 16 IPAs/OPAs and No IPAs/OPAs have been convicted under the orange category.
- Out of 55 STPs, 14 STPs are not complying with the environmental standards. Out of 55 E-Waste facilities, 24 E-Waste facilities are non-compliant and 4 have been closed. Out of 10 MSW facilities/Dump Sites, 6 facilities are non-compliant. Out of 2989 HCFs, 40 HCFs are non-compliant. There have been 1878 cases of non-compliant construction activities and 106 cases of Garbage Burning reported. All the 4 CEPTs are non-compliant with the Environmental Standards.
- Out of 847 defaulter IPAs/OPAs (Red and Orange), 597 closure orders have been issued and 133 prosecutions have been launched. Other than defaulter IPAs (Red and Orange), 14 (4 E-waste facility and 10 garbage/stubble burning) closure orders have been issued and 32 (29 construction activity and 4 garbage/stubble burning) prosecutions have been initiated against other polluting activities. There appears to be a clear gap in compliance

so far as Municipal Solid Waste facilities and CETPs are concerned. The details of 2921 IPAs/OPAs non-complying with the Environmental Standards are as follows:

SL No.	IPAs/OPAs	Numbers of IPAs/OPAs
1	Industries	847
2	Construction Activities	1878
3	Garbage Burning	106
4	CEPT/STP/E-Waste/MSW facilities/CBWTF/HCFs	90
	Total	2921

3. Action taken against the defaulter industries:

- As per the compliance report of UPPCB, there are 9539 IPAs/OPAs in the State. Out of 9539 IPAs/OPAs, 2921 IPAs/OPAs are not complying with the Environmental Standards. Prosecutions have been filed against 165. Closure directions have been issued against 611 IPAs/OPAs. 4 IPAs/OPAs have been convicted due to non-compliance. The detail of the current status of prohibition/closure of non-complying activity in Red and Orange category Industries /other Polluting Activities (IPAs/OPAs) in 13 CPAs/SPA and within 5 Km from the boundary of CPA/SPA in the State of Uttar Pradesh are provided as **Annexure 1**. The summary of action taken by UPPCB against the defaulter industries is annexed as **Annexure 2**.

4. Status of Environmental Compensation recovered as per Hon'ble NGT order in 13 CPAs/SPAs in the State are as follows:

- Out of total 9539 industries/other polluting activities, 2921 were not complying with the environmental norms in 05 years. EC of Rs. 6422.59 lakh was imposed on defaulter industries/OPAs. Out of which, Rs. 826.81 lakh have been recovered so far. The details of EC imposed and recovered from erring industries are provided as **Annexure 3**.

- Show cause notices have been issued for EC of total of Rs. 10825.26 lakh. The details of show cause notices issued against erring industries are provided as Annexure 4. The summary of EC is as follows:

B. Status of Environmental Compensation recovered as per Hon'ble NGT Order in 13 Critically/Severely Polluted industrial area in the State of Uttar Pradesh.

(Format-B)

Industrial Category	Scale of Operation	Total No. of Industries/ other polluting activities	No. of Industries/ other polluting activities not complying with Environmental standards in 05 years	*Total amount of Environmental Compensation imposed (Rs. in Lacs)	*Total amount of Environmental Compensation Recovered (Rs. in Lacs)	**Total amount of Environmental Compensation for which Show Cause Notice issued (Rs. in Lacs)
Red	Small	1392	409	470.82	182.24	406.16
	Medium	150	37	288.925	159.67	614.79
	Large	107	38	2527.98	187.78	1395.5
Orange	Small	2434	351	851.92	49.07	0
	Medium	321	9	98.29	15	0
	Large	34	3	70.67	25.52	534.96
Other polluting Activities	CETP	4	4	1.37	0	2495.6
	STP	55	14	38.99	7	223.9
	TSDF	1	0	0	0	0
	E-waste Facility	55	24	15.5	1.5	0
	MSW Facility/ Dump Sites	10	6	33.78	9.5	4723
	CBWTF	3	2	12.1	0	7.75
	HCFs	2989	40	131.5	5.83	252
	Construction Activity	1878	1878	1350.49	176.15	0
	Others (Garbage burning, stubble burning or any other activity not covered above)	106	106	530.25	7.55	171.6
Total		9539	2921	6422.59	826.81	10825.26

4. Further, in non-attainment cities, Ambient Air Quality is being monitored through 17 CAAQMS in 9 CPAs/SPAs and 40 manual monitoring stations in 13 CPAs/SPAs. Presently, CAAQMS is not available in 4 CPAs/SPAs, namely, Mathura, Firozabad, Gajraula and Aligarh. The details of installation of CAAQMS for continuous monitoring of Ambient Air Quality in all CPAs/SPAs are as follows:

Name of the Town	No of CAAQMS	CAAQMS					Tentative Timeline
		Existing Station	Required Station (gap)	Plan for installation of proposed CAAQMS			
				Under NCAP	Under 50:50	Under CPSU/ Industry	
Mathura	1	0	1	0	1	0	March 2021
Kanpur	5	1	4	2	0	2	March 2021
Moradabad	3	1	2	0	0	1	June 2021
Varanasi- Mirzapur	5	1	4	3	0	1	March 2021
Bulandshahar- Khuza	2	1	1	0	0	1	June 2021
Firozabad	3	0	3	0	2	0	March 2021
Gajraula	1	0	1	0	0	1 (Ind.)	June 2021
Agra	5	1	4	2	2	0	March 2021
Ghaziabad	5	4	1	0	0	0	
Noida/ Gr. Noida	5	5	0	0	0	0	
Meerut	5	3	2	0	0	0	
Aligarh	3	0	3	0	0	1 (Ind.)	June 2021
Singrauli (UP)	1	1 (Industr	0	0	0	1 (Ind.)	June 2021

		y)					
Total	44	18	26	7	5	8	

- As per the Compliance report, PM₁₀ has been reduced in the year 2019 as compared to the year 2018 in 7 CPAs/SPAs, namely, Varanasi, Kanpur, Firozabad, Agra, Ghaziabad, Noida and Singrauli. The level of PM₁₀ in 7 CPAs/SPAs in year 2018 and 2019 are given below:

Sl. No.	Name of Cluster	Year 2018	Year 2019	Percentage Decrease
		($\mu\text{g}/\text{m}^3$)	($\mu\text{g}/\text{m}^3$)	(%)
		PM10	PM10	PM10
1	Ghaziabad	234.90	195.35	-16.84
2	Noida	239.80	205.41	-14.34
3	Agra	218.76	194.56	-11.06
4	Kanpur	216.99	207.90	-4.90
5	Firozabad	223.01	211.99	-4.94
6	Varanasi	200.73	185.15	-7.76
7	Singrauli	187.31	171.54	-8.42

- In 3 CPA namely Mathura, Moradabad and Gajraula, the level of PM₁₀ has increased (<10%) in year 2019 as compared to year 2018. In Mathura and Khurja, the PM₁₀ has increased by 15.2% and 11.35% respectively in year 2019 as compared to previous year. In Khurja, closure order has been issued by UPPCB against 14 brick kilns and sealed 5 illegal air polluting units. Till date, no coal-based industry is operating in Khurja. In 6 CPA/SPA namely Agra, Kanpur, Varanasi, Ghaziabad, Noida and Moradabad, annual average value of PM_{2.5} has reduced in year 2019. **However, records of PM_{2.5} level in ambient air of other CPAs/SPAs werenot submitted by UPPCB.**

- In the matter of polluted river stretches in the State of Uttar Pradesh, the river water quality has improved in 6 CPAs/SPAs, namely, Mathura, Kanpur, Varanasi, Gajraula, Ghaziabad and Meerut while quality has decreased in 4 CPAs/SPAs, viz. Moradabad, Agra, Noida and Singrauli.
- It is reported that in Moradabad, BOD value increased by up to 85%. The reason for the increase in BOD in Agra is that 4 STPs of total capacity of 166 MLD, are not meeting the prescribed norms. UPPCB has issued Show Cause Notices against Nagar Nigam Agra imposing EC of Rs. 52.87 lakhs.
- 3 STPs of total capacity of 24.25 MLD were found non-complying with norms and have been imposed with EC of Rs. 15.75 lakh.

Meetings of Oversight Committee, NGT, UP:

This case was taken up by the Oversight Committee on 11.02.2020 and 04.08.2020. The officials from CPCB, MoEF&CC, UPPCB, UPSIDA, UP Jal Nigam, Health Department, Urban Development, were present during the meeting held on 11.02.2020. The highlights are as follows:

- I. During the meeting held on 11.02.2020, the committee noted that the UPPCB has not identified polluting industries/units other than the ones covered by PIAs which are individually causing air, water and other pollution especially in the identified polluted river stretches and non-attainment cities.
- II. UPPCB was directed to identify such units in the next one month and take action as per directions of Hon'ble NGT. The committee directed UPPCB to ensure recovery of compensation more effectively as per directions of Hon'ble NGT.
- III. As far as Municipal Solid Waste Facility/Dump Sites are concerned, 6 out of 10 facilities are not complying with environmental norms. There is a 'see and do' policy in the State. However, no action has so far been taken either in terms of closure or in terms of prosecution. The detail of the meeting is provided as **Annexure 5**.

The highlights of the meeting held on 04.08.2020 are as follows:

- I. Action Plans for all 13 CEPIs would be filed before the Hon'ble NGT/CPCB in next two weeks.
- II. Carrying Capacity Studies would be finalized in 3 months' time.
- III. Separate lists of Polluters under Water Act and Air Act would be notified in the next 2 days. Detailed minutes of the meeting are annexed as **Annexure 6**.

Short Compliance status of UPPCB:

S. No	Directions	Current Status	Compliance Status
1.	Status of Red and Orange category industries/other polluting activities in 13 CPAs and SPAs and within 5 Km from the boundary of CPA/SPA in the State	<ul style="list-style-type: none"> • A total of 1649 IPAs/OPAs are reported in the Red category in the State of Uttar Pradesh. Out of which, 1392 small, 150 medium and 107 large scale IPAs/OPAs are operational. Out of a total of 1649 IPAs/OPAs falling in the Red category, 484 IPAs/OPAs were non-compliant with the Environmental Standards. • 2789 IPAs/OPAs were reported in the Orange category. Out of which, 2434 Small, 321 medium and 34 are Large scale IPAs/OPAs are operational. Under the orange category, 363 IPAs/OPAs were non-compliant with the Environmental Standards. • Out of 55 STPs, 14 STPs are not complying with the environmental standards. Out of 55 E-Waste facilities, 24 E-Waste facilities are non-compliant and 4 have been closed. • The details of 2921 IPAs/OPAs non-complying 	Partially complied

		<p>with the Environmental Standards are as follows:</p> <table border="1"> <thead> <tr> <th>SL No.</th> <th>IPAs/OPAs</th> <th>Numbers of IPAs/OPAs</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Industries</td> <td>847</td> </tr> <tr> <td>2</td> <td>Construction Activities</td> <td>1878</td> </tr> <tr> <td>3</td> <td>Garbage Burning</td> <td>106</td> </tr> <tr> <td>4</td> <td>CEPT/STP/E-Waste/MSW facilities/CBWTF/HCFs</td> <td>90</td> </tr> <tr> <td></td> <td>Total</td> <td>2921</td> </tr> </tbody> </table>	SL No.	IPAs/OPAs	Numbers of IPAs/OPAs	1	Industries	847	2	Construction Activities	1878	3	Garbage Burning	106	4	CEPT/STP/E-Waste/MSW facilities/CBWTF/HCFs	90		Total	2921	
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2.	Action taken against the defaulter industries	<ul style="list-style-type: none"> As per the compliance report of UPPCB, there are 9539 IPAs/OPAs in the State. Out of 9539 IPAs/OPAs, 2921 IPAs/OPAs are not complying with the Environmental Standards. Prosecutions have been filed against 165. Closure directions have been issued against the 611 IPAs/OPAs. 4 IPAs/OPAs have been convicted due to non-compliance. 	Partially complied																		
3.	Status of Environmental Compensation imposed and recovered	<ul style="list-style-type: none"> Out of total 9539 industries/other polluting activities, 2921 are not complying with the environmental norms in 05 years. EC of Rs. 6422.59 lakh has been imposed on defaulter industries/OPAs. Out of which, Rs. 826.81 lakh has been recovered so far. Show cause notices have been issued for EC of total of Rs. 10825.26 lakh. 	Partially complied																		
4.	Status of	<ul style="list-style-type: none"> In non-attainment cities, Ambient Air Quality is 	Partially																		

	installation of CAAQMS in non-attainment cities	being monitored through 17 CAAQMS in 9 CPAs/SPAs and 40 manual monitoring stations in 13 CPAs/SPAs. Presently, CAAQMS is not available in 4 CPAs/SPAs, namely, Mathura, Firozabad, Gajraula and Aligarh.	complied
5.	Status of polluted river stretches in the State of Uttar Pradesh	<ul style="list-style-type: none"> • The river water quality has improved In 6 CPAs/SPAs, namely, Mathura, Kanpur, Varanasi, Gajraula, Ghaziabad and Meerut while quality has decreased in 4 CPAs/SPAs, viz. Moradabad, Agra, Noida and Singrauli. • 3 STPs of total capacity of 24.25 MLD found non-complying with norms and have been imposed with EC of Rs. 15.75 lakh. 	Partially complied

Recommendations:

In the view of above, we recommend as follows:

1. CEPI regime has been continuing for the past 10 years. If with all the action plans and mitigation measures, these areas still remain in critically polluted category, then it certainly reflects badly on the quality of enforcement. It cannot solely be the responsibility of Pollution Control Boards. There are more than 17 departments which need to take integrated measures to control pollution in these areas. Norms need to be backed by schemes, e.g. ground water shortage cannot be controlled only by restricting extraction of water. The State Government needs to bring surface water from outside and also augment the supply through water harvesting and water recycling schemes. Similarly, the areas where the problem of air pollution due to pet coke/coal burning is there, subsidy on CNG needs to be provided by the State. For Textile plants, where small boilers are using polluting fuels, there has to be a provision by the State Government for Centralized Steam Plants. CEPI so far has not been very effective. For

increasing its effectiveness, there needs to be dual activities - augmenting resources through State Government schemes and increasing enforcement and accountability. A framework needs to be developed whereby clear cut annual targets and accountability of concerned authorities is fixed, only then such schemes would be successful. Chief Secretary UP be directed to prepare an interdepartmental action plan for pollution abatement in CEPI areas on the above lines and submit it to Hon NGT in next three months.

2. It was mentioned that new units in CEPI areas in red and orange category are being set up based on MoEF&CC guidelines and the UPPCB norms notified thereupon. The Committee feels that no new units/no expansion of existing units should be allowed in any CEPI area without verifying the carrying capacity of that area through carrying capacity studies.
3. The long term plans of these CEPI areas compulsorily must have a detailed water plan in which water harvesting plans and reuse of treated water plans are mandatory.
4. A very important component of entire scheme would be awareness and involvement of the stakeholders. In Sahibabad, there is a group of 18 industrial units who are practising self-environment management and doing well as far as pollution abatement measures are concerned. Such kind of self-environment management groups need to be promoted. A massive campaign needs to be launched by the State Government for making all the industrialists aware of the environmental constraints and the proposed abatement measures.
5. The UPPCB is facing problems as far as recovery of environmental compensation is concerned, especially from urban local bodies and public utilities. Closure of these public utilities is not a solution. Withdrawal of consent to operate may create a public order issue. In such cases, some mechanism has to be worked out for realization of recovery from public utilities.
6. In all large red category industrial areas with air pollution problems, continuous emission monitoring system, effective fugitive emission control measures, transportation of materials by rail/conyers belt, use of cleaner fuels, and increase in

green belt cover may be attempted. In large red category areas with water pollution problems, continuous effluent monitoring systems, detailed water harvesting plan, ZLD discharge, and water reuse/recycling can be attempted.

7. State PCB may be directed to ensure that the action plan should be prepared for each CPA/SPA within two weeks.
8. Separate list of polluters to be notified in one week's time.
9. Carrying capacity studies to be finalised in 3 months' time.
10. As far as permission of expansion of industrial activities in CPAs/SPAs is concerned, UPPCB has not calculated the carrying capacity of CPAs/SPAs yet. UPPCB may be directed to conduct Carrying Capacity study immediately and till viability is found, a notification be issued banning all such units in these areas.

The Member Secretary, UPPCB is directed to send this report to the Registrar General, National Green Tribunal, Principal Bench, New Delhi for placing the same before the Hon'ble Tribunal with a copy to the Chief Secretary, Government of UP for necessary action. The report also be uploaded on the website of the committee.

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X Anup Chandra Pandey

X SVS Rathore

Dr Anup Chandra Pandey
Member, Oversight Committee
Signed by: ANUP CHANDRA PANDEY

Justice SVS Rathore
Chairman, Oversight Committee
Signed by: SURENDRA VIKRAM SINGH RATHORE

August 05, 2020