

REPORT OF THE OVERSIGHT COMMITTEE, NGT, U.P, LUCKNOW

IN THE MATTER OF:-

ORIGINAL APPLICATION NO. 77/2019

NAVEEN KUMAR & ANR.

Versus

UNION OF INDIA & ORS.

INDEX

Sl. No.	Particulars	Page No.
1.	REPORT OF OVERSIGHT COMMITTEE	1-10
2.	Annexure - I	11-16
3.	Annexure – II	17

REPORT OF OVERSIGHT COMMITTEE IN ORIGINAL APPLICATION NO. 77/2019

[NAVEEN KUMAR & ANR. VERSUS UNION OF INDIA & ORS]

[Case disposed of vide order dated 4.12.2020]

I. INTRODUCTION

The issue for consideration in this case is the remedial action against unscientific dumping of solid waste in village Gawri on the bank of river Kaali, creating health hazard. It is also alleged that 22 deaths have taken place and 200 people have been taken ill.

According to Singh (2013)¹, indiscriminate dumping of waste contaminates surface and ground water. In urban areas, municipal solid waste (MSW) clogs drains, creating stagnant water for insect breeding and floods during rainy seasons. Uncontrolled burning of solid waste and improper incineration contributes significantly to urban air pollution. Greenhouse gases are generated from the decomposition of organic wastes in landfills, and untreated leachate pollutes surrounding soil and water bodies. Health and safety issues also arise from improper solid waste management. Insect and rodent vectors are attracted to the waste and can spread diseases such as cholera and dengue fever. Using water polluted by MSW for bathing, food irrigation and drinking water can also expose individuals to disease organisms and other contaminants. The U.S. Public Health Service identified 22 human diseases that are linked to improper solid waste management.

Waste treatment and disposal sites can also create health hazards for the inhabitants in the nearby areas. Improperly operated incineration plants cause air pollution and improperly managed and designed landfills attract all types of insects and rodents that spread disease. Ideally, these sites should be located at a safe distance from all human settlement. Landfill sites should be well lined and walled to ensure that there is no leakage into the nearby ground water sources (TERI, edugreen website)².

¹ Singh,P.(2013). Impact of Solid Waste on Human Health: A Case Study of Varanasi City. International Journal of Scientific &Engineering Research. Vol 4(11).

² TERI. Retrieved from:

<http://edugreen.teri.res.in/explore/solwaste/health.htm#:~:text=Exposure%20to%20hazardous%20waste%20can>

II. ORDERS PASSED BY HON'BLE NGT

The matter had been considered by Hon'ble Tribunal on several occasions in the light of status reports filed by the authorities. Vide order dated 16.09.2019, the Hon'ble Tribunal considered the status of progress and found the state of affairs to be unsatisfactory. It was observed:

"The matter was reviewed in the light of report dated 15.04.2019 filed by the State PCB to the effect that waste was dumped in unscientific and unhygienic manner. The State PCB had required the Nagar Nigam to pay compensation of Rs. 24 lakhs for damage to the environment. The Tribunal directed the Commissioner, Nagar Nigam to remain present in person along with compliance report".

The status report filed by Nagar Nigam, Meerut stated that some steps have been taken and further time is required. It also stated that the Nagar Nigam is seeking review against compensation of environmental damage. Since the compensation is for the past damage, it is made clear that the State PCB may not review the order without permission of the Hon'ble Tribunal. Review can be considered only if there is error in the finding of assessment of damage found by the State PCB.

Further, status report was filed by Nagar Nigam, Meerut on 27.08.2020 inter-alia stating as follows:

"For cleaning legacy waste air blastic segregator machine has been installed on site in question. The capacity of machine is 15 ton per hour and this machine is continuously working since month of December, 2019. This machine segregates compost in one side and inert part in another side and RDF at third side. Before air blastic segregator machine was installed 04 mm Flat Trommel machine had been working. Presently both the machines are working onsite. The Nagar Nigam Meerut has used the zero sanitary landfill technique. Produced entire compost is used by Nagar Nigam itself. Produced inert waste after segregating iron and glass the brick and stone etc are being used by Nagar Nigam itself in construction works. The processed RDF is used

%20affect%20human%20health%2C,waste%20into%20the%20environment%20leads%20to%20chemical%20poisoning.

for generating electricity. The Meerut Nagar Nigam at local level on Partapur crossing has given permission to M/s Bijendra Electrical and Research for one Megawatt electricity plant. PPA of above plant has been done but rates have still not been assessed from Electricity Regulation Commission, due to which above firm is generating electricity for own self for its heavy engineering work. In this method by shredding of RDF, birkit are generated and electricity is generated by gasification method. For above purpose permission has been given by Secretary Swakchh Bharat Mission U.P. on 24.12.2019. That Nagar Nigam Meerut by this office letter No. 286/P.A. N.N./2020 dated 04.04.2020, also has requested from Regional officer U.P. Pollution Control Board that he too may please inspect”.

Vide order dated 1.09.2020 Hon’ble Tribunal observed that the photographs filed by the applicant on 29.08.2020 shows that the waste is still lying stored unscientifically without adequate remedial action. In view of above, further remedial action be taken in the matter by the concerned Municipal Council, to be overseen by the State PCB. The Oversight Committee was directed to file an independent report in the matter.

III. INSPECTION BY OVERSIGHT COMMITTEE

Member, Oversight Committee had inspected the concerned site on 08.02.2020. It was observed that the work of removal of legacy waste was in progress.

IV. MEETINGS HELD REGARDING O.A 77/2019 BY OVERSIGHT COMMITTEE

The Oversight Committee reviewed the progress in this case as per NGT directions in an online meeting held on 08.10.2020. The minutes of meeting are presented below:

S.No.	Issues	Directions by the Oversight Committee
1.	Current status of legacy waste dump at Gawri, Meerut	Nagar Aayukt, Meerut informed that in Gawri, legacy waste removal was initiated in July 2019. The dumps as reported by the applicant are of generated RDF which could not be disposed off. The administration has finalised

		a tender to be given to Bijendra Energy Ltd. for using it to produce energy.
2.	Details about complaint made	<p>Nagar Aayukt, Meerut shared the status report filed on behalf of the applicants in Hon'ble NGT. The Tribunal held as under</p> <p>“Applicant no.1 has been regularly visiting the site in question in pursuance to the order dated 16.09.2019 passed by the Hon'ble Tribunal. The Applicant No.1 made a further visit to the site on 29.08.2020 but found no change in the situation and saw heaps of waste lying strewn across the site along the Kaali river”.</p> <p>He informed the Committee that heap is of RDF and not waste.</p>
3.	Inspection of the site by UPPCB	<p>The inspection report dated 22.09.2020 shows that for solid waste segregation, air blasting segregator with capacity of 150 m/ton/day and one trommel machine was found to be operational. The collected waste was being segregated into plastic waste, inert waste and bio compost.</p> <p>The collected waste is being processed. At the time of inspection, the processing plant was found to be operational. Plastic waste and inert waste obtained through Air blasting segregator was present in the premises.</p>
4.	Health Survey in the area	Representative from Dept. of Health informed that a letter has been sent to the CMO,

		Meerut on 08.10.2020 for conducting health survey in the area twice within 14 days.
5.	Environmental Compensation for non-compliance	The Committee directed UPPCB to conduct an inspection of the area and submit a report within a week. In case legacy waste is still lying so UPPCB must calculate and impose penalty without any further delay.

Another meeting by Oversight Committee in order to review the compliance status was held on 20.11.2020. The key points as discussed in the meeting are presented below:

1. RO UPPCB Meerut mentioned in the meeting that on 22.09.2020 when he had inspected the site, 50 thousand metric tonnes of waste was lying on the site. Yesterday when he inspected the site, this waste had been reduced to 30 thousand metric tonnes.
2. It was mentioned by Additional Municipal Commissioner, Meerut that they are trying to expedite the processing of the waste. There is no fresh dumping taking place on the site.
3. The Committee asked for the latest status report and plans from Municipal Commissioner to be submitted within a week. The Committee also asked RO UPPCB Meerut to submit the latest status report within next three days. The Committee also sought the status report regarding the health survey from Chief Medical Officer, Meerut.

A meeting was again held by Oversight Committee on 26.11.2020. Major points as discussed were:

1. Municipal Commissioner, Meerut informed that they have issued work order regarding working of Air Blastic Segregator to operate in double shift. This would enable them to process waste at a faster pace. He assured that within three months remaining 30,000 MT waste shall be removed.

2. Further, he informed that a tie up with Shakti Ltd. for RDF disposal has been done. This firm incinerates plastic waste and recycles it. Moreover, they are looking for coordinating with other such concessionaires. Bijendra Energy Ltd. with which they are currently associated, process just 900 tons per month so in order to dispose of the entire waste, more firms need to be drawn into this project.
3. Municipal Commissioner apprised the Committee with its future plan. He stated that they have initiated the tendering process for setting up a solid waste processing plant with sheds and leachate flooring. The Committee asked them to submit the complete details of the Plant along with the proposed timelines.
4. Furthermore, it was informed that no fresh dumping is being done at Gawri and all the waste is dumped at Lohia Nagar. The current MSW generation is approximately 600-700 MT/day. Currently, 7.5-8 lakh MT waste is present at Lohia Nagar site and no waste processing facility is available. The Committee noted that this type of temporary dumping is a problem in itself and processing facilities needs to be developed. The Committee directed Municipal Commissioner to submit an action plan regarding this issue.
5. The Committee directed Chief Medical Officer, Meerut to submit a report regarding action taken for conducting health survey in the area.

On 7.04.2021 again the matter was considered. Vide order dated 4.12.2020; Hon'ble NGT had disposed of this case and directed that Municipal Commissioner, Meerut must ensure further action. The State PCB may recover the environmental compensation. The RDF generated in the legacy waste be sent to the Waste to Energy Plant. Small plants be set up in other parts of the States, which action may be planned and overseen by the Principal Secretary, Urban Development. Health Survey may be conducted, as already directed. The State PCB may conduct further inspection. Waste segregation may be ensured following the best practices at other places. Further, it was mentioned in the order that the Oversight Committee must monitor the situation after three months.

The point wise issues and the information provided by concerned officers in the meeting is presented below:

- 1. Gawri Plant waste site:** Municipal Commissioner, Meerut informed that the legacy waste at Gawri site has been disposed of with maximum efficiency by Nagar Nigam. As per the status report of RO, UPPCB filed in Nov 2020, around 30,000 tonne legacy waste was remaining at the site. Nagar Nigam Meerut has disposed/processed close to 37670 tonne of total waste in Dec 2020 – March 2021. However, as the waste is very old and is mixed with soil, the rate of disposal is adversely affected. Currently, only around 10-12 thousand metric tonnes waste is remaining which is being disposed, by continuously running the plant for twenty hours a day. Site is almost clear and waste which is present shall be cleared off within 10 days duration. It was also submitted that fresh dry solid waste is being segregated at Gawri plant, on experimental basis. A MRF center is proposed to be constructed at Gawri in future where dry waste will be segregated into recyclable components and disposed of with the help of rag-pickers and kabadi-walas.
- 2. Fresh dumping:** It was submitted by Municipal Commissioner, Meerut that fresh dumping is being done by Nagar Nigam Meerut at the trenching ground situated in Lohia Nagar, Hapur Road Meerut. In order to treat the legacy waste in Lohia Nagar, Bacteria culture is being regularly sprayed and all the legacy waste is being aerated by making windrows. A treatment facility is under construction for Lohia Nagar, at the land available on site with facilities namely 30 TPH Double decker, Air Ballistic Separator, Conveyor System for Ballistic Separator, Apron Feeder, Trommel/Screening Machine 4 mm, Trommel/Screening Machine 16 mm. The work orders of all the above stated systems have been issued and deliveries of parts have also started. The civil construction work is on going. A total of Rs. 2.8 crores have been spent for the above facility and O & M will be borne out of the funds of CFC. The plant is expected to be operational by the first week of May 2021 and will start processing the legacy waste as well as fresh waste.

3. **Utilisation of RDF, Compost and Inert waste:** RDF generated from the legacy waste is being sent to Waste to Energy plant of M/s Bijendra Electricals. Nagar Nigam Meerut has also tied up with other firms and issued work orders for disposal of RDF. Since Dec 2021, a total of 1670 tonnes of RDF has been sold away to Bijendra Electricals, Shakti Plastic, NEPRA Ltd. As far as compost is concerned, 62000 tonne compost was generated which was further cleaned using 4mm centrifugal trommel and then the obtained fine material was given to farmers free of cost. The Committee inquired if the compost was tested for quality. The Municipal Commissioner informed that no testing was done as the quantity obtained was less but still if the Committee recommends an attempt shall be made to do the same. However it was informed that the demand of compost by farmers is more than the generation of compost. So it can easily be inferred that quality wise the compost is good.

4. **Health Survey:** Dr. S.P Sharma, Additional CMO, Meerut informed that a health survey was conducted in Gawri village. 98 households were surveyed. Normal pattern of health issues was found and the Dept. did not observe prevalence of any disease/disorder connected to water contamination/groundwater pollution.

5. **Environmental Compensation:** Regional Officer, UPPCB, Meerut informed that a letter was sent to Municipal Commissioner on 15.12.2020 which was then sent to ADM, FR. As of now, EC has not been recovered and it is still under process.

The detailed report submitted by Municipal Commissioner, Meerut is attached as Annexure 1 and by CMO, Meerut is attached as Annexure 2.

V. OBSERVATIONS BY THE COMMITTEE

The process of removal of legacy waste at Gawri, Meerut had started in July 2019 and the Municipal Corporation has made efforts for its remediation but the work is not yet complete. As per the latest report dated 19.11.2020 received from RO, UPPCB, Meerut it was found that 30,000 MT waste was present on the site. The Municipal Commissioner, Meerut apprised the Committee vide meeting dated 7.04.2021 that now only 10-12000 MT waste was remaining and they aim to clear off the site within fifteen days. Furthermore, for solid waste segregation, air blasting segregator with capacity of 150 m/ton/day and one trommel machine is operational 24*7. The collected waste is being segregated into plastic waste, inert waste and bio compost. Since Dec 2021, a total of 1670 tonnes of RDF has been sold away to Bijendra Electricals, Shakti Plastic, NEPRA Ltd. As far as compost is concerned, 62000 tonne compost was generated which was further cleaned using 4mm centrifugal trommel and then the obtained fine material was given to farmers free of cost. Moreover, a treatment facility is under construction for Lohia Nagar for which work orders have been issued. The Committee is of view that the progress of work is slow which should be impeded and within a month entire legacy waste be removed. Moreover, the concerned authority must deposit the EC of Rs. 24.28125 lakh imposed by UPPCB.

1. The progress of legacy waste removal at Gawri, Meerut is slow which should be enhanced by taking immediate steps. Municipal Commissioner, Meerut must ensure that within one month the work is complete.
2. UPPCB is directed to issue a notice for realization of EC to the Dept. of Urban Development and Principal Secretary Urban Development department be directed to ensure that the said amount is deposited within a month.
3. The RDF generated in legacy waste processing is being sent to a plant set up by M/S Bijendra Energy which converts waste into energy. Such small plants to be replicated in other parts of the State. Some other units must be explored for the consumption of RDF.

4. The Committee recommends UPPCB to conduct a fresh inspection of the site within 10 days and submit a detailed report.
5. Waste segregation be promoted and practiced in each part of the State. CEEBROS Boulevard³ in Thoraipakkam, Tamil Nadu is 352-unit community which has been practicing waste segregation since last few years. It won a green award for its efforts from Tamil Nadu Pollution Control Board. Such models if found feasible be replicated in Uttar Pradesh.

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 Uttar Pradesh for necessary action. The report also be uploaded on the website of the Committee.

25-05-2021

25-05-2021

X Anup Chandra Pandey

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

X SVS Rathore

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

May 25, 2021

Annexures: As above

Please visit our website: oscngt.upsdc.gov.in for more information.

³ <https://www.thehindu.com/news/cities/chennai/a-waste-management-model-that-thrived-during-the-crisis/article32988968.ece>

Original Application No. 77/2019
[Naveen Kumar & Anr. Versus Union of India & Ors]

Brief Background: The issue for consideration is the remedial action against unscientific dumping of solid waste in village Ganwri on the bank of river Kaali, creating health hazard. It is also alleged that 22 deaths have taken place and 200 people have been taken ill.

Concerned Departments

1. UPPCB
2. Nagar Nigam, Meerut
3. DM/Municipal Commissioner, Meerut
4. Dept. of Health

Issues

1. It was informed in the earlier meeting that no fresh dumping was being done at this site. What is the present status? Any treatment facility installed at the site where fresh dumping is being done and what is the present volume of the dump at that site?
 - It is submitted that fresh dumping is being done by Nagar Nigam Meerut at the trenching ground situated in Lohia Nagar, Hapur Road Meerut. In order to treat the legacy waste in Lohia Nagar, Bacteria culture is being regularly sprayed and all the legacy waste is being aerated by making windrows. A treatment facility is under construction for Lohia Nagar, at the land available on site with following facilities.

1	30 TPH Double decker Air Ballistic Separator	Rs. 65,00,000
2	Conveyor System for Ballistic Separator	Rs. 42,00,000
3	Apron Feeder	Rs. 6,20,000
4	Trommel/Screening Machine 4 mm	Rs. 34,00,000
5	Trommel/Screening Machine 16 mm	

The work orders of all the above systems have been issued and deliveries of parts have also started. The civil construction work is on going. A total of Rs. 2.8 crores have been spent for the above facility and O & M will be borne out of the funds of CFC. The plant is expected to be operational by the first week of May 2021 and will start processing the legacy waste as well as fresh waste

- It is also submitted that fresh dry solid waste is being segregated at Gawri plant, on experimental basis. A MRF center is proposed to be constructed at Gawri in future. Where

dry waste will be segregated into recyclable components and disposed of with the help of ragpickers and kabadi walas.

2. The State PCB had required the Nagar Nigam to pay compensation of Rs. 24 lakhs for damage to the environment. What is the present status?
 - The penalty imposed is pending review filed by Nagar Nigam Meerut in UP PCB on 07.08.2019. The same has not been disposed yet by UP PCB.
3. Vide order dated 1.09.2020 it was stated that the applicant had filed photographs said to have been taken on 29.08.2020 to the effect that the waste is still lying stored unscientifically without adequate remedial action. Why is it so and any step initiated for legacy waste removal in the area?
 - The legacy waste at Gawri site has been disposed of with maximum efficiency by Nagar Nigam. As per the status report of RO PCB filed in Nov 2020, Around 30,000 tonne legacy waste was remaining at the site. Nagar Nigam Meerut has disposed/processed close to 37670 tonne of total waste in Dec 2020 – March 2021. However, as the waste is very old and is mixed with soil, the rate of disposal is affected. Currently, only around 10-12 thousand metric tonnes waste is remaining which is being disposed, by continuously running the plant.



Figure 1: As on Nov 2019



Figure 2: As on March 2021. The Heap on right is of RDF generated which is being disposed speedily



Figure 3: Area cleared



Figure 4: Green belt developed, indicating Kali Nadi on left and waste cleared upto 150 m of river



Figure 5: Site cleared





4. In the status report filed by Nagar Nigam, Meerut it was mentioned that for cleaning legacy waste air blastic segregator machine has been installed on the site. Is the machine working properly? Has any inspection done by UPPCB?
 - The 15 TPH Double Ballistic Segregator is working continuously. Nagar Nigam is regularly doing its maintenance and the machine is working for 20 hrs. per day.
5. Before air blastic segregator machine, work was done on site in question from the month of July, 2019 by 04 mm Flat Trommel machine as per Status Report dated 13.09.2019. Is it in proper working condition?
 - The Flat trommel earlier installed has become dysfunctional. In its place, nagar Nigam has installed a 4mm Centrifugal Trommel of 10 TPH capacity to further process Compost residue.
6. Vide order dated 4.12.2020 Hon'ble NGT had directed that UPPCB must conduct a fresh inspection. Has it been done?
7. Vide order dated 4.12.2020 Hon'ble NGT had directed that the RDF generated in the legacy waste be sent to the Waste to Energy Plant. What is the present status?
 - RDF generated from the legacy waste is being sent to Waste to Energy plant of M/s Bijendra Electricals. Nagar Nigam Meerut has also tied up with other firms and issued work orders for disposal of RDF. Since Dec 2021, a total of 1670 tonnes of RDF has been sold away to Bijendra Electricals, Shakti Plastic, NEPRA Ltd.
8. Any health survey undertaken in the area?
9. Any further remedial action taken in the matter by the concerned Municipal Council?
 - Nagar Nigam has started construction of another processing facility in Lohia nagar.
 - The Plant at Gawri is proposed to be enhanced further for Fresh waste
 - MRF centre proposed for Gawri site
 - Inert generated is being used for landfill sites and construction works of Nagr Nigam. All inert material generated till last month has been disposed.
 - Compost material is being given away to farmers free of cost and also being sent to our community parks. There is more demand than supply of compost generated.

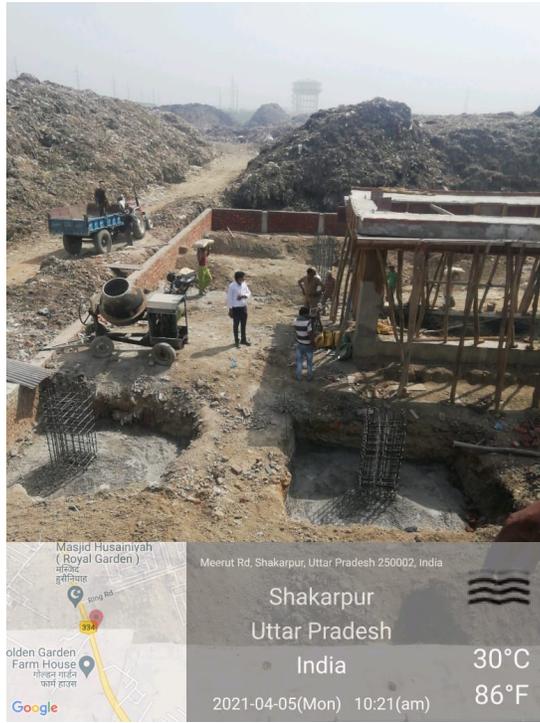


Figure 6: Construction at Lohia Nagar site

कार्यालय: मुख्य चिकित्सा अधिकारी, मेरठ।

पत्रांक: सीएमओ/एन0जी0टी0/2021/2236

दिनांक: .04.2021

सेवा में,

नगर आयुक्त,
नगर निगम मेरठ।

विषय— ओ0ए0 नं0 77/2019 नवीन कुमार एवं अन्य बनाम भारत सरकार एवं अन्य के संबंध में नेशनल ग्रीन ट्रिब्यूनल प्रिंसिपल बेंच नई दिल्ली, सुनवाई दिनांक 04.12.2020 एवं दिनांक 26.11.2020 को आयोजित एन0जी0टी0 ओवरसाइड कमेटी लखनऊ की बैठक में पारित निर्णयों की अनुपालन आख्या। महोदय,

कृपया उपरोक्त विषयक अवगत कराना है कि उक्त बैठक में अधोहस्ताक्षरी के द्वारा ग्राम गावंडी, ब्लॉक भावनपुर, जनपद मेरठ में हैल्थ सर्वे कराने के निर्देश दिये गये थे। इसी क्रम में आज दिनांक 06 अप्रैल, 2021 को डा0 रोहित वर्मा, चिकित्सा अधीक्षक, सामु0स्वा0केन्द्र भावनपुर (मेरठ) के निर्देशन में स्वास्थ्य शिविर का आयोजन किया गया तथा ग्राम में कार्यरत आशा व आंगनबाड़ी के द्वारा घर-घर जाकर सर्वे किया गया, जिसमें 03 बुखार के रोगी, 05 चर्म रोगी, 03 उदर रोगी, 02 श्वॉस रोगी व अन्य 85 रोगी पाये गये। उल्लेखनीय है कि ग्राम में कोई पीलिया व कैंसर का रोगी नहीं पाया गया। सर्वे के दौरान अवगत कराया गया कि श्री दूलीचंद पुत्र श्री सूजन सिंह, आयु 55 वर्ष जिनको गले व छाती में कैंसर था की मृत्यु पिछले वर्ष 12 मई, 2020 को हुई थी। यह सभी बीमारियां सामान्य रूप से क्षेत्र में विद्यमान हैं तथा किसी प्रदूषण कारक तत्व का कोई प्रभाव इस क्षेत्र में परिलक्षित नहीं हो रहा है।

संलग्नक— स्वास्थ्य शिविर रिपोर्ट की छायाप्रति(01पृष्ठ), सर्वे रिपोर्ट की छायाप्रति (06पृष्ठ)

Akhil

(डा0 अखिलेश मोहन)
मुख्य चिकित्सा अधिकारी,
मेरठ।

दिनांक तदैव।

पत्रांक: सीएमओ/एन0जी0टी0/2021/2237

प्रतिलिपि— निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित—

1. जिलाधिकारी, मेरठ।
2. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, पल्लवपुरम फेज-2 मेरठ।

Akhil

(डा0 अखिलेश मोहन)
मुख्य चिकित्सा अधिकारी,
मेरठ।