

Date: 25.06.2020

Sh. Ashu Garg
Registrar General
National Green Tribunal
New Delhi

Subject: Submissions by NITI Aayog in pursuance of the Order of the Hon'ble National Green Tribunal dated 18.10.2019 in the Original Application No. 606/2018 (Main) 'Compliance Municipal Solid Waste Management Rules, 2016 and other environmental issues' - Regarding

Respected Sir,

In pursuance of the chamber meeting held at the National Green Tribunal on the subject of enforcement of orders of the Hon'ble Tribunal relating to solid waste and sewage management dealt with by way of earlier orders in above matter and in O.A. No. 673/2018 and O.A. No. 06/2012 and other connected matters, the Hon'ble Tribunal passed an order dated 18.10.2019 in O.A. No. 606/2018 (Main) on '*Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues*' (enclosed herewith). The Order stated in paragraph 8 that - "*There is need to standardize necessary technologies with cost breakups for operation and maintenance, including procurement. Besides this, the service providers need to be identified and empanelled. This exercise may also require the concerned authority to explore business models*". It had also stated in paragraph 2 that - "*development of business models for privatisation of (a) sewage collection, treatment and disposal, including utilisation of treated water and sludge; (b) remediation of legacy waste dumpsites; and (c) other such activities relating to collection, treatment and processing and utilisation of wastes and provision of services such as setting up of rainwater harvesting system may have to be considered*".

For the above-mentioned purpose, Hon'ble NGT constituted a Committee under the Chairmanship of the nominee of Vice-Chairman, NITI Aayog, including Secretary, Ministry of Housing & Urban Affairs (MoHUA), Secretary, Ministry of Jal Shakti (MoJS), Director-General, National Mission for Clean Ganga (NMCG), Secretary, Ministry of Environment, Forests & Climate Change (MoEFCC), Chairman, Central Pollution Control Board (CPCB), and CEO, Government e-Marketplace (GeM) Portal (in paragraph 8 of the Order).

Subsequently, first meeting of the Committee under the chairmanship of Vice-Chairman, NITI Aayog was held on 19.11.2019 wherein it was decided that CEO, NITI Aayog will be the nominee of the Vice-Chairman, NITI Aayog to chair the committee constituted by the Hon'ble Tribunal. Thereafter, CEO, NITI Aayog convened a meeting in which a sub-group was formed under the chairmanship of Director General, NMCG, which included Additional Director-General, NMCG, Additional CEO, GeM Portal, Joint Adviser, Central Public Health Environmental Engineering Organization

(CPHEEO) of MoHUA, Adviser (Housing & Urban Affairs), NITI Aayog and Adviser (Water Resources & Land Resources), NITI Aayog. It was directed during the meeting that this sub-group will take a decision regarding the documents and business models that should be uploaded on GeM Portal for easy adoption by states to undertake solid and liquid waste management in India.

The Committee held three meetings: on 19.11.2019, 20.11.2019 and 17.03.2020. Pursuant to the decisions taken during these meetings, NITI Aayog has formulated the Model Concession Agreements (MCAs) and Model Request for Proposals documents (RFPs) for Integrated Solid Waste Management (including Bio-Remediation of Legacy Waste) and Integrated Liquid Waste Management (including Faecal Sludge Management) on Hybrid Annuity Model (HAM) of Public-Private Partnership (PPP).

MoHUA has provided Engineering Procurement Construction (EPC) Contract for Legacy Waste Dumpsite Remediation and several other documents relating to legacy waste dumpsite remediation and integrated solid waste management activities such as collection, transportation, processing and disposal of municipal solid waste.

NMCG has also provided documents for setting up of sewage treatment plants and other guiding documents for improved liquid waste management in the country.

Now the Urban Local Bodies (ULBs) have the following options for solid waste management and liquid waste management under PPP:

For Solid Waste Management:

- (i) To undertake only legacy waste remediation: existing method of tendering EPC contract which is entirely financed by the government be taken up (it is a successful model as indicated by MoHUA).
- (ii) To undertake only solid waste management system (collection, transportation, processing & disposal) (Non-HAM): the existing method of tendering Design, Build, Finance, Operate & Transfer (DBFOT) contracts which is either not funded or only partly funded by the government be taken up. The drafts of such agreements, model RFP, list of necessary clauses of such agreements, and guidelines for drafting of concession agreements have been made available through Swachh Bharat Mission (Urban), MoHUA, and the World Bank.
- (iii) To undertake both legacy waste remediation as well as solid waste management system: the MCA of NITI Aayog under HAM may be taken up.
- (iv) To undertake only solid waste management system (collection, transportation, processing & disposal) (under HAM): only the parts of the NITI Aayog MCA pertaining to Bio-Remediation

of Legacy Waste may accordingly be removed by the ULB and remaining agreement may be taken up.

For Liquid Waste Management:

- (i) To undertake only sewage treatment (Non-HAM): existing method of tendering EPC contract or DBFOT contract for setting up sewage treatment plants under state or central government funding schemes, may be taken up.
- (ii) To undertake only sewage treatment (under HAM): model bidding documents prepared by NMCG may be taken up.
- (iii) To undertake both sewage treatment as well as faecal sludge management system: the MCA of NITI Aayog under HAM may be taken up.

As per paragraph 5 of the NGT Order, the Tribunal was of the opinion that *placing these documents on the GeM Portal would go a long way in tackling the situation by curtailing procedural delay.*

In accordance with the requirement of the NGT Order, all the relevant documents were shared with the CEO, GeM Portal on 11.06.2020 to initiate the process of uploading of the documents.

I am sharing the documents with you for the kind information and reference of the Hon'ble Tribunal.

The following documents are attached herewith:

- (A) Order of the Hon'ble National Green Tribunal dated 18.10.2019 in O.A. No. 606/2018 (Main) on '*Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues*'
- (B) **Solid Waste Management (SWM)**
 - (i) Model Concession Agreement including Schedules (prepared by NITI Aayog)
 - (ii) Model RFP for Solid Waste Management (prepared by NITI Aayog)
 - (iii) EPC Contract for Legacy Waste Dumpsite Remediation
 - (iv) DPR preparation Toolkit for Dumpsite remediation
 - (v) EPC Contractors & O&M Vendors for dumpsite remediation
 - (vi) Equipment & Suppliers for dumpsite remediation
 - (vii) Template for management of Dumpsites
 - (viii) Toolkit for DPRs preparation
 - (ix) List of SWM Empanelled Agencies
 - (x) Empanelled Institutes – SWM
 - (xi) Empanelled Transaction Advisers - SWM

- (xii) Checklist for scrutiny of DPR for SWM projects
- (xiii) Checklist for scrutiny of PPR or PFR for SWM projects

(C) Liquid Waste Management (LWM)

- (i) Model Concession Agreement (prepared by NITI Aayog)
- (ii) Schedules to Model Concession Agreement (15 Schedules) (prepared by NITI Aayog)
- (iii) Model RFP for Liquid Waste Management (prepared by NITI Aayog)
- (iv) DPR Guidelines – LWM
- (v) Empanelled Institutes for evaluation of DPRs - LWM
- (vi) List of Transaction Advisers & Project Engineers - LWM
- (vii) Model Bidding Documents for NMCG projects – STP

(D) Letter addressed to the CEO, GeM Portal through which the above-mentioned documents were shared with GeM, requesting them to initiate the process of uploading.

The documents listed above have been approved by the competent authority at NITI Aayog. This submission is in compliance and fulfillment of the directions given by the Hon'ble National Green Tribunal to NITI Aayog in its Order dated 18.10.2019 in O.A. No. 606/2018 (Main).

Yours sincerely,



(Avinash Mishra)

Adviser
Water Resources & Land Resources
NITI Aayog

Copy to,
Adviser to the Hon'ble Chairperson, National Green Tribunal