
APPRAISAL NOTE ON THE MATTER BEING LOOKED AFTER BY THE MONITORING COMMITTEE CONSTITUTED UNDER CHAIRMANSHIP OF HON'BLE JUSTICE V M KANADE, HON'BLE FORMER JUDGE, BOMBAY HIGH COURT, IN COMPLIANCE OF ORDER PASSED BY HON'BLE NGT, PB, NEW DELHI DATED 17TH AUG 2018 IN OA NO 125 OF 2018 FILED BY ARVIND MHATRE V/S MOEF, CC AND OTHERS

1.0 BACKGROUND

Shri Arvind Mhatre filed Original Application No.125 of 2018, seeking various relief against the damage to environment due to discharge of effluents in the Kasardi River and Ghot River having adverse impact on the environment, though a Common Effluent Treatment Plant (CETP) is being managed by the Talaja CETP Co-operative Society Limited. Shri Mhatre further requested Hon'ble Tribunal to appoint a fresh tender body/executive body for the maintenance of the CETP Talaja considering the failure of the existing managing committee for upgradation and proper O & M of the CETP.

Hon'ble National Green Tribunal, Principal Bench, New Delhi has passed an Order dated 17-08-2018 in the abovesaid matter considering the situation of the present nature of CETP Talaja requires continuous action not only to stop the pollution, but also damage is to be restored. Hon'ble NGT Principal Bench has constituted a Monitoring Committee (hereinafter referred as Committee) to ensure credible mechanism consisting of following members:-

- 1) Hon'ble Justice V.M.Kanade - Chairman
Former Judge of Bombay High Court
- 2) Representative of the Central - Member
Pollution Control Board
- 3) District Collector – Raigad - Member

The Hon'ble NGT has requested to Chief Secretary, Govt of Maharashtra to direct concern department to convene the meeting and make necessary arrangements. Accordingly, the Environment Deptt, Govt of Maharashtra has issued an

office order dated 5.9.2018 regarding constitution of Committee with following members.

- 1) Hon'ble Justice V.M.Kanade - Chairman
Former Judge of Bombay High Court
- 2) Shri Prasoon Gargava, Scientist-E, - Member
Representative of the Central
Pollution Control Board
- 3) Dr. Vijay Suryawanshi, - Member
District Collector – Raigad

2.0 Events & updates

A Preliminary Meeting of the above Committee held on 05-09-2018 in which it was decided that there should be open dialogue with all stakeholders to get their issues & concern in compliance of the Order dated 17th Aug 2018 passed by Hon'ble NGT in OA No 125 of 2018 filed by Arvind Mhatra Vs MoEF& CC and Others. Subsequent developments and status are given below:

- The 2nd meeting of the committee held on 21-09-2018 at 3.00 a.m. at Parishad Sabhagruha No.5, 7th Floor, Main Building, Mantralaya, Mumbai – 400 032. The agenda was to get the submissions of the stakeholders about their concerns/issues/suggestions before working on preparation of a draft strategic framework & monitoring mechanism for activities to be executed. The committee took stock of all the actions taken so far by stakeholders in light of the various directions of the Tribunal.
- The committee further worked on devising strategic framework for implementation with specific mention of tasks & responsibilities and with mechanism for reporting of measurable indicators of progress and success by all stakeholders. The Regional Officer MPCB was provided with copy of the action framework for submission to Hon'ble NGT and for circulation to all

stakeholders for action & compliance. Accordingly, copy was served to all stakeholders by MPCB on 24.10.2018.

- The Chairman of the Committee had some serious health issues and therefore meetings of the committee could not be convened subsequent to the finalization of action framework.
- Status/progress report was expected from all stakeholders by the committee and reminder was also sent for stakeholders through mail to MPCB dated 19.11.2018. Action points given in action framework, target date and status (available with committee as on 07.12.2018) are summarized in the following table:

S. No.	Action	Responsible Agency	Target date	Remarks
1.	To arrange awareness programme for member units regarding effluent treatment management	TMA & CETP	10 th Nov, 2018	Progress not reported.
2.	To prepare inventory of the member units in the given format and display on the TMA & CETP website	TMA	31 st Oct, 2018	Progress not reported.
3.	To examine above inventory (S. No. 2) regarding adequacy of the treatment facilities and characteristics of effluent reported	Technical Committee	15 th Nov, 2018	Progress not reported.
4.	To prepare separate plan for development of appropriate treatment & disposal facility to the individual units with high COD and/or high Ammonical Nitrogen (NH ₃ -N) concentration	TMA & CETP with expert institution/agency	30 th Nov, 2018	Progress not reported.
5.	Opportunity for self-declaration by individual	TMA & CETP	31 st Oct, 2018	Progress not reported.

S. No.	Action	Responsible Agency	Target date	Remarks
	units with high COD and/or high Ammonical Nitrogen (NH ₃ -N) concentration streams			
6.	All member units to embrace for adequate pre-treatment/treatment facility for effluent	All member units	01 st Dec, 2018	Progress not reported.
7.	To review/assess no effluent generation by 753 non-effluent generating units of the MIDC	TMA & CETP	30 th Apr, 2019	Progress not reported.
8.	To remove sludge from all the treatment units of CETP	CETP	10 th Nov, 2018	Still in progress. Disposed up to 28.11.2018 as per November report submitted by consultant of CETP
9.	To replace/repair of pumps, flanges, leaking pipes & aeration system, clarifiers, decanters etc.	CETP	15 th Nov, 2018	Concrete information not provided. Work still in progress.
10.	To check development of laboratory and skilled manpower for analyzing different parameters	MIDC & CETP management	30 th Nov, 2018	Concrete information not provided.
11.	To remove sludge from the existing collection sumps and disposal as suggested by MPCB	MIDC	10 th Nov, 2018	Progress not reported.
12.	To extend effluent disposal pipeline with diffuser system up to the point suggested by NIO	MIDC	Nov, 2019	Progress not reported.
13.	To display SOPs for repair & maintenance of pipelines, cleaning of sumps and timelines for extension of pipelines on	MIDC	15 th Nov, 2018	Progress not reported.

S. No.	Action	Responsible Agency	Target date	Remarks
	website			
14.	To check default by member units while sending effluent to CETP and place on website	TMA & CETP	30 th Nov, 2018	Action initiated. Report submitted by consultant of CETP for the month of November, 2018. Samples collected from 65 units and 15 units found violating.
15.	To submit graphical representation of daily average concentration values of effluent received and treated effluent disposed to the committee and display on website	CETP	7 th day of every month	Progress not reported.
16.	To strengthen the manpower and infrastructure facilities of the regional and sub-regional office and place on website and streamline issues of consent management.	MPCB	31 st Dec, 2018	Progress not reported.
17.	To place the list of units found with status of compliance or non-compliance with respect to effluent discharge on website	MPCB	15 th day of every month	Progress not reported.
18.	To check the register containing daily records of hours of operation, power consumed, effluent treated, effluent reused,	TMA & CETP	Once in a month (1 st Dec, 2018 onwards)	Progress not reported.

S. No.	Action	Responsible Agency	Target date	Remarks
	salt generation etc. in ZLD units			
19.	To prepare the action points with time in a tabular form and submit the action taken/status report to the members of the committee.	All the stakeholders	15 th day of every month (15 th Nov, 2018 onwards)	Progress not reported.

- Stakeholders were asked to place the updates of progress/results etc on their respective websites. Web links <https://talojacetp.com/> (accessed on 07.12.2018), <http://talojaindustriesassociation.com/index.html> (accessed on 07.12.2018), http://mpcb.gov.in/legal/Minutes_of_NGT.php (accessed on 07.12.2018) checked and it is found that only MPCB has placed orders, records of discussion and action framework prepared by committee besides latest monitoring results of CETP.
- Results of sampling carried out by joint team of CPCB & MPCB, MPCB alone and CETP on different dates are depicted in following results:

Sampling date & agency	Inlet					Outlet**				
	pH	BOD	COD	SS	TDS	pH	BOD	COD	SS	TDS
13.12.2017 CPCB & MPCB	5.12	2399	4459	1020	3380 (FDS)	7.05	1064	2388	455	4305 (FDS)
31.07.2018 CPCB & MPCB	4.41	731	1368	572	4557 (FDS)	7.04	451	926	112	2588 (FDS)
19.11.2018 MPCB (from website)	6.4	1950	4600	306	8153	7.2	1200	2992	186	6887
November, 2018 Monthly Average CETP**	6.63	1913	4164	1043	5925	7.3	887	2764	561	5607
Standard	6.0 to 9.0	1000	2700	--	--	6.0 to 9.0	30	250	100	2100 (FDS)

*All results are in mg/l, except pH.;

** All results grossly exceeding except pH.

*** Arithmetical average calculated from monthly average of Phase-I & II for November, 2018 reported by consultant of CETP, as the results of combined discharge are not submitted.

- Industries monitoring and vigilance report given with monthly report of November, 2018 by the consultant of CETP shows that the member units

found with discharge of highly acidic effluent (pH – 2.2), high TSS upto 53,886 mg/l and very high COD upto 2,48,174 mg/l.

- It is inferred that the performance of the CETP and influent quality has deteriorated from July, 2018 to November, 2018 rather than improving. It was presented by the Taloja CETP Co-operative Society before the Committee on 21.09.2018 that all the cleaning, maintenance, repair activities of CETP Phase –I & II shall be over by 10th December, 2018 and CETP shall start full-fledged operation of Phase-I & II from 10th December, 2018 onwards. However, things have not moved as committed.
- Minutes of Joint Meeting between Taloja CETP Managing Committee, MPCB, MIDC and its contractor M/s. KDC-Aqua (JV) and Technical Committee held on 13.11.2018, were sent by MPCB on 20.11.2018. It was gathered from the meeting that CETP is still struggling with the issue of sludge removal and disposal. Moreover, repair & maintenance work of Phase-I & II was still to be taken-up.
- Committee members received email from Shri Rohit Bansal, Hon. Secretary, Taloja Industries Association informing that the Charity Commissioner office specifies disqualifying last elections of TMA (Taloja Manufacturers Association) and debarring current TMA Management Committee members. It was informed that Committee members of TMA have been declared as de-facto members and hence Taloja Industries Association (TIA) would not be able to work with TMA with regards to any activity related to Taloja MIDC.
- It may be concluded that the performance of CETP has further degraded. Neither effective control on member units for effluent quality has been achieved, nor has effective improved operation of CETP been achieved. No serious thought is given towards achievements of commitments made by stakeholders as well as implementation & compliance of action framework submitted by the Committee. Stakeholders have not even given any thought for submission of status reports to the committee. The effluent being discharged by CETP has great potential to cause damage to the environment with continuous gross violation of norms. The Committee has decided to call a meeting of stakeholders in the third week of December, 2018 for review.
