BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

IN

ORIGINAL APPLICATION NO. 606 OF 2018

(State of Bihar)

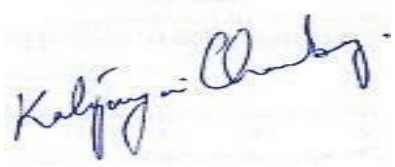
IN THE MATTER OF:

COMPLIANCE OF MUNICIPAL SOLID WASTE MANAGEMENT RULES, 2016 AND OTHER ENVIRONMENTAL ISSUES

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Dated: 20.11.2026
New Delhi



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Observation note by the Amicus Curiae to Status Report/ Compliance Affidavit filed by the Respondent State of Bihar

It is respectfully submitted that the following written submissions arise from observation of the Six-Monthly Compliance Report (October 2026) filed by the Chief Secretary, Government of Bihar, in the above-captioned matter.

Physical setting of the state

It is respectfully submitted that the gaps disclosed in the report must be read against the physical setting of the State, which magnifies their consequences. Bihar lies in the middle Gangaji's plain, which bisects the State from west to east. Its geography may be considered under the following heads:

(a) Rivers north of the Gangaji

- The Ghaghara, Gandak, Burhi Gandak, Bagmati, Kamla-Balan, Kosi and Mahananda descend from the Himalaya, most of them from Nepal.
- They carry very heavy sediment loads onto a flat alluvial plain, where they spill, braid and shift course.

(b) Rivers south of the Gangaji

- The Sone, Punpun, Kiul and Phalgu drain the plateau.

(c) Wetlands and groundwater

- The plains are dotted with chaurs, tals and oxbow wetlands.

- The aquifers are shallow, and stretches of this belt are known to carry arsenic in groundwater.

In such a landscape, an unlined dumpsite, an untreated drain or a half-built sewer does not stay local. Leachate reaches a shallow water table quickly, and floodwater carries waste from low-lying dumps into the Gangaji and her tributaries. Every tonne of unprocessed waste and every litre of untreated sewage disclosed in the report is therefore discharged into one of the most hydrologically connected and flood-exposed river systems in the country.

Climate change and inundation of Bihar

The 2026 monsoon has shown how a warming climate is changing Bihar's rivers. Repeated spells of intense rainfall in Nepal's catchments pushed the Kosi Barrage to a season peak discharge.

In late August 2026, floods in Nepal caused the Gandak and Kosi to rise again, and all 36 gates of the Valmikinagar Barrage were opened. By mid-September 2026, the State's Disaster Management Department reported that flood affected 15 districts, including Patna, Bhojpur, Saran, Bhagalpur, Begusarai, Buxar, Munger, Katihar, Purnea and Araria. Gangaji was above the danger mark at Digha, Gandhi Ghat, Hathidah, Bhagalpur, Kahalgaon and Munger.

Climate science broadly anticipates that warming in the Himalaya will make short-duration extreme rainfall heavier and river flows more erratic. For Bihar, this means floods that are more frequent, more intense and less predictable, often following spells of deficient rain.

S.NO	TOPIC	OBSERVATION
1.	Population	i. Total population in the 141 ULBs- 1,30,38, 549 ii. Total ULBs- 141
2.	Solid waste (p. 1063)	i. GAP- a) Gap in waste processing- 3437 TPD b) Gap in processing capacity utilisation- 1338 TPD (p. 1055) ii. Total waste generated: 5536 TPD a) Dry waste- not disclosed b) Biodegradable waste- not disclosed iii. Total waste collected- not disclosed iv. Total waste segregated- not disclosed v. Total waste transported- not disclosed

		vi. Total waste processed- • Total processing capacity- 3243 TPD • Current waste processed- 2099 TPD a) MRF capacity- 1036 TPD b) WTE Plant- not disclosed c) C& D plant- not disclosed d) Bio- methanation plant- not disclosed e) Sanitary waste collection & processing- not disclosed f) Special care waste- not disclosed g) Flyash & bottom Ash (WTE)- not disclosed h) Compost: i. Compost plant capacity- 2207 TPD ii. Compost intake- not disclosed iii. Compost output- not disclosed iv. Quality of compost- not disclosed vii. Total waste disposed in landfill- not disclosed viii. Other information- ** Total approved processing plants capacity (compost, MRF)- 5487 TPD
3.	Legacy waste (photo at-1074, table at p.1087)	i. GAP- 2530629 MT ii. Total identified LWS- 37 ULBs have legacy waste site (18 remediated, pg. 1090) iii. Total legacy waste- 2530629 MT iv. Recovered material: a) Bio remediation- not disclosed b) Inert/ Bio soil disposal- **Kabadi wala**, Cement factories c) RDF recovered & utilised- **Kabadi wala**, Cement factories d) C& D waste disposal- not disclosed e) Metal recovered & utilised- **Kabadi wala**, Cement factories f) Leachate disposal- not disclosed v. Total land recovered- not disclosed vi. Site Remediation plan for LWS (soil & ground water)- not disclosed vii. Utilisation plan for recovered land from LWS- not disclosed

		viii.	Other information: ** table at p. 1059 shows that 18 ULBs completed remediation within 7 month. ** pg. 1085 photograph of a house in legacy waste site (with children using handpump) **pg. 1087- enormous quantity of scrap recovered from LWS is given to "*kabadi wala*"
4.	Liquid waste (p. 1091)	i. ii. iii. iv. v. vi. vii. viii.	GAP: Total sewage generation- 1894 MLD (p. 1060) Number of sewage drains- not disclosed Total STPs- 16 (15 functional, 1 under trial at Begusarai, p.1091) a) STP installed capacity- 600 MLD b) STP utilised capacity- 570 MLD c) Final discharge- Gangaji, Canal, reuse in NTPC & IOCL, d) Water quality analysis of STP inlet- not disclosed e) Water quality analysis of STP outlet- not disclosed f) STP sludge utilisation- not disclosed Water quality analysis of rivers/ streams- not disclosed Number of storm water drains used for sewage disposal- not disclosed Household connections- Other information- **p. 1091- it is stated that Patna generates 245 MLD sewage, but column 11 states 476.88 MLD sewage is reaching the STPs. How is this possible?? For rest of the ULBs- there is a gap between sewage generated and sewage reaching STPs for treatment.
5.	Ring fenced account	i. ii. iii. iv.	Account opened- not disclosed Amount deposited- not disclosed Amount Utilised- not disclosed Amount proposed to be utilised- not disclosed

OBSERVATION

1. The Ring-fenced account is not addressed at all. The report does not disclose the opening, balance, deposits, expenditure or utilization plan of any ring-fenced account.
2. Core data is missing. The report gives no figures for waste collected, segregated or transported. It does not disclose landfilling, sanitary-landfill capacity, leachate management, compost quality, sanitary waste, domestic hazardous waste, C&D waste, bulk waste generators, STP outlet quality, drain inventory, fecal sludge and septage management, or river water quality.
3. Self-reported data. Current processing figures are averages taken from the "*Swachhtam Portal* (Jan-Aug26)" [Annexure-I, p. 1063, Column 7]. They are not weighbridge records or independently verified figures.

SOLID WASTE

1. Against generation of 5,536 TPD, only 2,099 TPD (about 38%) is processed, leaving a daily gap of 3,437 TPD [p.1055, Table 1, that is approximately *12.5 lakh MT* of unprocessed waste each year). Even the installed capacity of 3,243 TPD is not used: about 1,144 TPD (35%) lies idle. The State attributes this to "temporary non-functionality and periodic maintenance" [p.1056], but names no plant, gives no period of downtime, and offers no plan to restore operation.
2. Patna is shown as generating 926 TPD and processing exactly 926 TPD, with a gap of zero [p. 1064, Sl. 20]. Gaya is shown as generating 480 TPD and processing exactly 480 TPD [Page 1071, Sl. 120]. Together these two account for 1,406 TPD, or about 67% of the State's claimed processing. The remaining 139 ULBs process only about 693 TPD of their 4,130 TPD, which is about 17%.
3. The claim that Patna processes 100% of its waste is contradicted elsewhere in the same report. Patna's legacy dumpsite still holds 8,23,739 MT [Page 1089, Sl. 29]. A new 860 TPD plant has been contracted for Patna, with operation targeted only for 31 January 2029 [Page 1064, Sl. 20]. The State itself estimates that about 16,07,401 MT of fresh waste may accumulate in the 55 legacy-waste ULBs, before processing plants become operational [Page 1060]. *If Patna's processing gap is truly nil, how can fresh waste accumulate there at all*?
4. The State asserts that ULBs "have achieved 100% door-to-door collection" [Page 1055, Para 1]. No figure for waste collected, segregated at source or transported is given

anywhere in the report. Nor is there any disclosure of where rejects, inerts and the unprocessed 3,437 TPD go.

5. Total approved processing capacity, existing and upcoming, is 5,487 TPD, which is still below today's generation of 5,536 TPD. The plan therefore leaves a built-in deficit before any growth in population is counted. In individual ULBs the shortfall is stark. Bettiah generates 149 TPD, but the approved processing capacity is only 32 TPD [p. 1070, Sl. 99].
6. Annexure-I marks several plants as "Operational" at 100% physical progress, but shows them processing little or nothing:

ULB (Annexure-I)	Existing capacity (TPD)	Waste processed (TPD)	Record
Barauli Nagar Parishad	20	0	Page 1063, Sl. 9
Navinagar Nagar Panchayat	12	0	Page 1063, Sl. 8
Belsand Nagar Panchayat	1	0	Page 1063, Sl. 4
Simri Bakhtiyarpur Nagar Parishad	14	1	Page 1063, Sl. 7
Barbigha Nagar Parishad	10	1	Page 1063, Sl. 6
Hisua Nagar Parishad	90	0	Page 1065, Sl. 34
Hilsa Nagar Parishad	10	0	Page 1065, Sl. 33
Rosera Nagar Parishad	11	0	Page 1071, Sl. 116
Araria Nagar Parishad	22	1	Page 1071, Sl. 123

The claim in Table 2 that "*9 Compost Plants*" have become operational, "indicating successful completion and commissioning" [Page 1057, Para 2], must therefore be read with caution. A plant that receives no waste is not a compliant plant. It is a sunk cost.

LEGACY WASTE

1. The State says that in 86 ULBs "*no significant accumulation of legacy waste presently exists*" [p. 1059, Para 2]. In the same paragraph, it admits that about 8,44,700 MT may accumulate in those ULBs before processing plants are commissioned. The drone survey there will be done only "*once waste processing plants get operational*" [Page 1059, Table 3, Sl. 5]. It further estimates 16,07,401 MT of additional accumulation in the 55 surveyed ULBs [Page 1060, Para 1]. Adding these to the remaining stock gives about *50,96,205*

MT. Put plainly, the State is creating fresh legacy waste faster than it is clearing the old, and its own projections say so.

2. Remediation Timeline Breakdown- The calculations below use a steady processing speed of *151,857 metric tons* every 10 months. (p. 1059) ***Monthly Remediation Rate*** is 15185.7 MT/ month (151857/ 10)

   So, to remediate 1712009 MT will take 112.74 months (1712009 MT/ 15185.7 MT per month). Conversion to years (12 months) will be around 9 yrs 4.47 months. The State however claims a complete remediation timeline of March 2027 (in absence of any explanation on methods for remediation)
3. Annexure-III records large quantities of bio-soil and C&D waste recovered, for example 3,27,529 MT of bio-soil and 1,33,909 MT of C&D waste at Patna [Page 1088, Sl. 29]. Their final destination, testing and use are nowhere disclosed. In ten completely remediated ULBs, the RDF and burnable fraction is shown as disposed of through a ***"Kabadi Wala"*** [scrap dealer- Page 1087, Sl. 2, 6 to 13, 17]. That is not an authorised end-use such as co-processing in cement kilns.
4. For the 18 ULBs where remediation is said to be complete [Page 1089, Sl. 1 to 18], no closure certificate from the Bihar State Pollution Control Board, no post-remediation soil or groundwater test, and no account of land recovered or its use is filed.
5. The photograph filed for the ongoing site at *Dehri-Dalmianagar* bears a time-stamp of **05/07/24**, more than two years old, and shows dwellings in the midst of the dumpsite, where a child is seen using a handpump [Page 1085, Sl. 19]. The record does not show whether the residents' groundwater has been tested.

LIQUID WASTE

The State projects sewage generation of **1,894 MLD**. The sewage reaching functional STPs totals only about **334.5 MLD** [Pages 1091 to 1092, Column 11]. The remaining roughly 1,560 MLD goes untreated, every day, into the Gangaji, tributaries, canals etc.

At Naugachia, a completed 9 MLD STP has no decided outfall [Page 1091, Sl. 11]. At Begusarai, a completed 17 MLD STP cannot run because the treated-effluent discharge pipeline was never built [Page 1092, Sl. 16]. These are failures of planning, if interception and diversion are complete, why does three-quarters of the sewage not reach the plant?

There is no data on STP inlet or outlet quality, no inventory of drains discharging into the Gangaji and her tributaries, no water-quality data for any river stretch, no information on sludge

disposal, and no plan for faecal sludge and septage management. That last omission matters most for the 125 ULBs that have no functional STP. The only reuse disclosed consists of proposals still under tender or approval (NTPC Barh, IOCL Barauni)

SUGGESTIONS:

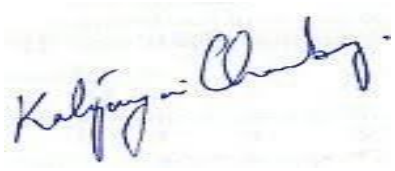
Accordingly, the following suggestions are respectfully proposed to ensure time-bound compliance, strengthen institutional accountability and enhance environmental safeguards:

1. The State may file- a plant-wise list of solid waste management facilities with reasons, downtime and restoration dates, answering the plea of "*non-functionality and periodic maintenance*". Every "*Operational*" plant processing nil or negligible waste should be fed with segregated waste within 30 days or de-listed as operational.
2. Install weighbridges with CCTV and GPS-tracked vehicles at every processing site and dumpsite in all Nagar Nigams within 90 days.
3. The State may file the status of sanitary landfills, leachate treatment, compost quality testing, C&D, sanitary and domestic hazardous waste, and bulk waste generator registration.
4. The State may file the status of- a site-wise remediation plan showing the trommel capacity, number of shifts and monthly targets needed to meet each deadline. Where the achieved rate cannot meet 31.03.2027 [Page 1059], the State should say so and add capacity, rather than repeat an unattainable date. Monthly progress should be verified by drone survey.
5. The State may map every dumpsite against the 2026 flood extent and the demarcated floodplain. Sites in the floodplain, including those in Patna, Bhagalpur, Munger, Katihar, Buxar and Chapra [Pages 1089 to 1090], should be remediated first, with interim bunding, leachate collection and cover before the 2027 monsoon.
6. The State may file the status of- Complete house-service connections and plug I&D gaps at Chapra, Phulwari, Maner, Bhagalpur, Bakhtiyarpur and other under-used STPs. Finalise the outfalls at Naugachia and Begusarai within 60 days.
7. The State may file a climate-resilience plan for waste and sewage infrastructure. The plan should include floodplain mapping of all dumpsites and STPs, siting rules for new facilities, and monsoon-season contingency plans. Monsoon conditions shall not be accepted as a ground for missing timelines.
8. The State should file the details of the ring-fenced account: date of opening, amounts deposited and spent, and an itemised and time-bound utilisation plan.

The observation note is respectfully submitted for the kind perusal of the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

AND FOR THIS ACT OF KINDNESS, THE ADVOCATE AS IN DUTY BOUND SHALL EVER BE GRATEFUL.

Dated: 20.11.2026
New Delhi



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