

Complainants' names and address withheld at their request

05/28/2009 04:50 PM To <spf@adb.org>
cc
Subject Request for justice



STP-APPLication[1].DOC

Special Project Facilitator
Asian Development Bank
6 ADB Avenue
Mandaluyong City
0401 Metro Manila
Philippines

Subject: Rawalpindi Environmental Improvement Project- Pakistan -

Dear sir,

We the AP's of STP at Village Jabbar Miana invite your attention to the blatant injustice being done to us in connection with this project. we have already contacted ADB but nothing positive has come out. we are enclosing herewith some applications which were sent earlier without result. we request for your interference in the matter so that some justice is done.

thanking you

AP's pf village Jabbar Miana (names etc can provided later)
our contact person is _____ phone _____

Dated: 02.09.2008

Mr.Safdar Javaid Syed
Senior Member Board of Revenue
Government of Punjab
Lahore.

Subject: **Request For Justice**
Land Acquisition for Sewage Treatment Plant (STP) Rawalpindi

Dear Sir,

This is to inform you that the undersigned, on behalf of the Affected Persons (AP's) of village Jabbar Miana Distt; Rawalpindi had sent a letter to the Country Manager ADB regarding some very serious issues concerning STP project. Copy of the letter is enclosed for your reference.

Subsequent to the above, ADB officials arranged a meeting between DCO Rawalpindi, Project Director WASA, other officials and us on 30.8.2008. There was no positive outcome of the meeting and we were advised to contact Board of Revenue in this regard.

We therefore submit as under:

1. Section-4 for land acquisition of villages Adyala, Gorakhpur, Jabbar Miana and Gidpur was announced through notification No. 254/LAC/DOR dated 22.6.2005. This notification covered the following:

Mouza	Area	
Adyala The.& Distt Rawalpindi	3229 k	04 m
Gidpur	768	03
Gorakhpur	795	19
Jabbar Miana	<u>2749</u>	<u>10</u>
Total	7492	16

2. We tried our level best at all levels that the above land being extremely fertile and rich for agricultural/vegetable productions for the city, should not be acquired but this argument was unfortunately not accepted by the authorities.
3. Thereafter we tried for fair compensation but that too was without any success. The final compensation rate of about Rs.85000 per kanal is simply peanuts for this type of land so close to the city where Bahria town society is also just adjacent to this location.

4. We have now come to know that village Adyala was first excluded from compensation and now much higher rate of compensation is being paid. **In some cases the rate is double** of what was paid to us.

Sir,

In our view, land acquisition process was extremely unfair as it is not understandable that **owners of two villages are paid at different rates for exactly the same kind of land at the same location being acquired for the same one project.** Just to quote an example, a single small piece of land owned by one person but falling in three Mouzas as per revenue record is being compensated at three different rates. **The rate for Adyala village being almost double that of Jabbar Miana.**

This is a very clear case of favouritism exercised by the local revenue officials in the favour of village Adyala.

We feel that this is the grotesque injustice done to the owners of Village Jabbar Miana who have suffered most because their village is the closest just 300 meters away from STP. God knows what will happen to us in future as the whole remaining land and ground water would be seriously affected due to contamination and land devalued due to odour etc. We are not sure whether it would be possible to live in this village or not after construction of STP.

We request your good self to please look into the matter in details and do justice. We only request for justice please.

Thanking you,
Yours truly,

**Affected Persons
of Village JABBAR MIANA**
(whose names and signatures can be provided)

Our Contact Person is _____ – mob # _____ who has signed above

Enclosed: earlier applications to ADB

Dated: August 14, 2008

To,

Respectable Country Director
Asian Development Bank- (Pakistan)
Overseas Pakistanis Foundation Building (OPF)
Sharah-e-Jamhuriyat, G-5/2,
Islamabad GPO Box 1863
Tel. No. +92 51 282 5011 – 16, 208 7300
Fax. No. +92 51 282 3324, 227 4718

Subject: Rawalpindi Environmental Improvement Project
Location of Sewage Treatment Plant
A Request from Affected Persons of Village Jabbar Miana
REQUEST FOR JUSTICE

Dear Sir,

We the Affected Persons (AP's) of village Jabbar Miana want to draw your attention to the **blatant injustice** being done in connection with the land and property compensation process. We had sent to you an application in April 2006 in which some of the issues were highlighted. (copy enclosed again). **Unfortunately there was no response or any action from your side.** We once again request you to look into the following:

1. As per Summary Environmental Impact Assessment (SEIA) dated August 2004, which was previously available on the ADB web site, the location of STP was selected near village Daghla. All necessary technical/economic studies were completed and posted on ADB web site. Subsequently **on dictation from some politicians** the location of STP was changed to near Village Jabbar Miana (Refer SEIA dated July 2005 on ADB website) to a location, which was previously rejected on very solid technical grounds. All of a sudden the rejected location became the most favoured location???.
2. There are serious environmental concerns like odor, mosquito breeding and spreading of diseases, loss of 250 hectares of very fertile agricultural land and thus livelihood of many, contamination of groundwater and thus loss of irrigation and drinking water, sludge disposal arrangements/locations, change in the flooding pattern of area which might cause erosion of adjoining areas and village Jabbar Miana itself, significant change in the landuse, degradation of aesthetics of the whole area and negative effects / devaluation of the surrounding property/land.

In addition, SEIA 2005 also mentions that there would be devaluation of remaining surrounding property because of obvious nuisance / negative

environmental effects of STP. How is this devaluation planned to be compensated fairly??

3. As far as land compensation rate is concerned we have been paid roughly at Rs.85,000 per kanal whereas the owners of the just adjacent land of village **Adiala acquired for same STP**, are being paid **twice** that amount . ***This is the grotesque injustice.***

In view of the above, we the AP's of village Jabbar Miana request intervention by ADB authorities in the process of land compensation as no justice is expected from local authorities.

We shall be extremely grateful if somehow JUSTICE IS DONE AGAINST ALL ODDS.

Yours truly,

**Affected Persons
of Village JABBAR MIANA**
(whose names and signatures can be provided)

Our Contact Person is _____ – mob # _____

Enclosed: earlier application of year 2006.

Copy to: Mr. Lan Franco Settlement Expert ADB. Email- lblanchetti@adb.org

Dated: April 17, 2006

Mr.
Country Director
Asian Development Bank- (Pakistan)
Overseas Pakistanis Foundation Building (OPF)
Sharah-e-Jamhuriyat, G-5/2,
Islamabad GPO Box 1863
Tel. No. +92 51 282 5011 – 16, 208 7300
Fax. No. +92 51 282 3324, 227 4718

**Subject: Rawalpindi Environmental Improvement Project
Location of Sewage Treatment Plant
A Request from Affected Persons of Village Jabbar Miana**

Dear Sir,

We the Affected Persons (AP's) of village Jabbar Miana have come to know through various sources that a sewage treatment plant (STP) is being planed for construction, very close (less than 300m) to our village with the funding of ADB. This STP will surround the village from northern and western side completely. In this regard we invite your attention to the following:

4. As per Summary Environmental Impact Assessment (SEIA) dated August 2004, which was previously available on the ADB web site, the location of STP was selected near village Daghah. All necessary technical/economic studies were completed and posted on ADB web site. Subsequently **due to unknown reasons** the location of STP was changed to near Village Jabbar Miana (Refer SEIA dated July 2005 on ADB website) to a location, which was previously rejected on very solid technical grounds. All of a sudden the rejected location became the most favoured location???.
5. There are serious environmental concerns like odor, mosquito breeding and spreading of diseases, loss of 250 hectares of very fertile agricultural land and thus livelihood of many, contamination of groundwater and thus loss of irrigation and drinking water, sludge disposal arrangements/locations, change in the flooding pattern of area which might cause erosion of adjoining areas and village Jabbar Miana itself, significant change in the landuse, degradation of aesthetics of the whole area and negative effects / devaluation of the surrounding property/land.

SIEA 2005 merely states some of these and indicates that these issues (only some of these) shall be attended to during the course of detailed deign. In other words these have not been fully and completely addressed so far and no specific plans/designs have been prepared as yet. How can such issues be left to be tackled (or not tackled) in future and the process of Land Acquisition started?

6. Many Design Manuals for such STP's recommend their location to be preferably 500 m away from the nearest community depending upon the predominant wind

direction. In case of Jabbar Miana land is being acquired at a distance of less than 300m from the houses both on north and west of the village??? And there is no mention of wind direction considerations in the SEIA.

7. ADB policy on Involuntary Resettlement provides for compensation to AP's, at least equal to the "without" project situation.

In our case the land/property being acquired is very close to a large housing society being planned and therefore there is huge potential of land price increases in very near future for which we have waited for centuries. This STP would deprive us of that opportunity and thus should be taken into account very fairly.

In addition, SEIA 2005 also mentions that there would be devaluation of remaining surrounding property because of obvious nuisance / negative environmental effects of STP. How is this devaluation planned to be compensated fairly??

8. As far as land compensation rate is concerned we are being told by the Authorities that rate would be round Rs.85,000 per kanal. This rate in no way is fair compensation as recently sold land price in the immediate vicinity and recorded in the revenue record was Rs.120,000 per canal which was about 2 years back. We are being told that market rate which is much higher now can not be paid for **unknown reasons**. The process of price fixation requires a thorough review by ADB as it is totally unfair.

We are also enclosing herewith some of our comments / queries on the two SEIA's mentioned above.

In view of the above, we the AP's of village Jabbar Miana request an independent review/inspection of the whole process of STP site selection, environmental concerns and the compensation policy.

We shall be extremely grateful if somehow fairness prevails.

Yours truly,

**Affected Persons
of Village JABBAR MIANA**
(whose names and signatures are also enclosed)

Our Contact Person is _____ – mob # _____

COMMENTS / OBSERVATIONS ON SEIA DATED AUGUST 2004 & SEIA DATED JULY 2005

1. STP Site Selection and Alternatives

SEIA-2004 states as under:

B. Alternative Sewage Treatment Plant Sites

39. In view of the environmental and social sensitivity of sewerage treatment facilities, five potential sewage treatment plant sites were considered. Site selection criteria included (i) minimizing energy requirements for pumping to avoid failure during blackouts; (ii) low population density to minimize nuisance, land acquisition, and resettlement; and (iii) availability of a nearby water course to discharge the treated effluent because of a lack of irrigation market and unproven economical viability of an irrigation scheme.

40. Evaluation results of the five alternative sites may be summarized as follows:

(i) Site A, on the southern side of Peshawar Road, was relatively flat and was found inappropriate given its elevation (25 m above Rawalpindi), dense population, and the number of new developments taking place in the area, including those by CDA.

(ii) Sites B and C, located southwest of Rawalpindi on Dhamial Road, showed inadequate rolling topography and absence of suitable land for a sewage treatment plant. No rivers were close to the site for disposing of treated effluent.

(iii) Site D, the selected site, on Adiala Road, is located between Daghla and Gorakhpur villages on the north bank of the Soan River. A vast stretch of land is available; the elevation difference from Rawalpindi City is 63 m and only limited pumping would be required as the sewage can enter the treatment plant by gravity. The site has fewer environmental constraints because open land is available and the site is removed from densely populated areas.

(iv) Site E was 3 km downstream on the opposite side of the Soan River. It had major disadvantages such as requirements for pumping and for an outfall sewer to cross the Soan River.

SEIA-2005 states as under:

B. Alternative Sewage Treatment Plant Sites

39. In view of the environmental and social sensitivity of sewerage treatment facilities, five potential sewage treatment plant sites were considered. Site selection criteria included;

(i) Minimizing energy requirements for pumping to avoid failure during blackouts

(ii) Low population density to minimize nuisance, and land acquisition and resettlement impacts; and

(iii) Availability of a nearby watercourse to discharge the treated effluent.

40. Evaluation results of the five alternative sites may be summarized as follows:

(i) Site A, on the southern side of Peshawar Road, was relatively flat and was found inappropriate given its elevation (35 m above Rawalpindi), dense population, and the number of new developments taking place in the area, including those by CDA.

(ii) Sites B and C, located southwest of Rawalpindi on Dhamial Road, showed inadequate rolling topography and absence of suitable land for a sewage treatment plant. No rivers were close to the site for disposing of treated effluent.

(iii) Site D, is located between Daghla and Gorakhpur villages on the north bank of the Soan River. The site was not selected due to land acquisition problems.

(iv) Site E, the selected site, is 3 km downstream of Site D on the left side of the Soan River. A vast stretch of land is available; the elevation difference from Rawalpindi City is 63 m downward. The site has only a few environmental constraints, as the open land is available without densely populated areas.

Comments::

It is quite clear from the above that the site selection has not been based on valid technical / economic grounds. The location, which was clearly recommended in 2004, was rejected in 2005 due to land acquisition problems and the location, which was clearly rejected in 2004 on technical grounds, became the most favoured site in 2005. The proposed sewage conduit has to cross Soan river three times before reaching the new site.

It is quite obvious that the Agencies involved have not carried out proper studies and therefore the matter needs to be investigated by an Independent Specialist/Agency.

2. Environmental Concerns

SEIA 2005 states as under:

“About 250 ha will be required for the plant. Components will include inlet and outlet structures, forestation, laboratory, administration buildings, and protection bunds against the Soan River. The conceptual design and layout have been prepared for 4-meter-deep anaerobic ponds, 2.5-meter-deep facultative ponds, and 1.5-meter deep maturation ponds”

Comment:: The study appears only conceptual without necessary detailing

“The proposed site of the sewage treatment plant is mostly flat, sloping gently from Jabbar Miana village towards the Soan River. The land is fertile and is cultivated with vegetables and other crops.”

Comment:: land being utilized is not cheap or barren land

“Alternatives considered for the disposal of sludge generated in the sewage treatment plant include agricultural reuse and sanitary landfilling. The most appropriate choice will be finalized following site startup, where sludge sampling and testing will show whether dried material fulfills agricultural reuse requirements. Failing to do so, landfilling will have to be accommodated in Rawalpindi’s new landfill site. Safe underground disposal will be carried out if tests show the material contains toxic elements.”

“Inadequate sludge disposal may pollute the environment. After drying, sludge will be sampled and tested to ensure compliance with agricultural standards before it is used as fertilizer, manure or agreeing sales to the fertilizer industry. If toxic materials are found in the dry sludge, municipal authorities must consider safe underground disposal and the significant cost increases associated with treatment.”

Comment:: Sludge disposal is very important component of STP study involving significant costs but it has not been accounted for properly. There are gross uncertainties, which may involve more land requirements at a later stage and more problems for already AP’s.

“The ground water table at the sewage treatment plant site is shallow. Its close proximity to the surface (3 m deep) may result in water contamination due to seepage of sewage from the ponds. This factor is important and requires mitigation at the design stage. Lining and sealing of the base and sides of the ponds with high-quality, impermeable material will be ensured during the detailed design and subject to ADB approval.”

Comment:: It appears that even the impermeable lining is still not approved and thus there are uncertainties about the contamination of ground water used for irrigation and drinking.

“The sewage treatment plant site is located immediately adjacent to the Soan River in a flood-prone area. Flooding occurs regularly during the rainy season. A flood modeling study for Soan River near the sewage treatment plant site was carried out for 25, 50 and 100 years return periods. The natural surface level at the site is around + 400 m above mean sea level. Based on the study, for a 100-year flood, the top water level will reach a height of 399.2 m above mean sea level. Flood protection bunds of 4m above natural surface level with a length of 5.1 km is proposed for the site to prevent flooding of the sewage treatment plant and sewage overflow from the stabilization ponds. Further study will be undertaken during detailed design stage. Flood-warning systems will be developed for the area and an emergency flood plan formulated.”

Comment:: The study is not complete and there are apparently some errors in the levels being reported. Further studies are still required and therefore environmental impacts have not been fully addressed. In our view construction of STP right in the middle of flood plain would result in the large scale erosion of remaining areas rendering them unfit for agricultural or any use. In extreme case the hillock on which Jabbar Miana is located may be eroded because of flow concentrations on that side.

“Irrigation water for affected villages has been considered in the project and conceptualization will be finalized during detailed engineering design.”

Odor from open stabilizations ponds will disturb the neighboring areas when the plant is operating, affecting neighboring villages. Odor control measures will be based on the impact assessment during detailed design. Proper O&M of the plant—and mitigation measures such as tree planting and development of a greenbelt as a buffer zone—will be required to minimize odor. The impact of odor from the STP will be assessed during the design stage through using a suitable simulation model.”

Comment:: There are serious concerns as above, which need further studies. It is strange to note that a site has been selected less than 300m surrounding the village Jabbar Miana without working out the impacts on ground water & odor and without giving consideration to wind direction and breeding of mosquitoes etc.

“Most project subcomponents will be conducted in Rawalpindi or its immediate surroundings, but the sewage treatment plant and landfill sites are proposed in rural areas. The proposed site for the sewage treatment plant is currently used to grow food crops and vegetables, with some of the land lying fallow. The land is fertile and scenic. The proposed sewage treatment plant requires a large surface area and will significantly change the present land use, degrade aesthetics of the area, and depress property value. These impacts will be permanent, but intensity may be minimized with suitable landscaping, planting, and vegetation.”

Comment:: There no specific plans for the satisfaction of AP's only general statements. How will the devaluation of surrounding land price be compensated is a big question mark??

“The project preparatory technical assistance (PPTA) consultants organized three public consultation workshops (i) to obtain suggestions regarding project design, including components and implementation arrangements, and to finalize project scope according to their requirements; and (ii) to obtain feedback on issues relating to environmental sanitation, including the sewerage system and the sewage treatment plant. The first workshop was held on 8 September 2003 at the inception of the feasibility study, the second on 3 December 2003 at the midterm stage, and the third on 15 March 2004 at the final stage of the study. The workshops were widely attended by the public representatives from the district, tehsil, and union councils; officials of provincial and federal governments' agencies and departments; representatives of various NGOs; officials of TMA, RDA, and WASA; and Rawalpindi residents. Formal meetings were held with public representatives at the PPTA consultants' office, as well as informal focus group discussions with residents at sewage treatment plant site.”

Comment:: The three (3) workshops being referred to were held before the change of STP location. Consultation with the AP's of Jabbar Miana was only minimal and fruitless as the impacts have still not been studied and addressed scientifically.

3. Land Acquisition Process by WASA/RDA

In spite of the fact the SEIA 2005 shows the STP area slightly away from the village Jabbar Miana the land being acquired by WASA/RDA is very close (less than 300m). This aspect needs clarifications. Is additional land being acquired for sludge disposal??

4. AP's are Major Stakeholders in STP Maintenance

The regular maintenance of ponds is extremely essential otherwise there will be serious odor, fly and mosquito nuisance. Who will suffer the most if proper maintenance is not carried out? Obviously, the resident of Jabbar Miana. Therefore the AP's of Jabbar Miana are major stakeholders in the maintenance. All maintenance related employment opportunities should be reserved and planned properly for AP's of Jabbar Miana so that they take the responsibility for their own stakes.

Another aspect which can possibly be considered for mitigation of negative effects of STP is the possibility of **FISH Ponds for locals in combination with STP**. This can perhaps compensate for some loss of livelihood and make the project more acceptable to AP's.

5. Why not the site near Daghah (SEIA 2004)?

AP's of Jabbar Miana believe very strongly that the change of STP location has been done because of some vested interests. The new route of sewage conduit along Nullah Lai and then along Soan River crosses the river (3) three times before reaching the new STP site. We feel that the same conduit can also serve the old STP site without major additional difficulties.

This aspect needs independent review by an International expert.