

Item No. 03

Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 916/2018
(Earlier O.A. No. 101/2014)

Sobha Singh & Ors.

Applicant(s)

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 14.11.2018

CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s):

For Respondent (s): Mr. Rajkumar, Advocate for CPCB
Mr. A. Raj, Advocate for State of Rajasthan

ORDER

1. We have perused the interim report submitted by the Monitoring Committee, in compliance with the order of this Tribunal dated 24.07.2018 in *Original Application No. 101/2014, Sobha Singh & Ors. Vs. State of Punjab & Ors.*

2. The original application raised the issue of pollution of rivers Sutlej and Beas in Jalandhar and Ludhiana Districts on account of discharge of untreated pollutants - industrial as well as municipal. On testing the water samples, it was found that Total Dissolved Solid (TDS), Accumulation of Chromium, Nickel, Zinc and pesticides were high in the sediment of *Chitti Bein*. Traces of metals like Chromium, Nickel and Zinc were detected in soil samples of the fields irrigated by the waters of the Bein. There was high level of inorganic and organic pollution in both the east *Bein* and the *Kala Sanghia* drain, as per the Punjab Pollution Control Board (PPCB) reports. Further, the report by SERI on Buddha Stream was also to that effect.

3. In the last order dated 24.07.2018, we noted that there are 1332 hazardous waste generating industries as well as 17 categories of industries highly polluting. As a result of such pollution, eight districts of Rajasthan were found to be adversely affected, apart from Ludhiana and Jalandhar Districts of State of Punjab. We are informed that Mukhtar District is also affected by the pollution. The industries and local bodies failed to install and make functional the requisite treatment plants. 35 municipal Councils/Nagar Panchayats are discharging sewage with heavy metal and BOD loads in the said rivers.

4. We noted the stand of the Punjab Pollution Control Board and the Punjab Water Supply and Sewerage Board (PWSSB) with regard to installation of the STPs and taking of other steps. But in spite of the said steps, the water quality did not meet the laid down standards. Action plan of the PWSSB with the funds provided by the Ministry of Urban Development, Government of India were considered. It was noted that more STPs and CETPs were required to be set up.

5. After noting that the matter had been monitored by the Tribunal in the last four years on almost 50 dates, it was considered appropriate to have a closer monitoring at ground level.

6. Accordingly, a Monitoring Committee was directed to be constituted by the Central Pollution Control Board as Nodal Agency and having Mr. Balbir Singh Sicheval who had rendered voluntary service as a member, apart from representatives from the Rajasthan Pollution Control Board, PPCB and the Urban Development Department of the State of Punjab. The Committee was required to frame a shortterm action plan for three months and a longer plan with three monthly targets. The Committee

could also consider suggestion from stakeholders and involve volunteers as well as the educational institutions.

7. The Committee has conducted several proceedings and given its interim report, highlighting the issues noted and seeking three months more time up to 31.01.2019.

8. The Committee has taken stock of the situation and noted lack of sewage system, non-availability of STPs and lack of appropriate technology and capacity, lack of waste water treatment, lack of skilled man power, non-sustainable approach in designing of sewage management projects. The sources of industrial water pollution in the catchment of the river Sutlej include M/s National Fertilizers Limited, Nangal, M/s Punjab Alkali and Chemicals Ltd., Naya Nangal, M/s Guru Gobind Singh Super Thermal Plant (GGSSTP)/Ropar and M/s Gujrat Ambuja Ltd. Village Daburji, Ropar at stretch Nangal to Ropar and electroplating industries, dyeing industries, leather complex, Kapurthala Road, Jalandar, Effluent from industries located at Phagwara, effluent from industries located at Phillaur as well as M/s Pioneer Industries (Distilleries Division) and M/s Pioneer industries (Gluten Division), Pathankot, M/s Indian Sucrose, Mukerian and M/s Chadha Sugar Ltd. The committee also noted that solid waste is not properly handled and is dumped on open sites causing a serious threat to the environment and also choking the flow of the water bodies. Bio-medical waste as well as hazardous waste are not properly managed. There is also illegal mining in the flood plain/river basins.

9. The Committee held meetings on 10.08.2018, 06.09.2018, 26.09.2018 and 17.10.2018 and noted the issues to be addressed. It was noted that sludge generated from STPs was not being pre-treated, STPs were not having stand-by arrangement during

maintenance, STPs are by-passing the untreated sewage into drains and do not have adequate capacity, industrial effluents are mixed up with the domestic sewage resulting in damage to the STPs. All the STPs should be under one authority. Health camps are required to be conducted in the affected areas.

10. As a result of the testing of the samples from the STPs, it was found as follows:

“a. Samples were collected from 34 out of 43 STPs inspected by the Committee.

b. 01 out of 43 STPs is having valid Consent.

c. 17 out of 43 STPs are by-passing the sewage without imparting any treatment.

d. 36 STPs have installed flow meters at the inlet and only 12 out of 43 STPs have installed flow meters at the outlet.

e. Out of 34 samples, 33 are not complying with the sewage discharge norms.

f. 39 STPs are discharging their effluent either in rivers or drains and 3 STPs are using for onland irrigation. 01 STP gate found locked during the visit.

g. Most of the STPs located at Bhattian, Jamalpur, Bastipirdadd, Phillaur, Ropar Waddi, MaujewalNangal, Makhueither lying defunct or the effluent was being by-passed (STPs at Jagraon, Balloki, NakodarPhillaur, Moga, Anandpur Sahib, Kapurthala, Phagwara etc.) without imparting any treatment for the generated sewage. At some STPs, operators were not present.”

11. With regard to CETPs, it was found that:

“(i) CETP in leather complex was not in operation but under maintenance;

(ii) Chromium bearing sludge removed from the sludge drying beds is kept in open yard adjacent to the sludge drying bed which may lead to soil and ground water contamination;

(iii) Housekeeping in CETP was very poor;

(iv) Workers were found to be replacing the new aerators in place of old aerators without any safety precautions (without wearing any PPE);

(v) There is no provision of surface run off collection drain provision within the premises of CETP and thereby surface run off is leading towards preliminary storage tank;

(vi) OCEMS at the ETP outlet not yet provided for continuous monitoring of the treated effluent before its discharge, which is a serious violation of directions issued by Central Pollution Control Board;

(vii) Outlet of CETP is located close to the Kala Singhian drain and possibility of untreated industrial effluent into the drain cannot be ruled out.

(viii) Considering the likely impacts due to improper disposal of chromium bearing sludge in Open Yard, the Committee directed the CETP authorities to lift and dispose of the chromium bearing sludge immediately through a TSDF, Nimbua following the manifest as per Hazardous and Other Waste (Management & Transboundary Movement) Rules, 2016 as amended.

(ix) The CETP authorities could not show any documents relating to the CETP.”

12. Observations with regard to 50 MLD capacity STP adjacent to the leather complex at Jalandhar are as follow:

“(i) There is no sign of proper operation of the STP;

(ii) Automatic skimming provision is not in working condition;

(iii) STP is having bye-pass arrangement without any electromagnetic flow measuring unit to record any discharge through bye-pass arrangement

(iv) The sludge generated from the press filter arrangement were surprised to find that the cake of sludge had long

dried up and efforts had been made to drench it by throwing water on it.

(v) Sludge lying in the STP premises is not at par with the efficiency of the STP w.r.to removal of solids present in the raw sewage;

(vi) OCEMS installed in the STP outlet is not in working condition;

(vii) Authorities are not having thorough knowledge on operation aspects of STP due to lack of adequate training and skilled man power for proper operation of the STP;

(vii) Requisite records are not maintained properly.”

13. With regard to CETP at Ludhiana, it was observed:

“(i) The CETP Operator is required to provide information on industry-wise information regarding quantity for which agreement has been made, quantity actually lifted on monthly basis for the last one year. PPCB shall also provide the list of all these electroplating industries along with consented quantity of trade effluent to be generated.

(ii) The transportation vehicles used for collection of industrial effluent should be lined with acid proof lining on sides and at bottom with a spill collection provision at the bottom for collection of spillages during the transportation or may also use closed type of tanker with all necessary provisions. Such collected spillages may be ensured further treatment.

(iii) The transportation vehicles should be provided with name and contact details of the CETP Operator on all the

four sides so that the information can be provided in case of any eventuality/accident.

(iv) PPCB should direct all the member industries of CETP to provide only neutralized industrial effluent to the CETP Operator, considering the safety aspects during transportation and handling of such industrial waste water.

(v) Automatic dosage system in place of the manual dosage of lime be practiced by the CETP operator for neutralization of untreated effluent.

(vi) All the CETP areas should be properly earmarked by providing proper sign boards and also a layout of ETP at the entrance and also display board at the entrance indicating validity of consent and authorisation, wastewater treatment capacity and contact details of the CETP, should be provided by the Operator.

(vii) The CETP should provide acid proof lining in the collection tank and the trenches in which the effluent is collected from the tankers, with proper sealing to avoid soil contamination.

(viii) House keeping needs improvement.

(ix) Instead of sludge drying beds, drum filter or centrifuge may be used for sludge handling prior to the disposal through TSDF Operator.

(x) Proper records should be maintained by the CETP Operator and submitted.”

14. We have heard learned senior counsel Mr. H.S. Phoolka appearing in connected matter, counsel for CPCB, PPCB and State of Rajasthan.

15. There is no reason not to accept the findings in the report to the effect that huge damage has been caused to the environment particularly the water bodies as well to the inhabitants. The Committee has representatives from all concerned authorities. Even on a conservative estimate, learned counsel for the parties suggest and we find no reason to disagree that the damage in monetary terms will not be less than Rs. 50 crores. On “Polluter Pays” principle, the State of Punjab is directed to deposit a sum of Rs. 50 crores with the Central Pollution Control Board within one month from today for being spent on restoration of the environment as well for relief to the victims. The State of Punjab is at liberty to prepare an action plan to recover the amount from the erring industries, local bodies, individuals and also the erring officers.

16. We direct that the Secretary, Local Bodies, Punjab, the Municipal Commissioners of Ludhiana and Jalandhar, PWSSB to jointly take responsibility for taking further steps to prevent any further damage and to take remedial steps so that the quality of water in the affected areas of rivers Sutlej and Beas is brought within the prescribed standards within 6 months.

17. The nodal officer for coordinating all actions will be the Secretary, Local Bodies.

18. The Monitoring Committee constituted by this Tribunal may suggest a mechanism for spending the above amount in proper proportion for restoration of the environment and for public health or other issues in the area.

19. The authorities may initiate prosecution against violators of law in accordance of law and take such other steps may be found appropriate, including closure of polluting industries, disciplinary and penal action against erring officers, etc.

20. Time for furnishing further report is extended till 31.01.2019, as suggested.

21. Put up for further consideration on 22.02.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

November 14, 2018

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