

Speed Post

File No. A-14011/1/2015-Mon 9250-9292

21/08/2018

To,

**The Chairman
All SPCBs/PCCs**

Sub: Direction Under Section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act, 1974 regarding taking steps so that storm water drains are not covered, but are de-silted and kept clean.

WHEREAS, amongst others, under Section 16 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the Central Pollution Control Board (CPCB) constituted under the Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) and to provide technical assistance and guidance to SPCBs/PCCs; and

WHEREAS, amongst others, under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) is to plan a comprehensive programme for prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof; and

WHEREAS, the State Pollution Control Boards under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974 has been mandated with the following functions which inter-alia including;

- A) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by the Water Act;
- B) lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-state stream) resulting from the discharge of effluents and to classify waters of the State;
- C) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the

prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;

- D) to evolve methods of utilization of sewage and suitable trade effluents in agriculture;
- E) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;
- F) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;
- G) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;

WHEREAS, water quality monitoring carried out by CPCB at 1275 locations covering 445 rivers revealed that 718 locations are not meeting the water quality criteria with respect to BOD and Fecal Coliform bacteria. The water quality assessment has further indicated that there are 302 polluted river stretches on 275 rivers which are along the 35 metropolitan cities and 615 other urban centers. Sewage and domestic waste released through storm water drains has been identified to be one of the contributing factors leading to exceedance of criteria pollutants in the downstream stretches of rivers passing through the urban centers;

WHEREAS, the Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi in the matter of O.A. no. 454/2018 (Subhash Gupta & Ors. Vs. Union of India & Ors.) passed orders on 23/07/2018 which highlight the following issues w.r.t. storm water drains more or less common to all cities/urban areas of India (copy of NGT order enclosed herewith):

- Storm water drains ought to be kept open. However, most of these drains are covered thereby causing flooding and pollution.
- Untreated sewage continues to flow in most of the drains and finally the same goes into the rivers.
- De-silting and drain cleaning works get adversely affected when storm water drains are covered.
- No sewage, solid waste and C&D waste should be put in the storm water drains. These drains should be encroachment free.
- Steps should be taken so that storm water drains are not covered, but are de-silted and kept clean.

WHEREAS, through the aforementioned order, the Hon'ble National Green Tribunal (NGT) has also directed CPCB to issue necessary directions throughout India to avoid unnecessary litigation on this aspect; and


NOW THEREFORE, taking note of the aforementioned NGT order and realizing the urgency for keeping all storm water drains de-silted, clean and free from encroachments throughout the country, following directions under Section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act, 1974 are hereby issued for ensuring compliance:

- SPCB/PCC shall take all necessary steps so that storm water drains under its jurisdiction are not covered, but are de-silted and kept clean and that the orders of the Hon'ble NGT in the matter of O.A. no. 454/2018 (Subhash Gupta & Ors. Vs. Union of India & Ors.) are strictly complied with.
- SPCB/PCC shall coordinate and direct relevant Local Authorities/Departments like Town & Country Planning Department, State Municipal Corporation, etc. for ensuring compliance.
- SPCB/PCC shall acknowledge the receipt of these directions within 07 days and action taken report shall be submitted to CPCB within 30 days from the date of receipt of these directions.

(S. P. Singh Parihar)
Chairman

Copy to:

1. **PPS to Secretary,**
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2. **Joint Secretary (CP Division),**
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3. **The All Regional Directorates**
Central Pollution Control Board
4. **The DH- IT Division**
CPCB, Delhi


(Prashant Gargava)
Member Secretary

