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F.No. A-14011/WQM-I/(OA No. 572-2016)/2022 19374

11.01.2022

To

The Chairman,  
State Pollution Control Board, Odisha  
Paribesh Bhawan, A/118,  
Nilakantha Nagar, Unit – VIII,  
Bhubaneswar – 751012, Odisha

**DIRECTIONS ISSUED UNDER SECTION 18 (1)(B) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 IN THE MATTER OF CONSERVATION AND MANAGEMENT OF KAPALI RIVULET IN ODISHA IN COMPLIANCE TO HON'BLE NGT ORDER DATED 09.04.2021 PASSED IN EXECUTION APPLICATION NO. 18/2020 IN EA NO.33/2019 IN OA NO.572/2016 (SMT. KALPANA MALIK THROUGH SHRI DIBAKAR BHOI POWER OF ATTORNEY HOLDER VS CHIEF SECRETARY, GOVT. OF ODISHA & ORS.)**

**WHEREAS**, amongst others, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974 one of the functions of the State Pollution Control Board constituted under the Water (Prevention & Control of Pollution) Act, 1974 is to plan a comprehensive programme for prevention, control and abatement of pollution of streams and wells located in the State and to secure the execution thereof; and

**WHEREAS**, amongst others, under Section 16 of the Water (Prevention & Control of Pollution) Act, 1974 one of the functions of the Central Pollution Control Board constituted under the Water (Prevention & Control of Pollution) Act, 1974 is to co-ordinate activities of the State Pollution Control Board (SPCB) and Pollution Control Committees (PCC) to provide technical assistance and guidance to SPCBs / PCCs and to promote cleanliness of streams and wells in different areas of the States; and

**WHEREAS**, under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974, no person shall, without the previous consent of the State Pollution Control Board establish or take steps to establish any industry, operation, or process or any treatment or disposal system or an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land; and

**WHEREAS**, the Central Pollution Control Board has delegated powers vested under Section 18 (1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 to the Chairman, Central Pollution Control Board vide its resolution made on 133<sup>rd</sup> Board meeting item no. 3.12 dated 24<sup>th</sup> March 2005 to issue directions under section 18 (1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 to the State Pollution Control Boards; and

**WHEREAS**, Hon'ble National Green Tribunal (NGT) in its order dated 09.04.2021 in the matter of EA No. 18/2020 in E.A. No. 33/2019 in O.A. No. 572/2016 (Smt. Kalpana Malik Through Shri Dibakar Bhoi Power of Attorney Holder Vs Chief Secretary, Govt. of Odisha & Ors.) constituted a Joint Committee comprising of representatives from MoEF&CC, CPCB, IIT Kharagpur, a nominee of Central Water Commission, Odisha State Pollution Control Board and the District Magistrate, Bhadrak; and

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**WHEREAS** the Hon'ble NGT in its order dated 09/04/2021 in the matter of E A No 18/2020 in E A No 33/2019 in O A No. 572/2016 has directed that

*"The CPCB and the State PCB will act as nodal agency for coordination and compliance. The Committee may ensure that proper identification and demarcation of flood zones is carried out within three months and a report furnished to the Chairman, Central Water Commission and the Chairman CPCB, who would be at liberty to issue further direction, if necessary, for protection of riverine ecology and flood plains".*

**WHEREAS**, nominations from the all concerned institutes were received by 11<sup>th</sup> June, 2021 and subsequently the Joint Committee was constituted vide order dated 14<sup>th</sup> June, 2021 issued by CPCB being one of the nodal agency; and

**WHEREAS**, after conducting a field-visit and virtually meeting four times, the committee submitted its final report to the Chairman, CPCB and the Chairman, CWC with copy to Member Secretary, OSPCB vide letter File. No. CM- 13011/2/2021-LAW-RD-KOLKATA-RD(Kolkata) dated 26.11.2021, and the Joint Committee in its final report recommended the following:

- i. *Precautionary measures are required during rainy season in the surrounding area as the court building area lies in the zone of the maximum design discharge of Kapali rivulet.*
- ii. *Based on the data provided by the concerned State Agency and study output, plinth beam of the compound wall of the court building, the RCC road inside the court premises and the court building veranda is found to be as per National Disaster Management Guidelines on Floods (2008) (i.e. above the flow depth of 25-years flood return).*
- iii. *As per the study, the risk of flood water spreading along the flood plain is found to be moderate and the probability of flood frequency for Kapali rivulet overtopping the bankfull depth is estimated to be significantly low.*
- iv. *State Pollution Control Board shall monitor the water quality of the rivulet biyearly atleast at 2 locations (before confluence of the rivulet with Salandi river and after the court building).*
- v. *Since the rivulet is prone to bank erosion and sediment deposition and further becoming a more widened channel, therefore, measures for preventing erosion are to be adopted to maintain uninterrupted flow in the rivulet.*
- vi. *Plantation across a defined width along both the banks of Kapali rivulet can be proposed.*
- vii. *As per the analysis of water quality of Kapali rivulet carried out by the Pollution Control Board Odisha, Balasore (Appendix E), it is carrying fresh water, the quality of which is required to be maintained. District administration shall plan to prevent disposal of untreated sewage into Kapali and protect this naturally flowing rivulet from adverse anthropogenic interventions and encroachments.*
- viii. *It is necessary to monitor the flow and morphological characteristics of Kapali rivulet, maintain a long term data of the stream flow, specifically during monsoon season. It is required to update the data and information on the actual flood risks based on observation on flows overtopping from Kapali rivulet and the flood plain area across which the flow is spread. Also, it is required to assess the flood return period (frequent, 25-years, 50-years, 100-years) from the long term flow observations for Kapali rivulet. Gauge and discharge measuring stations near the court building and near the confluence of the rivulet with the Salandi river may be established by Central Water Commission/ State Govt. of Odisha for monitoring purpose.*

- ix *Monitoring of rainfall intensity in the catchment area of Kapali rivulet is required and flood hydrograph is suggested to be prepared and maintained*

**NOW, THEREFORE**, in view of the above-mentioned recommendations and in exercise of the power conferred under section 18 (1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 you are hereby directed to take appropriate actions for compliance to the following:

1. *State Pollution Control Board, Odisha (OSPCB) shall carry out monitoring of water quality of the Kapali rivulet on half yearly basis atleast at 2 locations (before confluence of the rivulet with Salandi river and after the court building) and shall submit the report to CPCB, RD Kolkata.*
2. *OSPCB shall issue directions as per applicable procedure under section 33A of The Water (Prevention and Control of Pollution) Act, 1974 to all concerned agencies for ensuring compliance of the following :-*
  - a. *Implementation of the recommendations of the joint committee report*
  - b. *Prevention of untreated sewage disposal into Kapali rivulet by way of ensuring adequate infrastructure for treatment of generated sewage/wastewater in the catchment of Kapali rivulet and also protection of naturally flowing rivulet from adverse anthropogenic interventions and encroachments.*
  - c. *Protection and maintenance of the water quality, natural flow and ecological characteristics of Kapali rivulet.*
  - d. *Protection of banks from erosion and sediment deposition and maintenance of uninterrupted flow in the rivulet.*
  - e. *Ensuring plantation across a defined width along the banks of river.*
  - f. *Monitoring rainfall intensity in the catchment area of Kapali rivulet and preparation of flood hydrographs*
  - g. *Prevention of encroachment in the floodplain zone of Kapali rivulet*
  - h. *Monitoring flow and morphological characteristics of Kapali rivulet and maintenance of long term data of the stream, specially during monsoon season*

**OSPCB shall acknowledge receipt of these directions, within a week. Thereafter, the action taken report shall be submitted by OSPCB to CPCB within 30 days from the date of issuance of these directions.**

  
(Tanmay Kumar)  
Chairman

**Copy for information to:**

1. **The Chairman,**  
Central Water Commission,  
2<sup>nd</sup> Floor (South),  
Sewa Bhawan, R K Puram,  
New Delhi 110066
2. **Joint Secretary**  
CP Division  
Ministry of Environment, Forest & Climate Change,  
Indira Paryavaran Bhawan,  
Jor Bagh Road,  
New Delhi – 110003
3. **District Magistrate,**  
Office of the Collector & District Magistrate Bhadrak,  
PO/DIST- Bhadrak,  
Odisha-756100
4. ✓ **In-charge, IT Division, CPCB**
5. **Regional Director (East),**  
Regional Directorate – Kolkata  
Central Pollution Control Board  
'South End Conclave' Block-502,  
5<sup>th</sup> & 6<sup>th</sup> Floor, 1582, Razidanga, Main Road,  
Kolkata – 700107, West Bengal

: For uploading on CPCB  
website

  
(Prashant Gargava)  
Member Secretary