

Speed Post

File No. A-14011/(OA-111/2020)/2022-WQM-I

22.03.2022

To

The Chairman,
Karnataka State Pollution Control Board,
Parisara Bhawan, 4th & 5th Floors, Church Street,
Bengaluru -- 560 001, Karnataka.

Sub: Directions under Section 18(1) (b) of the Water (Prevention and Control of Pollution) Act, 1974 in the matter of O.A No. 111 of 2020 (SZ) regarding 'Frothing of Chemical Foam in River Thenpennai'

WHEREAS, under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974 one of the functions of the State Pollution Control Board including Karnataka State Pollution Control Board (KSPCB) is to plan a comprehensive programme for the Prevention, Control or Abatement of Pollution of streams and wells in the state and to secure the execution thereof; and

WHEREAS, in the matter of O.A No. 111 of 2020, a suo moto case registered based on a News article dated 13.07.2020 published on "Frothing of Chemical Foam in River Thenpennai", the Hon'ble National Green Tribunal (NGT) vide Order dated 28.06.2021 disposed of the case and issued directions that,

- i. The concerned Departments mentioned in the Joint Committee report shall implement the directions issued by the Joint Committee, so as to resolve the issue permanently within a time frame.
- ii. The Chairman, Karnataka Pollution Control Board shall monitor implementation of the recommendations made by the Joint Committee by the respective Departments and also assess the improvement of water quality of River Thenpennai in the respective areas and if any, further action is to be taken.
- iii. The Chairman, Karnataka State Pollution Control Board to file periodical progress report to the Tribunal, once in three months along with the water quality analysis so as to ascertain the improvement caused on account of the implementation of the recommendations made by the respective departments and if they found any gap in spite of the implementation of the recommendations, also directed to submit further remedial measures to be taken by the respective department to resolve the issue permanently when filing the progress report, once in three months.

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- iv. The Central Pollution Control Board (CPCB), Regional Office, Bengaluru as well as Regional Office, Chennai to monitor implementation of the recommendations made by the Joint Committee and if there is any violation or non-implementation of the directions, also directed to issue necessary direction to the defaulting Department (s) to comply with the recommendations of the Joint Committee and on their failure, to take appropriate action against the concerned Department (s) in accordance with law.

WHEREAS, the Central Pollution Control Board, Regional Directorate, Bengaluru and Chennai filed two progress reports in September, 2021 and January, 2022 and made following observations:

- i. The authority comprising of members viz., Forest, Ecology and Environment Department, Finance Department, Urban Development Department, Minor Irrigation Department, Animal Husbandry or Fisheries Department, Revenue Department, Karnataka State Pollution Control Board, Bengaluru, Bangalore Water Supply and Sewerage Board, Bengaluru, Bangalore Development Authority, Bengaluru, Bruhat Bangalore Mahanagara Palike, Bengaluru are duly responsible for the functions stipulated under the Karnataka Lake Conservation and Development Authority Act, 2014 for improving and monitoring water quality, conserving lake ecology on need basis and to protect them against domestic and industrial pollution.
- ii. Upon reviewing the reports of analysis of water quality of River Thenpennai, the water quality analysis results (as on December 2021) reveal that the water quality falls under Class E as per Designated Best Use Criteria.
- iii. KSPCB has not carried out any random verification of industries located in the catchment of the river and not provided updated information on the list of industries with amount of EC imposed, date of inspection / physical verification with sampling or analysis carried out for the year 2021-22.
- iv. KSPCB has proposed for installation of continuous online monitoring system at the border of Karnataka & Tamilnadu for monitoring quality of water flowing in River Thenpennai and no tangible progress is made till date for installation of Continuous Online Water Quality Monitoring Station at the inter-state boundary by KSPCB within the jurisdiction of Karnataka to ensure that improved quality of water reaches Tamilnadu.

WHEREAS, the Hon'ble NGT vide order dated 17.02.2022 mentioned that, newspaper report published in Dinamalar dated 07.10.2021 under the Caption ("Chemical form in Thenpennai River") is nothing but continuation of earlier allegations on the basis of which certain directions have been issued to monitor the issue and remedy the situation.

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WHEREAS, the Hon'ble NGT vide aforesaid order dated 17.02.2022 directed that, Karnataka State Pollution Control Board as well as the other official respondents including Bruhat Bangalore Mahanagara Palike (BBMP), Public Works Department (PWD) to ensure compliance of the recommendations made by the Joint Committee.

WHEREAS, the Central Pollution Control Board, Regional Directorate, Bengaluru held a meeting with the Principal Secretary, Department of Environment, Government of Karnataka along with the concerned line departments, on 28.02.2022 to discuss the status of compliance of the recommendations of the Joint Committee.

NOW, THEREFORE, in exercise of the power conferred under Section 18(1) (b) of the Water (Prevention and Control of Pollution) Act, 1974, the following directions are issued for compliance;

- i. Karnataka State Pollution Control Board (KSPCB) shall issue directions under section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 to Bruhat Bangalore Mahanagara Palike (BBMP) and Bangalore Water Supply and Sewerage Board (BWSSB) to ensure stoppage of discharge of untreated sewage.
- ii. KSPCB shall direct BWSSB to ensure continuous monitoring of all STPs for long-term compliance as recommended in the IISc, Bengaluru Report. In case of STPs not covered in IISc report, BWSSB shall be directed to evaluate the performance assessment in a time bound manner.
- iii. KSPCB shall constitute a committee involving BWSSB and IISc, Bengaluru to calculate Environmental Compensation as per the recommendations of the Joint Committee against defaulting STPs, upon finalization of the Report on 'BWSSB STP upgradation Project' by IISc and BWSSB.
- iv. KSPCB shall direct BWSSB to assess the quantity of sewage generated, gap analysis, sewage treated in entire Bengaluru and the sewage that remains untapped due to absence of sewerage networking or other means.
- v. KSPCB shall direct BWSSB to provide analysis of water quality of stipulated monitored in all the inlet and outlet of STPs associated with River Thenpennai and provide underground sewerage system to cover the entire sewage in the catchment area of the river and bridge the treatment gap along with the enforcement of consent management in line with standards for sewage treatment.

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- vi. KSPCB shall carry out random verification of industries located in the river Thenpennai basin and provide updated information on the list of industries, date of inspection / physical verification with sampling or analysis carried out from 2021-22 onwards, including amount of EC imposed in view of the observed violations.
- vii. KSPCB as a member of the Karnataka Lake Conservation and Development Authority constituted under Section (3) of the Karnataka Lake Conservation and Development Authority Act, 2014 shall take proactive measures to coordinate with Lakes Department, BBMP and BWSSB for compliance with regard to flow measurements and monitoring of water quality in order to maintain/restore the water quality in lakes/tanks associated with River Thenpennai.
- viii. KSPCB shall direct lakes department, BBMP to maintain pristine water quality and to provide analysis report of water quality monitored in the lakes/tanks flowing into River Thenpennai.
- ix. KSPCB shall install Continuous Online Water Quality Monitoring Station at the inter-state river boundary by KSPCB within Karnataka jurisdiction to ensure that improved quality of water reaches Tamilnadu in a time bound manner.
- x. KSPCB shall prepare a time bound action plan for implementation of the recommendations made by the Joint Committee in its report filed before Hon'ble NGT in November,2020 and ensure its compliance.
- xi. KSPCB shall file Compliance and Progress Report through the Office of Chief Secretary, Government of Karnataka in compliance with Hon'ble NGT order dated 17.02.2022.

The action taken report along with other actions already taken by KSPCB shall be submitted to the Central Board within 15 days from the date of receipt of aforesaid directions.


(Tanmay Kumar)
Chairman

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Copy to:

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2. The Joint Secretary,
Ministry of Jal Shakti,
Department of Water Resources, River Development & Ganga Rejuvenation
Shram Shakti Bhawan,
New Delhi-110001.
3. The Joint Secretary,
Ministry of Housing and Urban Affairs,
Nirman Bhawan,
New Delhi- 110011.
4. The Chief Secretary,
Government of Karnataka
Room No;110, Gate II
M S Building, Ambedkar Veedhi
Bengaluru, Karnataka- 560001.
5. The Principal Secretary,
Environment Department
Government of Karnataka
M S Building, Ambedkar Veedhi
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6. Regional Director,
Central Pollution Control Board
Regional Directorate (South)
1st Floor, Nisarga Bhawan, A-Block,
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7. DH, UPC-I Division, CPCB, Delhi
8. DH, IPC-VII Division, CPCB, Delhi
9. DH, IT Division, CPCB
10. DH, Law Division, CPCB


(Prashant Gargava)
Member Secretary

