



SPEED POST

File No. B-190200 (Part)/STP- BANI/WQM-II/CPCB/2020-21

14918

Date: 04/01/2021

To,

The Managing Director  
Uttar Pradesh Jal Nigam  
6, Rana Pratap Marg  
Lucknow – 226001

**DIRECTIONS UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 TO SEWAGE TREATMENT PLANT (STP) OF 15 MLD AT BANIYAPUR, KANPUR-reg.**

**WHEREAS**, the Ministry of Environment & Forests, Govt. of India, vide notification S.O.157(E) of 27.02.1996 has delegated powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board (CPCB), to issue direction to any Industry, Municipal Corporation, Municipal Council, Cantonment Board to any local or other Authority for the violation of emission and effluent standards notified under the Environment (Protection) Rules, 1986 and other standards and norms; and

**WHEREAS**, sewage discharge is a major cause for poor water quality and adversely impacts human health and aquatic life. The discharge of untreated and partially treated sewage not meeting sewage discharge standards is further adding to the problem of water pollution; and

**WHEREAS**, Central Pollution Control Board (CPCB) issued directions dated 19.04.2017 to local authorities of five Ganga states under Section 5 of Environment (Protection) Act, 1986 to take all necessary measures so that STPs which have been commissioned and all pumping stations work to their maximum capacity regularly and in no case their function should be stopped, continuous power supply at STPs and pumping stations shall be ensured (at least dual feeder system) and time bound action plan for collection and treatment of entire sewage generated in the identified Ganga front towns; and

**WHEREAS**, Hon'ble NGT vide its order dated 31/08/2018 and 19.02.2019 in O. A. No. 593/2017 (WP (Civil) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed that *"The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment."*

**AND WHEREAS**, in compliance of above referred Hon'ble NGT order, CPCB issued methodology for imposing Environmental Compensation vide circular dated 24/05/2019 and cases to be considered for levying penalty are discharges in violation of consent conditions, mainly prescribed standards/non-compliance with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to action plan submitted/ intentional avoidance of data submission or data manipulation by tampering the OCEMS or accidental discharges lasting for short durations resulting into damage to the environment/intentional discharge onto the ambient environment-land, water, air, resulting into acute injury or damage to the environment/ injection of treated/partially treated/untreated effluents to ground water; and

**WHEREAS**, as per the Hon'ble NGT order dated 30.04.2019 in O.A. no. 1069/2018, the applicable treated discharge standards for STPs are pH -5.5-9.0, BOD -10 mg/l, TSS - 20 mg/l, COD - 50 mg/l, Nitrogen-Total - 10 mg/l, Phosphorus-Total (For Discharge into Ponds, Lakes) - 1.0 mg/l, Faecal Coliform (FC) -100 MPN/100 ml (Desirable) & 230 MPN/100 ml (Permissible); and

**WHEREAS**, CPCB issued directions dated 26.06.2020 under Section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act, to State Pollution Control Boards of Uttarakhand, Uttar Pradesh, Bihar and West Bengal for compliance of the following direction:

1. No authority shall allow the discharge of polluted sewage or polluted effluents directly into a water channel or stream in violation of the law even during monsoon season and they shall ensure that the standards for Faecal Coliform are duly maintained.

**AND WHEREAS**, CPCB issued directions dated 10.08.2020 under Section 5 of the Environment (Protection) Act, 1986 for installation of Online Continuous Effluent Monitoring System (OCEMS) within six months for self - surveillance of Sewage Treatment Plants; and

**WHEREAS**, the Hon'ble NGT vide order dated 13.08.2020 in the O.A. no. 200/2014 directed that,

1. *For delay in setting up of STPs and sewerage network beyond prescribed timelines, State may be liable to pay Rs. 10 Lakhs per month per STP and its network.*
2. *With regard to works under construction, after 01.07.2020, direction for payment of environmental compensation of Rs. 10 lakhs per month to CPCB for discharging untreated sewage in any drain connected to river Ganga or its tributaries and Rs. 10 lakhs per month to CPCB per incomplete STP and its sewerage network will apply.*
3. *As already observed by this Tribunal including in the order dated 14.05.2019 that River Ganga being National River with distinct significance for the country, even a drop of pollution therein is a matter of concern.*

**WHEREAS**, a team from CPCB carried out inspection of STP at Baniyapur, Kanpur on 22.09.2020 and found the STP not operating during the inspection. Following observations are made during the inspection:

1. The new STP was found ready to operate with capacity of 15 MLD located at Bithoor road, Baniyapur, Kanpur. However, STP was not operational.
2. As per information STP is not handed over to any agency for operation and maintenance.

**AND WHEREAS**, the Uttar Pradesh Jal Nigam (UPJN) is required to carry out the following suggestive measures -

1. The UP Jal Nigam should obtain consent under Air Act, Water Act and Authorization for Hazardous Waste from UPPCB before operation of STP.
2. The UP Jal Nigam should inform regarding commissioning and start of operation of STP.

**It is evident that the Sewage Treatment Plant at Baniyapur, Kanpur having designed treatment capacity of 15 MLD was not functional on the day of visit and untreated sewage was being discharged into river Ganga causing grievous injury to the Environment.**

**Now, Therefore** in view of the above observations, and in exercise powers delegated to the Chairman, Central Pollution Control Board under section 5 of the Environment (Protection) Act, 1986, **Show Cause notice is hereby served to Uttar Pradesh Jal Nigam** to explain the reason of

non-operational status of Baniyapur STP (15 MLD) and **Why Environment Compensation of Rs 10 lakh** shall not be levied on Uttar Pradesh Jal Nigam **for discharge of untreated sewage into River Ganga due to non-functional Baniyapur STP (15 MLD) until the STP is made operational.**

Uttar Pradesh Jal Nigam shall acknowledge the receipt of Show Cause Notice and submit reply to this office within 15 days from the date of this notice failing which suitable action as deemed fit under provision of the Environment (Protection) Act, 1986 will be initiated.



(SHIV DAS MEENA)  
CHAIRMAN

**Copy to:**

1. The Principal Secretary  
Urban Development Department  
Government of Uttar Pradesh  
824, Bapu Bhawan  
Lucknow - 226001  
:for kind information and necessary  
action please
2. The Chairman,  
Uttar Pradesh Pollution Control Board  
BuildingNo. TC-12V  
Vibhuti Khand, Gomti Nagar  
Lucknow-226 010  
:with a request to ensure compliance  
of the direction
3. The Director General,  
National Mission for Clean Ganga (MoWR, RD & GR)  
1st Floor, Major Dhyan Chand National Stadium  
India Gate, New Delhi - 110002  
:for kind information please
4. The Joint Secretary (CP Division),  
Ministry of Environment, Forests, & Climate Change  
Indira Paryavaran Bhawan, Jorbagh Road,  
Ali Ganj, Lodhi Colony, New Delhi - 110013  
:for kind information please
5. Project Director  
State Mission for Clean Ganga-UP (SPMG-UP)  
Plot N0-18, Sector-7, Gomti Nagar Extension,  
Lucknow - 226010  
:for kind information and necessary  
action please
6. ✓ The Incharge, IT Division, CPCB  
:for uploading on website
7. Incharge, WQM-II, CPCB, DELHI  
:for record



(PRASHANT GARGAVA)  
MEMBER SECRETARY



