



DELHI POLLUTION CONTROL COMMITTEE

DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
visit us at : <http://dpcc.delhigovt.nic.in>

F.No. DPCC/(10)/(10)/(46)/Leg-2021/ 844-863

Dated: 27/03/2023

Subject: Directions under u/s 33 A of the Water (Prevention and Control of Pollution) Act, 1974 read along with Hon'ble National Green Tribunal orders for disposal of untreated Septage into river Yamuna or drains leading to river Yamuna.

Whereas, Central Pollution Control Board (CPCB) is the State Board for all the union Territories to exercise powers and performs functions under the Water (Prevention and Control of Pollution) Act, 1974, as amended to date.

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention and Control of Pollution) Act, 1974 in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) vide notification Dated 15.03.1991.

And whereas, Hon'ble National Green Tribunal (NGT) is monitoring various activities causing pollution in River Ganga and its tributaries through O.A. No. 200 of 2014 - M. C. Mehta Vs. Union of India &Ors. and connected matters and has completely prohibited disposing of any kind of waste into the river Ganga vide orders dated 11.04.2017 and 13.07.2017. Defaulter to this direction would be liable to pay Environmental Compensation of Rs 50,000/- per default for such dumping and/or throwing of waste of any kind into the river.

And whereas, Government of India has also introduced National Faecal Sludge & Septage Management (FSSM) Policy in 2017 to emphasize the importance of treating the faecal sludge from on-site sanitation system.

And whereas, Urban Development Department of Government of NCT of Delhi had issued Notification dated 12.11.2018 "Delhi Water Board Septage Management Regulations, 2018" regarding regulations for collection, transportation and disposal of waste of septic tanks and related matters. Under this regulations licenses are being given by DJB to the vendors for collection and transport of Septage to the vehicles even registered in Haryana. DJB is examining the amendments in the said Regulation

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to make it more effective. District Magistrates have been empowered to impose Environmental Compensation on the violators.

And whereas, Hon'ble National Green Tribunal (NGT) in OA No. 365 of 2021 entitled as "Shamsher Singh Vs. Govt. of NCT of Delhi" after recording dissatisfaction on the compliance of the Delhi Water Board Septage Management Regulation, 2018 has constituted a joint Committee headed by Justice S.P. Garg, former Judge, Delhi High Court with nominees of CPCB, DPCC and Chief Engineer, DJB. The committee filed its report before the Hon'ble Tribunal inter alia mentioning:

- There appears to be serious failure to monitor compliance of Delhi Water Board Septage Management Regulation, 2018 by DJB.
- There was hardly any efficacious regulatory mechanism for monitoring the activities of the vendors and enforcement of compliance of conditions of the licenses issued to them.
- There was no effective check by the District Magistrates or DJB for prevention of dumping of Septage into the drains/water bodies by authorized or unauthorized vehicles/tankers carrying Septage.
- Though there was a Septage Management Committee headed by District Magistrate in each district, no stringent steps were being taken by them to monitor the unauthorized dumping of Septage.
- Dumping of Septage in the drains was rampant and frequent without any check by the agencies. The situation was disturbing and alarming.
- It is suggested that the Delhi Police/Delhi Traffic Police who have their presence on the ground/roads may be empowered to take action against unauthorized vehicles discharging Septage in the drains or water bodies and also against authorized vendors for violating the terms and conditions of the licenses issued to them. The police will have better surveillance in apprehension of the offending vehicles carrying and discharging Septage illegally. Power to issue challans should be given to them.

And whereas, Hon'ble Green Tribunal vide order dated 21.12.2022 in aforesaid matter has accepted the suggestions and recommendations of the Committee of the aforementioned committee. Further it was directed that, *"Further, we find it necessary to issue clarification/direction under Section 15 (4) read with Section 33 of the NGT Act on the issue of preexisting jurisdiction of the DPCC under the Water and Air Acts to levy compensation for violation of water quality and air quality norms and jurisdiction of Delhi Police in the light of suggestion of the Committee. ... This is necessary having regard to inadequacy of compliance mechanism under the Regulations, as found by the Committee and its adverse impact on recipient environment and public health."*

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And whereas, high BOD and Coliform are adversely affecting the environment. The greater the BOD, the more rapidly oxygen is depleted in the stream. This means less oxygen is available to aquatic life. The consequences of high BOD are the same as those for low dissolved oxygen: aquatic organisms become stressed, suffocate, and die. High level of fecal coliform is the major cause of water borne diseases, a great threat to aquatic life and a growth of diseases causing bacteria. Ingestion of water contaminated with feces containing pathogens that cause infectious diseases such as cholera and other diarrheal diseases, dysenteries, and enteric fevers.

And whereas, Hon'ble Green Tribunal in its various orders has directed that all the STPs should have a provisions of disinfection for ensuring control of fecal coliform as well as sludge digestion for converting sludge into manure.

And whereas, the Hon'ble Green Tribunal is imposing Environmental damage Charges on all States Government Rs.2 crore per MLD of untreated sewage. To simplify the calculation of environmental damages charges, it comes to Rs 20,000/- per 1,000 liter of untreated sewage/ septage.

Now therefore, in view of the above and in exercise of the powers conferred under section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and keeping in view to curb pollution in River Yamuna in Delhi, Delhi Pollution Control Committee hereby issues following directions:

1. (a) penalty for deposit of septage by unauthorized (unlicensed) entities shall be Rs. 50,000/- plus confiscation of vehicle, per violation.

(b) Penalty for disposal of Saptage at places other than the designated places by authorized licensee shall be Rs. 50,000/- per violation.

(c) Penalty on a person who uses the services of unlicensed vendors/vehicles for discharging the septage shall be Rs. 10,000/- per violation.
2. An officer not lower than the rank of Nayab Tehsildar in DM offices & Sub Inspector in Delhi Police, Sanitary Inspector in MCD and JE in DJB and I&FC shall be competent to impose penalty.
3. The compensation amount so collected shall be deposited to Delhi Pollution Control Committee, in the Account No. **40071442347**, IFSC Code **SBIN0005715** in State Bank of India, ISBT, Kashmere Gate, Delhi-110006.

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4. Also, Monthly action taken reports of inspections conducted, Environmental Compensation imposed and Environmental Compensation received shall be submitted by the authorized officers to Member Secretary, Delhi Pollution Control Committee, by 7th of every month at following Email:- msdpcc@nic.in
5. It may be noted that the violation of directions issued under Section 33 A of the Water (Prevention and Control of Pollution) Act, 1974, or the rules made thereunder shall be punishable under section 41 of the said Act which include imprisonment upto Six years and with fine.


23/3/13
(Ashwani Kumar)
Chairman, DPCC

To,

1. The Commissioner of Police, Delhi Police Headquarters, Jai Singh Road, New Delhi-110001.
2. The Commissioner, Municipal Corporation of Delhi, 9th Floor, Civic Centre, Minto Road, New Delhi-110002.
3. Secretary, I&FC, L.M. Bund Office Complex, Shastri Nagar, Geeta Colony, Delhi 110031
4. CEO, Delhi Jal Board, Arunalaya Complex, Jhandewalan Extension, Jhandewalan, Delhi 110005.
5. The District Magistrates of Delhi (Revenue Department), Government of NCT of Delhi.

Copy to:

1. The Divisional Commissioner, 5 Sham Nath Marg, Delhi-110054
2. Staff Officer to Chief Secretary, GNCTD.
3. Director, Department of Environment, NCT of Delhi
4. In-charge (IT), DPCC- for uploading at website of DPCC.