

By Hand Delivery / Registered Post Acknowledgement Due / E-Mail

11 April 2017

To

The Chairman,

Bangalore Water Supply and Sewerage Board,

1<sup>st</sup> Floor, Cauvery Bhavan, K. G. Road,

Bengaluru – 560009.

E-Mail: chairman@bwssb.org

**Sub: Objections & suggestions to the draft notification No. BWSSB/C/CAO-S/4795/2016-17, dated 15.03.2017**

Dear Sir,

1. We refer to the draft notification No. BWSSB/C/CAO-S/4795/2016-17 dated 15.03.2017 (“**Draft Notification**”). The Draft Notification sought objections or suggestions from any person in respect of the Draft Notification within a period of 30 days from the date of its publication in the Official Gazette.
2. We, Bangalore Apartments’ Federation (BAF, a formally registered society under the Karnataka Societies Registration Act), represent the interest of thousands of Apartment Owners’ Associations and Resident Welfare Associations across Bangalore who will be adversely impacted and aggrieved by the abovementioned Draft Notification.
3. At the outset, we note that the Draft Notification was not made available online or at the BWSSB office for at least three (3) weeks since the date of publication of this notice.
4. We strongly object to clause 4A of the Draft Notification, and wish to place on record the following reasons in support of our objections.
  - a. The directions issued by Central Pollution Control Board (CPCB) vide Letter No. A-19014/41/2006-MON/1242 dated 22.05.2015, to the Karnataka State Pollution Control Board (KSPCB) to ensure that all apartments with more than 50 units shall treat the sewage in their own Sewage Treatment Plants (“**STPs**”) and reuse the treated sewage within its premises was with prospective application, unless specifically stated that it is with retrospective effect.

- b. Pursuant to the CPCB notification, KSPCB issued a letter to the Department of Ecology & Environment vide Letter No. PCB/CNP/10/GEN/15/277 dated 13.10.2015, referencing the CPCB notification to ensure all apartments with more than 50 units shall treat the sewage in their own STPS and reuse the treated sewage within its premises. We would again like to point out that such directions issued are with prospective effect and effective from the date of notification unless specifically stated that it is with retrospective effect.
  - c. We refer to the notification issued by Forest, Ecology & Environment Secretariat vide No. FEE 316 EPC 2015, Bengaluru, dated 19.01.2016, where it references both the CPCB & KSPCB directions given above. In 'Table-1' in this notification, the following direction has been given to The Chairman, BWSSB – *“Shall provide water connection to the activities covered under this direction in Table-2 only after production of copy of Consent For Establishment (CFE) issued under the Water (Prevention and Control of Pollution) Act, 1974 by the Karnataka State Pollution Control Board for establishment of sewage treatment plant of appropriate capacity”*. Additionally, 'Table-2' of this notification lists out the activities for which this direction is applicable, and clearly states *“This direction will come into effect from the date of its publication in the Government Gazette.”* This also makes it abundantly clear that the directions are applicable with prospective effect and not with retrospective effect.
  - d. We also refer to Section 122 (2) of the BWSSB Act which states *“A rule or regulation under this Act may be made with retrospective effect and when such a rule or regulation is made the reasons for making the rule or regulation shall be specified in a statement laid before both Houses of the State Legislature.”* The BWSSB Act incorporates such a clause to ensure that any rule made with retrospective effect, undergoes necessary scrutiny and is well thought through.
5. We would also like to draw your attention to a white paper that we have prepared in consultation with Dr. Ananth Seshadri Kodavasal, Ph. D. who is one of the foremost experts in STP in India and is also the author of *“The STP Guide”* published by KSPCB. The paper clearly sets out the impracticality of retrospective STP & dual-piping implementation particularly covering,
- a. Space Constraints;
  - b. Safety Issues;
  - c. Heavy Financial Burden;
  - d. Environment & Health Hazards;
  - e. Negligible Incremental Benefits;
  - f. Lessons from existing STPs.

A copy of the white paper is attached for your reference.

In light of the above, we hereby request you to immediately withdraw the abovementioned notification No. BWSSB/C/CAO-S/4795/2016-17, dated 15.03.2017, as well as the earlier notification No. BWSSB/EIC/CE(M)/16172/2015-16 dated 03.03.2016, both of which seek to cover existing apartments to implement STPs with retrospective effect.

We would also like to offer the following suggestions in relation to the Draft Notification.

1. Call for a deliberation at a public place with representatives of concerned Apartment Owners' Associations and Resident Welfare Associations across Bangalore, to exchange the points of concern directly. We would be very happy to facilitate such a dialogue in the next few days.
2. Engage a panel of experts in STP with whom we can have a joint dialogue to understand properly the technical, practical, financial, social & environment perspectives of such a retrospective notification, which can have widespread and damaging ramifications not only to apartment residents, but to the environment itself.
3. Involve experts, academicians, practitioners, environmentalists and organizations like us to find and implement practical solutions which can help alleviate & mitigate the issues of lake pollution and water availability.

We therefore urge you to immediately withdraw the abovementioned notifications. We offer our complete support to engage in a larger dialogue with a view to finding practical solutions to the issues facing our city.

We would also like to meet you in person to present our point of view and offer our support.

We request you to kindly acknowledge receipt of this letter.

We look forward to hearing from you.

With Warm Regards,

President

(R. Balasubramanian)

General Secretary

(Srikanth Narasimhan)

Vice President

(Muralidhar Rao)

(On behalf of Bangalore Apartments' Federation)