

**BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI**

Original Application No.107 of 2021 (SZ)

1. S.M Sivan,
Silver Cloud Estates,
Nilgiris.

...Applicant

Versus

The Government of Tamil Nadu
Rep by its Secretary to Government,
Department of Environment and Forests,
Chennai and Others.

...Respondents

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Advocate for the Respondent: TNPCB
Tr. S. Sai Sathya Jith,
Advocate, Chennai

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI

ORIGINAL APPLICATION No.: 107 of 2021

S.M. Sivan,
Silver Cloud Estates,
Nilgiris.

.....Applicant (s)

Versus

The Government of Tamil Nadu,
Rep by its Secretary to Government,
Department of Environment & Forest,
Chennai and Others.

.....Respondent (s)

With

Original Application No. 42 of 2013 (SZ)
(Earlier O.A.No.525/2018 (PB))
P.Radhakrishnan,
Ooty.

.....Applicant (s)

Vs

The Union of India, MOEF,
Rep by its Secretary,
New Delhi and others.

.....Respondent (s)

With

Original Application No. 86 of 2017 (SZ)
(Earlier O.A.No.526/2018 (PB))
P.Subramani,
Gudalur, The Nilgiris.

.....Applicant (s)

Vs

The Government of Tamil Nadu,
Rep. by its Secretary
Department of Environment and Forest,
Chennai and 7 others.

.....Respondent (s)

With

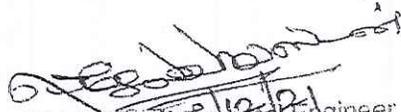
Original Application No. 190 of 2015 (SZ)
(Earlier O.A. No.527/2018) (PB)
C.N.Prem Sagar,
Gudalur, The Nilgiris.

.....Applicant (s)

Vs

Gudalur Municipality,
Rep. by its Commissioner,
Gudalur and 4 others

.....Respondent (s)


District Environmental Engineer
Tamilnadu Pollution Control Board,
Udhagamandalam

With

Original Application No. 209 of 2015 (SZ)

(Earlier O.A.No. 528/2018 (PB))

Madayya,

Gudalur TK, The Nilgiris District & another

.....Applicant (s)

Vs

Gudalur Municipality,

Rep. by the Commissioner of Gudalur,

The Nilgiris District and 7 others.

.....Respondent (s)

ACTION TAKEN REPORT/ COMPLIANCE REPORT OF THE DISTRICT ENVIRONMENTAL ENGINEER, TAMILNADU POLLUTION CONTROL BOARD, UDHAGAMANDALAM, THE SIXTH RESPONDENT.

I, Thiru P S Livingston, M.E., District Environmental Engineer, TamilNadu Pollution Control Board, Udhagamandalam, The Nilgiris District, aged about, 56 Years, having of Office at Additional Collectorate Complex, Finger Post, Udhagamandalam, solemnly and sincerely state as follows:

1. I am the District Environmental Engineer of TamilNadu Pollution Control Board for The Nilgiris District, and the sixth respondent in this Original Application No.:107 of 2021. As such, I am well acquainted with the facts and circumstances of the case, as available in the records.
2. In order dated 21.05.2021, this Hon'ble Tribunal have appointed Joint Committee comprising of (1) The District Collector, Udhagamandalam District, (2) a senior officer from the Tamil Nadu Pollution Control Board (TNPCB) deputed by its Chairman and (3) The District Forest Officer (DFO), Gudalur Division to inspect the area in question and submit a factual as well as action report, if there is any violation found. The Hon'ble Tribunal has fixed The Tamil Nadu Pollution Control Board as the Nodal agency for co- ordination and for providing necessary logistics for this purpose.
3. It is submitted that the Joint Committee caused inspection of the site in question on 17.07.2021, and the Report of the Joint Committee was submitted for the consideration of this Hon'ble Tribunal. The same was taken note by the Hon'ble Tribunal, and directed the Applicant to file objections on the Report of the Joint Committee, if any.


District Environmental Engineer
Tamilnadu Pollution Control Board
Udhagamandalam
18/10/21

4. It is respectfully submitted that O.A. No.: 42 of 2013(SZ), which was filed by Thiru P Radhakrishnan of Ooty, and disposed by the Hon'ble National Green Tribunal(PB), vide common order dated 26.11.2018 in O.A. No.; 525 of 2018 (PB). It is further submitted that the Solid Waste Management Rules, 2016, contemplates that the bioremediation and capping of old dumpsites shall be completed within 5 years of the notification, ie before 07.04.2021. Moreover, Hon'ble National Green Tribunal (PB) vide orders in O.A. No.: 606 of 2018, directed to levy environmental compensation on defaulters.

5. It is respectfully submitted that a show cause notice was issued, by this Respondent, to Udhagamandalam Municipality for not completing the bioremediation/capping of the dumpsite within the timeline prescribed in the Solid Waste Management Rules, 2016, in proceedings dated 09.12.2021, directing the Municipal Authority to show cause as to why an interim compensation of Rupees Nine Lakhs, shall not be levied on the Municipality, at the rates suggested of Rs. One Lakh per month, by the Hon'ble National Green Tribunal (PB) in O.A. No.: 519 of 2019 (Enclosed as Appendix-1).

6. It is submitted that the Commissioner of Udhagamandalam Municipality furnished reply for the show-cause notice vide his letter dated 13.12.2021, wherein he pleaded that the delay is due to the lock-down imposed due to the pandemic and the continuous rain, processing rate would be increased to 600 cu.m. per day by employing more labourers and operating round the clock, and thereby assured to complete the biomining, by August 2022, and hence requested not to levy any environmental compensation(Enclosed as Appendix-2).

7. It is respectfully submitted that even though there is some substance in the pleadings of Udhagamandalam Municipality, the non-compliance of the provisions of the statute could not be condoned by the monitoring authority, and more particularly in view of the directions issued by the Hon'ble National Green Tribunal (PB), in their orders in O.A. No.: 606 of 2018(PB), a recommendation has been submitted to the Head Office of TamilNadu Pollution Control Board, in letter dated 17.12.2021, to levy an interim compensation of Rs. Nine Lakhs, for the period up to December, 2021.

8. It is further submitted that the dump-yard of Udhagamandalam Municipality was inspected on 17.12.2021. During inspection, even though the biomining activity was not found carried out, due to the mechanical failure in the earth


District Environmental Engineer
Pollution Control Board

mover, it was observed that both the Tromells installed are found to be under operable condition. It is submitted that the biomining operation was commenced at the end of January, 2021, both Tromells are made functional, only by October, 2021. The quantity of waste to be processed is estimated at 1,31,240 cu.m. and about 13,950 cu.m. legacy wastes are processed till November, 2021. During the inspection, the register on the processing wastes shows that from 01.12.2021 to 15.12.2021, about 1760 cu.m. of waste is processed with a maximum daily processing of 248 cu.m./day. At this stage, it is considered that the completion of biomining would take at least another two years, considering the climate of the region etc.,

9. It is submitted that in the matter of O.A. No.: 86 of 2017 (SZ), filed by Thiru P Subramani of Gudalur, against the dumping of Municipal Solid Wastes at the present location, located at 27th Mile, in R.S. No.:1281/(pt.) of Gudalur -2 village, over an area of 3.10 acres, the Hon'ble Tribunal on 25.04.2017 granted an Interim Injunction, to dump the waste in that location. Subsequently, vide order dated 12.05.2017, Hon'ble National Green Tribunal (SZ) modified the earlier order and permitted to carry-out dumping of waste only over an area of 1.00 acre, and that the said arrangement is only a temporary measure and as soon as a permanent place is allotted in the manner known to law, the municipality shall remove all wastages, which are put at the site as a temporary measure and restore the site at their cost. The said application was disposed by the Hon'ble Principal bench, as O.A. No.: 526 of 2018 (PB) vide common order dated 15.11.2018, without any further direction, and remitted the matter to the State Level Monitoring Committee on Solid Waste Management. In this location, no dumping of waste is carried out, and only the processing of the segregated waste is carried-out. This location is the subject matter of O.A. No.: 107 of 2021 (SZ), for which the report of the Joint Committee constituted by this Hon'ble Tribunal has been filed and the same is under the consideration of the Hon'ble Tribunal.

10. It is further submitted that in the matter of O.A. No.: 190 of 2015 (SZ) filed by Thiru C.N. Prem Sagar of Gudalur, filed to restrain Gudalur Municipality from dumping garbage waste and burning the same in the forest situated in Survey Nos.:750, 813/1 and 813/2 of Gudalur Village and also to direct the respondents to remove the waste, it is submitted that the dumping of waste in that location was stopped by the Municipality after the order of injunction passed on 06.11.2015. The said application was disposed by the Hon'ble Principal Bench,


District Environmental Engineer
Tamilnadu Pollution Control Board
Udhagamandalam

vide common order dated 15.11.2018, in O.A. No.: 527 of 2018 (PB), directing the Gudalur Municipality, among other things to remove the waste dumped at the Forest lands at Thorapalli, and remitted the matter to the State Level Monitoring Committee on Solid Waste Management. In compliance, Gudalur Municipality has removed about 1826 MT of waste and another 800 MT of waste yet to be removed. Gudalur Municipality informed vide their letter dated 21.07.2021, that they would carry-out the sieving the waste using semi mechanized seiver, which was used by Coonoor Municipality and complete the works by another three months.

11. It is further submitted that there removal of the waste was not carried out as stated in their letter dated 21.07.2021. The Solid Waste Management Rules, 2016 contemplates that the bioremediation/capping of dumpsites be completed within 5 years and in as much as the Hon'ble National Green Tribunal (PB) directed for the levy of environmental compensation for non-compliances of the provisions of the Solid Waste Management Rules, 2016, a show cause notice was issued to Gudalur Municipality for not completing the bioremediation, in proceedings dated 09.12.2021, directing the Municipal Authority to show cause as to why an interim compensation of Rupees Nine Lakhs, shall not be levied on the Municipality, for not meeting out the time-line prescribed for bio-remediation/capping of the dumpsite, at the rates suggested of Rs. One Lakh per month, by the Hon'ble National Green Tribunal (PB) in O.A. No.: 519 of 2019 (Enclosed as Appendix-3).

12. It is submitted that the Commissioner of Gudalur Municipality furnished reply for the show-cause notice vide his letter dated 17.12.2021, wherein he informed they have removed about 1826 MT legacy waste, during February 2020 and March 2020 to the dumping yard of Udthagamandalam Municipality at Theetukkal, and the same was stopped due to the lockdown announced due to COVID-19 Pandemic. He added that their plan of borrowing the seiver employed at Coonoor Municipality could not be materialized, as Coonoor Municipality is requiring the same for some more time as the legacy wastes of Coonoor Municipality are yet to be removed completely, and as such they proposed to remove the waste using earth movers, sieve the waste using the Hand Operated Seiver available with the Municipality, to complete the removal of remaining waste by 31.05.2022, and that the Tender for Hiring Earth Mover is scheduled on 24.12.2021. The Commissioner of Gudalur Municipality pleaded that the Municipality has taken all measures/ steps for the complete removal of the wastes and hence requested not to levy the Environmental Compensation (Enclosed as Appendix-4).


District Environmental Engineer
Tamilnadu Pollution Control Board

13. It is respectfully submitted that even though information furnished in the reply are true, the non-compliance of the provisions of the statute could not be condoned by the monitoring authority, and more particularly in view of the directions issued by the Hon'ble National Green Tribunal (PB), in their orders in O.A. No.: 606 of 2018(PB), a recommendation has been submitted to the Head Office of TamilNadu Pollution Control Board, vide letter dated 17.12.2021, to levy an interim compensation of Rs. Nine Lakhs, for the period up to December, 2021.

14. It is further submitted that with the hand operated seiver, only about 3 to 4 MT waste could be processed, and as such if only the hand seiver alone employed, much more time would be required. Moreover, the frequent interruption due to rain is also likely to delay the process further. As such, it would be desired that the possibility of mechanizing the available seiver to increase the throughput and thereby reducing the time required to complete the operation may be explored by Gudalur Municipality. If the same is not feasible, erecting a bigger size, motorized sieve would be reduce the time period required to complete the operation.

15. As regards the O.A. No.: 209 of 2015 (SZ) filed by Thiru Madaya of Gudalur and one another, against the dumping of Municipal Solid Wastes at the Private Forest lands located at Sellukadi in S. No.: 232/3, Padanthorai village, which comes under the territory of Devarshola Town Panchayat, the Hon'ble National Green Tribunal, vide order dated 16.12.2015 granted an ex-parte injunction and the same was made absolute vide order dated 28.03.2016 for the reason that the land in question is covered under the TamilNadu Preservation of Private Forests Act, 1949, and as such Forest Clearance is to be obtained from the Ministry of Environment, Forest and Climate Change, for using the same for the purpose of Solid Waste Management, which is a non-forest activity. Gudalur Municipality stopped/ has not carried-out dumping in that location. The said application was disposed by the Hon'ble Principal bench, as O.A. No.: 528 of 2018 (PB) vide common order dated 15.11.2018, without any further direction, and remitted the matter to the State Level Monitoring Committee on Solid Waste Management. No action is required to be carried-out by Gudalur Municipality. The applicant in O.A. No. 107 of 2021 (SZ) is now seeking an order directing Gudalur Municipality to carry-out the solid waste management activities in this location, ie in S. No. 232/3 of Padanthorai Village, Gudalur Taluk. The Joint Committee considered that an attempt to shift the solid waste management facility to S. No.: 232/3 of


District Environmental Engineer
Tamilnadu Pollution Control Board
Udhagamandalam

Padanthorai village, over the present location is undesirable, would face a lot of public protests, involve litigation etc., and not practically possible.

16. Therefore, it is respectfully prayed that this Hon'ble Tribunal to accept the Action Taken Report/ Compliance Report of the District Environmental Engineer, TamilNadu Pollution Control Board, Udhagamandalam and pass such other orders the Hon'ble Tribunal considers deem fit in the facts and circumstances of the case.

(Dated this 17th day of December, 2021, at Udhagamandalam)


Sixth Respondent
 District Environmental Engineer
 Tamilnadu Pollution Control Board
 Udhagamandalam

VERIFICATION

I, P S Livingston, District Environmental Engineer, TamilNadu Pollution Control Board, Udhagamandalam, do hereby verify that the contents above mentioned are true and correct to the best of my knowledge, belief and information, and I have not suppressed any material fact.

(Dated this 17th day of December, 2021, at Udhagamandalam)


Sixth Respondent
 District Environmental Engineer
 Tamilnadu Pollution Control Board
 Udhagamandalam

Appendix - I

Office of the
District Environmental Engineer
Tamil Nadu Pollution Control Board
Additional Collectorate New Building,
Block II, Ground Floor, Finger Post,
Udhagamandalam – 643 006.



TAMIL NADU POLLUTION CONTROL BOARD

Proc. No. DEE/NLG/O.A. 606 of 2018 / NGT – PB/SWM/2021 dated 09.12.2021

- Sub : TNPCB – Solid Waste Management – Hon'ble NGT orders in O.A.No. 606 of 2018 – Udhagamandalam Municipality – Non – compliance of the Provisions of Solid Waste Management Rules, 2016 – Levying of Environmental Compensation – Show cause Notice – Issued – Reg.
- Ref: 1. Solid Waste Management Rules, 2016 notified by the Ministry of Environment Forest and Climate Change, Government of India vide Notification No. S.O.1357 (E) 8th April, 2016.
2. Hon'ble National Green Tribunal (Principal Bench) orders dated 16.01.2020, 28.02.2020 and 02.07.2020 in O.A.No. 606 of 2018.
3. Inspection of the dumpsite at Theetukkal on 09.12.2021.

Whereas the Ministry of Environment, Forest and Climate Change, Government of India, in exercise of the powers conferred under Section 3,6, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of Municipal Solid Waste (Management and Handling) Rules, 2000, has notified the Solid Waste Management Rules, 2016. As per Rule 15 of Solid Waste Management Rules, the role of local bodies has been specified for the implementation of solid waste management in their respective jurisdiction.

Whereas, Rules 15 (zj) of the Solid Waste Management Rules, 2016 stipulates that all local bodies shall 'investigate and analyze all old open dumpsites and existing operational dumpsites for their potential of biomining and bio – remediation and where so ever feasible, take necessary actions to bio-minor or bio-remediate the sites' and Rule 22, has prescribed different timelines for the creation of the necessary infrastructure for implementation of various provisions.

Whereas, the Hon'ble National Green Tribunal (Principal Bench) vide order dated 16.01.2019 in O.A.No. 606 of 2018 has stated that "Timelines of two years have expired as rules came into force on 08.04.2016. Timeline of three years is going to expire on 08.04.2019. However, for bio-remediation, timelines of five years has been provided, On 'Polluter Pays authorities. Failure to do so may render the authorities also liable to pay damages".

Whereas, the Hon'ble National Green Tribunal (Principal Bench) vide order dated 28.02.2020 & 02.07.2020 in O.A.No. 606 of 2018 has directed that "In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted. Interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rules 22 from Serial No. 1 to 10.

Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs.10 lakhs per month per Local Body for population of above 10 lakhs, Rs.5lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs.1 lakh per month per Local Body from 01.04.2020 till compliance.

Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 of the order within six months from today and CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light there of within one month with respect to non-compliance of Solid Waste Management Rules, 2016 and non – commencing legacy waste remediation".

Whereas, the Hon'ble (National Green Tribunal Principal Bench) in their order dated 28.02.2020 in O.A.No. 606 of 2018 vide para 39 (b) that 'Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A.No. 519/2019 para 2854 even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places. Continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for

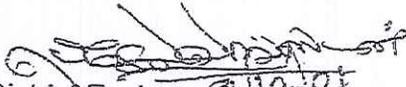
population of above 10 lakhs, Rs.5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs.1 lakh per month per other Local Body'.

Whereas Udhagamandalam Municipality has not completed the biomining/ removal of the legacy waste in their dumpsite at Theetukkal till now and thereby has not complied with the directions issued by the Hon'ble National Green Tribunal (Principal Bench) dated 28.02.2020 in O.A.No. 606 of 2018.

Therefore, it is proposed to levy Environmental Compensation to Udhagamandalam Municipality for as ordered by the Hon'ble National Green Tribunal (Principal Bench) in O.A.No.606 of 2018 at the rate of Rs.One Lakh (Rs.1,00,000/-) per month starting from 16.04.2021 till today totaling Rs. Nine Lakhs (Rs.9,00,000/-) the non-completion of the legacy waste management, as ordered by the Hon'ble National Green Tribunal (Principal Bench) in O.A.No. 519 of 2019/ or to levy the Environmental Compensation, as per the Template formulated by the Central Pollution Control Board.

Therefore, the Commissioner, Udhagamandalam Municipality, as the Executive Head of the Udhagamandalam Municipality is hereby directed to show-cause, within seven days from the date of receipt of this notice, as to why an interim Environmental Compensation of Rs. Nine Lakhs (Rs.9,00,000/-) should not be levied, for the period of 16.04.2021 to till today for the non-compliance of the orders dated 17.07.2019 in O.A.No.519 of 2019, as ordered by the Hon'ble National Green Tribunal (Principal Bench) in O.A.No. 606 of 2018, and as to why the Final Environmental Compensation as per the Template formulated by Central Pollution Control Board should not be levied.

It is informed that no reply is received within the prescribed time, it would be construed that you do not have any satisfactory explanation for the above said contravention, and further action would be proceeded in accordance with Law, with the available material.


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Udhagamandalam.

To
The Commissioner,
Udhagamandalam Municipality
Udhagamandalam.

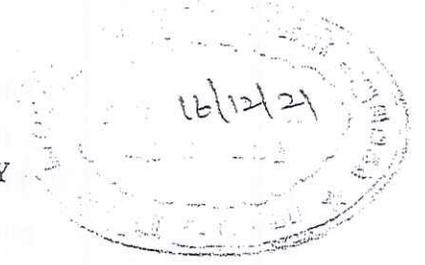
Appendix - 2

001106

UDHAGAMANDALAM MUNICIPALITY

From
M.Gandhiraj
Commissioner
Udhagamandalam Municipality,
Udhagamandalam.

To
The District Environment Engineer
Tamil Nadu Pollution Control Board
Udhagamandalam



16/12/21

Roc No.E5/10177/2021 Dated 13.12.2021

Sir,

Sub : TNPC Board - Udhagamandalam Municipality – Hon'ble
NGT orders in O.A.No.606 of 2018 Non Compliance of
the Provisions Of Solid Waste Management rules 2016---
Reply to Show Cause Notice Submitted - Regarding.

Ref: 1) Proc.No.DEE/NLG/O.A606 of 2018 /NGT -
PB/SWM/2021 dated 09.12.2021

Show Cause Notice has been served to this Municipality for Non Compliance of the Provisions Of Solid Waste Management rules 2016. In this regard i submit to state that this Municipality has no intention to delay the Bio – Mining Process as directed by the Hon'ble National Green Tribunal (Principal Bench) dated 28.02.2020 in O.A.No.606 of 2018.

The Bio mining Process lacked continuity due to the following reasons as detailed below.

- 1) Due to the Covid -19 Pandemic and the subsequent directions of the Government of TamilNadu imposing strict lock down,. Movement of Laborers and vehicles were restricted entirely in the District of Nilgiris. From March 2020 to August 2020 and subsequently the lock down was once again imposed from May 2021 to June 2021.
- 2) The consistent Rainfall witnessed during the entire year is also one of the prime reasons for delay in execution of the Bio Mining process. In spite of the difficulties two units of Bio mining process unit to clear legacy waste of 350 Cubic meter is been carried out on day to day basis. This Municipality

intends to clear the legacy 600 cubic meter per day by engaging more Laborers and the work will be carried out round the clock.

- 3) This Municipality has set an target to dispose of the entire legacy waste measuring 131240 cubic meter by 31.08.2022. Taking into consideration of the above facts it is requested not to initiate any compensation proceeding as stated in the show cause notice


Commissiонер

Udhagamandalam Municipality


13/12/2021
P.D.

Appendix-3

Office of the
District Environmental Engineer
Tamil Nadu Pollution Control Board
Additional Collectorate New Building,
Block II, Ground Floor, Finger Post,
Udhagamandalam – 643 006.



TAMIL NADU POLLUTION CONTROL BOARD

Proc. No.DEE/NLG/O.A. 606 of 2018 / NGT – PB/SWM/2021 dated 09.12.2021

- Sub : TNPCB – Solid Waste Management – Hon'ble NGT orders in O.A.No. 606 of 2018 – Gudalur Municipality – Non – compliance of the Provisions of Solid Waste Management Rules, 2016 – Levying of Environmental Compensation – Show cause Notice – Issued – Reg.
- Ref: 1. Solid Waste Management Rules, 2016 notified by the Ministry of Environment Forest and Climate Change, Government of India vide Notification No. S.O.1357 (E) 8th April, 2016.
2. Hon'ble National Green Tribunal (Principal Bench) orders dated 16.01.2020, 28.02.2020 and 02.07.2020 in O.A.No. 606 of 2018.
3. Inspection of the dumpsite at Thorapalli on 09.12.2021.

Whereas the Ministry of Environment, Forest and Climate Change, Government of India, in exercise of the powers conferred under Section 3,6, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of Municipal Solid Waste (Management and Handling) Rules, 2000, has notified the Solid Waste Management Rules; 2016. As per Rule 15 of Solid Waste Management Rules, the role of local bodies has been specified for the implementation of solid waste management in their respective jurisdiction.

Whereas, Rules 15 (zj) of the Solid Waste Management Rules, 2016 stipulates that all local bodies shall 'investigate and analyze all old open dumpsites and existing operational dumpsites for their potential of biomining and bio – remediation and where so ever feasible, take necessary actions to bio-minor or bio-remediate the sites' and Rule 22, has prescribed different timelines for the creation of the necessary infrastructure for implementation of various provisions.

Whereas, the Hon'ble National Green Tribunal (Principal Bench) vide order dated 16.01.2019 in O.A.No. 606 of 2018 has stated that "Timelines of two years have expired as rules came into force on 08.04.2016. Timeline of three years is going to expire on 08.04.2019. However, for bio-remediation, timelines of five years has been provided, On 'Polluter Pays authorities. Failure to do so may render the authorities also liable to pay damages".

Whereas, the Hon'ble National Green Tribunal (Principal Bench) vide order dated 28.02.2020 & 02.07.2020 in O.A.No. 606 of 2018 has directed that "In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted. Interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rules 22 from Serial No. 1 to 10.

Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs.10 lakhs per month per Local Body for population of above 10 lakhs, Rs.5lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs.1 lakh per month per Local Body from 01.04.2020 till compliance.

Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 of the order within six months from today and CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light there of within one month with respect to non-compliance of Solid Waste Management Rules, 2016 and non – commencing legacy waste remediation".

Whereas, the Hon'ble (National Green Tribunal Principal Bench) in their order dated 28.02.2020 in O.A.No. 606 of 2018 vide para 39 (b) that 'Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A.No. 519/2019 para 2854 even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places. Continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for

population of above 10 lakhs, Rs.5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs.1 lakh per month per other Local Body'.

Whereas Gudalur Municipality has not completed the biomining/ removal of the legacy waste in their dumpsite at Thorapalli till now and thereby has not complied with the directions issued by the Hon'ble National Green Tribunal (Principal Bench) dated 28.02.2020 in O.A.No. 606 of 2018.

Therefore, it is proposed to levy Environmental Compensation to Gudalur Municipality for as ordered by the Hon'ble National Green Tribunal (Principal Bench) in O.A.No.606 of 2018 at the rate of Rs.One Lakh (Rs.1,00,000/-) per month starting from 16.04.2021 till today totaling Rs. Nine Lakhs (Rs.9,00,000/-) the non-completion of the legacy waste management, as ordered by the Hon'ble National Green Tribunal (Principal Bench) in O.A.No. 519 of 2019/ or to levy the Environmental Compensation, as per the Template formulated by the Central Pollution Control Board.

Therefore, the Commissioner, Gudalur Municipality, as the Executive Head of the Gudalur Municipality is hereby directed to show-cause, within seven days from the date of receipt of this notice, as to why an interim Environmental Compensation of Rs.Nine Lakhs (Rs.9,00,000/-) should not be levied, for the period of 16.04.2021 to till today for the non-compliance of the orders dated 17.07.2019 in O.A.No.519 of 2019, as ordered by the Hon'ble National Green Tribunal (Principal Bench) in O.A.No. 606 of 2018, and as to why the Final Environmental Compensation as per the Template formulated by Central Pollution Control Board should not be levied.

It is informed that no reply is received within the prescribed time, it would be construed that you do not have any satisfactory explanation for the above said contravention, and further action would be proceeded in accordance with Law, with the available material.


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Udhagamandalam.

To
The Commissioner,
Gudalur Municipality
Gudalur.



001109

16/12/21

நகராட்சி நிர்வாகம் மற்றும் குடிநீர் வழங்கல் துறை

அனுப்புநர்
திரு.இரா.இராஜேஸ்வரன்,
ஆணையாளர்,
கூடலூர் நகராட்சி,
கூடலூர்.

பெறுநர்
மாவட்ட சுற்றுச்சூழல் பொறியாளர்,
தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்,
உதகமண்டலம்,
நீலகிரி மாவட்டம் - 643 006.

ந.க.எண்2348/2021/எச்1. நாள் 15.12.2021

அய்யா,

பொருள்: திடக்கழிவு மேலாண்மை - கூடலூர் நகராட்சி (நீலகிரி) -
திடக்கழிவு மேலாண்மை விதிகளை பின்பற்றாதது - விளக்கம்
வழங்குதல் - தொர்பாக.

பார்வை: தங்கள் அலுவலக கடிதம் எண் DEE/NLG/O.A.606/2018/NGT-
PB-SWM/2021 நாள் 09.12.2021.

பார்வையில் காணும் தங்களது கடிதத்திற்கு கீழ்க்கண்டவாறு விளக்கம்
அளிக்கப்படுகிறது.

இந்நகராட்சிக்குட்பட்ட தொர்பள்ளி பகுதியில் கொட்டப்பட்ட
திடக்கழிவுகளில் கடந்த பிப்ரவரி 2020 முதல் மார்ச் 2020 வரை 1826MT அளவு
திடக்கழிவுகள் உதகமண்டலம் நகராட்சி உரத்திடலுக்கு கொண்டு செல்லப்பட்டது.
எஞ்சியுள்ள சுமார் 800 MT திடக்கழிவுகளை அகற்றும் செய்யும் பணிகளை
மேற்கொள்ளும்போது பொது முடக்கம் அறிவிக்கப்பட்டதால் பணிகள் நிறுத்தப்பட்டது.

இவ்வலுவலக 21.07.2021 நாளிட்ட கடிதத்தில் தெரிவித்தபடி குன்னூர்
நகராட்சியில் பயன்படுத்தப்பட்ட சலிப்பாணை பயன்படுத்தி, எஞ்சிய 800 MT
திடக்கழிவுகளை உயிரி பிரித்தெடுத்தல் முறையில் பிரித்தெடுத்து அப்புறப்படுத்த

திட்டமிடப்பட்டது. ஆயினும், குன்னூர் நகராட்சிக்குட்பட்ட பகுதிகளில் கொட்டப்பட்ட திடக்கழிவுகளை அப்புறப்படுத்தும் பணி முழுமையடையாததால், அவர்களின் மோட்டரர் பொருத்தப்பட்ட சலிப்பாணை இரவல் பெற்று பணிகளை மேற்கொள்ள இயலவில்லை.

இந்நிலையில் எஞ்சியுள்ள 800 MT திடக்கழிவுகளை JCB இயந்திரம் கொண்டு அகற்றி நகராட்சி வசமுள்ள கை சலிப்பாண் கொண்டு சலித்து, உயிரி பிரித்தெடுத்தல் முறையை கையாண்டு 31.05.2022க்குள் முடிக்க திட்டமிடப்பட்டுள்ளது. இதற்காக JCB இயந்திரத்தை ஒட்டுவதற்கான ஒப்பந்த புள்ளிகள் கோரப்பட்டு, 24.12.2021 அன்று திறக்கப்படவுள்ளன. ஒப்பந்தப்புள்ளிகள் பெறப்பட்டு, அது தொடர்பான பணி உத்தரவு வழங்கப்பட்டு, எஞ்சியுள்ள 800MT திடக்கழிவுகளை உயிரி பிரித்தெடுத்தல் முறையில் அப்புறப்படுத்த நடவடிக்கை மேற்கொள்ளப்படும் என்ற விபரம் தெரிவிக்கப்படுகிறது.

இவ்வாறு கூடலூர் நகராட்சி எல்லா வகைகளிலும் தொடர்புள்ளியில் கொட்டப்பட்டுள்ள குப்பைகளை அப்புறப்படுத்த முயற்சி மேற்கொண்டு வருகின்றது. எனவே, இதனை கருத்தில் கொண்டு, நகராட்சி மீது விதிக்க திட்டமிடப்பட்டுள்ள சுற்றுச்சூழல் இழப்பீடு குறித்த பிரேரணை மீது எந்தவித மேல் நடவடிக்கையும் எடுக்க வேண்டாம் என கனிவுடன் கேட்டுக்கொள்ளப்படுகிறது.


ஆணையாளர்

கூடலூர் நகராட்சி(நீலகிரி)

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

Original Application No.107 of 2021 (SZ)

1. S.M Sivan,
Silver Cloud Estates,
Nilgiris.

...Applicant

Versus

1 The Government of Tamil Nadu
Rep by its Secretary to Government,
Department of Environment and Forests,
Chennai and Others.

..Respondent(s)

Action taken report / Compliance report
of the District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Udhagamandalam,-The Sixth Respondent

Advocate for Respondent: TNPCB
Thiru:S.Sai Sathya Jith
Advocate, Chennai

Date: 17.12.2021

Next date of hearing: 18.12.2021

