

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

Original Application No. 108 of 2020(SZ)

Tribunal on its own motion Suo Motu
initiated proceedings based on the
News item published in Vikatan
E-Magazine edition dated 09.07.2020
Under the caption "Coonoor Misery:
Increasing waste in River Water! –
Elephants looking for good water".

Vs

The Principal Secretary to Government,
Public Works Department,
Secretariat, Fort St. George,
Chennai – 600 009 & 7 others.

... Respondents.

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**Filed by
Thiru. S. Sai Sathya Jith,
Advocate, Chennai.**

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

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Suo Motu based on the news item in
Vikatan E-Magazine edition dated 09.07.2020
"Coonoor Misery: Increasing waste in River Water
Elephants looking for good water".

-Vs-

- 1) The Principal Secretary to Government,
Public Works Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2) The Secretary to Govt. of Tamil Nadu,
Department of Environment,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 3) The Principal Secretary to Govt. of Tamil Nadu,
Department of Health and Family Welfare,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 4) Additional Chief Secretary to
Govt. of Tamil Nadu,
Municipal Administration and
Water Supply Development,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 5) The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu – 600 032.
- 6) The District Collector,
Nilgiris District,
Collector Office, Niligirs District,
Near Charing Cross,
Ooty, Tamil Nadu – 643 001.
- 7) Coonoor Municipality,
Rep. by its Municipal Commissioner,
Municipal Office, Mount Road,
Coonoor - 643 101.

...Respondent(s)

Har 08/2/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

REPORT FILED ON BEHALF OF THE 5TH RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD

I, R. Sarasavani, D/o. of Thiru. Raghavan, Hindu aged about 56 years , having my office at No. 76, Mount Salai, Guindy, Chennai -600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the 5th Respondent Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ) in its order dated 24.09.2021 has directed the Tamil Nadu Pollution Control Board to file an independent report.

3. It is respectfully submitted that Coonoor Municipality has submitted a proposal to Government for Rs. 550 Lakhs (Rupees Five Crores and Fifty Lakhs), for constructing a sewage treatment plant, including the collection and conveyance of sewage, and another proposal for Rs. 1155 Lakhs (Rupees Eleven Crores and Fifty five Lakhs) for constructing revetments in both sides of Krishnapuram River.

4. It is respectfully submitted that Coonoor Municipality has removed and biomined about 4524.445 MT of legacy waste till December, 2021. It is informed that the remaining waste of less than 20 MT, which could not be removed using machineries and to be removed by hand employing man power alone remains.

5. It is further submitted that the dumping locations in the Coonoor Municipality were inspected by the officials of the DEE, TNPCB, Ooty on 05.01.2022. During inspection, it was observed that waste solid in to the

R. Sarasavani
02/01/2022

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

Tea Estate of Thiru I Margo, the Applicant in O.A. No.: 203 of 2017, the legacy waste in the erstwhile Ottupattarai dumpsite and the present Resource Recovery Centre, the plastic waste mixed with silt, that were kept adjacent to the erstwhile IL & FS shed in the western side, legacy waste lying in the western side of IL & FS shed, legacy waste lying in the valley in the north western side of IL & FS shed were found completely removed, subjected to biomining and disposed off. The erstwhile dump location at Ottupattarai has been landscaped with grass. Similarly, the area where legacy waste lying in the western side of IL & FS shed has also been pitched with grass.

6. It is respectfully submitted that during inspection on 05.01.2022, it was also observed that wastes to the tune of around 4 to 6 MT, which lying in the valley between Karadipallam Road and the Ottupattarai Resource Recovery Centre Road, and about 3 MT of waste lying at the southwest end of the land adjoining to IL & FS shed are yet to be removed. It was informed by the Municipal Authorities that the remaining waste lying in the two locations, amounting 7 to 9 MT would be removed before 15.01.2022.

7. It is submitted that the area valley between Karadipallam Road and the Road leading to Ottupattarai Resource Recovery Centre is very steep and with dense vegetation, and hence there is a delay in removal of waste from that place, which is not acceptable. In the other place, the removal could not be carried out as the subsoil of the adjoining area is weak and as such vehicle could not be parked to remove and load the waste. The waste at these locations need to be removed only by engaging men and the Municipal authorities have been advised to carry-out the removal activity with due caution and with sufficient precaution to the personnel engaged.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

8. It is further submitted that during inspection, it was also observed that out of the 1520 MT wastes which were removed during the month of July 2021, which is said to be predominantly containing plastic along with other impurities such as silt, rags, broken glass etc., is screened/ segregated to recover the coarse materials, and the finer matter containing rags, silt, broken glass etc., amounting around 200 MT, is collected in nags and kept in the IL & FS shed, for further processing.

9. It is respectfully submitted that the wet organic wastes generated in Coonoor Municipality is managed by composting. The composting is carried out through Micro Composting and Wind Row Composting. The Micro Composting Centre, located adjacent to "Uzhavar Sandhai", which is operated by the RDO Trust, Yellanalli and the Wind Row Composting is carried out at the erstwhile IL&FS Shed at Ottupattarai, which is operated by Clean Coonoor Organization. The dry wastes are segregated at the Resource Recovery Centre at Ottupattarai, and sent for beneficial uses. The rags, diapers and sanitary napkins are subjected to controlled high temperature burning, at the Resource Recovery Centre premises. The Resource Recovery Centre premises at Ottupattarai is managed and maintained by Clean Coonoor Organization.

10. It is respectfully submitted that the DEE, Udthagamandalam has already issued show cause notice to the Commissioner, Coonoor Municipality as to why an interim compensation of Rs.9 Lakhs shall not be levied as directed by the Hon'ble NGT(PB), New Delhi order dated 28.02.2020 in O.A.No.606 of 2018 for not commencing the bioremediation of legacy waste.

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07/2/2022

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
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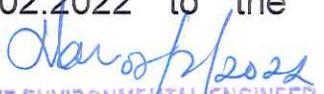
11. It is further submitted that in order to comply with the directions issued by the Hon'ble National Green Tribunal (PB) in O.A. No.: 606 of 2018, in levying of Environmental Compensation for not commencing/ completing of the biomining of legacy waste, the Commissioner, Coonoor Municipality was called for a Personal Hearing on 29.11.2021 and was attended by him on 03.12.2021. The Commissioner, Coonoor Municipality pleaded that they have made substantial progress in biomining, likely to be completed by 31.12.2021.

The Photographs showing the current condition of the waste dumped locations and the current solid waste management practices is submitted herewith as Annexure-1.

Further, the written submission by the Commissioner, Coonoor Municipality during the personal hearing held on 03.12.2021 and the minutes of the Personal Hearing are submitted as Annexure 2 and 3 respectively.

12. It is respectfully submitted that as per rule No. 22 (Serial No. 11) of the Solid Waste Management Rules, 2016, the time frame for implementation of bio-remediation or capping of old and abandoned dump sites is within five years from 08/04/2016 (i.e., up to 07.04.2021). From the above, it is evident that the said Municipality has not completed the Bio-mining activity before the statutory cut off timeline of 07.04.2021 and thereby not complying with the provisions of Solid Waste Management Rules, 2016.

13. It is respectfully submitted that, the Tamil Nadu Pollution Control Board has issued directions under Section 5 of the Environment (Protection) Act, 1986 vide Proceeding dated 04.02.2022 to the


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

Commissioner, Coonoor Municipality to comply with the following conditions,

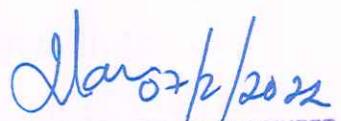
i. The Municipality shall expedite the process on complete removal of legacy waste through bio-remediation process immediately without further delay.

ii. The Municipality shall comply with the provisions of Solid Waste Management Rules, 2016 and shall comply with the orders passed by the Hon'ble NGT in OA 606 of 2018 from time to time.

iii. The Municipality shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016.

iv. The Municipality shall remit interim Environmental Compensation of Rs.9 Lkhs for not completing the Bio-mining activity as per the Provisions of Solid Waste Management Rules, 2016.

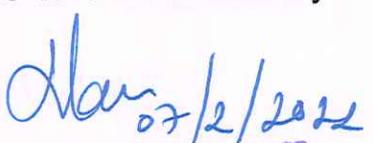
Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

BEFORE ME

VERIFICATION

I, R. Sarasavani, D/o.Thiru. Raghavan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

Annexure -1

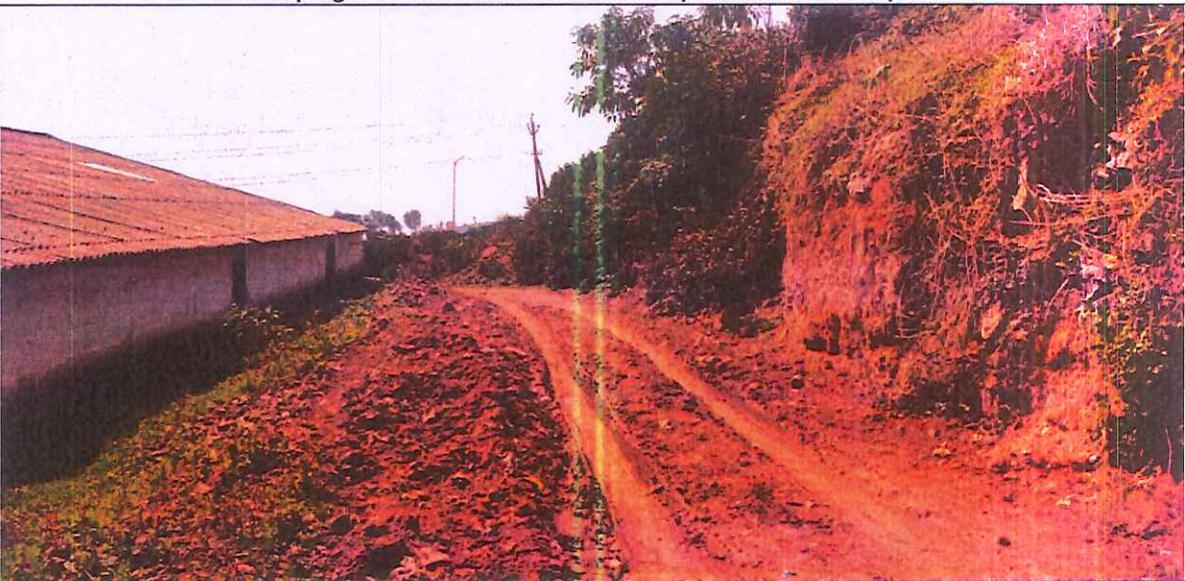
Original Application No.: 108 of 2020 (SZ)



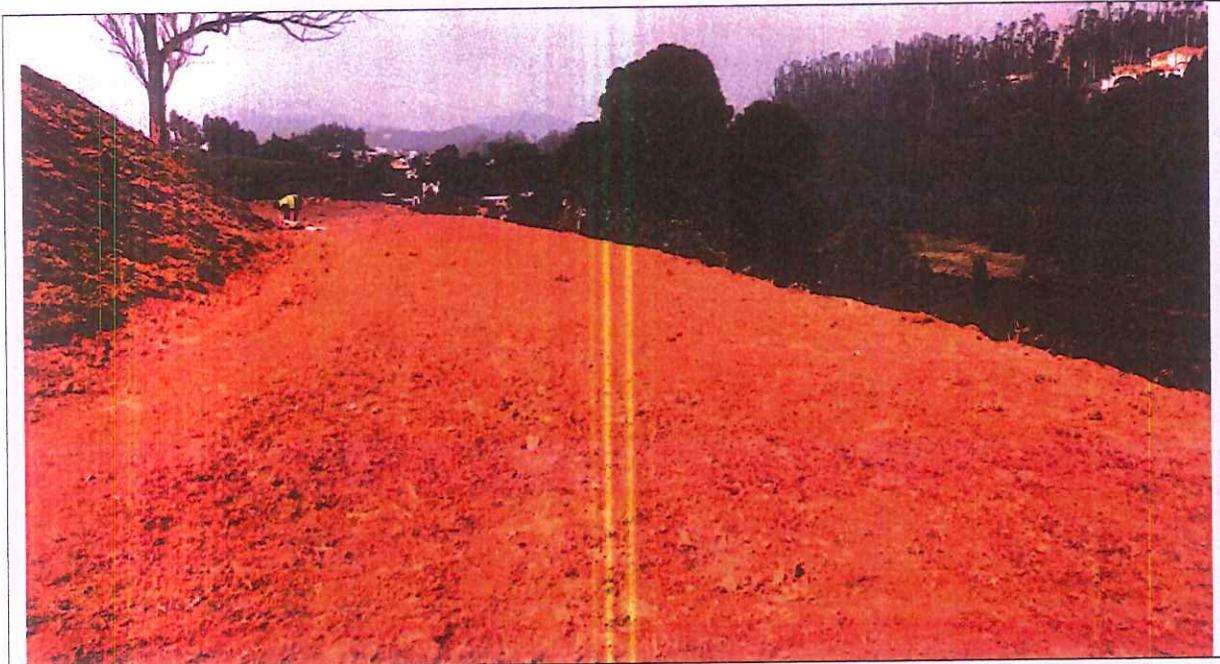
Present Condition of Waste Slided Location at Private Property



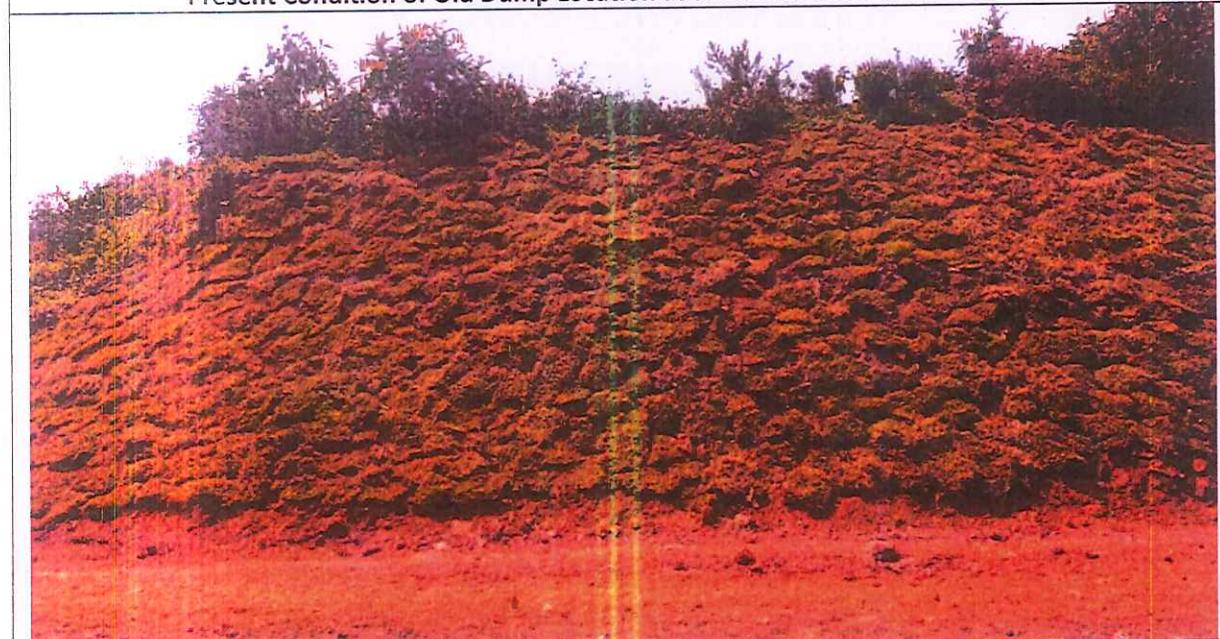
Landscaping in the Side of erstwhile dump location at Ottupattarai



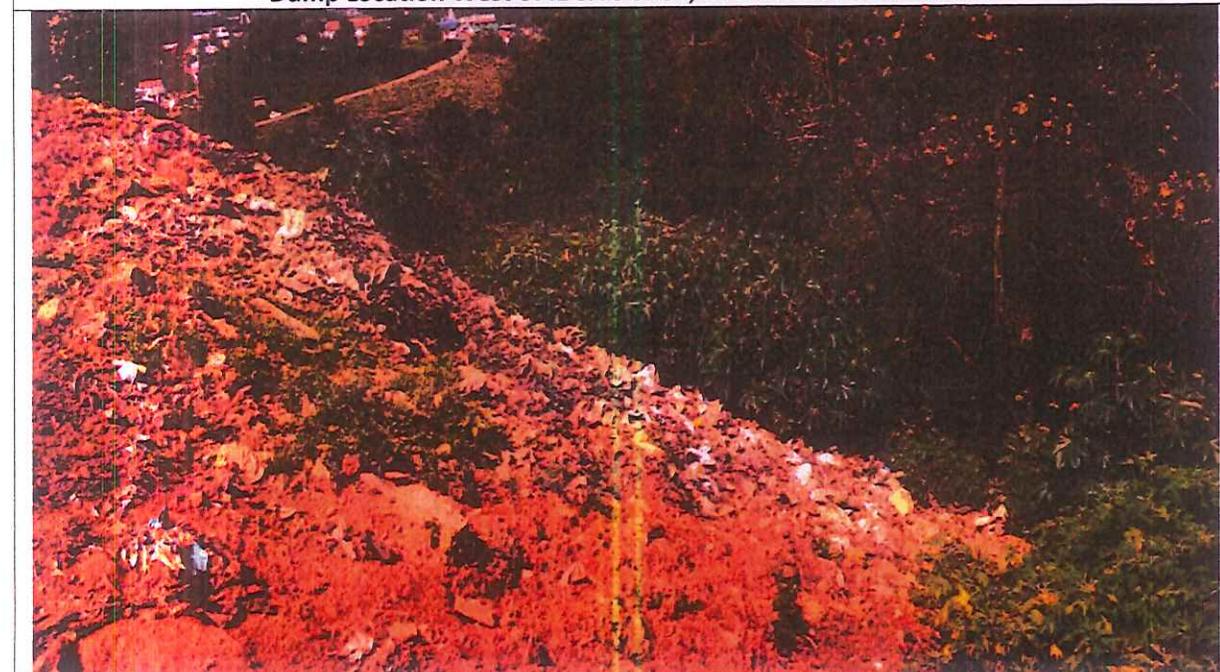
Present Condition west of IL&FS Shed where un-segregated Plastic Wastes were dumped



Present Condition of Old Dump Location at the North West of LI & FS Shed



Dump Location West of IL & FS Shed, now Pitched with Grass



Waste Remain to be Removed at the North West end of Municipal Land



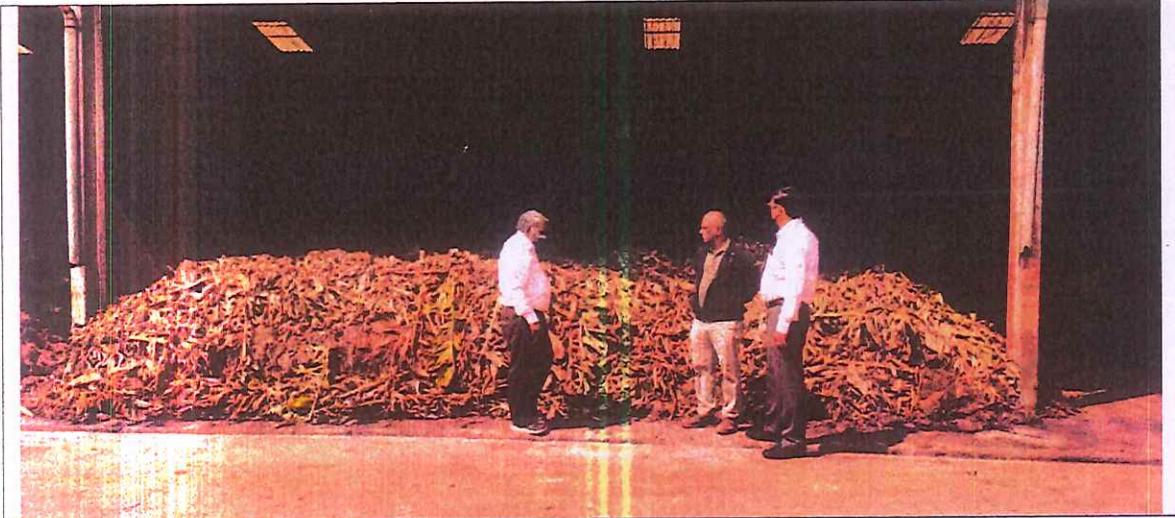
Waste to be Removed in the Valley between Roads



Waste kept for Further Segregation at IL&FS Shed



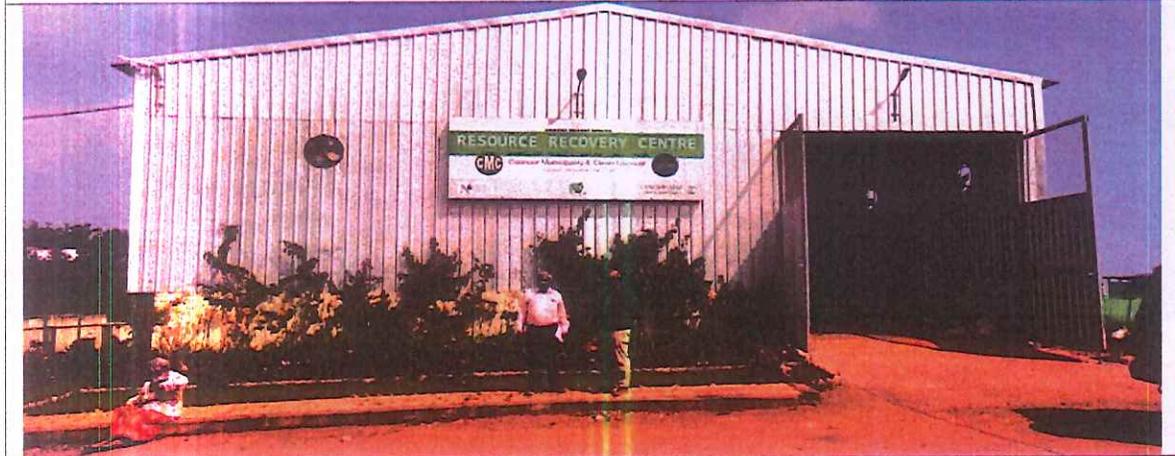
Micro Composting Centre near Uzhavar Santhai



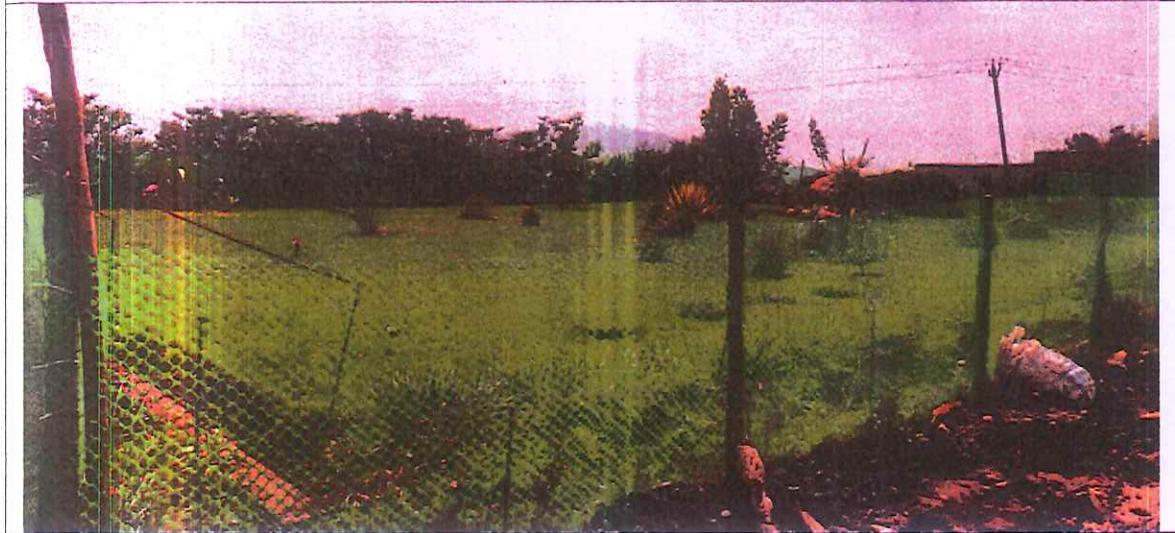
Windrow Composting at the erstwhile IL&FS Shed



Maturation of Processed Waste at the erstwhile IL&FS Shed



Resource Recovery Centre for the Management of Dry Waste



Garden Adjacent to Resource Recovery Centre

Annexure – 2

001121



From The Commissioner, Coonoor Municipality, Coonoor.	To The District Environmental Engineer, TamilNadu Pollution Control Board, Udhagamandalam.
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ROC. No.: H2/3391/2017 Dated: 03.12.2021.

Sir,

Sub: Solid Waste Management- Not completing the bioremediation of dumped sites- Levying of Environmental Compensation – Personal Hearing Called for- Written submission – Reg.

Ref: Your office letter dated 19.11.2021.

On behalf of Coonoor Municipality, It is requested that the following aspects may be considered in the matter of levying of Environmental Compensation for not completing the bioremediation of dumpsites:

1. The quantity of waste that has to be removed was estimated at 3000 MT and the same was informed to your good-self in our letter dated 01.02.2021. Coonoor Municipality has commenced the removal and biomining of waste in January, 2021. A total quantity of 2512.225 MT was removed, till June, 2021.
2. Removal of waste could not be continued since July 2021, for the reason Coonoor experienced continual rainfall and there is not even a single week without rainfall, which has resulted difficulties in operating the earth mover and transporting vehicle.
3. The same is evident from the fact that only a quantity of 246.12 MT waste alone could be removed during the months of September, 2021 to November, 2021.
4. However, during the Month of July 2021, plastic and silt waste that were kept at the western side of the IL &FS shed to the tune of 1520 MT were removed.
5. Thus Coonoor Municipality has removed and processed about 81 % of legacy wastes by June 2021 itself and more than 90 % of legacy wastes are removed till November, 2021.
6. As on 30.11.2021, the quantity of waste that remains to be removed is about 250 MT. This waste would be completely removed before 15.01.2022. Even

though the quantity of waste is less, it requires time since they lie in steep places and they need to be removed manually, duly following the safety norms for the personnel engaged.

7. The Municipality has almost completed the process of removal of legacy waste, and the delay in completion is due to the climatic condition and the difficulties in executing the works due to the terrain of the area.
8. Considering the achievement made the process of levying of environmental compensation against the Municipality be dropped.
9. In as much as the Municipality has commenced the bioremediation in January 2021 itself, even with the financial crisis the Municipality is experiencing, levying of Environmental Compensation for belated commencement of bioremediation is not at all justifiable.
10. In as much as the Municipality has completed about 95% of bioremediation of legacy waste by November, 2021, and the rest is about to be completed before, 15.01.2022, the process of levying of Environmental Compensation, by 07.04.2021, need not be proceeded with.
11. Even many of Class I towns have not even commenced the bioremediation and under such backdrop, Coonoor, a Class III town almost completing the bioremediation, even with difficulties in view of the terrain and climate need to be appreciated and encouraged, and such being the situation, the levying of environmental compensation on them be dropped.
12. It is requested that the status as on 31.12.2021 be considered, and reported to the Hon'ble National Green Tribunal (SZ) and the Head Office of TamilNadu Pollution Control Board, before making any recommendation on levying of Environmental Compensation.

This letter be considered as a part and parcel of the Personal Hearing held on 03.12.2021.


Commissioner,
Coonoor Municipality.

Minutes of the Personal Hearing Held With the Commissioner, Coonoor Municipality on Levying of Environmental Compensation for not Completing the Biomining of Dumped Solid Waste as prescribed in the Solid Waste Management Rules, 2016

Date: 03.12.2021

Time: 05.00 p.m.

Venue: O/o. District Environmental Engineer, TNPC Board, Udhagamandalam.

Present:

1. Er P S Livingston, District Environmental Engineer, TamilNadu Pollution Control Board, Udhagamandalam.
2. Thiru T Krishnamurthi, Commissioner, Coonoor Municipality.
3. Thiru V M Malmurugan, Sanitary Inspector, Coonoor Municipality.

A show-cause Notice was issued to Coonoor Municipality by the District Environmental Engineer, Udhagamandalam, in proceedings dated 12.01.2021, directing the Commissioner to show-cause as to why environmental compensation should not be levied on Coonoor Municipality, for not commencing the remediation of the legacy waste by 01.11.2019, as ordered by the Hon'ble National Green Tribunal (PB) in O.A. No.: 519 of 2019, even though the statutory timeline for completing the remediation is till 07.04.2021, as per the provisions of the Solid Waste Management Rules, 2016, at the rate of Rs. One Lakh per month, totalling Rs. 9.0 Lakhs, for the period ending 31.12.2020, as interim compensation.

A reply was furnished by Coonoor Municipality, vide letter dated 01.12.2021, wherein it was stated that they have commenced the remediation of dump sites in January, 2021, and that the delay was due to the unprecedented rains, that they would complete the remediation latest by June, 2021, and that in the event they have not complete the remediation process, they may be levied with the compensation.

As the Municipality has commenced the remediation by removing the dumped waste and subjected it to bio-mining process, and as substantial progress was made, further action on levying of Environmental Compensation for not commencing the bioremediation was withheld.

However, it was observed that Coonoor Municipality has not completed the bioremediation process, even after November, 2021, it was decided to proceed further on the process of levying Environmental Compensation to Coonoor Municipality. In order to give a further opportunity, the Commissioner, Coonoor Municipality was called for a personal hearing on 29.11.2021. The Commissioner informed that he would attend the Personal Hearing on 03.12.2021, and attended at 05.00 p.m.

The Commissioner has informed that the quantity of waste that has to be removed was estimated at 3000 MT and the work was commenced in January, 2021, and a total quantity of 2512.225 MT was removed, till June, 2021. He added that the work could not be continued for the reason Coonoor experienced continual rainfall and there is not even a single week without rainfall, which has resulted difficulties in operating the earth mover and transporting vehicle, and that is evident from the fact that only a quantity of 246.12 MT waste alone could be removed during the months of September, 2021 to November, 2021. He added that the quantity of waste that remains to be removed is about 250 MT, thereby the Municipality has removed and processed about 88 % of legacy wastes by June 2021 itself. It was pointed out that during the Month of July 2021, plastic and silt waste that were dumped at the western side of the IL & FS shed to the tune of 1520 MT were removed, and that during the period from August 2021 to November, 2021, 246.12 MT of wastes removed, and about 250 MT of waste alone remained to be removed. Thus, a total of 4278.345 MT of waste removed out of the 4524.445 MT wastes lied in the dumped locations, thereby about 95 % of wastes are removed till November, 2021, and the remaining 250 MT waste would be completely removed before 15.01.2022.

The Commissioner would inform that even though the quantity of waste is less, it requires time since they lie in steep places and they need to be removed manually, duly following the safety norms for the personnel engaged.

The Commissioner added that in as much as the Municipality has almost completed the process of removal of legacy waste, and the delay in completion is due to the climatic condition and the difficulties in executing the works due to the

terrain of the area, and considering the achievement made the process of levying of environmental compensation against the Municipality be dropped. He further added, that in as much as the Municipality has commenced the bioremediation in January 2021 itself, even with the financial crisis the Municipality is experiencing, levying of Environmental Compensation for belated commencement of bioremediation is not at all justifiable.

The Commissioner further informed that in as much as the Municipality has completed about 95% of bioremediation of legacy waste by November, 2021, and the rest is about to be completed before, 15.01.2022, the process of levying of Environmental Compensation, by 07.04.2021, need not be proceeded with, for the reason that even many of Class I towns have not even commenced the bioremediation and under such backdrop, Coonoor, a Class III town almost completing the bioremediation, even with difficulties in view of the terrain and climate need to be appreciated and encouraged, and such being the situation, the levying of environmental compensation on them be dropped. He further requested that the status as on 31.12.2021 be considered, and reported to the Hon'ble National Green Tribunal (SZ) and the Head Office of TamilNadu Pollution Control Board, before making any recommendation on levying of Environmental Compensation. District Environmental Engineer informed that even though the status as on 31.12.2021 would not have any bearing on the decision of levying of Environmental Compensation, agreed to make recommendation to the Head Office of TamilNadu Pollution Control Board, after ascertaining the status as on 31.12.2021. The Commissioner has also handed over a letter containing those contentions during the Personal Hearing.

In response, the District Environmental Engineer informed that he is in full agreement with the progress made by the Municipality, and also appreciate the difficulties faced by the local body in view of the difficult climate and terrain; but, expressed that the direction of levying of Environmental Compensation to local bodies is in compliance to the statutory provisions under the Solid Waste Management Rules, 2016 and as ordered by the Hon'ble National Green Tribunal (PB), and as such the request of Municipality that Environmental Compensation for not completing the bio-remediation by 06.04.2021, could not be conceded with.

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As regards the matter of levying of Environmental Compensation for not commencing of bioremediation by November, 2019, he informed that the fact Municipality has commenced the bioremediation by January, 2021, would be taken in to account and also in view of the reason the Rules has not prescribed any timeline for commencing the bioremediation, the Head office of TamilNadu Pollution Control Board would be recommended to levy Environmental Compensation only for non-completing the bioremediation within the time-line prescribed in Solid Waste Management Rules, 2016.

The District Environmental Engineer requested the Commissioner, Coonoor Municipality to complete the removal and biomining of the left-over legacy wastes by December, 2021, for which the Commissioner assured to do all possible steps to adhere with .

The meeting came to an end.


District Environmental Engineer,
Tamilnadu Pollution Control Board,
Udhagamandalamby

To

The Commissioner,
Coonoor Municipality,
Coonoor.

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

**Original Application No. 108 of
2020(SZ)**

Tribunal on its own motion Suo Motu initiated proceedings based on the News item published in Vikatan E-Magazine edition dated 09.07.2020 Under the caption "Coonoor Misery: Increasing waste in River Water! – Elephants looking for good water".

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...Respondents.

**REPORT FILED ON BEHALF OF
THE RESPONDENTS - TAMIL
NADU POLLUTION CONTROL
BOARD.**

**Advocate for Respondent
No.TNPCB
Thiru. S. Sai Sathya Jith**

Date:07.02.2022.

Hearing on:08.02.2022.

