

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

Original Application No.11 of 2021 (SZ)

Mass Empowerment and Guidance Association,
Reg. No.75/2016,
Rep. by its Secretary Mr. Mohammed Salihu,
Kayalpattinam,
Thoothukudi.

...Applicant

Versus

The Commissioner,
Kayalpattinam Municipality,
Kayalpattinam,
Thoothukudi District and Ors.

...Respondents

INDEX

S.No	Description	Page No.
1.	AFFIDAVIT FILED BY THE DISTRICT ENVIRONMENTAL ENGINEER, TAMIL NADU POLLUTION CONTROL BOARD, THHOOTHUKUDI.	1 - 4

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

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

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.... Applicant

Versus

1. The Commissioner,
 Kayalpattinam Municipality,
 Kayalpattinam,
 Thoothukudi District.
2. The District Environmental Engineer,
 Tamil Nadu Pollution Control Board,
 C7 & C9, SIPCOT Industrial Complex,
 Thoothukudi

.... Respondents

**AFFIDAVIT FILED BY THE 2nd RESPONDENT, DISTRICT ENVIRONMENTAL
 ENGINEER, TAMIL NADU POLLUTION CONTROL BOARD, THOOTHUKUDI.**

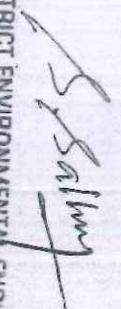
I, S. Sathiaraj, son of Thiru. T. Sundaram, aged 56 years, having office at C7 & C9, SIPCOT Industrial Complex, Meelavittan, Thoothukudi – 628 008, do hereby solemnly affirm and sincerely submit this affidavit as follows:

It is respectfully submitted that I am the second respondent in O.A. No. 11 of 2021.

It is respectfully submitted that The Hon'ble NGT (SZ) in its order dated 19.01.2021 in O.A. No. 11 of 2021 directed the same committee constituted in O.A. No. 50 of 2016 "to ascertain the nature of dumps, the quantity of legacy waste lying there, step taken by the municipality for the disposal of the legacy waste, damage if any, caused to the environment including soil and ground water, on account of the untreated legacy waste being kept there for long time and if there is any contamination caused to the soil as well as ground water on account of leachate, the remedial measures to be taken for rectifying the same and also to prepare an action plan for disposal of the legacy waste within shorter time frame, so as to redress the grievance permanently".

Further, it is respectfully submitted that The Hon'ble NGT (SZ) in its order dated 09.02.2022 in O.A. No. 11 of 2021, O.A. No. 12 of 2021, O.A. No. 50 of 2016 and in Appeal. No. 57 of 2021 has issued the following direction:

'The parties who have not filed their reply statement in all these matters are directed to file the same within a period of 3 weeks (Three) weeks from today (09.02.2022) and if they did not file the statement within that time they are directed to pay a cost of Rs. 10000/- each to TN Legal services Authority and produce the receipt of the same along


 DISTRICT ENVIRONMENTAL ENGINEER
 Tamilnadu Pollution Control Board
 TUTTICORIN

with counter and this amount has to be paid out of their own fund and not from the state exchequer.

It is respectfully submitted that, as per the above direction of the Hon'ble NGT the following independent report is submitted by the District Environmental Engineer, Tamil Nadu Pollution Control Board, Thoothukudi (2ndrespondent) in O.A. No. 11 of 2021.

It is respectfully submitted that, Thiru. Mohammed Salihu, Secretary of Mass Empowerment and Guidance Association, Kayalpattinam has filed this O.A. No. 11 of 2021 regarding the illegal dumping of the Municipal solid wastes by the Kayalpattinam Municipality in and around S.F. No. 43/1 of Kayalpattinam South village at Papparapalli area in Kayalpattinam Municipality. Thiru.Mohammed Salihu (applicant) in his affidavit has stated asfollows:

- Illegal dumping of waste by Kayalpattinam Municipality in and around S.F.No. 43/1, Kayalpattinam Municipality South Village at Papparapalli in Kayalpattinam Municipal area for the past 40 years, due to which there is significant impact on the environment and on the people in the vicinity. The area is surrounded by residences, municipal slaughter house, TNEB substation etc.,
- The dumping of wastes was stopped at the site since, 2016.
- During rains leachate from the waste flows on to the roads and to the surrounding causing severe nuisance and pollution.
- The waste is also set to fire occasionally causing severe air pollution.
- An exhaustive study has to be conducted to assess the extent of contamination of soil, water etc., by a competent 3rd party and necessary remediation plan has to be evolved and implemented.

For the above said reasons the applicant has prayed the Hon'ble NGT to direct the respondent municipality to remediate the existing legacy waste dumpsite and to direct the municipality to pay environmental compensation.

It is respectfully submitted that already the Tamil Nadu Pollution Control Board (TNPCB) vide Proceedings No. TNPCB/ LAW / LAIII / NGT / 007187 / 2016 dt.18.11.2020 issued directions imposing Rs. 14 lakhs as interim Environmental Compensation to the Municipality for the period from April 2020 to October 2020 (Rs. 1 lakh/month) for non-compliance of the Municipal Solid waste Management Rules and for not commencing the work of legacy waste remediation process and the Municipality is liable to remit the Environmental compensation till the compliance of the directions issued by TNPCBd. Further, it is respectfully submitted that the Municipality has not yet remitted the interim Environmental Compensation imposed by TNPCB and also not yet started the Bio-mining works as directed by TNPCB.

It is respectfully submitted that, the dumpsite located at Papparapalli in S.F.No. 43/1, Kayalpattinam Municipality South Village was inspected by the District Environmental Engineer, Tamil Nadu Pollution Control Board, Thoothukudi on 26/02/2022 and the following report is submitted:

- The municipal solid waste dumpsite located at Papparapalli in SF.No. 43/1, Kayalpattinam Municipality South Village was found to be measuring 1.82 acres. The land is owned by Revenue Department.


 DISTRICT ENVIRONMENTAL ENGINEER
 Tamilnadu Pollution Control Board
 TUTTICORIN

- No fresh municipal solid waste was found at the dumpsite and the municipal solid waste at the dump site was found to be bio-minable waste/legacy waste.
- The total quantity of the accumulated legacy waste at the dump site was reported to be about 19960 m³ by volume as per the revised estimate.
- The dumping of waste was reported to have been stopped at the site by the Municipality since 2016.
- Residential houses are found to be located at a distance of about 65 meters away from the dumpsite and the Municipality slaughter house is located adjacent to the dumpsite. Also, the TNEB sub station was found to be located at a distance of about 75 meters away from the dump site.
- Kayalpattinam to Arumuganeri LF road is located adjacent to the unit.
- The dumpsite is located outside the CRZ area.
- During inspection the waste at the dump site was not found to be in burnt condition.
- The Municipality submitted proposal for Bio-mining of this dump site (at an estimated Project cost of Rs. 160 lakhs) to the Director of Municipal Administration, Chennai through the Regional Director of Municipal Administration-Tirunelveli vide RC No. 1469/2018A2 Dt. 24/08/2021 and the proposal is yet to be approved.

It is respectfully submitted that, in order to assess the extent of damage caused to the ground water at the dump site, ground water samples 4- Nos have been collected from the wells located near the dump site on 30.07.2021 and sent for analysis at the TNPCBd lab. The Report of Analysis of the water samples is enclosed herewith.

During inspection it was noticed that ground water was available in the area surrounding the dumpsite at a depth of about 10 feet depth below ground level. The Report of analysis of the above water samples shows the presence of high TDS, Chlorides and sulphates in the water samples which may be due to the sea water intrusion. The presence of high TDS, Chlorides and sulphates in the water samples shows that the ground water is already unfit for drinking purpose owing to the sea water intrusion.

It is respectfully submitted that, the extent of damage caused to the soil at the dump site can be assessed by analysing the soil sample at the dump site only after the bio-mining of the dumpsite is completed.

Under these circumstances, it is humbly prayed that the Hon'ble NGT may be pleased to pass appropriate orders as the Hon'ble NGT may consider deem fit and proper on the facts and circumstances of the case.


 District Environmental Engineer,
 Tamil Nadu Pollution Control Board,
 Thoothukudi

Solemnly affirmed at *Thoothukudi* on the
 day *07th* of March 2022 and signed
 his name in my presence.

Advocate

BEFORE ME

Sample No. Q.A.No. 11 of 2021

Report of Analysis of the well water
Sample 14.



TAMIL NADU POLLUTION CONTROL BOARD
District Environmental Laboratory, Thoottukudi.
REPORT OF ANALYSIS

Report No. 82/DEL/TNPCB/TUT/2021/dt. 28.08.2021.

1. DEE Code No : AE/07/96, AE/07/97, AE/07/98 & AE/07/99.
2. Lab Code No : 265, 266, 267 & 268.
3. Date and Time of sample collection : 30.07.2021 - 02.00 P.M to 05.00 P.M.
4. Date and time of sample receipt : 30.07.2021 - 07.00 P.M.
5. Point of Collection :
AE/07/96 : M/s. Kayalpakinam Slaughter House pepparaipalli,
AE/07/97 : Open well substation(TNEB), Pepparaipalli,
AE/07/98 : S.R Agencies, Rattinagiri Main Road, Pepparaipalli,
AE/07/99 : Thiru. Appathathi House, Esakkiamman Kovil street,
Ayyalath
6. Report of analysis of :
Open wells.

S. No	Parameter	Units	Lab Code	Lab Code	Lab Code	Lab Code
			265	266	267	268
1.	Colour and appearance		Mild Yellow turbid odourless	Colourless turbid odourless	Colourless turbid odourless	Colourless turbid odourless
2.	PH		7.68	8.12	8.37	7.71
3.	Total Suspended Solids	(mg/l)	14	18	6	4
4.	Total dissolved Solids	(mg/l)	8302	8680	4586	534
5.	Chlorides	(mg/l)	3699	3499	1712	150
6.	Sulphate	(mg/l)	1212	1502	519	67
7.	Oil & Grease	(mg/l)	1.6	2.0	<1.0	<1.0
8.	BOD	(mg/l)	3.14	3.42	2.0	2.60
9.	COD	(mg/l)	80	112	40	48
10.	Dissolved Phosphate	(mg/l)	0.03	0.04	0.10	0.05
11.	Fluoride	(mg/l)	0.88	1.20	1.08	0.83
12.	Total Hardness	(mg/l)	1660	1280	740	200
13.	Calcium	(mg/l)	58	72	56	40
14.	Magnesium	(mg/l)	368	267	145	24
15.	Total Iron	(mg/l)	0.06	0.20	0.01	0.99
16.	Total Chromium	(mg/l)	<0.001	<0.001	<0.001	<0.001
17.	Copper	(mg/l)	<0.001	<0.001	0.015	0.015
18.	Lead	(mg/l)	0.038	0.069	0.017	0.027
19.	Zinc	(mg/l)	0.193	0.370	0.200	0.334
20.	Cadmium	(mg/l)	0.004	0.003	0.003	0.004
21.	Nickel	(mg/l)	0.122	0.130	0.134	0.134

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S. Salim 28/8/21
(DEE/TN/MS) (TTW)

Deputy Chief Scientific Officer
District Environmental Laboratory,
Tamil Nadu Pollution Control Board,
Thoottukudi - 8.
19.08.21

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TRIBUNAL

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DISTRICT ENVIRONMENTAL
ENGINEER, TAMIL NADU
POLLUTION CONTROL BOARD,
THHOOTHUKUDI.

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

Date:07.03.2022.

Date of hearing on:08.03.2022