

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

Original Application No. 11 of 2022 (SZ)

C. Sengodan
S/o. Chinnapan
4/5/5A Keel Chinnagoundampatti,
New 26th Ward, Tharamangalam Municipality
Salem District
and Anr.

...Applicant(s)

Versus

The Principal Secretary to Government of Tamil Nadu,
Department of Environment & Forest and Climate Change,
Secretariat, Chennai
and Ors.

...Respondent(s)

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1.	Independent Report in compliance of the Hon'ble National Green Tribunal in the matter of O.A.No.11/2022 in the order dated. 21/01/2022 & 22.03.2022 by the District Environmental Engineer, Salem	1 – 11

Filed by

Thiru. Sai Sathyajith,
BSC, Chennai.

Independent Report in compliance of the Hon'ble National Green Tribunal in the matter of O.A.No.11/2022 in the order dated. 21/01/2022 & 22.03.2022 by the District Environmental Engineer, Salem

Back Ground:-

The Hon'ble National Green Tribunal (SZ) Filed By Thiru C.Sengodan Vs Tamilnadu Pollution Control Board passed order dated 21/01/2022 in the matter of O.A.No.11/2022 and directed as follows

“Para 9: In order to ascertain the genuineness of the allegations made in the application, we direct the 3rd Respondent/District Collector- Salem District or his /her nominee not below the rank of Sub-Divisional Magistrate/Assistant Collector and 4th Respondent/ District Environmental Engineer of Tamil Nadu Pollution Control Board, Salem District to independently inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

Para 10. They are also directed to ascertain as to

- (i) Whether the Solid waste management Riles, 2016 an Other Waste Management Rules are being strictly implemented in the 5th Respondent Municipality,*
- (ii) Whether the legacy waste in the dump yard is being disposed of in a scientific manner by bio-mining as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A.No. 606 of 2018 and also by this Bench in several matter of this nature,*
- (iii) Whether the allegation of burning of waste in the dump yard, if found true, what is the nature of action taken by the Pollution Control Board as a regulator against the 5th Respondent Municipality as provided under the Environment (Protection) Act, 1986 and Other Waste Management Rules.*

Para 11. The 3rd Respondent/District Collector – Salem District is also directed to ascertain the gap in the implementation of the Solid Waste Management Rules, 2016 in that municipality and if so, what is the nature of action taken by them to fill up the gap to make the implementation in its letter and spirit, as contemplated under Rule 12 of the solid Waste Management Rules, 2016 and Other Waste Management Rules.

Para 12. The 3rd Respondent / District Collector – Salem District, 4threspondent / DEE of Tamil Nadu Pollution Control Board – Salem District and the 5th Respondent / Tharamangalam Municipality are directed to report the steps taken them to implement the ban of single use plastic in that area as directed by the Government and what is the nature of action taken by them

against the violators including tracing the sources of availability of such single use plastic and other banned plastic articles, under the notification.”

Subsequently, the Hon'ble National Green Tribunal in its order dated 22.03.2022 stated as follows.

“4.It is seen from the report that part of the burial ground is being now used for waste management facility. It is not known as to whether they have obtained any authorisaiton under the Solid Waste Management Rules,2016 from the Tamil Nadu Pollution Control Board for this purpose.

5.It is also admitted in the report that there is a legacy waste of 13,900 cubic meters lying in that ground and they have approached the Centre for Environmental Studies at Anna University for suggesting the method by which it can be scientifically disposed of and they have decided to go for bio-mining at an estimated cost of 12 crores for which they sent a proposal to the Director of Municipal Administration and that is pending with them. They have also requested the District Collector, Salem District on 07.01.2022 for allotment of land at R.S.No.11/1 and 11/2 of an extent of 3.13.1 hectares of land for establishment of a new facility for waste management with micro compost plant and that proposal is also pending.

6.The counsel appearing for the Tamil Nadu Pollution Control Board and the District Collector, Salem District wanted some time for filling the Joint Committee report as directed by this Tribunal apart from filling their independent statement regarding the allegations made in the application and the action from their side in this regard,

9.The Joint Committee as well as the official respondents who have not filed their statements mentioning about the steps taken as directed above on or before 21.04.2022 by e-filling in the form of searchable PDF/OCR Supportable PDF and not in the form of image PDF along with necessary hardcopies to be produced as per rules.”

1. Solid Waste Management by Tharamangalam Municipality:

The total area of Tharamangalam municipality is 9.72 sq.Km and it is having around 30222 Nos of population as per 2011 census, and around 32025 Nos at present with 8836 Nos of household. The Municipality has informed that there is about 8.7 MT per day of solid waste generation, in which 4.5 MT are wet waste and 4.2 MT are dry waste.

Out of 4.5MT of wet waste, 2.5MT & 2MT is being processed in MCC & RRC into manure respectively. Out of 4.2MT of dry waste, 1MT is saleable, 2.5MT is non saleable which will be sent to cement factory, sankari / viruthunagar. The C&D waste is 0.5MT and E-waste is 0.2MT.

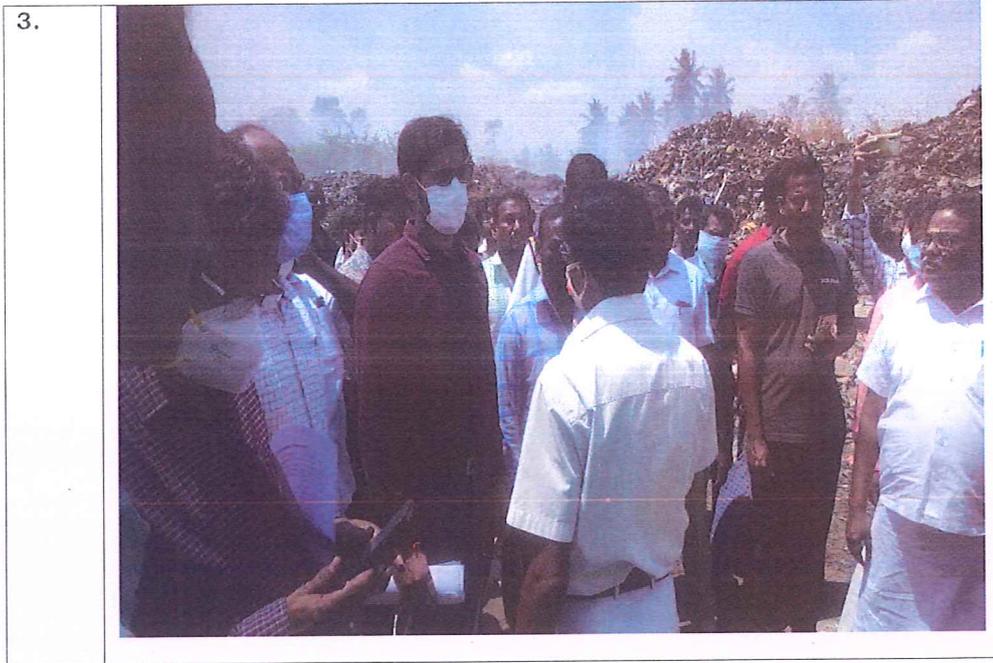
2. Inspection of the Solid Waste Management by Tharamangalam Municipality:

In due compliance of the said Hon'ble National Green Tribunal direction, in the matter of O.A.No.11 of 2022,

The Solid waste management facility and dumpsite of the Tharamangalam Municipality was inspected by the DEE TNPCB & the Sub Collector, Mettur Division on 06.03.2022. The Municipality has reported that the legacy waste estimated by Anna University is around 13,900 cubic meters. The bio mining proposal is awaited for sanctioning of financial assistance. During inspection, the following were noticed

1. The Garbage collected from 27 wards are brought to the dumping site located in Sangakiri Main Road, Valam Meetpu poonga, Survey No.243/3, Tharamangalam. Daily both biodegradable and non biodegradable solid waste of 8400 Tones are brought to the site. Total Campus area - 5.3 acres - 2.47 - Dumping yard, 2.86 - Crimination yard.
2. Panchayat Union Primary , Chinnagoundampatti is located adjacent to the Waste segregating facility
3. Frequent vehicle movements for dumping of garbage were observed.
4. Burning was noticed in the MSW dumping site which causes smoke/air pollution in that area.
5. AAQ/ANL survey was conducted in the vicinity of the dumpsite by AEL, Salem on 22.03.2022 and the report of analysis reveals that the PM₁₀ has exceeded the AAQ standards prescribed by the Board.
6. Stray cattles were found in the dumpsite and feeding on the leftovers.
7. Tharamangalam Municipality has not applied and obtained authorization under SWM Rules, 2016.
8. Ground water samples collected in the borewell located in the house of Thiru.Sankar Sri Rangan, Chinnagoundampatti, New 22nd ward, Tharamangalam shows high TDS of 5496 mg/l and in the public open well located at Chinnagoundampatti village, Tharamagalalam shows TDS of 1944 mg/l.

Sl.NO	Inspection carried out by the DEE TNPCB & the Sub Collector, Mettur Division on 06.03.2022
1.	
2.	



3.Details of AAQ/ANL survey conducted:

The Ambient Air Quality / Noise Level survey was conducted in the vicinity of Tharamangalam Municipality dumpsite on 23.03.2022 by Advance Environmental Laboratory, Tamil Nadu Pollution Control Board, Salem. The Report of Analysis is enclosed herewith

The details of Ambient Air Quality monitoring stations and its pollutants concentration in the four locations

Sl. No	Location	Direction*	Distance * (m)	Height from GL (m)	Pollutants Concentration ($\mu\text{g}/\text{m}^3$)		
					PM ₁₀	SO ₂	NO ₂
01.	On house top of Thiru.K.Durai, near by animal husbandary office, Sankari Main Road, Tharamangalam.	NE	200	4	316	29	42
02.	On house top of Thiru. T.Varadharajan,No.4-3/18, Sankari Main Road, Tharamanagalam.	SE	170	8	457	34	48
03.	On house top of Thiru Paulraj, Near SSA Primary School, Keel Chinnagoundampatti, Tharamangalam.	SS W	100	4	359	33	47

04.	On house top of Thiru.Kuppusamy, Vallalar Thondu Niruvanam, MGR colony, Tharamangalam	NW	160	3	489	39	56
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The details of Ambient Noise Level Survey conducted in the four locations

Sl. No	Location	Direction	Distance (m)	Sound Level - dB(A)		
				Leq	L _{Ma} _x	L _{Mi} _n
I	<u>Boundary Line:</u>					
01.	Near the house of Thiru.K.Durai, near by animal husbandary office, Sankari Main Road, Tharamangalam.	NE	20 0	51.5	59. 4	47. 2
02.	Near the house of Thiru. T.Varadharajan, No.4-3/18, Sankari Main Road, Tharamangalam.	SE	17 0	54.7	60. 0	51. 0
03.	Near the house of Thiru Paulraj, Near SSA Primary School, Keel Chinnagoundampatti, Tharamangalam.	SSW	10 0	53.6	63. 4	49. 6
04.	On house top of Thiru.Kuppusamy, Vallalar Thondu Niruvanam, MGR colony, Tharamangalam	NW	16 0	53.5	63. 6	48. 4
II	<u>Inside the Plant:</u>					
1.	At the dump site area	-	-	55.8	66. 7	70. 7

Maximum and minimum value of Pollutants Level observed:

Sl. No.	Pollutant	Values in (Range) microgram/m ³		Board's Standard (as per consent order) (ug/m ³)
1.	<u>Respirable Suspended Particulate Matter:PM₁₀</u>	316	489	100
2.	<u>Gaseous Pollutants:-</u> (i) SO ₂	29	39	80
	(ii) NO ₂	42	56	80

1. **The Station –I** is located in the ‘NE’ direction on house top of Thiru.K.Durai residing at a distance of 200mts from the Tharamangalam Municipality Dumpsite. The PM₁₀ values are (NE – 316 µgm/m³) are found to be **exceeded** when compared with prescribed norms.
2. **The Station –II** is located in the ‘SE’ direction on house top of Thiru.T.Varadharajan, at the distance of 170 mts from Tharamangalam Municipality Dumpsit The PM₁₀ values are (SE– 457µgm/m³) are found to be **exceeded** when compared with prescribed norms.
3. **The Station –III** is located in the ‘SSW’ direction at on house top of Thiru.Paulraj, at a distance of 100 mts from the Tharamangalam Municipality Dumpsite. The PM₁₀ values are (SSW – 359µgm/m³) are found to be **exceeded** when compared with prescribed norms.
4. **The Station –IV** is located in the ‘NW’ direction on house top of Thiru. Kuppusamy at the distance of 160mts from the Tharamangalam Municipality Dumpsite. The PM₁₀ values are (NW – 489 µgm/m³) found to be **exceeded** when compared with prescribed norms. (Board’s Standard PM₁₀ 100 µgm/m³).
5. The Pollutant level concentrations were monitored for 8 hrs with operational condition of the Tharamangalam Municipality Dumpsite. The value are found to be **exceeded** when compared with Board’s Standard.
6. The Noise Level readings were recorded in the boundaries of the Ambient locations are tabulated and the values recorded in the NE, SE, SSW & NW direction. The Noise Level readings were recorded in the unclassified area / Non planned area covering the boundaries of the unit are tabulated

Noise Standard in Leq dB(A)		
	Day time	Night time
Residential	55	45

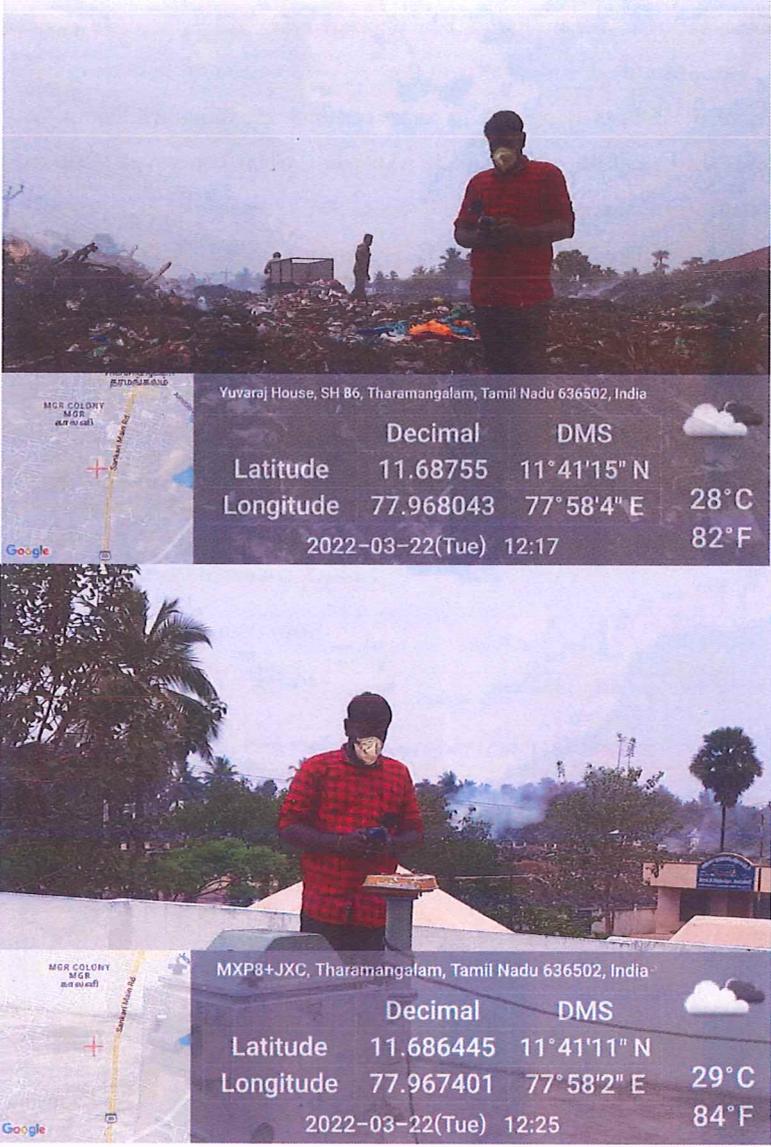
Ref : Ambient Air Quality standards in respect of Noise [See rule 3(1) and 4(1)]

Sl. No	Location	Distance (m)	Direction	Sound Level – dB(A)		
				Leq	L _{Max}	L _{Min}
I	<u>Inside of the Plant</u>					
1.	At the dumpsite area	-	-	55.8	66.7	70.7

Ref : Table – 3 OSHA’s “Table G -16” regarding permissible Noise Exposures

7. The Noise level reading was recorded in the Dumpsite area (Permissible Source Noise - 90 decibels) was found to be well within the prescribed norms.
8. Also as per The Noise Pollution (Regulation and Control) Rules, 2000; Rule No: 7 (1) A person may, if the noise level exceeds the ambient noise standards by 10 dB(A) or more given in the corresponding columns against any area / zone (or if there is a violation of any provision of these rules regarding restrictions imposed during night time) make a complaint to the authority.
9. All the Ambient Air Quality values are restricted to the sampling period of 08.00 Hrs.

10. Complainant houses are found very near to the Tharamangalam Municipality Dumpsite. Complaints received from the public at the time of Air Survey.
11. The Ambient Air Quality Monitoring values are found to be exceeded when compared to the prescribed norms.

Sl.NO	AAQ survey conducted at Tharamangalam Municipality by AEL, TNPCB Salem on 22.03.2022																																								
1.	 <p>Yuvaraj House, SH 86, Tharamangalam, Tamil Nadu 636502, India</p> <table border="1"> <thead> <tr> <th></th> <th>Decimal</th> <th>DMS</th> <th></th> </tr> </thead> <tbody> <tr> <td>Latitude</td> <td>11.68755</td> <td>11°41'15" N</td> <td></td> </tr> <tr> <td>Longitude</td> <td>77.968043</td> <td>77°58'4" E</td> <td>28°C</td> </tr> <tr> <td></td> <td></td> <td></td> <td>82°F</td> </tr> <tr> <td></td> <td colspan="2">2022-03-22(Tue) 12:17</td> <td></td> </tr> </tbody> </table> <p>MXP8+JXC, Tharamangalam, Tamil Nadu 636502, India</p> <table border="1"> <thead> <tr> <th></th> <th>Decimal</th> <th>DMS</th> <th></th> </tr> </thead> <tbody> <tr> <td>Latitude</td> <td>11.686445</td> <td>11°41'11" N</td> <td></td> </tr> <tr> <td>Longitude</td> <td>77.967401</td> <td>77°58'2" E</td> <td>29°C</td> </tr> <tr> <td></td> <td></td> <td></td> <td>84°F</td> </tr> <tr> <td></td> <td colspan="2">2022-03-22(Tue) 12:25</td> <td></td> </tr> </tbody> </table>		Decimal	DMS		Latitude	11.68755	11°41'15" N		Longitude	77.968043	77°58'4" E	28°C				82°F		2022-03-22(Tue) 12:17				Decimal	DMS		Latitude	11.686445	11°41'11" N		Longitude	77.967401	77°58'2" E	29°C				84°F		2022-03-22(Tue) 12:25		
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Compliance of Hon'ble NGT in order dt 21.01.2022

S.No	NGT Directions	Status
(i)	<i>Whether the Solid waste management Rules, 2016 an Other Waste Management Rules are being strictly implemented in the 5th Respondent</i>	The Municipality has not yet commenced its biomining activities. The time frame for implementation of Bio-remediation

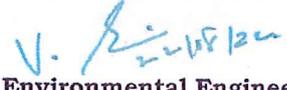
	Municipality,	<p>or capping of old and abandoned dump sites is five years from the date notification of SWM Rules, 2016 (i.e 8th April 2016).</p> <p>The unit has not applied and obtained authorization for setting up waste processing, treatment or disposal facility, if the volume of waste is exceeding five metric tons per day including sanitary landfills from the State Pollution Control Board.</p> <p>The Municipality has not yet submitted the Annual report as per the Solid waste Management rules,2016.</p>
(ii)	Whether the legacy waste in the dump yard is being disposed of in a scientific manner by bio-mining as directed by the Principal Bench of National Green Tribunal, New Delhi in O.A.No. 606 of 2018 and also by this Bench in several matter of this nature,	<p>The Municipality has not yet commenced its biomining activities.</p> <p>The legacy waste in the dump yard is not being disposed properly.</p>
(iii)	Whether the allegation of burning of waste in the dump yard, if found true, what is the nature of action taken by the Pollution Control Board as a regulator against the 5 th Respondent Municipality as provided under the Environment (Protection) Act, 1986 and Other Waste Management Rules.	<p>The AAQ survey was carried out around the dumpsite by AEL, Salem on 22.03.2022 and the report of analysis reveals that the PM₁₀ has exceeded the AAQ standards prescribed by the Board.</p> <p>It is decided to impose Environmental compensation in this regard.</p>
Para 12.	The 3 rd Respondent / District Collector - Salem District, 4 th Respondent / DEE of Tamil Nadu Pollution Control Board - Salem District and the 5 th	<p>Surprise inspections were carried out around the Tharamangalam Municipality and about 140 Kg of banned plastic were seized and fine of Rs.46500/-</p>

<p><i>Respondent / Tharamangalam Municipality are directed to report the steps taken them to implement the ban of single use plastic in that area as directed by the Government and what is the nature of action taken by them against the violators including tracing the sources of availability of such single use plastic and other banned plastic articles, under the notification."</i></p>	<p>have been collected so far by the Tharamangalam Municipality .</p>
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Conclusion:-

In view of the above, the Tharamangalam Municipality has been addressed to comply the following

1. The Tharamangalam Municipality shall commence and complete its biomining activities at the earliest.
2. The Tharamangalam Municipality shall stop dumping its unsegregated mixed waste.
3. The Tharamangalam Municipality shall collect only the segregated waste and dispose the same scientifically.
4. The Tharamangalam Municipality shall provide Material recovery facility so as to enable the recovery of the segregated waste for its beneficial use.
5. The Tharamangalam Municipality shall maintain its compost yard without odour or fly nuisance around the premises.
6. The Tharamangalam Municipality shall apply and obtain the Authorization under Solid Waste Management Rules, 2016.
7. The Tharamangalam Municipality shall furnish the Annual report periodically without fail.
8. The Tharamangalam Municipality shall furnish the actual status of waste generation, treatment and disposal by maintaining a logbook/record so as to review the gap in the implementation of SWM rules, 2016 periodically.
9. The Tharamangalam Municipality shall comply with the provisions of the Solid waste management Rules, 2016.


District Environmental Engineer
Tamil Nadu Pollution Control Board
Salem

**BEFORE THE HON'BLE NGT (SZ),
CHENNAI**

Original Application No. 11 of 2022 (SZ)

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Advocate for Respondent: TNPCB
Thiru. Sai Sathyajith
BSC, Chennai.

Dated: 07.09.2022

Date of hearing: 09.09.2022