

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

Original Application No. 133 of 2021 (SZ)

&

Original Application No. 113 of 2021 (SZ)

Suo Moto – ‘VCK leader joins chorus against
Illegal dumping of medical waste’

-Vs-

The Chief Secretary to Govt. of Tamil Nadu
Govt. Secretariat, Fort St. George
Chennai – 600 009 and Ors

...Respondents

With

Tribunal on its own motion-SUO MOTU
Based on the News item published in the Times
of India Newspaper Chennai Edition, dated 27.04.2021,
under the caption ‘Dumping of garbage in Thalambur Lake
Locals write to District Collector’

-Vs-

The Principal Secretary to Government
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**Advocate
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

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REPORT FILED ON BEHALF OF THE RESPONDENT

TAMIL NADU POLLUTION CONTROL BOARD.

I, R. Rajamanickam S/o. P.M.Ramasamy, Hindu, aged about 57 years, having my office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, and I am filing this Report on behalf of the Respondent, Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per the records.

2. It is respectfully submitted that Hon’ble NGT(SZ) in its order dated 17.12.2021 in Original Application No. 133 of 2021 with Original Application No.113 of 2021 has stated the following inter alia:


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“ Para 9. In the mean time the Pollution Control Board is directed to file further progress and action taken report”.

3. It is respectfully submitted that, in earlier the Board has issued directions under Section 5 of the Environment(Protection) Act,1986 vide proceedings dated 07.12.2021 to the Block Development Officer, Thiruporur Panchayat Union and the Secretary, Thalambur Village Panchayat to remit interim Environmental compensation of Rs. 20 Lakhs for the period from April, 2020 to November, 2021 and with certain directions to comply with. In this regard, the status of the compliance of the directions is submitted as below:

S.No	Directions mentioned in the TNPCB proceedings dated 07.12.2021	Compliance status
1	The Thalambur Village Panchayat shall stop dumping the Municipal Solid Waste near the Thalambur Lake	The unsegregated Municipal Solid Wastes generated from the said village panchayat area was collected and dumped in the vacant area located in the western side outside the lake by the Thalambur Village Panchayat. Furthermore the village panchayat is carrying out the construction of compound wall separating the lake and the area in question.
2	The Thalambur Village Panchayat shall immediately remove the Municipal Solid Waste near the Thalambur Lake	The Thalambur Village has partly removed the Municipal Solid Waste in the area near to the said lake and dumping the unsegregated Municipal Solid Waste in the vacant area located in the western side outside the lake.
3	The Thalambur Village Panchayat shall provide solid	The Block Development Officer, Thiruporur Panchayat Union vide


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	waste processing facility for handling the solid waste generated in their Village panchayat area	letter dated 01.02.2022 has stated that they have proposed to provide Micro Composting Centre of capacity 2.0 MT in a cost of Rs. 2864000.
4	The Thalambur Village Panchayat shall comply with the provisions of the 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	The Block Development Officer, Thiruporur Panchayat Union vide letter dated 01.02.2022 has stated that they have proposed to provide Micro Composting Centre of capacity 2.0 MT with a cost of Rs. 28,64,000. Also proposed to provide plastic waste recycling system at a cost of Rs. 36,00,000 and also proposed to construct a compound wall near the proposed MCC site
5	The Thalambur Village Panchayat 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	The unsegregated Municipal Solid Wastes generated from the said village panchayat is being collected and dumped in the vacant area located in the western side outside the lake by the Thalambur Village Panchayat
6	The Secretary Thalambur Village Panchayat shall monitor and ensure the compliance with the statutory requirements and for the scientific disposal of solid waste that are being generated	The unsegregated Municipal Solid Wastes generated from the said village panchayat was collected and dumped in the western side of the lake by the Thalambur Village Panchayat and the same is used as a transit station by the said village

	in the local body, till commencement of the processing facility	panchayat and then the solid wastes are transported and dumped in the dump yard at Kolathur Village of Kattankolathur Block
7	The Thalambur Village Panchayat is liable to pay Environmental Compensation till the compliance of the conditions stipulated vide Sl.No.1 to 6	The said village panchayat has not complied with the above said directions and also not remitted the Environmental Compensation.

4. It is respectfully submitted that based on the complaint regarding dumping of solid waste at Thalamburu lake, the said area in question was inspected by the DEE, TNPCB, Maraimalai Nagar on 28.04.2022 & 09.05.2022 and during inspection the following observations were made

- i. No discharge of sewage into the said lake from the residences located nearby to the lake was noticed.
- ii. There is no industrial units located in the vicinity of the lake, hence there is no discharge of industrial effluents into the said lake.
- iii. The unsegregated Municipal Solid Wastes generated from the said village panchayat was collected and dumped in the vacant area in the western side outside the lake by the Thalambur Village Panchayat.
- iv. No municipal solid waste was found dumped in other three sides of the lake.
- v. No bio medical wastes were found dumped in the said area in question.
- vi. The said village panchayat was found carrying out construction of compound wall on the western side of the lake separating the area in question and the Thalambur Lake.


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5. It is submitted that the Hon'ble National Green Tribunal (Principal Bench) in its order dated. 28.02.2020 in O.A.No.606 of 2018 has directed that *"Para. 41 (a) In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and Tribunal to comply with Solid Waste Management Rules, 2016 interim compensation scale is to be laid down for continued failure after 31.03.2020. Any such continued failure will result in liability of every Local Body 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 from 01.04.2020 till compliance"*

6. It is respectfully submitted that, the Thalambur Village Panchayat has continued non-compliance of conditions issued with the directions vide Board Proc dated 07.12.2021. In this regard, the levy of Interim Environmental Compensation to the Thalambur Village Panchayat for not segregating and properly disposing the solid wastes generated for the period from December 2021 to April 2022 (already EC of Rs. 20 Lakhs levied for the period April 2020 to November 2021) is calculated as follows:

December 2021 to April 2022 - Rs.1 Lakh x 5 Months

= Rs.5 Lakhs till 30th April 2022.

Hence in due compliance of the said order of the Hon'ble NGT, the Board issued show cause notice under Section 5 of the Environment (Protection) Act, 1986 vide Proceeding dated 12.05.2022 to the Block Development Officer, Thiruporur Panchayat Union as to why the Board shall not recover interim compensation of Rs.5 Lakhs for the period from December 2021 to April 2022.

7. It is further submitted that the TNPCB has issued show cause notice vide Proceeding dated 12.05.2022 as to why prosecution should not be launched by filing a complaint as per the powers conferred under Section 19(a) of the Environment (Protection) Act, 1986 read with Section 17 (1) of the Environmental (Protection) Act 1986 against the Block Development Officer,


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Thiruporur Panchayat Union for the following offences committed which is punishable and attracts the penal provisions of the Section 15(1) of the said Act:

- i. The Thalambur Village Panchayat has not complied with the provisions of the Solid Waste Management Rules, 2016.
- ii. The unsegregated Municipal Solid Wastes generated from the said village panchayat was collected and dumped in the vacant area in the western side outside the lake by the Thalambur Village Panchayat.
- iii. The Thalambur Village Panchayat has been earlier levied with Interim Compensation of Rs. 20 Lakhs as per Hon'ble NGT orders for the period April 2020 to November 2021 for not segregating and not properly disposing the solid wastes generated from the said Panchayat area. The said Interim Compensation has not been remitted so far.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) at Chennai may be pleased to take this Report on Record and 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.


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BEFORE ME

VERIFICATION

I, R. Rajamanickam, Son of P.M.Ramasamy, Working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, do hereby submit that the contents of the above report are true to the best of my knowledge through records.


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RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD**

**Advocate for Respondent No.
Thiru. S. Sai Sathya Jith,
Advocate, Chennai.**

Date:12.05.2022.

Date of hearing on:13.05.2022

