

**FURTHER REPORT OF THE JOINT COMMITTEE CONSTITUTED BY
THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE) IN
RESPECT OF O.A NO. 192 OF 2020 (SZ) SUOMOTU ON THE BASIS OF
THE NEWS PAPER REPORT WITH PHOTOGRAPH PUBLISHED IN
THE NEW INDIAN EXPRESS, CHENNAI EDITION DATED, 24.09.2020
UNDER THE CAPTION "CIVIC ISSUE IN CHITLAPAKKAM –
IRREGULAR GARBAGE COLLECTION IRKS LOCAL RESIDENTS"**

GREEN TRIBUNAL (SOUTHERN ZONE) IN RESPECT OF

O.A NO.192 OF 2020 (SZ)

Nodal Officer : The Director of Town Panchayats

1.0 Preamble

In the matter of Original Application No. 192 of 2020, Tribunal on its own motion-SUO MOTU based on the News item in The New Indian Express, Chennai edition Vs 1.The Principal Secretary to Government, Health and Family Welfare Department, 2.The Secretary to Government, Environment Department, 3.Additional Chief Secretary to Government, Municipal Administration and Water Supply Department, 4.Director of Town Panchayats, Chennai 5.The Chairman, Tamilnadu Pollution Control Board, 6.The District Collector, Chengalpattu, 7.Chitlapakkam Town Panchayat, Rep. by its Executive Officer, the National Green Tribunal, Southern Zone, Chennai has passed an order dated 17th September, 2020 that;

"It is appropriate to appoint a joint committee comprising of 1) the District Collector, Chengalpattu District or a Senior Officer not below the rank of Assistant Collector or Sub Divisional Magistrate deputed by the District Collector 2) a Senior Officer from the Tamil Nadu Pollution Control Board as designated by its Chairman of Tamil Nadu Pollution Control Board 3) a Senior Officer from the Directorate of Town Panchayats, Chennai as deputed by the Director 4) the Executive Officer of Chitlapakkam Town Panchayat, Chennai to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

The Director of Town Panchayats will be the nodal agency for co-ordination and also for providing all necessary logistics for this purpose. The committee is directed to ascertain as to whether Solid Waste Management Rules 2016 as well as Bio Medical Waste Management Rules 2016 are being implemented in 7th Respondent Town Panchayat and whether the periodical directions given by the Principal Bench of National Green Tribunal, New Delhi in O.A.No: 606 of 2018 is being implemented in that area, whether there is any violation and what is the action taken by the regulating authority as directed by the Principal Bench in this regard.

The committee is also directed to suggest the long term and short term measures to resolve the issue with shorter time line and also assess the environmental compensation if there is any violation found, and realise the same from the authority or person responsible in accordance with law.

The committee is directed to submit the report to this Tribunal on or before 10.11.2020 by e-filing along with required hard copies to be produced as per rules.

In Compliance of above mentioned order, the Directorate of Town Panchayats in its letter dt. 31.10.2020 nominated the officials and District Collector Chengalpattu nominated the officials to constitute a Committee comprising the following officials. The Committee members were informed vide letter dated January 27, 2020

Sl. No.	Name and Designation of the Officer	Committee
1.	D. Anbalagan, Superintending Engineer, O/o Director of Town Panchayats, Chennai	Member
2.	Revenue Divisional Officer, Tambaram	Member
3.	District Environment Engineer, Tamilnadu Pollution Control Board, Maraimalai Nagar	Member
4.	Tmt.N.Latha, Executive Officer, Chitlapakkam Town Panchayat	Member

The Director of Town Panchayats, Chennai has been nominated as the Nodal Officer of MA&WS for the joint committee.

The committee visited the areas of Chitlapakkam Town Panchayat which is a subject matter in O.A. 192 of 2020 on 4th November 2020 and submitted its report to the National Green Tribunal on 06.11.2020

The National Green Tribunal, Southern Zone, Chennai, on hearing the matter on 10/11/2020 passed the following orders and directed the Committee and the Executive Officer of Chitlapakkam Town Panchayat to submit an "Action Plan" and further action taken report to the Tribunal on or before 24.12.2020 by e-filing at ngtszfiling@gmail.com.

ORDERS OF THE HON'BLE TRIBUNAL

It is seen from the report that it is general in nature and the Town Panchayat will implement the Solid Waste Management Rules, 2016 of collection, segregation and disposal as provided under the Solid Waste Management Rules,

2016 by 31.1.2021 but they have not provided how they are intended to implement the same especially when a place will have to be identified for segregation and disposal of the waste generated.

Further, though there was a proposal for incineration plant of non-recyclable and non bio degradable waste by incineration, it is seen from the report that there is no authorisation or permission obtained from the Tamil Nadu Pollution Control Board for that purpose. Further, the place where now it is being done is not sufficient for that purpose even according to the committee, a place will have to be identified for this purpose.

There is nothing mentioned in the report as to whether there is any plan for identifying a new area for this purpose.

Though it is mentioned in the report that the Health Care Units are handling the bio-medical waste generated by themselves, it is not mentioned as to how that is being handled and whether it is in tune with the provisions of Bio-Medical Waste Management Rules, 2016 which are not specifically mentioned in the report.

They have also (the committee) not assessed any environmental compensation for the violation of Solid Waste Management Rules, 2016 and Bio Medical Waste Rules, 2016 as directed by the Principal Bench of National Green Tribunal, New Delhi in *O.A. No. 606 of 2018* as well. It is not clear from the report as to whether the Health Care Units are having necessary 'authorisation' and necessary arrangement for collection and disposal of Biomedical waste generated in their units as provided under the Bio Medical Waste Management Rules, 2016 and if not what is the action taken by the regulating authority viz., the Tamil Nadu Pollution Control Board against such violating units.

So under these circumstances, we feel that the 7th respondent Chitlapakkam Town Panchayat is also directed to file an independent action plan for the implementation of the Solid Waste Management Rules, 2016 in their area so as to avoid complaints from the local public in future.

The Committee as well as the Pollution Control Board and the 7th respondent-Town Panchayat are directed to submit an action plan and further action taken

report on or before 24.12.2020 by e-filing at ngtszfilig@gmail.com to this Tribunal.

The Registry is directed to communicate this order to the Members of the Committee as well as the above officials by e-mail immediately so as to enable them to comply with the direction of this Tribunal.

For consideration of action plan and action taken report, post on 24.12.2020.

FURTHER REPORT OF THE COMMITTEE

The Chitlapakkam is a Special Grade Town Panchayat in Chengalpattu District with a population of 37,906 as per 2011 Census and the present population is estimated about 45,000. The extent of the Town is 2.90 sq.km and is administratively divided into 18 wards. There are 11173 House Holds and 247 commercial establishments, 4 private hospitals and 15 small health clinics situated within the Town. The Town Panchayat owns 50.948 km length of Roads besides 1.50 km of roads belong to State Highways Department. There are 35.36 km length of storm water drains maintained by the Town Panchayat. It is the duty and responsibility of the Town Panchayat for the better maintenance of Sanitary conditions, Solid waste Management, Water Supply, Street lights and other basic services to the people of the Chitlapakkam.

SOLID WASTE MANAGEMENT – QUANTITY OF MUNICIPAL SOLID WASTE GENERATED

The Town Panchayat generates 11 Metric Tonnes of Solid waste every day as mentioned below:

Bio – Degradable Waste - 5 MT
Non Bio degradable waste - 6 MT

The Non bio degradable waste daily generated consists of the following categories of wastes.

1	Plastics	1.488 MT
2	Glass, Rubber and Tyres etc	1.5 MT
3	Clothes, Bed, wood waste etc	2.0 MT
4	E-waste	0.012 MT

Apart from the above, C & D waste of above 0.5 M.T is collected separately and 0.5 M.T silt from Road sweeping and drain cleaning are collected and stored separately.

Availability of staff and Vehicle strength

Executive Officer	1
Sanitary Workers (permanent)	20
Sanitary workers through outsourcing	51
Vehicles	
Mini Lorry	1
Compactor	1
Tata Ace	1
Battery Operated Vehicle	18
Tri cycle	23
Push cart	25
Tractor (Hire basis)	1
Tata Ace (Hire basis)	4

DUMP YARD (RESOURCE RECOVERY PARK)

The Dump Yard is located adjoining to the Town Panchayat office in Town Survey No: 256 and the extent of the Dump Yard is 0.96 acres. The land classification is Eri under the control of PWD and it is in function for more than 30 years. The Solid waste generated in the Town Panchayat areas is transported to the dump yard after segregation at door step for further processing and disposal.

PRESENT SYSTEM OF WASTE PROCESSING AND DISPOSAL.

Sl No	Category of wastes	Quantity generated per day in M.T	% of processing	Present method of processing	Method of disposal
1	Bio degradable waste	5.0 MT	100%	Windrow composting	Manure produced
2	Non Bio Degradable Waste	0.500 MT	100%	Stored at Resource Recover Park and sold to potential Recyclers/vendors	By sale
	a. Plastic-Saleable/Recyclable				
	b. Plastics-Reusable	0.250 MT	100%	Shredded by using plastic shredders and used for B.T Road Relaying works	

	c. Plastics-Non saleable/Non Reusable/combustible	0.250 MT	100%	Stored and sent to Cement industries for co-processing	To Cement Industries
	d. Glass, rubber, tyre	0.500 MT	100%	Daily collected waste are incinerated	By incineration
3	Domestic Hazardous waste a. Electric wires/chokes/ Battery/ paint containers/Bulbs	0.250 MT	100%	Stocked at Resource Recovery Park and sold to TNPCB authorised vendors	Sold to TNPCB authorised vendors
	b. Napkins/Diapers/ used medical cotton waste etc	0.250 MT	100%	Daily collected waste are incinerated at Resource Recovery Park	Incineration
4	Other Dry waste Unused Bed/Pillows/Mats/ clothes/Wood pieces etc	1.500 MT	100%	Collected and stored separately in the Resource Recovery Park. Proposed to be disposed through incineration	Incineration
5	Construction and Debris Wastes	1.500 MT	100%	Separate place is earmarked in the Town Panchayat. Quantity generated per day is very less and hence used for low-lying areas in the wards.	Low-lying areas filling
6	E-waste	0.250 MT	100%	Collected and stored at Resource Recovery Park. Sold to potential Recycling vendors authorised by TNPCB	Sold to TNPCB Vendors
7	Inert Drain silt etc	0.750 MT	100%	Collected separately and filled up in low-lying areas	Low-lying areas filling

7. LEGACY WASTE

There is no dumped legacy waste in the Dump Yard/Resource Recovery Park at present. The solid waste daily collected is processed through windrow composting so as to produce organic manure.

8. BIO MEDICAL WASTE

As per the Solid Waste Management Rules 2016, collection and disposal of Bio Medical Waste are the responsibility of State Pollution Control Board. There are one T.B. Hospital, 6 Nursing Homes, 4 Hospital and 9 small private clinic situated within the Chitlapakkam Town Panchayat limits. No Major private Hospitals/Multi Speciality Hospitals are situated in the limits of Chitlapakkam Town Panchayat. The Bio Medical Waste generated from the above Hospitals are collected by the private vendors M/s.GJ Multi Clave India Pvt. Ltd., who is authorised by the Tamilnadu Pollution Control Board. The Town Panchayat is periodically contacting the above 19 hospitals and monitoring to ensure that the Bio Medical Wastes are not disposed into Town Panchayat solid waste management stream.

ACTION TAKEN ON SOLID WASTE MANAGEMENT

The Town Panchayat is a small urban local body in which the permanent/sanctioned posts are less. The Town Panchayat has 42 sanctioned posts for water supply, sanitation, street light maintenance works. Out of which 6 posts are vacant and the process of filling the same in accordance with Government Rules will take a long time. The existing staff are not sufficient to meet the requirement of rapid growing households and population.

Since the state formulated the Solid Waste Management Rules 2016(Management and Handling) the Town Panchayats were authorised under Na.Ka.No:5030/08/B4 dt 24/6/2008 by the letter issued by the Director of Town Panchayats, Chennai to engage self help groups and Non Government Organisations to handle process of Solid Waste Management Activities in Town Panchayats.

Accordingly, the services of NGO named "Hand in Hand" was engaged into supplement the existing sanitation team and to ensure proper implementation of Solid Waste Management activities as per Solid Waste Management Rules 2016.

All activities went well and the effective implementation was affected due to Corona pandemic lock down period which was announced from 23rd March 2020. Since the entire team was busy in the containment of COVID-19 and the SHG could not provide additional personnel required, the Town Panchayat had to place some more temporary arrangements on contractual basis. Due to the above reasons, the Door to Door collection and waste segregation at source activities were disturbed and however the same Door to Door collection and segregation at source are being addressed and improved now.

Present Door to Door collection	- 80%
Segregation at source	- 80%

Battery Operated Vehicles 16 Nos were purchased for effective Door to Door Collection and segregation at source.

4 Nos of Mini Lorries (TATA ACE) and 1 Tractor were engaged on Hire Basis for Door to Door collection and transportation of collected waste to Dump Yard.

Small repairs and improvement works were done in the Dumpyard/Resource Recovery Park for carrying out windrow composting.

One small incinerator of 5 TPD capacity was installed at Resource Recovery Park and under Trial run. The emissions were tested and permission from TNPCB was applied for and yet to be issued.

IMPLEMENTATION OF PLASTIC WASTE MANAGEMENT RULES 2016

The Government of Tamilnadu in order G.O.Ms No: 84, Environmental and Forest Department, dated. 25.06.2018 has issued orders for ban on the use of one time use and throw away plastics in urban local bodies.

Based on the orders, continuous raids, monitoring activities and IEC activities are being carried out to ban the sale and use of one time use and throw away plastics.

From 1/8/2020 to till 22/12/2020 124 raids were conducted 58 kg of one time use and throw away plastics seized, Rs 9,200/- of fine was imposed and collected. Continuous surprise inspections are made and IEC activities are being carried out in this regard.

LACK OF ADEQUATE SPACE FOR RESOURCE RECOVERY PARK

At present, the Resource Recovery Park is functioning adjoining to the Town Panchayat office in an area of 0.96 acres which is classified as Eri owned by the Public Works Department. This site has been used as Dump yard for dumping garbage for the past 30 years. Now as per the request of the PWD, a request was made to the District Collector, Chengalpattu to allot suitable land of required extent to form a Resource Recovery Park to carry out activities as per the Solid Waste Management Rules 2016. As instructed by the District Collector, the Revenue Divisional Officer, Tambaram was contacted and required land will be obtained before 30.06.2021.

Reply to points/observations in paras made by the National Green Tribunal

Observations by the NGT	Action taken	Time line
The Town Panchayat will implement the SWM Rules 2016 i.e., Collection, Segregation and disposal by 31/1/2021 Identification of new site for Resource Recovery Park.	Present Door to Door Collection achieved 80% Segregation at source achieved 75% All efforts are taken and will be completed before 31.1.2021	100% before 31/01/2021
	However identification of new land will take more time. Until identification of new place, the processing activities through windrow method will be continued at the same place	30/06/2021
Though there was a proposal for incineration plant of non-recyclable and non bio degradable waste by incineration, it is seen from the report that	The incinerator of 5 TPD capacity was installed and test run completed. It is yet to be brought to proper function for which TNPCB permission was sought for and TNPCB has issued notice to stop running incinerator.	30/06/2021

there is no authorisation or permission obtained from the Tamil Nadu Pollution Control Board for that purpose. Further, the place where now it is being done is not sufficient for that purpose even according to the committee, a place will have to be identified for this purpose.	The existing space in the RRP is sufficient to accommodate 5 TPD capacity incinerator. The emission of flue gas is well within the TNPCB norms. But existing ownership of the land the TNPCB has objected and reluctant to issue NOC to run the incinerator. The functioning of incinerator may be permitted till suitable alternate site is identified to install 5 TPD incinerator. Once new place is identified for Resource Recovery Park, this will be removed and shifted to new place.	
Handling of BIO MEDICAL WASTE it is mentioned in the report that the Health Care Units are handling the bio-medical waste generated by themselves, it is not mentioned as to how that is being handled and whether it is in tune with the provisions of Bio Medical Waste Management Rules, 2016 which are not specifically mentioned in the report.	There are 19 health care units/hospitals in Chitlapakkam Town Panchayat limits. The Bio Medical Waste generated in the above health care units are collected by the TNPCB authorised Common Biomedical waste treatment and disposal facilitator M/s.GJ Multi Clave India Pvt. Ltd., on daily basis for treatment and disposal as per the TNPCB norms and BMW rules 2016. This is the responsibility of the TNPCB and TNPCB is monitoring the above activities. However the Town Panchayat is regularly contacting the above Health care units so as to ensure the BMW from the above Health care units are not mixed with the Town Panchayat Solid Waste Stream.	Continuous

The committee not assessed any environmental compensation for the violation of Solid Waste Management Rules, 2016 and Bio Medical Waste Rules, 2016 as directed by the Principal Bench of National Green Tribunal, New Delhi in <i>O.A. No. 606 of 2018</i> as well. It is not clear from the report as to whether the Health Care Units are having necessary 'authorisation' and necessary arrangement for collection and disposal of bio medical waste generated in their units as provided under the Bio Medical Waste Management Rules, 2016 and if not what is the action taken by the regulating authority viz., the Tamil Nadu Pollution Control Board against such violating units.	The Chitlapakkam Town Panchayat has already initiated and taken all possible effective efforts to implement the SWM Rules 2016, Plastic Waste Management rules and Bio Medical Waste Rules 2016 to achieve 100%. Since segregation at source is very difficult task and fullest cooperation of all sectors of people and commercial establishment are needed the Town Panchayat could not achieved 100% But more over these activities were also heavily affected during the Corona pandemic lock down period during which all the normal activities were heavily disrupted till date. Hence achieving 100% in the implementation of the Rules could not be achieved. The Chitlapakkam Town Panchayat in a short period has rose up and improved its status in all activities in respect of implementation of SWM Rules 2016, Plastic Waste Management Rules 2016. Considering the difficulties faced by the small urban local body i.e. Chitlapakkam Town Panchayat the environment compensation has not been worked out. However the TNPCB in its letter Roc No:T1/TNPCB/SWM/F.023182/MMN/2020, dated 09/12/2020 has imposed a fine of Rs.8.00 lakhs as Environmental Compensation without giving any prior notice.	Continuous
--	--	-------------------

It is not clear from the report as to whether the Health Care Units are having necessary 'authorisation' and necessary arrangement for collection and disposal of bio medical waste generated in their units as provided under the Bio Medical Waste Management Rules, 2016 and if not what is the action taken by the regulating authority viz., the Tamil Nadu Pollution Control Board against such violating units.	There are 19 Health Care Units situated within the Chitlapakkam Town Panchayat. The Bio Medical Waste generated in the above health care units are collected by the TNPCB authorised Common Biomedical waste treatment and disposal facilitator M/s.GJ Multi Clave India Pvt. Ltd., on daily basis for treatment and disposal as per the TNPCB norms and BMW rules 2016. Out of 19 Health care facility, 4 of them are beded Hospital and remaining 15 are non beded clinics. Showcause notice were issued to 11 of the said Health care facility for operating without obtaining authorisation of the Board.	continuous
--	---	------------

Action Plan for Implementation Solid Waste Management Rules 2016

As directed by the National Green Tribunal, the committee inspected the Chitlapakkam Town Panchayat on 04/12/2020 and held discussion with the Executive Officer of Town Panchayat. Now the Town Panchayat has taking more steps to improve the implementation of Solid Waste Management Rules 2016.

- Door to Door Collection - 100% will be achieved before 31.01.2021.
- Segregation and Source - Additional workers were engaged and 100% will be achieved before 31.01.2021.
- Waste Processing – waste collected are processed & achieved 100%. Bio-Degradable waste will be processed to produce manure using windrow composting.
- In respect of Dry waste, it is proposed to dispose through incineration. NOC will have to be obtained from TNPCB.
- There is no dumped legacy waste in the Resource Recovery Park. New land for Resource Recovery Park will be obtained from Revenue Department before 30/06/2021.

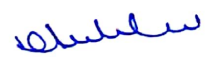
The above report is submitted before the National Green Tribunal for consideration.

Signature of Committee Members


(N. Latha)
Executive Officer
Chitlapakkam Town
Panchayat,
Chennai-64


(D. Vasudevan)
District Environmental
Engineer, Tamil Nadu
Pollution Control Board,
Maraimalai Nagar.


(D. Ravichandran)
Revenue Divisional
Officer, Tambaram,
Chengalpet District.


(D. Anbalagan)
Superintending
Engineer,
O/o Directorate of
Town Panchayats,
Chennai-28