

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

IN

**ORIGINAL APPLICATION No. O A 514 of 2019(PB)
RENUMBERED AS O A 77 of 2021(SZ)**

IN THE MATTER OF

**Suo Motu proceedings initiated
based on letter received**

**From Justice A.V. Ramakrishna Pillai,
Former Judge, High Court of
Kerala, Chairman,
SLMC, Kerala.**

:

Applicant(s)

Verses

**The Chief Secretary,
Government of Kerala,**

Thiruvananthapuram and Others

:

Respondent(s)And

ORIGINAL APPLICATION No. O A 442/2013(SZ)

Applicant(s) : Jith Kumar, Muthedathu

Versus

**Respondent(s) : The State of Kerala & others
And**

ORIGINAL APPLICATION No. O A 20 / 2017(SZ)

Abdul Basheer

Versus

Kochi Municipal Corporation & Others

ORIGINAL APPLICATION No. O A 276/2017(SZ)

02.12.2021 IN O A 77 of 2021

Lawyers Environmental Awareness Forum

Versus

SEIAA, Thiruvananthapuram

**UPDATED STATUS REPORT FILED BY THE CHIEF ENVIRONMENTAL
ENGINEER, REGIONAL OFFICE, ERNAKULAM FOR AND ON BEHALF OF
THE KERALA STATE POLLUTION CONTROL BOARD AS PER THE ORDERS
DATED 02.12.2021 IN O A 77 of 2021**

Dated this the 23rd day of January 2021

**Adv. Rema Smrithi,
ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT**

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VOLUME 1

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02.12.2021 IN O A 77 of 2021

I, M.A Baiju, 55 years, S/o M.K Aravindakshan, now working as the Chief Environmental Engineer, Regional Office, Kerala State Pollution Control Board, Ernakulum. I am competent to and duly authorized to represent the Board. I know the facts and circumstances of the cases. The factual submissions made here under are true and correct to the best of my knowledge, information and belief. In these circumstances, it is just and necessary that this Hon'ble Tribunal may be pleased to accept the accompanying report on file and it is so humbly prayed in the interests of justice in this case.

1. It is respectfully submitted that regarding the solid waste management for the whole State, decentralized Solid Waste Management (DSWM) involving the segregation and processing of waste at source to the maximum extent possible and then at the community level is practised. For the treatment of biodegradable waste, decentralised units are provided at household level, institutional level and community level using different types of composting and biogas units except at Kochi Corporation and Kozhikode Corporation where windrow compost system is provided. Facility is also being provided for door-to-door collection of non-biodegradable waste by authorised collectors namely Haritha Karma Sena and thereby channelizing recyclable wastes to registered recyclers and non recyclables for road tarring and co-incineration in cement plant. *Clean kerala company* – tasked with the responsibility of collection and disposal of non bio degradable waste and legacy/mixed/inert waste in collaboration with local governments are front end processors of waste. *Suchitwa mission* is giving the technical support and monitoring the sanitation and waste management. *Haritha Kerala Mission* has been responsible for enhancing community engagement and local solutions at the Local government level. *Kudumbashree* – Mission under the aegis of NRLM and NULM is giving livelihood support to the Haritha karma sena – local collectors of waste from households and institutions. *KILA* – the state level training institution for local governments, is giving various categories of stakeholders from elected representatives to local government engineers and the Haritha karma sena on matters pertaining to waste management and green protocols.

2. It is respectfully submitted that as per Solid Waste Management Rules, 2016, 100% door to door collection of waste from households and establishments has to be done by the local body concerned. 92 out of the total 93 ULBs and 919 out of 941 RLBs are practicing segregated door to door collection of waste. Regarding door-to-door collection in households, 41 ULBs cover 75-100%, 25 ULBs cover 50-75%, 14 ULBs cover 25-50% and remaining 13 ULBs cover less than 25% door to door collection. Regarding Door-to-Door collection in establishment, 29 ULBs cover 75-100%, 21 ULBs cover 50-75%, 22 ULBs covers 25-50% and remaining 20 ULBs less than 25% collection. The Board is taking




M. A. BAIJU
 Chief Environmental Engineer

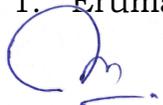
earnest efforts to bring 100% Door to Door collection in all the local bodies. For the storage and disposal of the collected non-bio waste, there are 175 numbers of MCF/RRF with total capacity of 495 TPD. 4298 MT waste has been disposed at KEIL facility through Clean Kerala Company Limited from 68 ULBs and 590 GPs till September 2021. Bio degradable waste is being disposed through 776547 composting units of total capacity 1630 TPD and 76500 bio-methanation units of total capacity 412 TPD.

3. I may humbly submit that regarding identification of suitable sites for setting up Integrated solid waste processing facilities as per Rule 22(1), Government has accorded sanction for the development of Integrated Solid waste management project with waste to energy facility at identified 7 locations through Design Build Finance Operate and Transfer basis under Public Private Partnership mode vide GO (Ms) No. 82/2018/LSGD dated 11/06/2018. The Waste to Energy projects is coming up in the districts of Kollam, Thrissur, Palakkad, Malappuram, Kozhikode, and Kannur. Consent to establish has been issued by the Board for the setting up of WtE plant at Kollam, Palakkad and Kozhikode. In addition to this, the Government have accorded sanction for the setting up of Integrated Solid waste management project with waste to energy facility at Brahmapuram in Ernakulam District. The State Government appointed KSIDC as the nodal agency to coordinate the implementation of projects in the state in collaboration with concerned Local Self Government Institutions.

4. It is respectfully submitted that regarding identification of suitable sites for setting up of common regional sanitary landfill facilities, 25 acre of land has been earmarked by KINFRA at site of FACT at Ernakulam, but in a meeting convened by Chief Minister on 06.12.2021 to discuss the issues related to procurement of land for sanitary landfill, it was decided that since the land under KINFRA for Petrochemical Industrial park could not be allotted for this purpose, the district collectors of Ernakulam, Alappuzha, Pathanamthitta, Idukki, Kollam, and Thiruvananthapuram were instructed to find the required land for sanitary landfill. Steps are to be taken by the Revenue & Industries department for allotting the 15 acres of land in Madakai Industrial estate at Kasaragod district to Clean Kerala Company. Another secured landfill is under construction in Attingal Municipality.

5. A total of 44 dump sites have been identified in ULBs out of which 10 sites have been cleared and remediation works at 13 sites have been initiated. A total of 7 dump sites have been identified in rural LBs out of which 3 sites have been cleared and remediation works at 2 sites have been initiated. Legacy waste clearing has been completed at ten dumpsites, namely 1. Erumakkuzhi,




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Thiruvananthapuram; 2. Palayam; 3. Punalur; 4. Kottarakkara; 5. Adoor; 6. Erumeli; 7. Vaikkom; 8. Guruvayoor, Thrissur; 9. Pattambi; 10. Thathamangalam, Palakkad. The clearing is progressing at 1. Kozhikode; 2. Kunnankulam; 3. Chalakkudy; 4. Irinjalakkuda; 6. Munnar 7. Kureepuzha and 8. Varkala. Actions have been initiated by the LSGIs for the bioremediation of three major legacy waste dumpsites at Brahmapuram in Ernakulam, Chelora in Kannur and Njeliyamparamb in Kozhikode.

6. It is respectfully present that to enforce the mandate of Rule 17(3) of Solid Waste Management Rules, 2016, Hon'ble NGT passed an order dated 12.03.2021 in OA 237/2020 regarding the disposal of sanitary waste. As per the order the urban local bodies are directed to collect the segregated non-recyclable dry waste namely sanitary napkin, diapers etc through authorized waste pickers and the segregated sanitary waste shall be treated in incinerators of CBMWTF of KEIL in Ernakulam. A methodology for registration of LSGIs with KEIL and agencies for collection, transportation and generators is being developed. Action is being taken to study this project on a pilot basis in Kochi Corporation and in municipalities namely Kalamassery, Aluva, Cherthala, Alappuzha etc.

7. It is respectfully submitted that Kerala state has more than 16,000 poultry stalls where around 18 lakh poultry are slaughtered and sold daily and it is estimated that about 1,080 TPD of poultry waste is produced. Guidelines for Licensing Poultry Meat Stalls and Poultry Waste Rendering Plants has been issued in the State vide GO (Ms.) No. 227/2021/LSGD dated, 07.10.2021. According to the orders, District Level Facilitation and Monitoring Committee under the chairmanship of District Collector has to be formed for approving rendering plants and monitoring the same. As on date all Districts have formed DLFMC – all districts except Thiruvananthapuram and Alappuzha have functioning rendering units

8. It is respectfully submitted that for the non compliance of the provisions of Solid Waste Management Rule, 2016, direction/notice under section 5 of Environmental Protection act, 1986 were issued to 4 Corporations (Thiruvananthapuram, Kollam, Kochi Corporation and Thrissur); 8 Municipalities namely Aluva, Kalamassery, Thrippunithura, Thrikkakara in Ernakulam District and Kattapana and Thodupuzha in Idukki District, Chalakkudy municipality in Thrissur district and Kasargod municipality and 51 Gramapanchayaths in Idukki District. Direction to remit Environmental Compensation has been issued to two Corporations-Kochi and Thrissur. Kochi Corporation has obtained stay from Hon'ble high court. Hearing has been conducted with Thrissur Corporation as per court order. Further hearing based on the environmental compensation was




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conducted for Adoor, Pathanamthitta, Thiruvalla and Panthalam municipality on 19.07.2021 and Alappuzha, Cherthala, Chengannur, Kayamkulam, Haripad and Mavelikkara on 07.09.2021 and with Ottappalam municipality and the matter is being followed up. Rs. 32,48,028 has been calculated as damage assessment with respect to the fire accident that happened in Chalakkudy municipality and notice has been issued in this regard.

9. I may humbly submit that in the order dated 02.12.2021 the Pollution Control Board was directed to enquire into the nature of observations made by the State Level Monitoring Committee in the report submitted by the SLMC Chairman and come with the proper action taken report against those persons who are responsible for the same. It is respectfully reported that inspection was conducted by the Board officials on 13.09.2021, 15.05.2021 and 23.09.2021 and specific direction was issued on 25.09.2021 to the land owner with intimation to the Kalamassery municipality. Copy of the same is attached as **Annexure 1**. During inspection conducted on 06.12.2021, it was noticed that Kalamassery Municipality is transferring bio degradable waste to Brahmapuram solid waste dumping yard where no sufficient facilities exist for proper disposal. Some portion of plastic wastes were seen stored in an enclosed shed, a part of which is being segregated, shredded and bailed but no information was received to where it is disposed or given for recycling. It was also identified that non-biodegradable wastes were seen kept in an open place also. An incinerator was seen there in which plastic waste were also seen burned. This is clear violation as the incinerator installed is not meeting the MSW standards. Meanwhile a complaint was received on 02.12.2021, alleged that with earth movers, pits were being filled with plastic and hazardous waste and covered with soil spreading it flat. After conducting inspection on 03.12.2021 the Environmental Engineer had issued a notice to the Cochin port trust on 06.12.2021 denoting the committed breach of specific rules to comply with specific directions. Copy of the same is attached as **Annexure 2**. No reply has been received from the Cochin port trust till date.

10. It is respectfully submitted that regarding the waste management of Kochi Corporation and nearby five municipalities and 3 Grama panchayaths at Brahmapuram, certain actions have been initiated. Government has directed Vide G.O (Rt)No.1219/2021/LSGD dated 27/06/2021 to issue work order to the agency (M/s. Zonta) for Biomining of legacy waste. Technical Committee was formed vide G.O.Rt.No.2432/2021/LSGD dated 01.12.2021 for scrutiny of the implementation plan submitted by Zonta Infratech. After obtaining approval from the council the lease deed was executed with KSIDC for transfer of 20 acres of land to concessionaire of waste to energy project. For construction of collapsed roof and structure of the compost plant shed, it is informed that an amount of Rs.1 Crore




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has been budgeted in the plan fund of 2020-21 for preparing the design and initial work. Also, one more compost plant is proposed in the action plan by the date 31/01/2024. A slaughter house is proposed under KIIFBI project at Kaloor by the date 31/12/2024. Collected non bio waste at the three MCFs and RRF has been disposed through private firm M/s. Bharath Traders. Proposal for MCFs in each of the twenty-one Health Circles is submitted in the action plan.

11. It is respectfully submitted that fire accident was reported on 18.01.2022 in the solid waste dumping yards at Kalamassery and Brahmapuram owned and operated by Kalamassery Municipality and Kochi Corporation respectively. The surveillance team of the Board conducted inspection during fire accident inspection was conducted by the Board officials on 20.01.2022 along with the Chairman, SLMC at North Kalamassery, the solid waste dumping sites of Kalamassery Municipality and Brahmapuram, the dumping site of Kochi Corporation. It is pertinent to note that the dumping site at North Kalamassery is in an extent of about 2 Acres of land where non-bio degradable wastes alone were stored. It was already reported that some portions of these waste were being transferred by certain agencies after bundling. It is to be noted that the bio degradable fraction of solid waste collected by Municipality is being transferred to Brahmapuram plant as if done by other four municipalities viz. Angamaly, Thrikkakkara, Thrippunithura and Aluva and 3 Grama Panchayaths viz. Kumbalangi, Cheranallur and Vadavucode-Puthencruz. The fire accident mentioned occurred at 3.00 PM along its plastic waste storage area near to an incinerator said to have installed for the disposal of solid wastes excluding plastic. The fire gulp down about 50% of the solid waste stored there where plastic, paper etc. were heaped.

12. I may humbly submit that a fire accident had occurred on the same after noon at Brahmapuram also where plastic wastes were heaped along the southern boundary of this plant. A tributary of Chithrapuzha is flowing just behind this. On hearing about this incident, surveillance team of the Board spotted this area where fire and heavy smoke were observed. The fire and rescue team were able to control the fire in the night itself but heavy smoke from burning of plastic continued. During the visit conducted on 20.01.2022 by the Chief Environmental Engineer along with the Chairman, SLMC water hydrants were seen operational and no fire or smoke was observed. It is pertinent to note that these types of accidents were occurred during 2019 and 2020 and a study was conducted by the NIIST in 2019 on which a report was submitted on the status of emission of dioxins and dioxin – like PCBs which specifically illustrating dioxin emission was in exceeding concentration.




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13. It is respectfully submitted that the Material collection and processing facility of Thrikkakkara Municipality was also visited on 20.01.2022 by the Chairman, SLMC while going to Brahmapuram Plant and found to be satisfactory except storage of non biodegradable materials where open storage is being practiced which in turn will cause leachate flow during rainy season. The Secretary, Thrikkakkara Municipality will be therefore addressed to ensure that the storage shall be in an enclosed shed. Copy of the Report submitted before the Chairman, SLMC after the said visit to show the situation existing are attached as **Annexure 3.**

I may humbly present here that the reports furnished above is correct and to the best of my knowledge, information and belief.

Dated this the 23rd day of January 2022



For and on behalf of the Board

CHIEF ENVIRONMENTAL ENGINEER

M. A. BAIJU
Chief Environmental Engineer

