

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

**IN**

**ORIGINAL APPLICATION No. 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)**

**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 23.02.2022 & 04.03.2022 IN THE ABOVE APPLICATIONS**

Dated this the 6<sup>th</sup> day of April 2022

**Adv. Rema Smrithi,**

**ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT**

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**VOLUME 1**

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DATED 23.02.2022 & 04.03.2022 IN THE ABOVE APPLICATIONS**



  
**M. A. BAIJU**  
**Chief Environmental Engineer**

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.

The details explained here under may be read as a continuation to the report filed by this respondent dated 23.01.2022 and as an updated status report as per the order dated 23.02.2022& 04.03.2022 in the above application.

1. It is respectfully submitted that vide order dated 23.02.2022 Hon'ble Tribunal observed as follows

*“Even as regards the bio-mining in Brahmapuram is concerned, they have not started the work so far. Still, it is in the stage of finalizing the tender and handing over the area to persons who is said to be the successful bidder. This promise has been made to this Tribunal since last year. No significant improvement has taken place in reducing the amount of legacy waste lying in Brahmapuram dumpyard. Further, the leachate treatment plant is also not properly functioning and they are operating the waste management facility without proper authorization since long time, which in fact is against the rules. If the Local Bodies and Government Department themselves are violating the Rules and carrying out the activities against the environmental norms, then how it can be possible for the Government to impose penalties against the poor people who are not able to comply with the same on account of the non-cooperation of the local bodies in collecting the same as provided under the rules. However, considering the present flood situation in Kerala, we feel that some more time can be granted to State of Kerala and the regulators to come with a proper progress of implementation of Solid Waste Management Rules, 2016 and other waste management rules in State of Kerala as directed by Principal Bench in O.A. No. 606 of 2018 as well as directed by this Tribunal in this case and if no satisfactory report is filed, then this Tribunal will be compelled to initiate coercive actions including imposition of environmental compensation for the damage caused to environment by the State machineries itself after taking over the same from Kochi Corporation for non-implementing the same to the satisfaction of the Tribunal”.*

Also, stated as follows,



  
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*“Pollution Control Board is directed to ascertain the present status of implementation of Solid Waste Management Rule within the Ernakulam District and also a give a bird’s eye view as to how it is being implemented in State of Kerala in the local bodies, district wise so as to compare the implementation of the same in each district for the purpose of giving proper direction to the Chief Secretary in this regard”.*

Again, the Hon’ble tribunal as per the order dated 04.03.2022, pin pointed about the littering and unscientific waste management of Cochin Port Trust at Ernakulam which the Chairman, SLMC had presented a report before the Hon’ble Tribunal which read as follows,

*“It is seen from the report that there were certain illegal and unauthorized dumping of waste of both solid and hazardous nondegradable waste materials in an area covering a length about 200 meters on the bank of backwaters, south to the public road between Alexander Parambithara Bridge (crossing over Kollam – Kottappuram National Water Way) and Kannangatt Bridge. The entire road side was seen dumped with non-degradable solid waste”.*

And directed that

*“The Kerala State Pollution Control Board, Kerala State Coastal Zone Management Authority and M/s. Cochin Port Trust are directed to file their independent statement regarding the allegations extracted above and action taken from their side in this regard”.*

2. It is respectfully submitted that this respondent had participated in the inspections along with Hon’ble Justice A V Ramakrishna Pillai, the Chairman, SLMC. The following issues were noted.

- a. Fire breakout at Brahmapuram Dump site on 18.01.2022
- b. Fire accident at Plastic waste disposal site of Kalamassery Municipality at Kalamassery.

3. It is respectfully submitted that after the accident occurred on 18.01.2022, a fire accident was once again reported in which the RDF, produced from bio mining of legacy waste, stored in the plastic shredding unit got affected. It may be noted that specific direction was given to the Secretary, Kochi Corporation asking why actions shall not be initiated on the repeated fire accidents occurred at Brahmapuram Plant. Copy of the notice no: PCB/CHN/WC-24/05 dated 21.03.2022 is attached as **Annexure 1**. Also, directions were issued during recent meeting convened by the technical committee constituted for the



  
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evaluation of bio mining carrying out at Brahmapuram. Copy of the suggestions made by the Board during technical committee meeting is attached as **Annexure 2**. There were several shortfalls identified during recent visits also. The Secretary was asked to submit a consolidated report and an action plan to satisfactorily complete the bio mining. Fresh waste is being transferred from Corporation areas and bio degradable waste from other LSGDs is being still disposed which is causing underperformance of the treatment plant. The application submitted for consent to operate for bio mining is kept pending for want of clarifications on the suggestion given during technical committee meeting. Application for windrow composting of fresh bio degradable wastes is pending since there is no proposal for scientific collection, treatment and disposal facility for leachate from the composting area.

4. It is respectfully submitted that certain assessments were done regarding the waste management of Kochi Corporation and nearby five municipalities and 3 Grama panchayaths, who all are contributing their waste to Brahmapuram. To identify the quantity of wastes are being transferred on a daily average, details of waste transfer for three consecutive days (21.03.2022, 22.03.2022 and 23.03.2022) were collected from the log books maintained by the Corporation at Brahmapuram Plant. Table showing the details of solid waste transferred from the Corporation area alone is given below:-

Item	21/03/2022		22/03/2022		23/03/2022	
	Non biodegradable waste (kg)	Biodegradable waste (kg)	Non biodegradable waste (kg)	Biodegradable waste (kg)	Non biodegradable waste (kg)	Biodegradable waste (kg)
Kochi Corporation	14210	236835	97265	164735	152214	159790
Total Waste Kg(Non biodegradable+ Biodegradable)	251045		262000		312004	



  
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5. It is respectfully submitted that other LSGIs (5 Municipalities and 3 Panchayaths) are transferring only bio degradable fractions of the solid waste generated in respective areas. Here also, huge gaps are observed in the waste transfer to Brahmapuram from certain LSGDs though it is bio degradable fraction of solid waste alone. Quantity of bio degradable waste brought to Brahmapuram as per the logbooks maintained at Brahmapuram are tabulated and explained here as follows.

Quantity of waste transferred as per log book(kg)				Estimated Qty of waste generation based on population
LSGD	21-03-2022	22-03-2022	23-03-2022	Kg/day
<b>Angamaly</b>	0	370	0	<b>6693</b>
<b>Aluva</b>	7350	6520	7390	<b>4822</b>
<b>Thrikkakara</b>	25190	21690	0	<b>5106.2</b>
<b>Kalamassery</b>	14740	13960	8770	<b>14207.6</b>
<b>Thripunithura</b>	2800	3300	3050	<b>13878</b>
<b>Cheranalloor</b>	4935	4205	4295	<b>5266</b>
<b>Kumbalangi</b>	0	2460	0	<b>8066.2</b>
<b>Vadavucode-Puthencruz</b>	0	0	0	<b>4775.6</b>
<b>Total(Kg/day)</b>	<b>55015</b>	<b>52135</b>	<b>23505</b>	<b>62814.6</b>

From the above tables it is understood that the waste collection is not regular in panchayath areas and this may lead to unsustainable waste flow to the treatment plant. Also, there is a fall in quantity of waste collected on 23.03.2022 from both corporation and panchayath areas. On verifying the log books, the average quantity of waste generation were 365.15 MT/day and 304.43 MT/day during 2019 and 2020 respectively. There is a huge gap between the estimated Qty of waste generation calculated based on population and daily waste collection. Specific comments regarding the waste collection in each panchayath area are illustrated here under,



  
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**a. Angamaly Municipality**

Though the actual quantity of bio degradable waste generation is 6.6 MT/day, they have transferred only 370 Kg of solid waste to Brahmapuram Dumping site in three days (21.03.22 to 23.03.22).

**Comment** –From the above assessment it was seen that there is a huge gap between the estimated quantity of waste generation calculated based on population and daily waste collection. It may also be noted that the municipality has to obtain authorization as per SWM Rules from the Board since the total waste generation is more than 5 MT/Day but they have not even applied for the same. Also, details of solid waste management should have been submitted through annual report, specifying the quantity of waste disposed through decentralized method or by transfer to Brahmapuram dump yard. Though a hearing had convened by the Chairman of the Board on 02.03.2022, explained the consequences to be faced by the Municipality, if satisfactory waste management is not carried out, no satisfactory reply was received till date.

**b. Aluva Municipality**

Here, the Municipality has transferred 7 MT/day on an average in three days though the generation of waste as estimated based on the thumb rule is 4.8 MT/day only.

**Comment** - Direction was issued to the Secretary, Aluva Municipality on 29.03.2022 to remit an amount of Rs. 212.71 lakhs as Environmental Compensation. It may be noted that they ought to have obtained authorization for solid waste management since the total waste generation is more than 5 MT/Day but not even applied for the same and the details are not seen submitted.

**c. Thrikkakkara Municipality**

Though the estimated quantity of bio degradable waste generation is 5.1 MT/day, as per the log book they have transferred 46 MT of bio degradable waste to Brahmapuram Dump site in two days (21.03.22 & 22.03.22). Here, it is specifically noticed that waste generation is much more than expected and also noted that no waste transfer is carried out on 23.03.2022.



  
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**Comment** - Though a hearing had convened by the Chairman of the Board on 15.02.2022, explained the consequences to be faced by the Municipality, if satisfactory waste management is not carried out, no satisfactory reply was received till date. Direction was issued to the Secretary, Thrikkakkara Municipality on 21.03.2022 to remit an amount of Rs.411.6 lakhs as Environmental Compensation. It may also be noted that the municipality has to obtain authorization for solid waste management from the Board since the total waste generation is more than 5 MT/Day but they are not even applied for the same. Also, and details of waste management have not been submitted.

**d. Kalamassery Municipality**

The theoretical quantity of bio degradable waste generation is 14.2 MT/day and they transferred 14.9 and 13.9 MT of bio degradable waste on 21.03.22 and 22.03.22. But the quantity diminished to 8.7 MT on 23.03.22.

**Comment** - It may be pertinent to note that a detailed report filed by the Secretary, Kalamassery Municipality dated 22.09.2021 before the Hon'ble Tribunal which was self-explanatory that they are transferring non-biodegradable wastes to Clean Kerala Company, a government authorised agency for collection and disposal of non-bio solid waste collected by LSGIs. The quantity of bio degradable waste generated as per thumb rule and the collected quantity are matching. It may also be noted that the municipality has to obtain authorization for solid waste management from the Board since the total waste generation is more than 5 MT/Day. From the records it is seen that they have submitted application for authorisation under Solid Waste Management Rules, 2016 on 27.08.2021, but the same was not considered as the biodegradable fraction of the waste is unscientifically disposed at Brahmapuram dumping yard. It may also be noted that no specific actions are initiated even after the visit of the Chairman, SLMC. Notice was issued by the Board regarding solid waste disposal at Seaport Airport road.

**e. Thrippunithura Municipality**

There is a huge gap in the transfer of waste to Brahmapuram. Total quantity of bio degradable waste generation calculated as per the thumb rule is 13.8 MT/day



  
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whereas the transferred quantity of bio degradable waste as per the log book is only 3.05 MT/day on an average.

**Comment** - Though a hearing was convened by the Chairman, SPCB on 15.02.2022 to explain the consequences faced by the Municipality if not carrying out satisfactory waste management, no satisfactory replies are seen submitted by the Municipality till date. Direction was issued to the Secretary, Thrippunithura Municipality on 29.03.2022 to remit an amount of Rs.378.46 lakhs as Environmental Compensation. It may be noted that they ought to have obtained authorization for solid waste management but not even applied for the same and not submitted waste management practices.

**f. Cheranalloor Panchayath**

Though the theoretical quantity of bio degradable waste generation is 5.2 MT/day, they have transferred 4.43 MT/day (On an average) of bio degradable waste to Brahmapuram Dumping site in three days (21.03.22- 23.03.2022).

**Comment** - It may be noted that they ought to have obtained authorization for solid waste management since the total waste generation is more than 5 MT/Day but not even applied for the same and details of waste management have not been submitted.

**g. Kumbalangi Panchayath**

It is estimated that total generation of bio degradable waste is 8.1 MT/day. But details of transfer available as per log book is 2.4 MT only on 22.03.22 and no data is recorded for 21.3.22 and 23.03.22.

**Comment** -It may be noted that they ought to have obtained authorization for solid waste management since the total waste generation is more than 5 MT/Day but not even applied for the same and not submitted details of waste management.

**h. Vadavucode-Puthercruz Panchayath**

Though the bio degradable waste generation is assessed as 4.8 MT/day, no details are shown in the log book towards waste transfer to Brahmapuram Plant. It may be noted that the plant is situated in this Panchayath.



  
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**Comment** - It is important to note that the Secretary, Vadavucode-Puthencruz Panchayath through his report dated 29.07.2021, which was reproduced in the order dated 02.12.2021 of the Hon'ble Tribunal has not mentioned anything about the transfer of biodegradable waste to Brahmapuram or elsewhere. It may be noted that they ought to have obtained authorization for solid waste management since the total waste generation is more than 5 MT/Day but not even applied for the same and not submitted details of waste management.

6. It is respectfully submitted that all these LSGDs are regularly transferring bio degradable wastes to Brahmapuram Plant. It is important to note that such disposal is unfeasible since the facility provided for fresh biodegradable waste management at Brahmapuram is unscientific and still the Corporation does not have a concrete proposal for such waste management or has not submitted some time bound action plans.

7. It is respectfully submitted that as directed by NGT, a bird's eye view of solid waste management in Kerala is as given below. The solid waste management practised for the whole State is the decentralized Solid Waste Management as system involving the segregation and processing of waste at source, to the maximum extent possible and then at the community level. 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 provided. Facility is also being provided for door to door collection of non biodegradable waste by authorised collectors namely Haritha Karma Sena and channelising recyclables 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 and front end processors of waste. *Suchitwa mission* is giving the technical support and monitoring mechanism for sanitation and waste management. *Haritha Kerala Mission* is 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



  
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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.

8. 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 Districts. 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.

9. 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 CM on 06.12.2021 to discuss the issues related to procurement of land for sanitary landfill, it was decided that the land under KINFRA for Petrochemical Industrial park could not be allotted for this purpose. The district collectors of Ernakulam, Alappuzha, Pathanamthitta, Idukki, Kollam, 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.

10. 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



  
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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, Thiruvananthapuram; 2. Palayam; 3. Punalur; 4. Kottarakkara; 5. Adoor; 6. Erumeli; 7. Vaikom; 8. Guruvayoor, Thrissur; 9. Pattambi; 10. Thathamangalam, Palakkad. The clearing is progressing at 1. Kozhikode; 2. Kunnankulam; 3. Chalakkudy; 4. Irinjilakkuda; 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.

11. 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 CBMWTDF 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 carry out this project on a pilot basis in Kochi Corporation and in municipalities namely Kalamassery, Aluva, Cherthala, Alappuzha etc.

12. 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 14 Districts has formed DLFMC – all districts except Thiruvananthapuram and Alappuzha have functioning rendering units

13. It is respectfully submitted that for the noncompliance of the provisions of Solid Waste Management Rule, 2016, direction/notice under section 5 of Environmental Protection Act, were issued to 4 Corporations (Thiruvananthapuram, Kollam, Kochi Corporation and Thrissur); 8 Municipalities



  
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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 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 to 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 happened in Chalakkudy municipality and notice has been issued in this regard.

14. It is respectfully submitted that there are certain LSGDs who have applied and obtained conditional authorizations where remarkable achievements are noticed along Thrissur District. It may be pertinent to note that following LSGDs had submitted applications and were issued with conditional authorizations since they are satisfactorily managing solid waste generated along their respective areas.

- a. Thrissur Corporation
- b. Chalakkudy Municipality
- c. Chavakkad Municipality
- d. Irinjalakkuda Municipality
- e. Kodungalloor Municipality

15. It is respectfully submitted that there are certain LSGDs who have applied for authorizations where inspections are progressing.

- a. Kothamangalam Municipality
- b. Perumbavoor Municipality
- c. Piravom Municipality
- b. North Paravoor Municipality



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

Dated this the 6<sup>th</sup> day of April 2022



  
**DEPONENT**  
**M. A. BAIJU**  
**Chief Environmental Engineer**