

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

**ORIGINAL APPLICATION NO.203 OF 2017**

I.Margo,  
S/o. Issac Nadar,  
Correspondent,  
Reach Matric Higher Secondary School,  
Ottupattarai,  
Coonoor-643105.  
The Nilgiris District.

...Applicant

**Vs**

The Commissioner,  
Coonoor Municipality,  
The Nilgiris District & 3 others.

...Respondents

**INDEX**

<b>S.No</b>	<b>Description</b>	<b>Page No.</b>
1.	<b>COMPLIANCE – CUM - PROGRESS REPORT FILED BY THE DISTRICT ENVIRONEMNTAL ENGINEER, TAMIL NADU POLLUTION CONTROL BOARD, UDHAGAMANDALAM IN O.A.NO.203 OF 2017.</b>	1 - 15

**Filed by  
Thiru. S. Sai sathya Jith,  
Advocate, Chennai.**



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

**Original Application No. 203 of 2017 (SZ)**

**Between:**

I. Margo,  
S/o. Issac Nadar,  
Correspondent,  
Reach Matric Higher Secondary School,  
Ottupattarai,  
Coonoor-643 105.  
The Nilgiris District.

... Applicant

AND

The Commissioner,  
Coonoor Municipality,  
The Nilgiris District .  
3 others

...Respondents

**COMPLIANCE-CUM-PROGRESS REPORT FILED BY THE DISTRICT  
ENVIRONMENTAL ENGINEER, TAMILNADU POLLUTION CONTROL  
BOARD, UDHAGAMANDALAM, THE THIRD RESPONDENT**

I, P S Livingston, aged 56 years, the District Environmental Engineer, TamilNadu Pollution Control Board, Udhagamandalam, the third Respondent in this Original Application, having office at Additional Collectorate Complex, Finger Post, Udhagamandalam, submit this compliance-cum-progress report, as follows:

2. It is submitted that the Hon'ble National Green Tribunal (SZ), during the hearing on 04.02.2021, considered the Report of the State Level Monitoring Committee for Solid Waste Management, Joint Committee constituted vide order dated 13.02.2020, Further Report of the Joint Committee, Response of this Respondent, Action Taken Report filed by the Commissioner, Coonor Municipality, recorded them and disposed off the Original Application and directed Tamilnadu Pollution Control Board to monitor the progress of the biomining process undertaken by Coonoor Municipality regarding the disposal of the legacy waste and also implementation of the Solid Waste Management Rules, 2016, and submit periodical reports regarding

  
**District Environmental Engineer  
Tamilnadu Pollution Control Board**

the progress of the work on a quarterly basis, till the biomining process is completed.

3. It is further submitted that during the hearing on 13.12.2021, the Hon'ble National Green Tribunal (SZ) directed the Official Respondents to file Compliance –cum-Progress Report and posted the matter to 12.01.2022.

4. It is submitted that Coonoor Municipality has carried out the removal of the legacy waste and biomining the same since January 2021, and the month wise details of removal and biomining of legacy waste is submitted as follows:

Month	Quantity of Legacy Waste removed and biomined in MT	Remark
January 2021	560.110	
February 2021	555.520	
March 2021	267.095	
April 2021	566.450	
May 2021	51.900	
June 2021	511.150	
July 2021	1520.000	Plastic and silt waste
August 2021	0	
September 2021	29.970	
October 2021	0	
November 2021	216.150	
December 2021	240.100	
<b>Total</b>	<b>4524.445</b>	

7. Thus, it is also submitted for the kind consideration of the Hon'ble National Green Tribunal (SZ), Coonoor Municipality has removed and biomined about 4524.445 MT of legacy waste till December, 2021. It is informed that the waste remaining to the tune of less than 20 MT, which could not be removed using machineries and need to be employing men and to be removed by hand alone remains.

8. It is further submitted that the dumping locations in the Coonoor Municipality were inspected on 05.01.2022. During inspection, it was observed that waste slid in to the Tea Estate of Thiru I Margo, the Applicant in this application, the legacy waste in the erstwhile Ottupattarai dumpsite and the

  
District Environmental Engineer  
Tamilnadu Pollution Control Board

present Resource Recovery Centre, the plastic waste mixed with silt, that were kept adjacent to the erstwhile IL & FS shed in western side, legacy waste lied in the western side of IL&FS shed were found completely removed. The legacy waste lied in the valley in the north western side of IL&FS shed were found completely removed subjected to biomining and disposed with. The erstwhile dump location at Ottupattarai has been landscaped with grass. Similarly, the area where legacy waste lie in the western side of IL & FS shed has been also pitched with grass.

9. It is submitted that during the inspection on 05.01.2022, it was also observed wastes to the tune of around 4 to 6 MT, which lies in the valley between Karadipallam Road and the Ottupattarai Resource Recovery Centre Road, and about 3 MT of waste lying at the southwest end of the land adjoining to IL & FS shed are yet to be removed. It is informed by the Municipal Authorities that the remaining waste lie in two locations, amounting 7 to 9 MT would be removed before 15.01.2022. It is submitted that the area valley between Karadipallam Road and the Ottupattarai Resource Recovery Centre Road is very steep and with dense vegetation, and hence there is delay in removal of waste from that place, which is found to be correct and acceptable. In the other place, the removal could not be carried out as the subsoil of the adjoining area is weak and as such vehicle could not be parked to remove and load the waste. The waste at these locations need to be removed only by engaging men, and the Municipal authorities are advised to carry-out the removal activity with due caution.

10. During inspection, it was also observed that out of the 1520 MT wastes which were removed during the month of July 2021, which is said to be predominantly containing plastic matter along with other impurities such as silt, rags, broken glass etc., is screened/ segregated to recover the bigger materials, and the finer matter containing rags, silt, broken glass etc., amounting around 200 MT, is collected in nags and kept in the IL&FS shed, for further processing.

10. It is respectfully submitted that the wet organic wastes generated in Coonoor Municipality is managed by composting. The composting is carried out through Micro Composting and Wind Row Composting. The Micro Composting Centre, located adjacent to "Uzhavar Sandhai", which is operated by RDO Trust, Yellanalli and the Wind Row Composting is carried out at the

erstwhile IL&FS Shed at Ottupattarai, which is operated by Clean Coonoor Organization. The dry wastes are segregated at the Resource Recovery Centre at Ottupattarai, and sent for beneficial uses. The rags, diapers and sanitary napkins are subjected to controlled high temperature burning, at the Resource Recovery Centre premises. The Resource Recovery Centre premises at Ottupattarai is managed and maintained by Clean Coonoor Organization.

12. It is submitted for the kind consideration of the Hon'ble National Green Tribunal (SZ) that the performance of Coonoor Municipality in managing the Municipal Solid Waste generated is satisfactory. As regards the removal and biomining of the legacy waste, even though Coonoor Municipality assured to complete the same by June 2021, they have now completed the same, and the waste remain to be removed is around 8 MT only, which need to be removed with caution, since the location is very steep, and covered with bushes. As such, the Hon'ble National Green Tribunal (SZ) may consider that the biomining of waste process is complete.

13. It is further submitted that in order to comply with the directions issued by the Hon'ble National Green Tribunal (PB) in O.A. No.: 606 of 2018, in levying of Environmental Compensation for not commencing/ completing of the biomining of legacy waste, the Commissioner, Coonoor Municipality has been called for a Personal Hearing on 29.11.2021, which was attended by him on 03.12.2021. Commissioner, Coonoor Municipality pleaded that they have made substantial progress in biomining, likely to complete by 31.12.2021, and hence Environmental Compensation shall not be imposed on them. However, in compliance of the orders of Hon'ble National Green Tribunal (PB), the a recommendation has been submitted to the Head Office of Tamilnadu Pollution Control Board, to impose an interim Environmental Compensation of Rs. 9 Lakhs, at the rate of Rs. 1 Lakh per month, for the period from 07.04.2021 to 06.01.2022.

14. The Photographs showing the current condition of the waste dumped locations and the current solid waste management practices are submitted herewith as Annexure-1. Further, the written submission by the Commissioner, Coonoor Municipality during the personal hearing held on 03.12.2021 and the minutes of the Personal Hearing are submitted as Annexure 2 and 3 respectively.

  
District Environmental Engineer  
Tamilnadu Pollution Control Board  
Udhagamandalam

15. Therefore, it is respectfully prayed that this Hon'ble Tribunal to accept the Compliance-Cum-Progress Report being submitted by this Respondent and pass such other orders the Hon'ble Tribunal considers deem fit in the facts and circumstances of the case.

(Dated this 6<sup>th</sup> day of January, 2022, at Udhagamandalam)

  
District Environmental Engineer  
Tamilnadu Pollution Control Board  
Udhagamandalam

#### VERIFICATION

I, P S Livingston, District Environmental Engineer, TamilNadu Pollution Control Board, Udhagamandalam, do hereby verify that the contents above mentioned are true and correct to the best of my knowledge, belief and information, and I have not suppressed any material fact.

  
District Environmental Engineer  
Tamilnadu Pollution Control Board  
Udhagamandalam



**Annexure -1**

**Original Application No.: 203 of 2017 (SZ)**



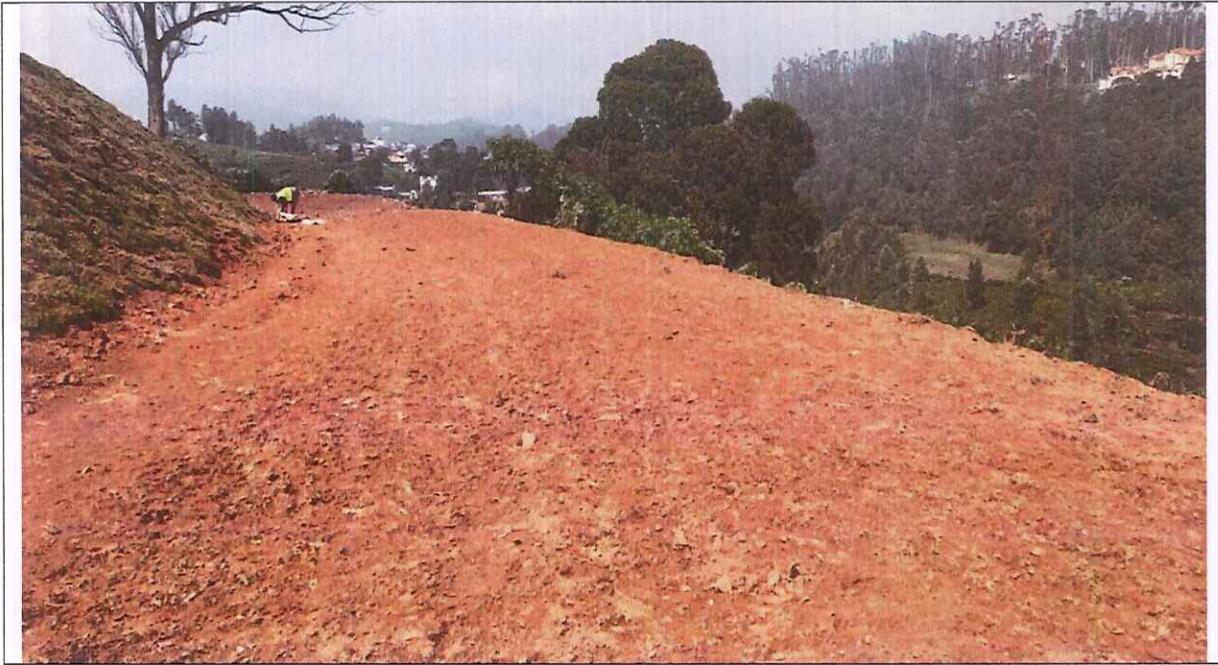
**Present Condition of Waste Slided Location at Private Property**



**Landscaping in the Side of erstwhile dump location at Ottupattarai**



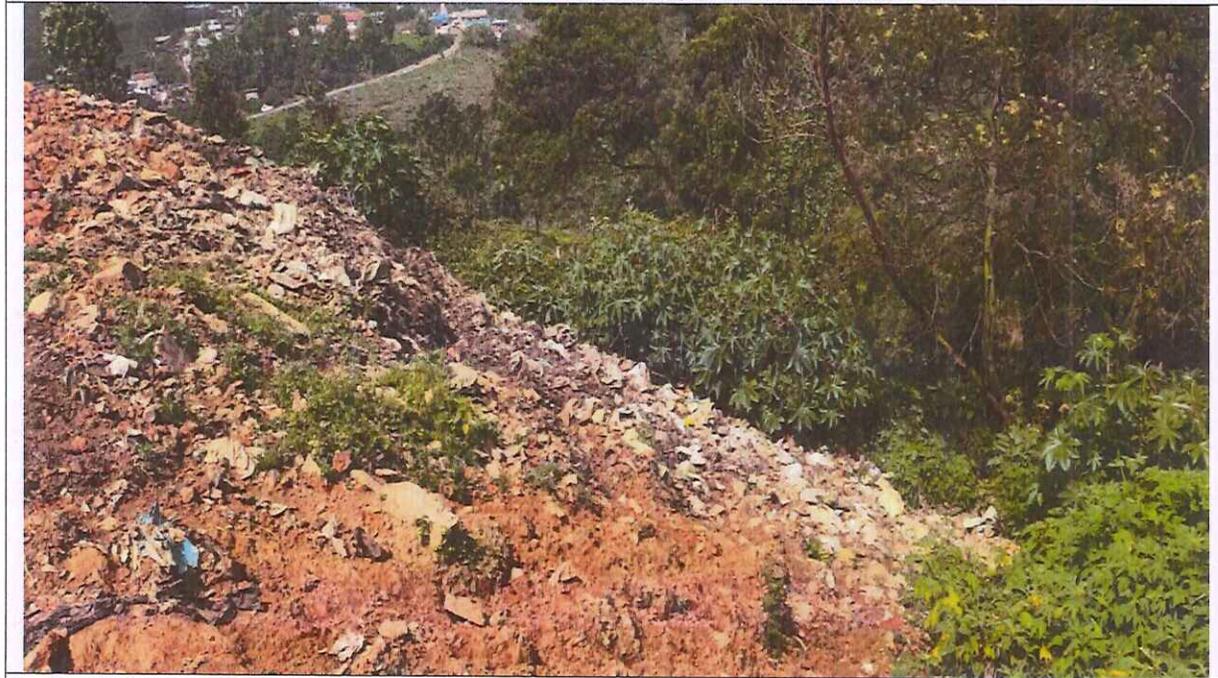
**Present Condition west of IL&FS Shed where un-seggregated Plastic Wastes were dumped**



Present Condition of Old Dump Location at the North West of LI & FS Shed



Dump Location West of IL & FS Shed, now Pitched with Grass



Waste Remain to be Removed at the North West end of Municipal Land



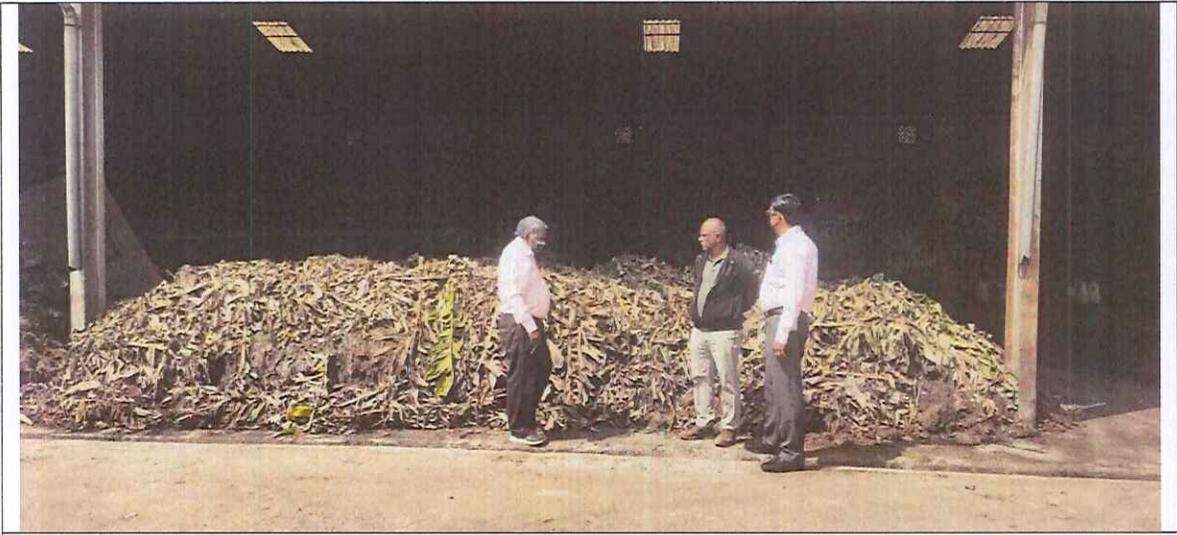
Waste to be Removed in the Valley between Roads



Waste kept for Further Segregation at IL&FS Shed



Micro Composting Centre near Uzhavar Santhai



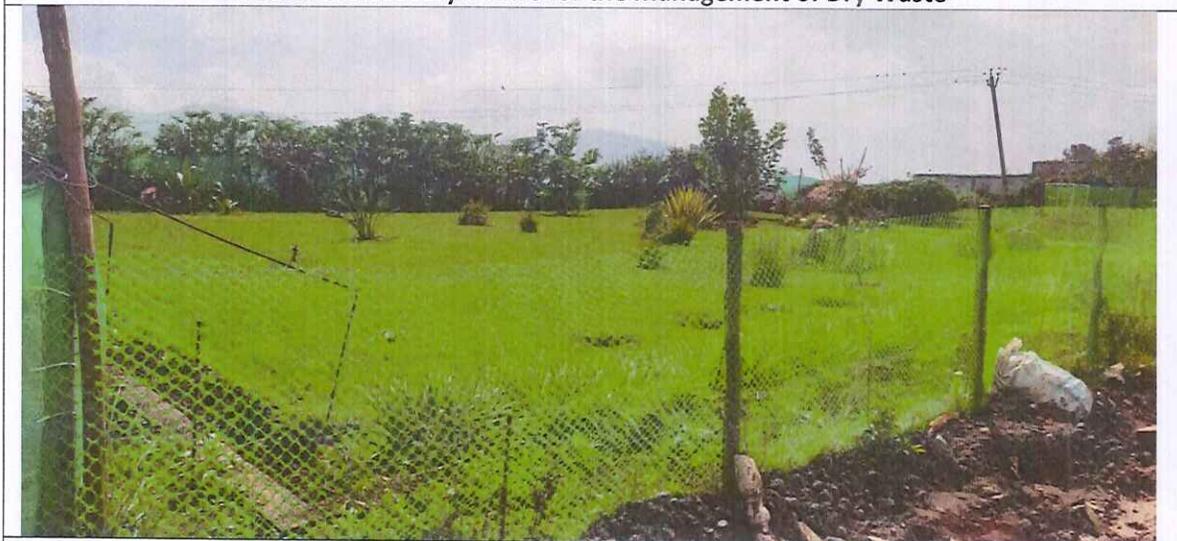
Windrow Composting at the erstwhile IL&FS Shed



Maturation of Processed Waste at the erstwhile IL&FS Shed



Resource Recovery Centre for the Management of Dry Waste



Garden Adjacent to Resource Recovery Centre

## Annexure – 2

001121



From The Commissioner, Coonoor Municipality, Coonoor.	To The District Environmental Engineer, TamilNadu Pollution Control Board, Udhagamandalam.
----------------------------------------------------------------	-----------------------------------------------------------------------------------------------------

ROC. No.: H2/3391/2017 Dated: 03.12.2021.

Sir,

Sub: Solid Waste Management- Not completing the bioremediation of dumped sites- Levying of Environmental Compensation – Personal Hearing Called for- Written submission – Reg.

Ref: Your office letter dated 19.11.2021.

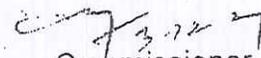
On behalf of Coonoor Municipality, It is requested that the following aspects may be considered in the matter of levying of Environmental Compensation for not completing the bioremediation of dumpsites:

1. The quantity of waste that has to be removed was estimated at 3000 MT and the same was informed to your good-self in our letter dated 01.02.2021. Coonoor Municipality has commenced the removal and biomining of waste in January, 2021. A total quantity of 2512.225 MT was removed, till June, 2021.
2. Removal of waste could not be continued since July 2021, for the reason Coonoor experienced continual rainfall and there is not even a single week without rainfall, which has resulted difficulties in operating the earth mover and transporting vehicle.
3. The same is evident from the fact that only a quantity of 246.12 MT waste alone could be removed during the months of September, 2021 to November, 2021.
4. However, during the Month of July 2021, plastic and silt waste that were kept at the western side of the IL &FS shed to the tune of 1520 MT were removed.
5. Thus Coonoor Municipality has removed and processed about 81 % of legacy wastes by June 2021 itself and more than 90 % of legacy wastes are removed till November, 2021.
6. As on 30.11.2021, the quantity of waste that remains to be removed is about 250 MT. This waste would be completely removed before 15.01.2022. Even

though the quantity of waste is less, it requires time since they lie in steep places and they need to be removed manually, duly following the safety norms for the personnel engaged.

7. The Municipality has almost completed the process of removal of legacy waste, and the delay in completion is due to the climatic condition and the difficulties in executing the works due to the terrain of the area.
8. Considering the achievement made the process of levying of environmental compensation against the Municipality be dropped.
9. In as much as the Municipality has commenced the bioremediation in January 2021 itself, even with the financial crisis the Municipality is experiencing, levying of Environmental Compensation for belated commencement of bioremediation is not at all justifiable.
10. In as much as the Municipality has completed about 95% of bioremediation of legacy waste by November, 2021, and the rest is about to be completed before, 15.01.2022, the process of levying of Environmental Compensation, by 07.04.2021, need not be proceeded with.
11. Even many of Class I towns have not even commenced the bioremediation and under such backdrop, Coonoor, a Class III town almost completing the bioremediation, even with difficulties in view of the terrain and climate need to be appreciated and encouraged, and such being the situation, the levying of environmental compensation on them be dropped.
12. It is requested that the status as on 31.12.2021 be considered, and reported to the Hon'ble National Green Tribunal (SZ) and the Head Office of TamilNadu Pollution Control Board, before making any recommendation on levying of Environmental Compensation.

This letter be considered as a part and parcel of the Personal Hearing held on 03.12.2021.

  
Commissioner,  
Coonoor Municipality.

**Minutes of the Personal Hearing Held With the Commissioner, Coonoor Municipality on Levying of Environmental Compensation for not Completing the Biomining of Dumped Solid Waste as prescribed in the Solid Waste Management Rules, 2016**

**Date:** 03.12.2021

**Time:** 05.00 p.m.

**Venue:** O/o. District Environmental Engineer, TNPC Board, Udhagamandalam.

**Present:**

1. Er P S Livingston, District Environmental Engineer, TamilNadu Pollution Control Board, Udhagamandalam.
2. Thiru T Krishnamurthi, Commissioner, Coonoor Municipality.
3. Thiru V M Malmurugan, Sanitary Inspector, Coonoor Municipality.

A show-cause Notice was issued to Coonoor Municipality by the District Environmental Engineer, Udhagamandalam, in proceedings dated 12.01.2021, directing the Commissioner to show-cause as to why environmental compensation should not be levied on Coonoor Municipality, for not commencing the remediation of the legacy waste by 01.11.2019, as ordered by the Hon'ble National Green Tribunal (PB) in O.A. No.: 519 of 2019, even though the statutory timeline for completing the remediation is till 07.04.2021, as per the provisions of the Solid Waste Management Rules, 2016, at the rate of Rs. One Lakh per month, totalling Rs. 9.0 Lakhs, for the period ending 31.12.2020, as interim compensation.

A reply was furnished by Coonoor Municipality, vide letter dated 01.12.2021, wherein it was stated that they have commenced the remediation of dump sites in January, 2021, and that the delay was due to the unprecedented rains, that they would complete the remediation latest by June, 2021, and that in the event they have not complete the remediation process, they may be levied with the compensation.

As the Municipality has commenced the remediation by removing the dumped waste and subjected it to bio-mining process, and as substantial progress was made, further action on levying of Environmental Compensation for not commencing the bioremediation was withheld.

However, it was observed that Coonoor Municipality has not completed the bioremediation process, even after November, 2021, it was decided to proceed further on the process of levying Environmental Compensation to Coonoor Municipality. In order to give a further opportunity, the Commissioner, Coonoor Municipality was called for a personal hearing on 29.11.2021. The Commissioner informed that he would attend the Personal Hearing on 03.12.2021, and attended at 05.00 p.m.

The Commissioner has informed that the quantity of waste that has to be removed was estimated at 3000 MT and the work was commenced in January, 2021, and a total quantity of 2512.225 MT was removed, till June, 2021. He added that the work could not be continued for the reason Coonoor experienced continual rainfall and there is not even a single week without rainfall, which has resulted difficulties in operating the earth mover and transporting vehicle, and that is evident from the fact that only a quantity of 246.12 MT waste alone could be removed during the months of September, 2021 to November, 2021. He added that the quantity of waste that remains to be removed is about 250 MT, thereby the Municipality has removed and processed about 88 % of legacy wastes by June 2021 itself. It was pointed out that during the Month of July 2021, plastic and silt waste that were dumped at the western side of the IL & FS shed to the tune of 1520 MT were removed, and that during the period from August 2021 to November, 2021, 246.12 MT of wastes removed, and about 250 MT of waste alone remained to be removed. Thus, a total of 4278.345 MT of waste removed out of the 4524.445 MT wastes lied in the dumped locations, thereby about 95 % of wastes are removed till November, 2021, and the remaining 250 MT waste would be completely removed before 15.01.2022.

The Commissioner would inform that even though the quantity of waste is less, it requires time since they lie in steep places and they need to be removed manually, duly following the safety norms for the personnel engaged.

The Commissioner added that in as much as the Municipality has almost completed the process of removal of legacy waste, and the delay in completion is due to the climatic condition and the difficulties in executing the works due to the

13

terrain of the area, and considering the achievement made the process of levying of environmental compensation against the Municipality be dropped. He further added, that in as much as the Municipality has commenced the bioremediation in January 2021 itself, even with the financial crisis the Municipality is experiencing, levying of Environmental Compensation for belated commencement of bioremediation is not at all justifiable.

The Commissioner further informed that in as much as the Municipality has completed about 95% of bioremediation of legacy waste by November, 2021, and the rest is about to be completed before, 15.01.2022, the process of levying of Environmental Compensation, by 07.04.2021, need not be proceeded with, for the reason that even many of Class I towns have not even commenced the bioremediation and under such backdrop, Coonoor, a Class III town almost completing the bioremediation, even with difficulties in view of the terrain and climate need to be appreciated and encouraged, and such being the situation, the levying of environmental compensation on them be dropped. He further requested that the status as on 31.12.2021 be considered, and reported to the Hon'ble National Green Tribunal (SZ) and the Head Office of TamilNadu Pollution Control Board, before making any recommendation on levying of Environmental Compensation. District Environmental Engineer informed that even though the status as on 31.12.2021 would not have any bearing on the decision of levying of Environmental Compensation, agreed to make recommendation to the Head Office of TamilNadu Pollution Control Board, after ascertaining the status as on 31.12.2021. The Commissioner has also handed over a letter containing those contentions during the Personal Hearing.

In response, the District Environmental Engineer informed that he is in full agreement with the progress made by the Municipality, and also appreciate the difficulties faced by the local body in view of the difficult climate and terrain; but, expressed that the direction of levying of Environmental Compensation to local bodies is in compliance to the statutory provisions under the Solid Waste Management Rules, 2016 and as ordered by the Hon'ble National Green Tribunal (PB), and as such the request of Municipality that Environmental Compensation for not completing the bio-remediation by 06.04.2021, could not be conceded with.

As regards the matter of levying of Environmental Compensation for non-commencing of bioremediation by November, 2019, he informed that the fact Municipality has commenced the bioremediation by January, 2021, would be taken in to account and also in view of the reason the Rules has not prescribed any timeline for commencing the bioremediation, the Head office of TamilNadu Pollution Control Board would be recommended to levy Environmental Compensation only for non-completing the bioremediation within the time-line prescribed in Solid Waste Management Rules, 2016.

The District Environmental Engineer requested the Commissioner, Coonoor Municipality to complete the removal and biomining of the left-over legacy wastes by December, 2021, for which the Commissioner assured to do all possible steps to adhere with .

The meeting came to an end.

  
District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Udhagamandalamby

To

The Commissioner,  
Coonoor Municipality,  
Coonoor.

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

**O.A.No.203 OF 2017 (SZ)**

I.Margo,  
S/o. Issac Nadar,  
Correspondent,  
Reach Matric Higher Secondary  
School, Ottupattarai,  
Coonoor-643105.  
The Nilgiris District.

...Applicant

**Vs**

The Commissioner,  
Coonoor Municipality,  
The Nilgiris District & 3 others.

...Respondents

**COMPLIANCE - CUM - PROGRESS  
REPORT FILED BY THE DISTRICT  
ENVIRONEMNTAL ENGINEER,  
TAMIL NADU POLLUTION  
CONTROL BOARD,  
UDHAGAMANDALAM IN  
O.A.NO.203 OF 2017.**

**Advocate for Respondent  
No.TNPCB  
Thiru. S. Sai Sathya Jith.**

**Date:03.02.2022.**

**Date of hearing on:04.01.2022**

