

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

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Filed by  
Thiru. C. Kasirajan,  
Advocate, Chennai.



**RESPONSE OF THE DISTRICT ENVIRONMENTAL ENGINEER, TAMILNADU**  
**POLLUTION CONTROL BOARD, UDHAGAMANDALAM**  
**IN O.A. No.:203 OF 2017 (SZ)**

**Background:**

The Hon'ble National Green Tribunal (SZ), during the hearing on 06.01.2021, ordered as follows:

*"4. Under the circumstances, we feel that some more time can be granted to the committee, Pollution Control Board and also the Municipality to submit their response as directed by this Tribunal. They are directed to submit the further report on or before 4.2.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules".*

The further report of the Joint Committee has been filed separately. Now, the Further Report of District Environmental Engineer is submitted as follows:

**Removal of the slid waste in the Private Land:**

The entire quantity of the legacy waste that was slid in to the private land were completely removed by Coonoor Municipality and transported to the erstwhile Ottupattarai Dumping Site and the present Resource Recovery Centre. There is no waste lying in the Private land, which was confirmed by the inspection by the District Environmental Engineer on 01.02.2021. The photograph showing the current situation of the location is submitted for the kind perusal of the Hon,ble Tribunal.

**Management of Currently generated Solid Wastes:**

Currently, Coonoor Municipality is generating Municipal Solid Waste to the tune of 14 MT/Day, out of which 8.3 MT/Day is wet waste. Of this, 7 MT/Day is collected and subjected to composting operations, 4 MT/Day at Micro Composting Centre, as well as for through Wind Row Composting at the erstwhile I L & F S Shed, 1 MT/day, non-vegetarian wastes processed through the equipment installed and 2.0 MT/Day of wet waste is composted in four Parks and another 10 on-site locations. 1.0 MT/Day of wet waste generated by 18 Bulk Waste

Generators (BWG) and 0.30 MT/Day of wet waste generated by 630 House-holds are managed by themselves, at the point of generation itself.

Out of the 5.7 MT/Day of Dry waste generated, 0.7 MT/Day of recyclable waste is sold-out at house hold level; the remaining 5.0 MT/Day of dry wastes are brought out to the Resource Recovery Centre, sorted and the recyclable wastes are baled, and despatched to recyclers. The non-recyclable wastes such as unusable cloth waste, used diapers and sanitary napkins are burnt in the controlled high temperature burners installed at the Resource recovery Park at Ottupattarai. There are two numbers of High temperature burners installed, one of 600 kg Capacity and another of 1500 kg Capacity.

Generally, the management of currently generated Solid Waste by Coonoor Municipality is satisfactory. The Photographs showing the management of Solid Waste Management in Coonoor Municipality are submitted for the perusal of the Hon'ble National Green Tribunal (SZ).

#### **Status of Processing of Legacy Waste:**

Coonoor Municipality has commenced the processing of legacy waste using a hand operated seiver. Even though the result was satisfactory, the throughput was found to be very low, such that it required very long time to complete the process. As such the possibility of mechanizing the said seiver was examined, which was also not finalized. Later, Coonoor Municipality in discussion with the District Environmental Engineer and fabricators, finalized to fabricate a bigger mechanized Seiver for the purpose of processing of the legacy waste. After completing the fabrication, the same was put in to operation, the teething problems experienced in feeding the waste, rotation speed were rectified, and put in to regular operation since the fourth week of January 2021. Since then its operation is found to be stabilized, performing satisfactorily to the expectations and could be operated at the rate of around 3 MT/Hour, thereby a maximum quantity of 30 MT/day of legacy waste could

be processed. It is found during the inspection on 1<sup>st</sup> February that about 180 MT of legacy waste is processed. Coonoor Municipality has reported that the remaining quantity of waste could be remediated/ processed before 30<sup>th</sup> June, 2021. It is submitted, that the remaining waste up to around 3000 MT could be processed, before 30<sup>th</sup> June, 2021, provided the process is not interrupted with rain. In as much as there is no rainy season till May, it is possible for Coonoor Municipality to meet the Time Line.

At this rate it is submitted that the entire quantity of the legacy waste that were removed from the nearby private land could be completed by the first week of February, 2021. The photographs of status of legacy waste, its processing are submitted for kind perusal and record.

**Levy of Environmental Compensation:**

As ordered by the Hon'ble National Green Tribunal (PB) in O.A. No.: 606 of 2018 and this Hon'ble Tribunal in this matter, on levying of environmental compensation for not commencing the processing of legacy waste, a show cause notice was issued to the Commissioner, Coonoor Municipality, in proceedings dated 12<sup>th</sup> January, 2021, directing to show cause as to why Environmental Compensation should not be imposed for non-commencement of remediation of old dumpsites by 1<sup>st</sup> April, 2020.

The Commissioner, Coonoor Municipality has furnished reply vide their letter dated 1<sup>st</sup> February, 2021. In the reply, Coonoor Municipality has detailed the action taken for the processing of legacy waste, the fact that the processing of legacy waste has been commenced already, the Solid Waste Management Rules, 2016 has granted time till 7<sup>th</sup> April, 2021, to complete the remediation, that they could complete the processing of legacy waste before June, 2021, the difficulties that Coonoor Municipality is facing due to its location, climate etc., the financial difficulties the Municipality is facing etc. The Coonoor Municipality had further submitted that the levying of environmental compensation would create a stress on the little available

financial resources, and as such would affect the resources available to carry out the processing of legacy waste, and consequently delay the legacy waste processing operations. As such, Coonoor Municipality has requested that no environmental compensation may be levied on them, and the same may be levied on them in the event they fail to complete the processing of legacy waste by June, 2021. It is also informed that they are making this submission before the Hon'ble Tribunal, for instructions to TamilNadu Pollution Control Board, to with held the process of levying environmental compensation, till June, 2021. The reply furnished by Coonoor Municipality is under scrutiny of this office, as to whether the Environmental Compensation is to be levied, or further action be dropped considering the action taken by Coonoor Municipality. It is submitted that further action in this matter would be proceeded, as advised by the Hon'ble Tribunal and also taking in to account the progress made, duly following the procedure.

The Copy of the Show Cause Notice and copy of the reply furnished by Coonoor Municipality are submitted for the kind perusal and records.

**Remarks of District Environmental Engineer:**

Based on the inspection of the solid waste management practices that are being adopted by Coonor Municipality, processing of legacy waste on 1<sup>st</sup> February and earlier inspections, the following inferences are arrived at:

1. The management of the solid wastes currently generated by Coonoor Municipality is found to be satisfactory.
2. Coonoor Municipality has commenced the operation of processing of the legacy waste, by sieving the legacy waste, separate them in to rags, recyclable matter like plastics, glass etc., and soil.
3. The mechanized Seiver System fabricated for the purpose of carrying out the bio-mining/ processing of legacy waste is functioning satisfactorily.

4. The Seiver system employed could be used to process around 20 to 25 MT/Day of legacy waste, with 8 hours of operation.
5. Around 3000 MT of legacy waste could be processed till 30<sup>th</sup> June, 2021, provided there is no obstruction of activities, due to rain.
6. The construction of Fecal Sludge Treatment Plant within the premises of Resource Recovery Centre at Ottupattarai has commenced. The earth work is found to under progress.

**Prayer:**

The District Environmental Engineer, TamilNadu Pollution Control Board, Udhagamandalam do hereby submits that this further Action Taken Report/ Response filed as ordered by this Hon'able Tribunal. It is kindly requested that the Hon'ble National Green Tribunal (SZ) to accept this further Action Taken Report/Response and to pass appropriate orders the Hon'ble National Green Tribunal (SZ), considers deem and fit on the facts and circumstances of the issue.

**Encl:**

1. Photographs.
2. Show cause notice dated 12.01.2021.
3. Reply dated 01.02.2021.

  
District Environmental Engineer,  
TamilNadu Pollution Control Board,  
Udhagamandalam



Office of the  
District Environmental Engineer,  
TamilNadu Pollution Control Board,  
Ground Floor, Block II, Additional  
Collectorate Building, Finger Post,  
Udhagamandalam-643005.



**TAMILNADU POLLUTION CONTROL BOARD**

**Proc. No.: DEE/NLG/ O.A. 606 of 2018/ NGT -PB/SWM/2020-1 dated: 12.01.2021**

Sub : TNPCB – Solid Waste Management – Hon’ble NGT orders in OA No. 606 of 2018 – Coonoor Municipality - Non-compliance of the Provisions of Solid Waste Management Rules, 2016 – Levying of Environmental Compensation – Show cause Notice – Issued - Regarding.

Ref : 1. Solid Waste Management Rules, 2016 notified by the Ministry of Environment Forest and climate Change, Government of India vide Notification No. S.O. 1357 (E) 8<sup>th</sup> April, 2016.  
2. Hon’ble National Green Tribunal (Principal Bench) orders dated 16.01.2019, 28.02.2020 and 02.07.2020 in O.A No. 606 of 2018.  
3. Hon’ble National Green Tribunal (Southern Zone) order dated 04.09.2020 in O.A. No.: 203 of 2017.

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Whereas the Ministry of Environment, Forest and Climate Change, Government of India, in exercise of the powers conferred under Section 3,6, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Municipal Solid Waste (Management and Handling) Rules, 2000, has notified the Solid Waste Management Rules, 2016. As per Rule 15 of Solid Waste Management Rules, the role of local bodies has been specified for the implementation of solid waste management in their respective jurisdiction.

Whereas, Rules 15 (zj) of the Solid Waste Management Rules, 2016 stipulates that all local bodies shall ‘investigate and analyse all old open dumpsites and existing operational dumpsites for their potential of biomining

and bio-remediation and where so ever feasible, take necessary actions to bio-mine or bio-remediate the sites' and Rule 22, has prescribed different timelines for the creation of the necessary infrastructure for implementation of various provisions.

Whereas, the Hon'ble National Green Tribunal (Principal Bench) vide order dated 16.01.2019 in OA No. 606 of 2018 has stated that "Timelines of two years have expired as rules came into force on 08.04.2016. Timeline of three years is going to expire on 08.04.2019. However, for bio-remediation, timelines of five years has been provided, On 'Polluter Pays authorities. Failure to do so may render the authorities also liable to pay damages"

Whereas, the Hon'ble National Green Tribunal (Principal Bench) vide order dated 28.02.2020 & 02.07.2020 in OA No. 606 of 2018 has directed that *"In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted. Interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rules 22 from Serial No. 1 to 10.*

*.... 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 Local Body from 01.04.2020 till compliance.*

*..... final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 of the order within six months from today and CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month with respect to non-compliance of solid Waste Management Rules, 2016 and non-commencing legacy waste remediation".*

Whereas, the Hon'ble (National Green Tribunal Principal Bench) in their order dated 28.02.2020 in O.A. No.: 606 of 2018 vide para 39 (b) that **'Legacy waste**

remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 2854 even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places. Continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability 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'.

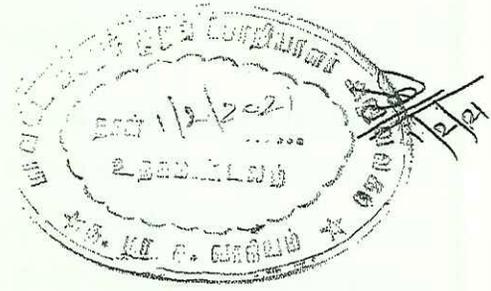
Whereas Coonoor Municipality has not commenced the legacy waste remediation from their dumpsites till 31<sup>st</sup> of December, 2020, and thereby has not complied with the directions issued by the Hon'ble National Green Tribunal (Principal Bench) dated 17.07.2019 in O.A. No.; 519 of 2019 that the remediation work on all other dumpsites may commence from 01.11.2019 and completed preferably within six months and in no case beyond one year.

Whereas the Hon'ble National Green Tribunal (Southern Zone) in their order dated 01.09.2020 in O.A. No.: 203 of 2017 directed to ascertain the aspects of the orders passed by the Hon'ble National Green Tribunal (Principal Bench) in O.A. No.: 606 of 2018 and to file a further report. The Hon'ble National Green Tribunal (Southern Zone) has reiterated the same in their order dated 04.01.2021 in O.A.No.: 108 of 2020.

Therefore, it is proposed to levy Environmental Compensation to Coonoor Municipality for as ordered by the Hon'ble National Green Tribunal (Principal Bench) in O.A. No.: 606 of 2018 at the rate of Rs. One Lakh (Rs. 1,00,000/-) per month starting from 01.04.2020 till 31.12.2020 totalling Rs. Nine Lakhs (Rs. 9,00,000/-) the non-completion of the legacy waste management, as ordered by the Hon'ble National Green Tribunal (Principal Bench) in O.A. No. 519 of 2019/ or to levy the Environmental Compensation, as per the Template formulated by the Central Pollution Control Board.



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From

The Commissioner,  
Coonoor Municipality,  
Coonoor.

To

The District Environmental Engineer,  
TamilNadu Pollution Control Board,  
Udhagamandalam.

**ROC. NO : H2/3391/2017 dated: 01.02.2021**

Sir,

Sub: TNPCB – Solid Waste Management – Hon'ble NGT orders in OA No. 606 of 2018 – Coonoor Municipality - Non-compliance of the Provisions of Solid Waste Management Rules, 2016 – Levying of Environmental Compensation – Show cause Notice – Issued – Reply – Furnished-Regarding.

Ref: Your Office Proc. No. DEE/NLG/ O.A. 606 of 2018/ NGT -PB/SWM/2020-1 dated: 12.01.2021.

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We are in receipt of your above referred show cause notice on 18.01.2021. We submit that we were asked to furnish the reply for the show cause notice within seven days from the receipt of the show-cause notice, i.e. before 25<sup>th</sup> January, 2021; The intermittent holidays, the works on COVID-19 Control and more importantly, the continued satisfactory operation of the mechanised seiver system at least for a weeks' time, with a view to estimate the further time required to complete the remediation of old dumps bioremediation of the legacy wastes, so as to make that also a part of the reply for the show-cause notice, has resulted a delay of one week in furnishing the reply. We kindly inform that that the delay in furnishing the reply may be condoned, and no adverse action may be proceeded for that reason. In this backdrop, the explanation of the Coonoor Municipality on the Show cause notice is furnished as follows, for your kind consideration and favourable further action:

1. It is informed that Coonoor Municipality, even though formed before 150 years, the Municipality is always a fore runner in maintaining

the health, sanitation and a serene environment to its residents. It is pertinent to note that the local body has formulated the Municipal Solid Waste Handling Yard, even before seventy years, when the same was not thought of in much bigger urban local bodies.

2. It is informed that Coonoor Municipality was having substantial population, well before five decades. The Local Body was having a population of 30,690, as per 1961 Census, 38,007 in 1971, which rose to only 45,954 in 2011, after five decades, which indicated a very low decadal population increase, comparing to the other Urban Areas of the State. One of the important factor for this, is the non-availability of residential space in the Town, and the little residential space available were developed in much earlier, i.e. well before fifty years.
3. As the Town has developed much earlier, i.e. well before five decades, when the concept of urban planning has not emerged at all, the development was haphazardal.
4. However, the concept of Solid Waste Management has emerged in Coonoor Town, much earlier, which is well before seven decades, and at that time the Ottupattarai Solid Waste Disposal Centre was developed. However, it is to be considered that at that point of time, Solid Waste Management, meant collection of the garbage and dumping of the so collected waste is a common place, likely in places outside or at the periphery of the Town. Ottupattarai location is an example of the so prevailed scenario then.
5. Subsequently, in view the generation of increased quantity of garbage, the need for additional areas for the disposal of Municipal Solid Waste arose, which was met by the Municipal lands in

Vasampallam Road area, located adjoining to the Ottupattarai disposal site.

6. However, after the need for the disposal of Solid Wastes in scientific manner, in compliance to the provisions of the Solid Waste Management Rules notified by the Government of India, at various stages, the Municipality has formulated schemes for the processing of the wastes, in line with the prescription in the Solid Waste Management Rules, 2016, the earlier waste disposal sites have become dumping sites, which, under the provision of the Solid Waste Management Rules, 2016, need to be remediated within five years from the date of Notification, i.e. before 7<sup>th</sup> April, 2021.
7. At present, the solid waste generated is managed with processes such as composting in case of wet-organic waste, controlled high temperature burning of rags, diapers, used sanitary napkins and the segregation and selling of the dry wastes. The quantity of the legacy waste that was lying in the dumping sites which need to be processed as on 31<sup>st</sup> January, 2021 is estimated at 2820 MT.
8. It is informed that the Legacy waste that was slid from Ottupattarai Dump yard, into the adjacent private land, which also a part of the subject matter of consideration in O.A. No.: 108 of 2017 has been removed completely and kept adjacent to the processing shed of the Resource Recovery park at Ottupattarai, established at the erstwhile dump yard at Ottupattarai, for the purpose of processing / bio-mining. Coonoor Municipality assured before the Hon'ble national Green Tribunal (SZ) that the entire legacy waste would be processed and completed before, 31<sup>st</sup> of March, 2021.
9. It is further informed, with a view to complete the bio-mining/ processing of the legacy waste, a hand operated seiver available was employed, since November 2020. Even though the operation yielded the desired results, the vey-low output in that operation made us to felt that the same need to be mechanized. However, the discussion with your good-self, it was decided that even with the

mechanisation of the available seiver, the desired rate of processing could not be performed and hence it was decided to fabricate a heavy-Duty mechanised seiver, whose dimensions are finalized in discussion with the fabricator, officials of the Municipality and your good-self. The said system has been fabricated and put in to use in beginning of January, 2021.

10. However, the unprecedented rains in December 2020 & January 2021 has delayed the trial operations and once the legacy waste dried, the same was put on trial, in the second half of January, 2021, after Pongal Holidays. Now, the trial has been completed, the teething problems experienced are addressed and presently, we could able to run the seiver at a rate of 3 MT/Hour, comfortably, thereby around 30 MT/day of legacy waste could be processed in a day with ten hours of operation. We have operated the system for about one week with this level of performance, i.e. 3 MT/Hour.

11. At this is level, we have completed about 180 MT of legacy waste, as on 31<sup>st</sup> January, 2021, out of the total estimated legacy waste of 3000 MT, and the remaining quantity of legacy waste remaining at various places as on 1<sup>st</sup> February, 2021 is assessed as 2820 MT, which we are confident of completing before 30<sup>th</sup> June, 2021. In this regard, it is informed that that the quantity of legacy waste was previously estimated as 7000 MT at a bulk density of around 0.7. However, the experience on the removal of legacy waste for processing revealed that the total quantity of waste is around 3000 MT only, mainly due to two reasons (i) A fire occurred subsequent to 2017, after the estimation of the waste has reduced the quantity substantially and (ii) There is sizable physically removable material, without sieving is also present in large quantities, and thereby the total legacy waste that is required to be processed is re-worked as 3000 MT.

12. It is also to be informed that the accumulated mixed dry waste that were kept in the erstwhile IL& FS premises were completely processed and disposed even before December 2020 as against the commitment made of 31.03.2021. It is estimated that the quantity of wastes so processed is around 200 MT only as against the original estimation of 300 MT. Now the area is completely free from any sort of waste.
13. In this background the action of levying of environmental compensation for not commencement of remediation of legacy-sites by 01.04.2020, as ordered by the Hon'ble National Green Tribunal (PB) in order dated 17<sup>th</sup> September, 2019, in O.A. No.: 519 of 2019, would only act as a deterrent to the initiatives taken by Coonoor Municipality for the remediation of the old dumpsites.
14. We wish to inform that till the orders of the National Green Tribunal (SZ) dated 1<sup>st</sup> September, 2020 is received, Coonoor Municipality is not aware of the orders of the liability of environmental compensation, for not commencing the remediation of old dump-sites, and once the same is known, all earnest steps were taken and the action is already initiated and we are planning to complete the same before June, 2021. The time over-run of three months , from our earlier commitment of March 2021, is due to the unprecedented rains in December, 2020 and January, 2021, difficulties experienced finalising the design of the seiver etc.,.
15. You would be appreciate the fact that, even in many of Class I Cities, where the action for remediation of dump-sites/ bio-mining of legacy wastes are only in proposal stage, Coonoor Municipality, a Class III town, with many locational and economic disadvantages, is able to commence the remediation/ bio-mining of legacy waste atleast by the middle of January, 2021, and scheduled to complete before June, 2021. In such a circumstance, levying of environmental compensation to Coonoor Municipality is not at all justified.

16. It is to be mentioned that Coonoor Municipality is under severe Financial Crunch, and struggling to settle the Power Consumption charges, payment of salaries to its employees in time. In fact, our present level of dues to TANGEDCO, for the power consumed stood at Rs. 160 lakhs. Even with this difficulty, we have initiated action and executing the bio-mining activity is only because of fully understanding our obligation towards environmental protection. As such, the levying of environmental compensation would not be in the best interest of environmental protection, as this would add further stress on the little available financial resources, and consequent may add stress on the fund requirement for carrying out the bio-mining activities.

17. We wish to further inform Coonoor Municipality is making a submission before the Hon'ble National Green Tribunal (SZ), during the hearing on 4<sup>th</sup> February, 2021, that TamilNadu Pollution Control Board may be suitably instructed to levy Environmental Compensation, in the event the process of bio-mining of the legacy wastes is not completed by June, 2021, in view of the progress made in this matter.

Considering our submissions as above, we request you to accept our reply and drop all further proceedings on levying of environmental compensation for Coonoor Municipality.

  
1.2.21  
Commissioner (i/c)  
Coonoor Municipality  
  
01/2/21

Copy submitted to:

1. The Commissioner of Municipal Administration, Chennai.
2. The District Collector, The Nilgiris.
3. The Regional Director of Municipal Administration, Tirrupur.

**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,  
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The Nilgiris District & 3 others.

...Respondents

**RESPONSE FILED THE DISTRICT  
ENVIRONEMNTAL ENGINEER,TAMIL  
NADU POLLUTION CONTROL BOARD,  
UDHAGAMANDALAM IN O.A.NO.203  
OF 2017.**

**Advocate for Respondent No.TNPCB  
Thiru. C. Kasirajan.**

**Date:03.02.2021.**

