

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

Original Application No. 230 OF 2021

K.M. Sanjeev Vijayan

Applicant (s)

Versus

State of Kerala

Respondent(s)

REPORT FILED BY THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE,
PALAKKAD FOR AND ON BEHALF OF THE
KERALA STATE POLLUTION CONTROL BOARD

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Dated this the 11th January 2022

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KERALA STATE POLLUTION CONTROL BOARD

I, Krishnan M N, S/o M S Narayanan, am the Environmental Engineer, Kerala State Pollution Control Board, District Office, Palakkad. I am duly authorized by Member Secretary of Kerala State Pollution Control Board to represent the Board in the O.A. I do hereby solemnly affirm and state as follows.

1. Based on order dated 27.11.2020 in OA 147/2020 of Hon'ble NGT Pollution Control Board had issued the first letter to the Secretary, Ottapalam Municipality on 24.12.2020, Annexure (B) in Report dated 30.12.2020. Follow up inspections revealed that the compliance to the instructions

issued vide letter dated 24.12.2020 were not satisfactory. In the letter dated 30.05.2021 it was warned that continued non-compliance with the timelines of Rule 22 of the Solid Waste Management Rules, 2016 will force Pollution Control Board for levying of Environmental Compensation (EC) based on the template developed by the Central Pollution Control Board. It was specifically informed that for each month of inadequate full compliance with Rule 22, EC at the rate Rs. 1,00,000/- will be imposed. A copy of the letter dated 30.05.2021 is produced herewith marked as Exhibit PCB – (a).

2. In response to the various directions of the Pollution Control Board and orders of the Hon'ble NGT, the Municipality submitted an action plan vide email dated 13.08.2021 with time-line for achieving targets, so as to achieve compliance with Solid Waste Management Rules.
3. ACS, LSGD was also conducting regular meeting with respect to the management of Municipal Solid Waste in Urban local bodies and Ottappalam municipality in special.
4. Para 4 of the order dated 16.04.2021 of the Hon'ble NGT, Principal Bench states that "SPCB needs to continuously interact with the concerned authorities and ensure compliance". Pollution Control Board Officials have been continuously interacting with the officials of Municipality in co-ordination with district level officials of Local Self Govt. Department. The progress of implementation of action plan was physically reviewed and the site was visited by Board Officials on 29.07.2021, 22.10.2021, 11.11.2021 and 27.12.2021.
5. On 31.12.2021, the Municipality submitted the latest progress report on the action plan. The progress report is marked and produced herewith as Exhibit PCB – (b). Comments of the Pollution Control Board based on site inspection and interaction with officials of Municipality follows.

1. The processing capacity of (Material Collection Facility) MCF and RRF (Resource Recovery Facility) located in the Panamanna plant are augmented such as to handle all the non-biodegradable waste collected.
2. The renovation of windrow composting facility which is not functional for years has not physically started. The work is said to be awarded to an

- approved agency but work has not started. Only after finishing the work, windrow composting can be started.
3. Mini MCF are planned in all wards, but not installed. Work is said to be awarded to an approved agency.
 4. Thumboormoozhi model biodegradable-waste-processing plants started operation at one place, out of the two constructed. The site was inspected by official of Pollution Control Board on 27.12.21 and was verified.
 5. Out of the total 12500 households and 2020 establishments-76 percent households and 53 percent establishments covered in door-to-door collection of Harithakarmansena as at the end of December, 2021.
 6. The tendering process for legacy waste biomining is over, three agencies submitted tender, M/s. Socio Economic Unit Foundation (SEUF), Trivandraum qualified. The award of work is not complete and work is not yet started.
 7. Sewage Treatment Plant construction not started. It is said that a designated government agency will start the work shortly.
 8. The earlier litter spots are all seen to be kept clean during inspection; the Municipality has fully complied with that specific instruction.
6. This progress was reported to the Chairman of the Pollution Control Board. Since the time lines of Rule 22 are already crossed and the progress of Municipality with their PCB – (b) action plan is also lagging in certain points and in view of the Order of Hon'ble NGT, Chairman issued a letter dated 10.01.2022 to the Municipality giving the assessment of Environmental Compensation as Rs. 13,00,000/- (from 01.04.2020 to 31.04.2021). A copy of the letter dated 10.01.2022 is produced herewith marked as Annexure PCB – (c). As per the letter, Chairman is holding a meeting by VC to hear the officials of Municipality on 13.01.2022 on the matter of Environmental Compensation. It is respectively submitted that further actions as per law will be taken in the matter.

Dated this the 11th of January, 2022.



Krishnan M N Digitally signed by Krishnan M N
Date: 2022.01.11 18:12:23 +05'30'

DEPONENT



KERALA STATE POLLUTION CONTROL BOARD

DISTRICT OFFICE, PALAKKAD
NEAR DISTRICT PANCHAYATH OFFICE, PALAKKAD - 678 001
www.keralapcb.nic.in

PCB-(a) 1/2

Phone : 0491 - 2505542

E-mail : kspcbpalakkad@gmail.com

In reply please refer to: PCB/PLKD/TG-345/2020

Date: 30-5-21

From

Environmental Engineer

To

The Secretary,

Ottapalam Municipality,

Ottapalam, Palakkad.

Sub: OA 147 OF 2020 before the NGT- order dated 16-4-21- instructions issued

Ref: (1) Order dated 16-4-2021 of the Hon'ble NGT in OA 147 of 2020

(2) This office letter of even no. dated 24-12-2020

Sir,

The Hon'bel NGT has given an order dated 16-4-21 in the OA 147 of 2020. The salient portions of the order are as follows.

"In the present case, population is around 50,000 and waste generation is approximately 1.4 TPD which can be managed so as to make a 'zero waste village'. SPCB needs to continuously interact with the concerned authorities and ensure compliance to make Panamanna Village, Ottapalam Municipality as model in four months. Secretaries Rural and Urban Development of State and the Municipal Commissioner need to coordinate for the purpose."

"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 Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above).

Any such continued failure will result in liability of every Local Body to pay compensation Rs. 1 lakh per month per other Local Body (local bodies with less than 5 lakh population) from 01.04.2020 till compliance.

"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 28, even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22)"

"Let the Chief Secretary, Kerala ensure coordination and compliance. Compliance affidavit be filed before the next date 06.08.2021. forwarded to the Chief Secretary, Kerala, Secretary, Rural and Urban Development, Kerala, State PCB and Commissioner, Ottapalam Municipality by e-mail for compliance."

It is informed that non-compliance with Rule 22 of the Solid Waste Management Rules, 2016 has made the Municipality liable to pay Environmental Compensation (EC). The template based on which EC was decided to be levied is attached. Based on the directions of the NGT, Ottapalam Municipality is liable to pay EC of Rs. 13,00,000/- till 30th April, 2021.

Board had issued letter referred (2) giving the following specific instructions regarding solid waste management

- i) The entire gap between generation of solid waste and its collection and disposal shall be bridged
- ii) Scientific facility for management of wet waste must be made operational
- iii) Door-to-door collection of solid waste must be extended to 100 percent of the households and establishments; including collection of wet-waste wherever necessary
- iv) The incidents of littering of public places must be curtailed by cent-percent door-to-door collection and strict punitive action
- v) All timelines of action as per Rule 22 of the Rules shall be complied
- vi) Scientific biomining of legacy waste in the dumpsite at Panamanna must be carried out immediately

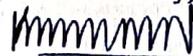
The Tribunal has directed the concerned authority to ensure that the Municipality be made a 'model' local body with respect to compliance of all environmental laws.

Hence you are directed to

- i) Report the progress of compliance with the directions in the letter referred (2)
- ii) Action plan with timeline to achieve the status of cent percent compliance, especially in compliance with Solid Waste management Rules within the time limit of August 15th

Board officials propose to interact with the elected representatives including Chairperson of the Municipality and officials, led by the Secretary, in this matter, either by video conferencing or in person on 7th June, 2021. It is requested to arrange the meeting and inform the schedule in advance.

Yours faithfully,



ENVIRONMENTAL ENGINEER

Enclosure: as above

NGT OA No.147/2020-Action Plan – Ottappalam Municipality

Sl No.	Task	Target	As on 20.9.2021		As on 24.11.2021		As on 8/12/2021		As on 31/12/2021	
			Time frame	Action to be taken	Time frame	Action taken	Time frame	Action taken	Time frame	Action taken
Setting up solid waste processing facilities										
	MCF and RRF Extension (4ton processing capacity)	Improve the storage and sorting facilities of MCF and RRF (Min. Of 1500sq ft). Provide basic facilities (restroom) for workers. Weighing machine etc. in MCF	31-Oct	Project implementation	31st october	90 percentage of work completed.	Final stage, 95% complete	Renovation of Windrow Composting unit started	Renovation of Windrow Composting unit started	Renovation of Windrow Composting unit started
	Renovation of Windrow Composting Unit and Bio Waste collection (1 tonne per day capacity)	Installation of new machineries in Plant. The municipality had set up a bio composting plant with a processing capacity of one Tonne per day for bio waste treatment but plant is currently out of order due to malfunction of machinery.	30-Sep	Tender procedures and implementation	30-Sep	Renovation of Windrow Composting unit started	Renovation of Windrow Composting unit started	Renovation of Windrow Composting unit started	Renovation of Windrow Composting unit started	Renovation of Windrow Composting unit started
	Setting Up Storage Facilities in Cluster level	Construction of New Mini MCF in 10 different centres of Municipality	31-May-22	Tender procedures and implementation	31-May-22	Tender procedures and implementation	Tender procedures and implementation	Tender procedures and implementation	Forwarded letter to agency for implementation in the identified sites	Forwarded letter to agency for implementation in the identified sites
	Bio waste collection from All and Institution	Community composting (Thurnburmoozhi Model) has been installed in two places but has not started functioning. Ensure the functioning of existing Thurnburmoozhi community level Bio waste composting unit in Two centres.	30-Sep	Special awareness programme and meeting in public protest areas.	30-Sep	Special awareness programme and meeting in public protest areas. Completed.	Thurnburmoozhi community level bio waste composting unit functioning	Thurnburmoozhi community level bio waste composting unit functioning	Thurnburmoozhi community level bio waste composting unit functioning	Thurnburmoozhi community level bio waste composting unit functioning

Source level bio waste treatment equipment's to Households	Distribution of compost units to Households. Only for 2100 households. Source level bio waste treatment facilities has been provided sofar, remaining HHS will be provided.	31-May-22	Tender procedures and implementation	31-May-22	Discussion with IRTC is on progress. Application received beneficiary list preparation	beneficiary list submitted before the council for approval	beneficiary list submitted before the council for approval
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Ensure 100% Door to Door Collection from HHS and Institutions.							
Strengthening of Haritha Karma sena	Strengthen the number of Haritha karma sena in Ward level as two members and provide door to door collection services in all houses and establishments. There are 43 Harithakarmasena members in Municipality at present. The present condition of door to door collection from 7260 households & 625 institutions is (58%) & (30.8%) respectively. It will be covered to 100%.	31-Oct	Strengthen the number of Haritha karma sena in Ward level as two	31-Oct	Household collection increased to 9545 and collection from institutions is increased to 1084	Household collection increased to 9545 and collection from institutions is increased to 1084	Household collection increased to 9545 and collection from institutions is increased to 1084
Awareness creation to public on Door to door Collection and user fee	House campaign by Peoples representatives and HKS Members. Collection Calendar Distribution. Leaflet Distribution. Cluster level meetings, to RWA and Households in all wards. Special meetings and awareness campaigns to Commercial establishments. Establish Boards and Wall paintings on SVM messages in municipal area	30-Sep	Implementation of IEC activities.	30-Sep	Awareness programme completed	Completed	Completed

Reclamation of Historical Dumpsite in Panamanna Trenching Ground							
Scientific Estimation of legacy waste	Identify the agency and conduct estimation study	31-Aug	N/A	31 ST AUGUST	Completed	Completed	Completed
Project preparation and implementation for treatment and disposal of legacy waste (Bio mining and bio remediation)	An amount of 70 lakhs has been included in the annual plan 2021-22 for the treatment of legacy waste at Panamanna plant through bio mining / bio remediation.	31-Jul	Tender approval from Municipal Council and	31-Jul	Tendered	3 agency and pending before the council for approval	Tender received from 3 agency and pending before the council for approval

Setting up Sewage Treatment Plant (STP)								
Establishment of Sewage treatment (1.5 MLD) Plant at west side of Municipal Bus stand Ottapalam	The KILFBI project of 1.140 crore has been approved for sewage Treatment Plant (STP) and steps are being taken to set up at 52 cents west of the municipal bus stand. It has received the approval of the Pollution control Board .KMBR Rule Exemption and Fire NOC is not yet received. The STP plant will be set up as soon as it is received.	31-Jul-23	KMBR Rule Exemption and Fire NOC	31-Jul-23	Obtained fire N O C and issued Building permit and send toImpact Kerala	Obtained fire N O C permit and send toImpact Kerala	Obtained fire N O C and issued Building permit and send toImpact Kerala	Obtained fire N O C and issued Building permit and send toImpact Kerala

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Dump site clearance and Beautification								
Clearing of Dump sites and Litter spots	Conversion and beautification of all litter spots identified in road sides. Surveillance Camera & Squad will be engaged	30-Sep	Installation of Surveillance Camera	30-Sep	Beautification process completed Squad work is going on. Camera is functioning at all litter spots.	Beautification process completed Squad work is going on. Camera is functioning at litter spots.	Beautification process completed Squad work is going on. Camera is functioning at litter spots.	Beautification process completed Squad work is going on. Camera is functioning at litter spots.



[Signature]
PRADEEP A. S
SECRETARY INCHARGE
 Ottapalam Municipality



☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 MemberSecretary: 2318151
E-mail: ms.kspcb@gov.in FAX: 0471 - 2318184, 2318152 web: www.keralapcb.nic.in

KERALA STATE POLLUTION CONTROL BOARD
കേരളസംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram - 695 004
പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004

KSPCB/38/2021-SEE2

Date: 10/01/2022

From
The Chairman

Registered with A/D

To
The Secretary
Ottapalam Municipality

Sub: Video Conference on levying of Environmental Compensation for non compliance of SWM Rules, 2016.

- Ref: 1.The Hon'ble NGT orders dated 16/01/2019 and 25/04/2019 in OA no. 606/2018.
 2.The Hon'ble NGT order dated 17/07/2019 in O.A No. 519/2019
 3. The Hon'ble NGT order dated 02/07/2020 in OA 606/2018
 4. The Hon'ble NGT order dated 16.04.2021 in OA 147/2020
 5. Letter no. PCB/PLKD/TG-345/2020 dated 30.05.2021 from District Office, Palakkad
 6. Email dated 03/01/2022 from Environmental Engineer, District Office, Palakkad

Sir,

The Hon'ble NGT vide order dated 25.04.2019 in O.A. 606/2018 directed that all environmental statutes are to be complied by all local bodies by 25.04.2020. Further as per SWM Rules, suitable sites for setting up solid waste processing facilities are to be identified by 08.04.2017(Rule 22(1)); suitable sites for setting up solid waste processing facility and sanitary landfill facilities are to be procured by 08.04.2018(Rule 22(3)); door to door collection of segregated waste and its transportation in covered vehicles to processing or disposing facility shall be ensured by 8.04.2018 (Rule 22 (5));Setting up solid waste processing facilities by local bodies and census towns below 100000 population (Rule 22 (8)); separate storage, collection and transportation of construction and demolition waste shall be provided by 8.04.2019 (Rule 22 (6)).

The Hon'ble NGT vide dated 02.07.2020 in OA 606/2018 laid down compensation scale for continued failure in implementation of Solid Waste Management Rules 2016, after 31-3-2020 and reiterated that the compliance of the rules requires taking of several steps in Rule 22, from serial no. 1 to 10 and the Court directed that any such continued failure will result in liability of

every local body to pay compensation at the rate of Rs. 10 lakhs per month per local body for population above 10 lakhs; Rs. 5 lakhs per month per local body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other local bodies from 01.04.2020 till compliance and final compensation may be assessed and recovered by the State PCB/PCCs in the light of the above order.

As per the said direction of Hon'ble NGT, template for the assessment of final compensation for non compliance of solid waste management by urban local bodies has been prepared and forwarded to SPCBs by CPCB. As per the CPCB template, the local body shall be liable to pay compensation if there is any gap in the solid waste generated and treated; there is no cent percent door to door collection; there is no segregation of waste; segregated waste is not transported in covered vehicle; there is no adequate material recovery facility, plastic waste recycling facility, composting, biomethanation, RDF, WtE plant and legacy waste management has not started.

Based on the Hon'ble NGT order dated 16.04.2021 in OA 147/2020 regarding the grievance against unscientific dumping and burning of Garbage at Panamanna village in Ottapalam municipality it was directed to make Panamanna a zero waste village and to ensure the compliance to make Panamanna village, Ottapalam municipality as a model in four months. The Environmental Engineer, Palakkad vide letter under ref (5) issued instructions to the Ottapalam municipality and based on the template for assessment of Environmental Compensation and an amount of Rs.13,00,000/- (Rupees Thirteen lakh only) for a period from 01.04.2020 to 30.04.2021 was fixed and informed. The municipality has been informed that it is liable to pay Environmental Compensation on non compliance with the provisions of Solid Waste Management Rules,2016 vide letter dated 30.05.2021 from the District Office, Palakkad.

Based on the CPCB template for the assessment of final compensation for non compliance of solid waste management, it is noted that there is a gap in solid waste management; there is no cent percent door to door collection; there is no segregation of waste; non adequacy of material recovery facility, resource recovery facility, waste recycling facility, composting, biomethanation, RDF, and WtE plant.

The Environmental Engineer, District Office, Palakkad vide letter under ref(6) reported that there is non-compliance in the action plan submitted by the

municipality as the time limit had already elapsed based on the latest inspection conducted on 27.12.2021.

On account of the above, as per the order of the Hon'ble NGT vide ref(3), the Environmental Compensation for Ottapalam Municipality is assessed as Rs. 13lakhs (Rupees Thirteen Lakhs Only) from 01.04.2020 to 31.04.2021 @ of 1 lakh/month.

In this context, a video conference is scheduled to be held on 13th January at 11 A.M. from the chamber of Chairman, KSPCB Head Office, Thiruvananthapuram to discuss the matter further. Please attend the video conference with all updated documents without fail. The link shall be forwarded shortly.

Yours faithfully,



CHAIRMAN

Copy To:

1. The Director, Directorate of Urban affairs
2. Regional Joint Directorate, Kozhikode
3. CEE, RO, Ernakulam
4. SEE, Legal cell, Ernakulam
5. EE, DO, Palakkad
6. CA to Chairman, Member Secretary & CEE, HO

(Please attend with all relevant details)