

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

**IN**

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

**IN THE MATTER OF**

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

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

**:**

**Applicant(s)**

**Verses**

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

**Thiruvananthapuram and Others**

**:**

**Respondent(s)And**

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

**Applicant(s) : Jith Kumar, Muthedathu**

**Versus**

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

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

**Versus**

**Kochi Municipal Corporation & Others  
ORIGINAL APPLICATION No. O A 276/2017(SZ)**

**02.12.2021 IN O A 77 of 2021**

**Lawyers Environmental Awareness Forum**

**Versus**

**SEIAA, Thiruvananthapuram**

**VOLUME 2**

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Dated this the 23<sup>rd</sup> day of January 2021

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



## KERALA STATE POLLUTION CONTROL BOARD

DISTRICT OFFICE -1, ERNAKULAM

GANDHINAGAR, KOCHI- 682 020

കേരളസംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

ജില്ലാ ഓഫീസ്-1, എറണാകുളം

ഗാന്ധിനഗർ, കൊച്ചി - 682 020

PCB/EKM/DO-1/GEN-16/19

Regd A/d

Date: 25.09.2021

From,

Environmental Engineer  
District Office-1, Ernakulam

To,

Sri. Abdul Sathar E.K  
Eriyakkattmoolayil House  
Thrikkakkara P.O  
Kochi- 21

Sub: - Unauthorized dumping of solid wastes- near Sea Port- Airport reg.

Ref: -1. Inspection conducted by Board Officials on 13.09.2021, 15.09.2021 and 23.09.2021

2. Letter No PCB/RO-EKM/ GEN- 258/2019 dated 17.09.2021 from the Chief  
Environmental Engineer, KSPCB, Regional Office, and Ernakulam

3. Your letter dated 17.09.2021 submitted to the Chief Environmental Engineer,  
KSPCB, Regional Office, Ernakulam

Sir,

Board had received complaint against the unauthorized dumping of solid wastes in a private land near to Sea port- Air port road. Board officials had inspected the site noted that the huge quantity mixed wastes consisting of plastics, paper, cloth etc are dumped in the site.

As per the reference 2<sup>nd</sup> above, you have informed that you have initiated action to remove the wastes to M/s SMT Plastics, Erode, Tamilnadu and submitted DD of Rs 50,000/- towards surety for removing the wastes along with affidavit in Rs 200 stamp paper informing that the wastes will be removed within 10 days. Board had again inspected the site on 23.09.2021 and noted that still huge quantity of wastes remaining in the site. You have not submitted any details on disposal of wastes to the Board till date. Hence, you are hereby directed to comply the following.

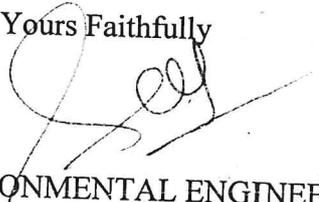
1. Submit details of wastes disposed along with the manifest/bills including the copy of agreement executed between M/s SMT Plastics, Erode, Tamilnadu.
2. Submit detailed time bound proposal for wastes disposal.
3. Log book shall be kept to record the movement of wastes incorporating the quantity of wastes shifted, vehicle no, disposal point. The copy of log book shall be submitted to the Board.
4. The details of units from which the wastes were collected.

*Handwritten notes:*  
AEC  
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*Handwritten note:*  
AEC

You are directed to submit the details within three days on receipt of the letter. Note that the above activity of dumping of solid wastes is violation of Environmental Legislations. In case of non compliance of Board's directions, legal action including levy of environment compensation will be initiated against you.

Yours Faithfully

  
ENVIRONMENTAL ENGINEER

Copy to

1. The Member Secretary, KSPCB
2. The Chief Environmental Engineer, KSPCB, Regional Office, Ernakulam
3. Commissioner of Police, Kochi City
4. The Secretary, Kalamassery Municipality

R.No. 2233 (2021) of OCHM KSPCB.

3

Phone : 0484 - 2207783,84,85,86

E-mail: pcbdo1@gmail.com

website-www.keralapcb.nic.in



## KERALA STATE POLLUTION CONTROL BOARD

DISTRICT OFFICE -I, ERNAKULAM

GANDHINAGAR, KOCHI - 682 020

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

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ഗാന്ധിനഗർ, കൊച്ചി - 682 020

1008  
07/12/21

PCB/EKM/DO-1/GEN-21/2020

Regd A/d  
Dated: 03.12.2021

From

Environmental Engineer  
District office-1  
Ernakulam

To

M/s Cochin Port Trust  
Willingdon Island  
Kochi

Sub: Solid waste dumping – Willingdon Island- reg

Ref.: Complaint received on 02.12.2021

Sir,

Board had received complaint against the dumping of solid wastes in the land near to Kannangattu- Thevara Bridge. Board had conducted enquiry in the site and noted that huge quantity of plastic wastes seen dumped in the land owned by the Cochin Port. It is also noted that the solid waste seen spread over the land for land filling. It is understood that the land filling work is done by the contractor engaged by Cochin Port. The unscientific dumping of solid wastes and land filling causes environmental degradation including the pollution of water bodies due to leachate generated from the solid wastes and is violation of Section 24 of the Water (Prevention and Control of Pollution) Act, 197 and is violation of Solid Waste Management Rules, 2016.

Hence, it is hereby informed to immediately stop the work on land filling of the solid wastes and also to comply the following directions.

1. The wastes shall be segregated and disposed as per the Solid Wastes Management Rules, 2016 in consultation with the Local Body.

WTS  
LWS  
8/12

SEE

2. CCTVs shall be installed in the site for surveillance.

The action taken in this regard shall be intimated to this office urgently.



Yours faithfully

A handwritten signature in black ink, appearing to be "Jey" or similar, written over a horizontal line.

ENVIRONMENTAL ENGINEER

1. The Member Secretary, KSPCB
2. The Chief Environmental Engineer, KSPCB, Regional Office, Ernakulam
3. The Commissioner of Police, Kochi City
4. The Secretary, Kochi Corporation

**KERALA STATE POLLUTION CONTROL BOARD**  
**REGIONAL OFFICE, GANDHI NAGAR, ERNAKULAM – 682 020**[www.keralapcb.nic.in](http://www.keralapcb.nic.in)

PCB/RO-EKM/GEN-258/19

Date: 21.01.2022

From

The Chief Environmental Engineer

To

The Chairman

State Level Monitoring Committee (NGT)

Sub:- Report on fire accident occurred on 18.01.2022 at solid waste dumping yards at Kalamassery and Brahmapuram owned and operated by Kalamassery Municipality and Kochi Corporation respectively -Reg.

Ref:- 1. Reports dated 07.03.2021 and 24.07.2021 submitted before the Chairman, SLMC.

2. Inspection conducted on 20.01.2022 by the Chairman, SLMC along with the Chief Environmental Engineer.

Respected Sir,

This report is prepared in connection with enquiry conducted vide reference cited (2) on hearing about the fire accidents at the above mentioned spots on 18.01.2022.

**1. Solid waste disposal site at Kalamassery**

This solid waste dumping site is at North Kalamassery in an extent of about 2 Acres of land where non-bio degradable wastes alone were stored. It was already reported that some portion of these waste were being transferred by certain agencies after bundling. It is to be noted that the bio degradable fraction of solid waste collected by Municipality is being transferred to Brahmapuram plant as if done by other four municipalities viz. Angamaly, Thrikkakkara, Thrippunithura and Aluva and 3 Grama Panchayaths viz. Kumbalangi, Cheranallur and Vadavucode-Puthencruz. This fire accident occurred at 3.00

PM along its plastic waste storage area near to an incinerator said to have installed for the disposal of solid wastes excluding plastic. The fire gulp down about 50% of the solid waste stored there where plastic, paper etc. were heaped. It may be noted that the surveillance team of Regional Office rushed to the spot immediately on hearing the news. Monitoring was not done since it was bit difficult to conduct monitoring since heavy fire and smoke all around the area and the Board had published study report by NIIST during similar fire accident occurred at Brahmapuram in 2019. However, the flames subsided in the night itself after notable works done by fire and rescue department. Smoke was seen there during next day morning hours also even if about 10 fire engines were there to prevent spreading of fire. The reason for the fire breakout is unidentified till now where the Municipality had filed a complaint before concerned Police officials. It may be noted that there is every chance of methane type inflammable gas formation due to waste dump and heavy temperature outside can also cause fire. To get a clear idea on the reasons for the fire breakout detailed report can be called for from the Secretary, Municipality. It is pertinent to note that during similar fire breakouts which occurred on 17.03.2021 and 30.03.2020, directions were given to take extra precautions to prevent these types of accidents. There were specific directions to install CCTV cameras but heard these cameras are under repair during this fire accident. It is unfortunate to note that no protection has been provided there though several instructions were given to the Secretary, Municipality, which resulted in such failures. Also, they have not provided enclosed sheds for storing plastic wastes which in turn allow the leachate percolate in to the stream nearby.

## **2. Brahmapuram Solid waste dump yard**

This dump yard is at Brahmapuram where about 110 acres have been allocated for waste disposal viz. solid waste which include bio and non-biodegradable wastes, Septage waste treatment facility etc. Huge legacy waste deposits are usual phenomena where the Corporation had recently placed a proposal for biomining and have started the functioning of the same at the entrance portion using certain machinery. Regarding disposal/usage of end products ie, rejects and manure called “city compost”, details need to be collected from the Corporation and shall be verified in detail. Though there were proposal for a waste to energy plant, the same is not materialized till date. This

is the case with respect to leachate treatment plant also where the septage treatment plant is now under closure for repairs. As your good self is well aware that the windrow composting plant is not satisfactorily functional as all the windrow sheds are in a dilapidated condition.

As usual plastic wastes were found to be dumped openly along the south east and entrance portions and no sufficient facilities are seen there to process it except a shed which is not capable of accommodate the entire plastic wastes brought to this yard. It is true that they are operating new machinery for biomining along with existing trommel machines. The shredding machine installed was seen kept idle during this visit also.

Regarding fire accident, it was occurred on 18.01.2022, after noon where plastic waste were heaped along the southern boundary of this plant. A tributary of Chithrapuzha is flowing just behind this. On hearing about this incident, surveillance team of the Board spotted this area where fire and heavy smoke were observed. The fire and rescue team were able to control the fire in the night itself but heavy smoke from burning of plastic continued. Monitoring was not done since there are enough study reports to prove that these types of fire accidents cause serious pollution such as dioxin emission etc. During the visit conducted on 20.01.2022, water hydrants were seen operational and no fire or smoke were observed. It is pertinent to note that these types of accidents were occurred during 2019 and 2020 and a study was conducted by the NIIST in 2019 on which a report mentioned above was submitted on the status of emission of dioxins and dioxin – like PCBs which specifically illustrating dioxin emission was in exceeding concentration. Major findings as per the study conducted by the NIIST are as follows,

- *Dioxins were detected and quantified in ambient air, residual ash and sediment samples collected from the premises of waste dump yard during fire break out.*
  - *The average dioxin levels observed in ambient air was found to be 10.3 pg TEQ/m<sup>3</sup>. The observed levels are 50 and 10 times higher than reference and field blank data.*
  - *The average dioxin concentration observed in residual ash samples collected from different locations in the fire covered area is 158.5 ng TEQ/kg of ash.*
  - *The observed dioxin levels in sediment samples collected from nearby marsh fields is 6.8 ng TEQ/kg.*
  - *The dioxin generated by the fire is given by Emission Factor x Activity Rate.*
- *The Activity Rate = total quantity of MSW burned = Area burned (from satellite photo of 23/2/2019) x burn depth (20 cm as given by Dr.Ajit Haridas), and bulk density (350 kg/m<sup>3</sup>) = 1800 tonnes (appr.)*

- The Emission Factor for dioxins as determined in "Burn-hut" at CSIR-NIIST is 39.81 µg PCDD-F TEQWHO/ ton of waste burned.
- Hence, estimated dioxin emitted = 72 milligram Toxicity equivalence (TEQ).
- The WHO /FAO maximum tolerable monthly intake of dioxins for humans is 70 picogram TEQ/kg body weight (tolerable annual intake for a 65 kg person is 54.6 nanogram TEQ). While only a very small fraction of the dioxins generated reaches humans via the food chain, the total dioxin generated is sufficient to exceed tolerable annual intake of  $72 \times 10^{-3} / 54.6 \times 10^{-9} = 1.3$  million persons

### **Recommendations**

- ✓ It is essential to establish modern solid waste treatment plants and clear the dump yards of wastes by "bio-mining" to separate combustible and inert material. The contaminated ash separated during bio-mining should be removed to sanitary landfill.
- ✓ Given the widespread burning of waste and dump yard fires, analysis of dioxins in animal origin food samples such as milk, egg, meat and in human milk is recommended.

### **3. MCF of Thrikkakkara Municipality**

It may be noted that the Material collection and processing facility of Thrikkakkara Municipality was also visited while going to Brahmapuram Plant and found to be satisfactory except storage where open storage is being practiced which in turn will cause leachate flow during rainy season. The Secretary, Municipality will be therefore addressed to ensure that the storage shall be in an enclosed shed.

Though specific instructions were given to the Secretaries of Kalamassery Municipality and Kochi Corporation not to repeat this type of accidents via mismanagement of such dumping yards where huge heaps of plastic wastes are a regular scene, the negligence shown by them shall be accordingly addressed. Copy of the notice issued on 31.03.2021 to Kalamassery Municipality is enclosed as **Annexure 1** and notice given to Secretary, Kochi Corporation on 01.05.2021 are enclosed as **Annexure 2**.

Different photographs taken during the visit / fire accident / newspaper reports to show the grave situation existing are placed as **Annexure 3**.



  
**Chief Environmental Engineer**

Encl. as above.

Copy to: The Chairman, Thiruvananthapuram.



**KERALA STATE POLLUTION CONTROL BOARD**  
**DISTRICT OFFICE 1, GANDHI NAGAR, ERNAKULAM – 682 020**

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**PCB/EKM/DO-1/GEN-05/16**

**Date: 31.03.2020**

**NOTICE**

Sub:- Air (Prevention & Control of Pollution) Act-1981 / Solid Waste Management Rules-2016/ Plastic Waste Management Rules-2016 – reg.

Ref:- Complaint received on 30.03.2020 over telephone regarding fire outbreak at Kalamassery-Dumping Yard

WHEREAS M/s Dumping Yard at Kalamassery Municipality, Ernakulam District comes under the purview of Air (Prevention & Control of Pollution) Act-1981 / Solid Waste Management Rules-2016/ Plastic Waste Management Rules-2016 and is bound to comply with the rules made thereunder;

WHEREAS a complaint has been received on 30.03.2020 over telephone regarding fire outbreak at Kalamassery-Dumping Yard with videos;

WHEREAS Board has found that the dumping of waste is being done at the yard in an unauthorized and unscientific manner and not provided any primary control measures for preventing fire.

WHEREAS this fire outbreak has caused serious air pollution due to the hazardous smoke emanating from plastic and other waste heaped at the yard.

WHEREAS repeated instructions were given to you regarding proper storage and disposal of plastic waste in the yard, but had disregarded the directions of the Board and continued the dumping of waste violating the Solid Waste Management Rules-2016 thus causing repeated fire incidents and air pollution.

AND WHEREAS it is a serious lapse from the part of you in complying with the provisions of Solid Waste Management Rules-2016

NOW THEREFORE you are hereby directed to show cause if any with in 15 days as to why Environmental Compensation shall not be imposed and not proceed with legal

action against you for your continuous violation of Solid Waste Management Rules-2016.

Dated this 31<sup>st</sup> day of March 2020

For and on behalf of the  
KERALA STATE POLLUTION CONTROL BOARD

Sd/-

**ENVIRONMENTAL ENGINEER**

To

Secretary  
Kalamassery Municipality

Copy to

Chief Environmental Engineer  
Kerala State Pollution Control Board  
Regional Office, Ernakulam



**KERALA STATE POLLUTION CONTROL BOARD**  
**REGIONAL OFFICE, GANDHI NAGAR, ERNAKULAM – 682 020**

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PCB/RO-EKM/GEN-258/19

01.05.2021

From

The Chief Environmental Engineer

To

The Secretary

Kochi Corporation

Sub: Brahmapuram Solid waste Yard- Show Cause Notice – the Environment Protection Act 1986, the Solid Waste Management Rules, 2016, and the Water (Prevention and Control of Pollution) Act 1974 - Clarifications - Reg.

Ref: 1. Your reply No. MOE2-10948/17 dated 09.04.2021 to SCN dated 16.03.2021.

Sir,

In response to your reply vide reference cited, following specific clarifications to your contentions (**Items a - i**) may be noted for immediate responses if any. Please note that this is without prejudice to initiate legal actions stipulated as per the relevant provisions of the Environment Protection Act 1986 (Herein after EP Act 1986) with specific reference to the Solid Waste Management Rules, 2016 (Herein after SWM Rules) and the Water (Prevention and Control of Pollution) Act 1974.

*a. Based on the directions of NGT, State Level Monitoring Committee of NGT and Pollution Control Board, several works have been carried out at the solid waste treatment plant of Kochi Corporation and several works to improve the facility are ongoing of which the inspection team has not taken note of is unfortunate.*

Please take note that the Corporation is operating a Solid Waste management plant without an authorization for the last 11 years and the Board from the beginning stage and the SLMC from 2019 onwards, are giving specific directions to properly maintain the solid waste management plant but the conditions seem to be further deteriorated and officials of SPCB and the Chairman,

SLMC had personally visited the plant several times and convinced the severity which are self explanatory from the various reports submitted before the Chairman, SLMC and were detailed in different orders of the Principal Bench and Southern Bench of the Hon'ble Tribunal. Several directions were also given to Corporation officials during different SLMC meetings. May be personally verified.

*b. Several rounds of directions were given to the Municipalities who bring their waste to Brahmapuram plant for treatment not to send un segregated biodegradable waste. But still about 10% of the wastes brought to the plant are mixed with non-biodegradable waste.*

Please go through the relevant sections of the SWM Rules 2016 where the responsibilities of the Secretaries of respective local bodies are clearly indicated and you have no responsibility to cater to the need of other local bodies and that too knowingly to an unscientifically operated solid waste treatment plant. They may be allowed to use your facility only when the proposed waste to energy or other satisfactory common solid waste treatment plant is materialized. Presently you are continuously violating the Rules and liable to be proceeded against as per the provisions of the EP Act 1986, the Water Act 1974 and SWM Rules 2016.

*c. No directions have ever been given to us to practice source level treatment of waste. When Corporation had initiated activities on its own to install source level and community level waste treatment systems, Vide letter No.373/DC1/18/LSGD dated 08/01/2020 Additional Chief Secretary LSGD Government of Kerala had directed Corporation not to undertake any projects on its own in parallel to the proposed waste to energy project and we had to refrain from going ahead with source level waste treatment systems.*

It is highly regretted to note that the contention by you that the Corporation had not been reminded about the mismanagement of solid waste is nowhere near the facts and is an utter negligence shown towards the order of the Hon'ble NGT and directions of the SLMC constituted by the Hon'ble NGT. Minutes of various SLMC meetings may be verified which are self explanatory that the Corporation was advised to manage solid waste whatever be the facilities proposed to do. Hence, needless to say that the Corporation was bound to comply with the Municipal Solid Waste Rules 2000 till 2016 and the SWM Rules from that onwards. It is pertinent to note that the Corporation was not able to practice scientific management of solid waste at Brahmapuram though there were specific directions from the Board as per several orders of the Principal as well as Southern

Zone Benches of Hon'ble NGT. It may also be noted that the Board Chairman had given authorization vide proceedings No PCB/HO/SEE2/KOCHICORPN/2019 dated 31.07.2020 as a last resort where all other directions were seen ignored by the Corporation explaining vague arguments. It may also be noted with due seriousness that an amount of Rs 14.92 Crores was imposed after hearing nothing / disappointing response from the Corporation on an assessment of an amount of Rs 13.95 Crores towards Environmental compensation.

*d. Though the plant roof is collapsed heaping and composting of the waste is being done. Only during rainy season the issue of rain water infiltration sets in. No leachate is flowing into the Kadambayar and Chithrapuzha river. A 1 lakh litre capacity tank constructed behind the plant collects all the leachate from the plant through a network of drain constructed around the compost plant. The collected leachate is taken to the septage treatment facility of Corporation and treated there. There is no draining of leachate into the Kadambayar river.*

It may be noted that your arguments is unjustifiable as the Chairman, SLMC had visited the solid waste dumping yard, Septage treatment plant and the site of Waste to Energy Plant several times along with the Chairman, KSPCB and the undersigned and physically identified the grave situation existing/existed there. As directed by the Chairman only, reports were prepared and submitted before the Hon'ble Tribunal and it is important to see that the Hon'ble Tribunal expressly directed as per the order dated 03.07.2020 as follows,

*“We find that the steps taken to be inadequate having regard to the serious adverse consequences of acknowledged unscientific handling of waste management. Suggestion ‘c’ above shows that 1 lakh litre collection capacity for the leachate is nearing completion and the leachate is to be diverted to septage treatment plant. It is doubtful whether leachate can be treated in an ordinary septage treatment plant as it contains heavy metals. The progress appears to be very slow and in disregard to the statutory and constitutional obligation of providing clean environment. It is the responsibility of the KSPCB to initiate prosecution and recover compensation for such failures failing which, the Chairman and the Member Secretary of the KSPCB may be liable for their failure”*

Also, please take note that in the SCN also, all the violations as on date were explained with solid proofs but you are still explaining reasons those will not substantiate any of your practices at Brahmapuram plant where huge quantities of solid waste including plastics are being brought from Corporation as well as from other local body areas and the facility is just act as a dumping yard only. It may be pertinent to note that the unmanageable plastic masses was the reason for

recurring fire hazards which was already monitored by the NIIST as directed by the Chairman, KSPCB and the SLMC.

*e. There are many industrial establishments in the upstream portion of the Kadambrayar in Brahmapuram itself of which Pollution Control Board is discreet. There are physical evidences of such industrial units draining their toxic effluent into Kadambrayar without any treatment. Without established data on the water quality of the river Kadambrayar at the downstream and upstream portion of the solid waste treatment plant, it is to be inferred that Pollution Control Board is targeting and blaming only Kochi Corporation's solid waste treatment plant in polluting the river at its pleasure which cannot be accepted*

It is hereby informed that the Board is continuously monitoring the Chithrapuzha and Kadambrayar under State Water Monitoring Programme (SWMP). These river streams are already identified as polluted river stretches by the CPCB and action plans are being initiated by the DLTC in which you are also a member. As you are well aware that the RRC had already approved the report prepared by the DLTC and submitted before the Hon'ble NGT in OA No. 673/2018. It may be noted that there are several monitoring reports of leachate discharge from solid waste dumping yard and septage treatment plant which are self explanatory that it contain higher concentration of different parameters. From the reports it is very much evident that you are not able to manage leachate and still you are not provided leachate treatment plant and not properly managing the septage treatment plant at Brahmapuram. During the inspection conducted along with the Chairman, SLMC it was found that the entire discharge area spread over with untreated sewage and the reports of monitoring conducted by the Board confirmed the exceedance of different parameters. It may also be noted that the mentioned area is a catchment area of Chithrapuzha and your claim that the Board is targeting the Corporation is baseless as there are different conclusions of different SLMC meetings against the mismanagement of Solid waste treatment plant owned and operated by the Kochi Corporation and solid proofs for untreated effluent discharges.

*f. It was due to plant breakdown, and as overhauling of the plant was carried out septage was seen spread around the plant in the land owned by Kochi Corporation. Chitrapuzha river stream extending to the eastern side near to the plant is having meager or no flow of water and is at least 200m away from the septage treatment plant and no water can flow till the river. It may be noted that this has neither caused any public nuisance nor any pollution and hence The Water*

*(Prevention and Control of Pollution) Act 1974 and the Environment Protection Act 1986 does not get invoked.*

It is important to note that you have admitted that there were episodes of untreated effluent discharges from septage plant. There are evident results of monitoring which include statutory sampling that also confirms that you had violated relevant Rules under the Water (Prevention and Control of Pollution) Act 1974 and Environment Protection Act 1986 by way of discharging untreated effluent into marshy land which is hardly 100 m away from the river Chithrapuzha and there are no other streams other than Chithrapuzha which in turn consume this untreated effluent discharge even during summer season and direct flow is a regular phenomena during rainy seasons. No treatment of effluent/sewage is being carried out there except dilution using water. Your attention is invited to the statutory sampling conducted by the District Office, Perumbavoor where results show concentration exceedance for BOD [135 mg/L (Limit 30 mg/L)], COD [448 mg/L (Limit 250 mg/L)] etc and a coliform count of 620000 CFU/100 ml. It is with due gravity the Board observed that you have not provided energy meter in the plant and the effluent flow meter is found to be faulty and you are still not able to repair or reinstall it.

*g. The leachate generated is collected in the 100000 litres capacity collection tank behind the compost plant through a network of drains. The collected leachate is taken to the septage treatment in tanker trucks to the septage treatment plant for treatment. The septage treatment plant is also having the capacity to store or collect 100000 litres of septage or leachate at a time. Even in monsoon treatment of leachate could not be a problem with the available capacity for treatment at the septage treatment plant. The septage treatment plant as claimed by the Pollution Control Board is not malfunctioning.*

It may be noted that a study was conducted in the month of May 2020 by conducting surprise inspections by surveillance team of the Regional Office of the Board to evaluate the efficiency of the Septage treatment plant which showed no or very limited quantity of effluent received there as per the records available at the plant. It was also very much visible that the plant was malfunctioned during the visit along with the Chairman, SLMC. It was also found while inspection that untreated effluent was being discharged to nearby area which is very much close to river Chithrapuzha, an identified polluted river stretch by the CPCB where serious actions are being initiated for rejuvenation of the river. It may also be noted

that the other side of the solid waste dumping area there are visible direct leachate discharges to river Kadambayar. You may note that monitoring was conducted on 03.03.2021 and the results show concentration exceedance for BOD [4269 mg/L (Limit 30 mg/L)], Nitrate as Nitrogen [61.98 mg/L (Limit 10 mg/L)] , Sulphide [59.6 mg/L (Limit 2 mg/L)] etc.

*h. As you may be aware that solid waste management works are peculiar kind of works and cannot be executed only at the behest of Secretary alone, it requires support from the Corporation council, Government and other stakeholders as well.*

Please take note that the Solid Waste Management Rules, 2016 stipulate as per section 15 the duties of the Secretary in charge of the Local body and you are empowered to advise the Corporation Council to comply with such Rules effectively and instantly so that any more pollution occurred due to unscientific management of such plant will not be happened. It is the duty of a Secretary to convince the Corporation Council about the Solid waste dump yard which was surrounded by two rivers, ie Chithrapuzha and Kadambayar which are already identified by the CPCB as polluted river stretches where river rejuvenation procedures are being actively implemented by the Government. Please note that there are several proofs which are self explanatory that you have violated the Rules in a haphazard manner and still not actively involving finding out a solution even after the lag of about 11 years especially after 2 years of the constitution of SLMC by the Hon'ble NGT.

*i. It is hereby informed that we will complete all the works as directed by the NGT and as per the SWM Rules 2016 at the earliest as the major works have already been tendered and are in the work awarding stage. Any action intended to be initiated against Corporation may kindly be deferred.*

Please take note that the Principal Bench of Hon'ble NGT vide the order dated 03.07.2020 directed that prosecution shall be initiated against the Secretary, Kochi Corporation and the Board initiated several actions even before this order and issued notices to other officials acting as Secretary of the Corporation. It is from you the Board had obtained list of officials in the cadre of Secretary in charge from 2010 onwards, the year from which the validity of conditional authorization ended. As you are well aware and committed that you are allowing other local bodies also to dispose solid waste to Brahmapuram yard which is owned and

operated by the Corporation even then you are well aware that this facility is act as a dumping yard only. Those are violations as per the relevant sections of the EP Act 1986 and SWM Rules 2016 and actions will be initiated which include prosecution against you as per the order in OA 514 of 2019 dated 03.07.2020 and the authorization given by the Chairman, KSPCB.

At this juncture, you are hereby informed that the solid waste management activities are not proper and you are still operating the Brahmapuram solid waste plant as a dump yard without providing scientific facilities for the management of solid waste which include plastic waste too. You are allowing bio degradable fraction of solid waste from other local bodies also in addition to waste from your area to be dumped in. This huge dumping results heavy leachate flow to nearby river streams where the monitoring results of such leachate show exceeding concentrations for different parameters as illustrated earlier. Also, you are still not able to maintain the Septage treatment plant properly where you are allowing sewage from different parts of the District in addition to the leachate from Brahmapuram dumping yard where no scientific treatment is being observed and you are allowing untreated or partially treated sewage/ septage to nearby marshy land which is finding its way to Chithrapuzha and polluting the river stretch. It may be noted that the Board, as mentioned earlier conducted monitoring and obtained exceeding concentration for different parameters.

In these circumstances, the reply submitted by you to the Show Cause Notice is not at all satisfactory and you are liable to be proceeded against as per the relevant provisions of the EP Act 1986 and the Solid Waste Management Rules, 2016.

Yours faithfully,



CHIEF ENVIRONMENTAL ENGINEER



- Copy to: 1. The Member Secretary, Thiruvananthapuram.  
2. The Environmental Engineer, District Office-2, Ernakulam.



Photo 1 – Location (Brahmapuram site)

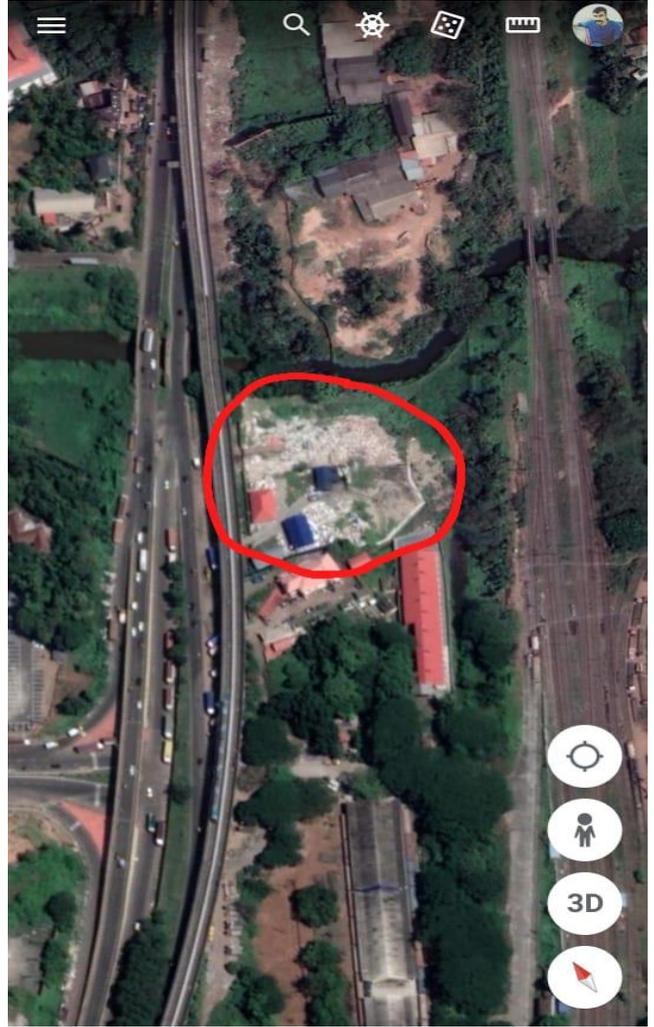


Photo 2 – Location (Kalamassery site)



Photo 3 - Fire accident at Kalamassery dumping yard (18.01.22)



