

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN
ZONE, CHENNAI CIRCUIT BENCH AT KOCHI**

Application no. 06 of 2016 (SZ)

Applicant(s) :: Suo motu

Vs.

Respondents :: The District Collector & Others

VOLUME - II

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Dated this the 03rd day of November, 2021

Fourth Respondent



☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
E-mail: ms.kspcb@gov.in FAX: 0471 - 2318134, 2318152 web: www.keralapcb.nic.in



KERALASTATE POLLUTION CONTROL BOARD

കേരളസംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

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

PCB/HO/SEE2/Chalakkudy Municipality/2020

Date: 23/10/2021

Regd. with A/D

SHOWCAUSE NOTICE

Sub: Recovery of compensation for environment and health damages caused due to fire incident.

- Ref: 1. Hon'ble NGT order dated 20.01.2020, 28.02.2020, 27.07.2020 and 02.07.2021 in O.A.06/2020
 2. Proceedings of even No. dated 07.10.2020.
 3. This Office Show Cause Notice No.PCB/HO/SEE2/Chalakkudy Municipality/2020 dated 03.11.2020
 4. Letter No.PCB/TSR/MSW/5/2002 dated 20.07.2021.

WHEREAS the Central Government notified the Environmental (Protection) Act, 1986 for the protection and improvement of environment and for matters connected therewith;

WHEREAS as per Section 3, 6, and 25 of the Environment (Protection) Act, 1986, the Central Government re-notified the Solid Wastes Management Rules, 2016 (hereinafter referred as SWM Rules) vide notification S.O. 1357(E) dated 8/4/2016;

WHEREAS as per Rule 22 (7) of SWM Rule, 2016, LSGD is responsible for setting up facility for complete quantity of waste generated;

WHEREAS as per the report noticed in newspaper dated 09/01/2020, a fire hazard occurred in the Chalakkudy MRF area where the plastic wastes were dumped without any processing;

WHEREAS the Hon'ble NGT initiated a Suo moto case in O.A No.06/2020 based on the report in the news paper on 9/1/2020 with respect to the fire accident that occurred in the Material Recovery Facility at Chalakkudy Municipality and the NGT vide Order dated 20/01/2020 and 28/02/2020 directed the necessity of obtaining authorization under SWM Rules and for rectifying the lapses on the part of Municipality and assessment of environmental compensation and damage to environment;

WHEREAS the Hon'ble NGT vide order dated 27.07.2020 in the OA directed the Board to submit report in respect of the assessment of environmental compensation and damage to environment;

WHEREAS the Chairman vide Order No. PCB/HO/SEE2/Chalakkudy Municipality/2020 dated 07/10/2020 constituted a committee for the assessment of environmental damage caused by the fire accident;

WHEREAS the report of the committee has been received vide ref. (4) and committees report has assessed an environmental damage of Rs. 32,48,028 (Rupees Thirty two lakhs forty eight thousand and twenty eight only) due to fire hazard, a copy of which is forwarded;

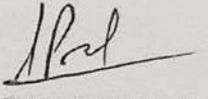
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29/10/2021

AEI

[Handwritten signature]
23/10/2021

AND WHEREAS the Central Government vide notification S.O. 327(E) dated 10/04/2001, delegated the powers vested under Section (5) of the Environment (Protection) Act to the Chairman, State Pollution Control Board to issue direction to industry or local or other authority for the violation of the standards and rules relating to Solid Waste Management including Plastic Waste notified under Environment (Protection) Act, 1986;

NOW THEREFORE, in exercise of the powers vested under Section 5 of the Environment Protection Act 1986, read with Government of India Notification S.O. 327(E) dated 10/04/2001, you are directed to show cause within 15 days of receipt of this notice why compensation to the tune of Rs. **32,48,028** (Rupees Thirty two lakhs forty eight thousand and twenty eight only) shall not be recovered from the municipality for the environmental and health damages caused.


CHAIRMAN

To

The Secretary,
Chalakkudy Municipality

Copy to:

1. The Additional Chief Secretary
Local Self Government Department with C/L
2. The Principal Secretary
Environment Department with C/L
3. The Director, Urban Directorate
4. The Chief Environmental Engineer, Regional Office, Ernakulam
5. The Environmental Engineer, District Office Thrissur