

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

APPLICATION NO.35 OF 2019 (SZ)

Madurai Farooq Ahmed,
No.4/75, First Floor, First Cross,
Teacher's Colony Khaderpet,
Vaniyambadi – 635 751.
Vellore District.

...Applicant

VS

The Tamil Nadu Pollution Control Board,
Represented by its Chairman,
No.76, Mount Salai, Guindy,
Chennai – 600 032 & 4 others.

...Respondents

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

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BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI.

ORIGINAL APPLICATION NO.35 OF 2019 (SZ)

Madurai Farooq Ahmed,
No.4/75, First Floor, First Cross,
Teacher's Colony Khaderpet,
Vaniyambadi – 635 751.
Vellore District.

E-mail: safeeratif4@gmail.com

Mobile No.9789292995.

...Applicant

Vs

1. The Tamil Nadu Pollution Control Board,
Represented by its Chairman,
No.76, Mount Salai, Guindy,
Chennai – 600 032.
Email: tnpcb.chn@gov.in
Phone No.044-22353134.
2. The Principal Commissioner,
Municipal Administration Department,
Ezhilagam Annex, 6th Floor, Chepauk,
Chennai – 600 005.
Email: cma.tncma@nic.in
Phone:044-28513259.
3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Plot No.PP2, SIDCO Industrial Estate,
Vaniyambadi – 635 751.
Email:tnpcb.vaniyambadi@gmail.com
Phone:04174-224831.
4. The Commissioner,
Vaniyambadi Municipality,
Vaniyambadi – 635 751.
E-mail: commr.vaniyambadi@tn.gov.in
Phone:04174-235317.
5. SWACHH BHARAT MISSION
Rep. by TN State Coordinator,
4th Floor, Panagal Maligai,
Abdul Razzak Street, Saidapet,
Chennai – 600 032.
Email:drdchamber@gmail.com
Phone No:24323794.

... Respondents

Man 03/12/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD.

**REPORT FILED ON BEHALF OF THE 1ST & 3RD RESPONDENTS -
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R. Sarasavani, D/o. Raghavan, Hindu, aged about 56 years, having my office at No. 76, Mount Salai, Guindy, Chennai -600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Action Taken Report on behalf of the 1st & 3rd Respondents Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that, the Board has issued directions under section 5 of Environment (Protection) Act, 1986 to the Commissioner, Vaniyambadi Municipality to comply with certain conditions as stated therein vide proceeding Dated: 12.01.2021, since the Vaniyambadi Municipality has not carried out 100% segregation of waste at all wards and yet to carry out biomining process for the remaining legacy waste of 22,056 m³.

3. It is respectfully submitted that, the Hon'ble NGT (SZ) has passed order dated 06.09.2021 and stated inter alia as follows:-

"There is still balance legacy waste of 21,345 m³ to be disposed of by bio-mining and they are expected to complete the same by December 2021. It may be mentioned here, as per the directions of the Principal Bench of NGT in O.A. No. 606 of 2018 all these processes ought to have been completed before 31.03.2020 and any further delay in this regard will attract the

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JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No 76, MOUNT SALAI, CHENNAI-600 032

compensation fixed by the Principal Bench in the same case” and also directed the TNPCB to submit a further action taken report and progress report”

4. It is respectfully submitted that, the legacy site of Vaniyambadi Municipality was inspected by the TNPCB officials on 23.10.2021 and reported the following:

- i. The Municipality is carrying out the bio-mining activity for the legacy waste in SF.No. 75/1B, Valayambut Village of Vaniyambadi Taluk of Tirupathur District and the total quantity of legacy waste quantified & assessed by the Anna University is 32,050 m³ spread in an area of 3.50 Acres.
- ii. The Municipality has processed about 22,540 m³ of legacy waste as on 19.10.2021 through Bio Mining process, which is about 70% of the total legacy waste accumulated and the remaining quantity of about 9510 m³ of legacy waste to be processed
- iii. The Municipality has made an agreement with M/s Dalmia Cement (Bharat) Limited, Dalmiapuram, Lalgudi Taluk, Tiruchirapalli District for disposal of segregated plastic wastes for co-incineration vide Memorandum of Understanding dated 07.02.2020. Accordingly, the segregated plastic wastes of 190.00 Tons from the legacy waste was collected and sent to M/s.Dalmia Cement (Bharat) Limited, Dalmiapuram, Lalgudi Taluk, Tiruchirapalli District for Co-incineration.
- iv. It was reported by the Municipality that the Bio mining process has got delayed due to COVID-19 and assured that the entire legacy waste will be completed before December 2021.

5. It is respectfully submitted that the compliance on the directions issued by the TNPCB Procs. Dt. 12.01.2021 is as follows:

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Sl. No.	Directions vide TNPCB Procs. Dt. 12.01.2021	Compliance status
1.	The Municipality shall comply with the provisions of Solid Waste Management Rules, 2016 and shall comply with the orders passed by the Hon'ble NGT in OA 606 of 2018 from time to time.	The Municipality has ensured to comply with all the provisions of Solid Waste Management Rules, 2016 and comply with the orders passed by the Hon'ble NGT in OA 606 of 2018 from time to time.
2.	The Municipality shall provide 100% door-to-door collection of MSW (covering all wards) and segregation of waste (covering all wards).	The Municipality has informed that 100% door to door collection of solid waste has been practiced in Vaniyambadi Municipality area.
3.	The Municipality shall carry out proper segregation of municipal solid waste.	The Municipality has informed that 89% of the households are practiced to segregate the waste and being monitored by Animator team with Supervisor.
4.	The Municipality shall carry out the bio-mining of the legacy waste dump site and complete the same within the stipulated time as per the orders of the Hon'ble NGT.	<p>The Vaniyambadi Municipality has informed the action taken as follows:</p> <ul style="list-style-type: none"> • The total quantity of legacy waste quantified & assessed by the Anna University is 32,050 m³ spread in an area of 3.50 Acres. • The legacy waste processed so far by the municipality through Bio Mining process is about 22540 m³. It is about 70% of the total legacy wastes. • Instructions have been given by the Municipality to the Contractor to install additional Processing Unit to increase the daily Processing Quantity. • The Bio Mining process has been delayed due to COVID-19. The

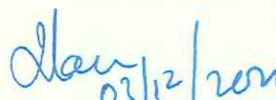
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**JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.**

		entire legacy waste has been assured to be cleared on or before December-2021.
5	The Municipality is liable to pay Environmental compensation if there is any non compliance of conditions stipulated in 1 to 4	<p>As such, the Municipality complies with the direction vide Sl.No. 1-3. Regarding Sl.No.4, the Municipality has taken the following initiative to complete the bio-mining.</p> <ol style="list-style-type: none"> 1. As per the quantity of legacy waste quantified & assessed by the Anna University 32,050m³, the Municipality has completed the Bio-mining process of about 22,540 m³, which is around 70% of the quantity assessed. 2. The Municipality has taken initiative to install additional machineries to speed up the progress of bio-mining so as to complete the same before 31.12.2021.

6. It is respectfully submitted that, the Vaniyambadi Municipality has not complied with the directions issued by the Board vide Proc. dated 12.01.2021 and not completed the Bio-mining activity before the statutory cut off timeline of 07.04.2021 as per Serial No. 11 in Rule 22 of Solid Waste Management Rules, 2016. In this regard, the Board has assessed an interim Environmental Compensation of Rs.18 lakhs for a period of 18 months (from April 2020 to September 2021) to be levied to the Vaniyambadi Municipality as directed by the Hon'ble NGT(PB) in O.A. No. 606 of 2018.

Therefore, the Board has issued Show Cause Notice vide proceeding dated. 12.11.2021 to the Commissioner, Vaniyambadi


 01/12/2021
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD,
 CHENNAI-600 032

Municipality under the Section 5 of the Environment Protection Act, 1986 as to why the Board shall not levy Interim Environmental Compensation of Rs. 18 Lakhs (from April, 2020 to September, 2021) for non-compliance of Hon'ble NGT orders and for not complying with the provisions of the Solid Waste Management Rules, 2016.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

dkar
03/12/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.
BEFORE ME

VERIFICATION

I, R. Sarasavani, D/o. Raghavan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.

dkar
03/12/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

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THE 1ST & 3RD RESPONDENTS -
TAMIL NADU POLLUTION
CONTROL BOARD**

**Advocate for Respondent :T NPCB
Thiru. S. Sai Sathya Jith**

Date:03.12.2021

Date hearing on :22.12.2021

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5800 S. UNIVERSITY AVENUE
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