

**BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONAL BENCH, CHENNAI
ORIGINAL APPLICATION NO. 396 OF 2013 (SZ), O.A.NO.242 of 2016(SZ),
O. A. No. 262 of 2017 (SZ)**

IN THE MATTER OF

Shibu Manuel, Secretary, Green Action Force,

.....Applicant

Versus

The Government of India and others

.....Respondents

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S. Suresh
18/12/2020

S. Suresh

Regional Director
Central Pollution Control Board
Regional directorate (South)
Bengaluru - 560079

Place: Bengaluru

Dated: 18.12.2020



**BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONAL BENCH, CHENNAI
ORIGINAL APPLICATION NO. 396 OF 2013 (SZ), O.A.NO.242 of 2016(SZ),
O. A. No. 262 of 2017 (SZ)**

IN THE MATTER OF

Shibu Manuel, Secretary, Green Action Force

..... Applicant

Versus

The Government of India and others

..... Respondents

**PROGRESS REPORT ON BEHALF OF RESPONDENT NO.12, CENTRAL
POLLUTION CONTROL BOARD WITH REGARD TO HON'BLE TRIBUNAL
ORDER DATED SEPTEMBER 23, 2020**

I, S. Suresh, Son of S.R. Sathyanarayana, Hindu, aged **about 58 years**, having office at the Regional Directorate (South), Central Pollution Control Board, 1st and 2nd Floors, Nisarga Bhavan, A- Block, Thimmaiah Main Road, 7th D Cross, Shivnagar, Bengaluru – 560079 do hereby solemnly affirm and sincerely state as follows:-

1. That, I am presently working as Scientist 'E' & Regional Director, Regional Directorate (South), Central Pollution Control Board (hereafter called as CPCB), Bengaluru and have been authorized to file the Progress Report. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the progress report as under:
2. That, the Hon'ble National Green Tribunal, South Zonal Bench, Chennai, in the matter of Original Application No. 396 of 2013 (SZ), Shibu Manuel Vs. The Government of India and others, passed order dated 23.09.2020 that "the committee that has been constituted by this Tribunal in O.A. No. 396 of 2013 (in which CPCB is Nodal agency) is directed to supervise the entire stretch of River Periyar, then a Comprehensive and consolidated report can be filed by them regarding the remediation in respect of the entire stretches of Periyar River". The Progress report of Supervised Committee in compliance of above said order is enclosed as Appendix.

VERIFICATION

It is verified that the content of this report is based on actual field observations and office records. Nothing has been concealed therein.

S. Suresh
S. Suresh
DEPONENT
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB : 9480672128

Signed and verified on this 18th day of December 2020 at Bengaluru

COUNSEL FOR
12th RESPONDENT

S. Suresh
18/12/2020
DEPONENT

S. SURESH
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB : 9480672128

APPENDIX

Progress Report of 5 Member “Supervised Committee”
Constituted in the matter of O.A. No. 396/2013 –SZ (Earlier OA
No. 560/2018 – Principal Bench), Shibu Manuel Vs Govt. of India
& Others

1.0 Preamble :

It is to submit that in the matter of Original Application no. 396 of 2013 (SZ) (Earlier OA no. 560 of 2018 (PB), Shibu Manuel Vs Govt. of India & Other , the Hon’ble National Green Tribunal (NGT) South Zone, Chennai has passed an order dated September 23, 2020 that ;

“12. The committee that has been constituted by this Tribunal in O.A. No. 396 of 2013 is directed to supervise the entire stretch of river Periyar, then a Comprehensive and consolidated report can be filed by them regarding the remediation in respect of the entire stretches of Periyar River.

13. Even in the Committee constituted by this Tribunal in O.A. no 262 of 2017 most of the members are common in both the committees. So there will not be any difficulty for this Tribunal to direct the committee that has been constituted by this Tribunal in O.A. No. 396 of 2013 to look into the entire issue and submit a comprehensive report regarding implementation of the remedial measures suggested by the committee.

14. So, we direct the committee to look into the issues in OA No. 262 of 2017 and O.A. 242 of 2016 as well-----.

19. The committee is directed to submit the progress report for implementation of the remedial measures and its progress as directed by this Tribunal on or before 21.12.2020 by e- filing along with necessary hard copies to be produced as per rules.”

A Copy of the said order is given at Annexure – I

2. Meetings of Supervised Committee constituted by Hon’ble NGT:

- a. In compliance to Hon’ble NGT order dated 23.09.2020, CPCB as a Nodal agency of Supervised Committee issued meeting notice to KSPCB and

requested to organise a Preliminary meeting to discuss the orders issued by the Hon'ble NGT and to make strategical plan for addressing the issues.

Accordingly, Kerala State Pollution Control Board organised the meeting of 5 member "Supervised Committee (SC)" on September 28, 2020 through video conference in view of outbreak of pandemic COVID-19. During meeting, the Committee members discussed the NGT orders related to O.A. no. 395 of 2013, 396 of 2013 and 262 of 2017 and expressed the requirement of detailed inspection of industries/ ETPs/STPs located on the bank of River, study of Periyar River to ascertain the contamination if any and to calculate the Environmental compensation against M/s SreeSakthi Paper mill in case of any environmental degradation. The Committee also requested Kerala State Pollution Control Board to provide documents related to action taken by KSPCB for better understanding of the issues and also decided to organise meeting with other two committees constituted under OA no. 395 of 2013 and 262 of 2017. Copy of minutes of meeting recorded is enclosed as **Annexure -II**.

- b. Subsequently meeting was also conducted between nodal officers of committees in O.A. no. 395 of 2013, 396 of 2013 and 262 of 2013 on 10.10.2020 to discuss the orders passed by the Hon'ble NGT in respective cases and activities completed / initiated in compliance of NGT orders. After deliberate discussion, the Nodal officers decided to convene as joint committee meeting to peruse the reports of respective cases and to decide the schedule of field monitoring, the minutes of meeting is enclosed as **Annexure – III**.
- c. The combined joint committee meeting was convened by the Chief Environmental Engineer, KSPCB, Regional Office, Ernakulam on 22.10.2020 at Research and Training Centre, Kerala State Pollution Control Board, Regional Office, Ernakulam, all members of three committees were

attended the meeting in person/through VC and discussed the Hon'ble NGT orders, the joint committee quantified the number of establishments, industries, STPSs, drains and stretches of Periyar river and its tributaries to be monitored. Accordingly has prepared detailed action plan including phase wise work plan, sampling methods, parameters to be analysed, report preparation etc. The minutes of meeting is enclosed as **Annexure – IV**.

4. Status of Monitoring of Establishments, ETPs, STPs, drains, stretches of Periyar river and tributaries;

- i. As per the scheduled programme, Phase –I monitoring was carried out by three teams under the supervision of 5 member supervised committee. In Phase-I, establishments/industries located on the bank of tributaries of Periyar River at Munnar, Idukki district was inspected on 18th Nov, 2020 to 20th Nov 2020 and also monitored the drains and stretches of river including rate of flow. The details of inspections in first phase given below.

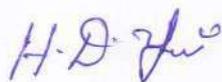
SL No	Details	No
1	Industries	3
2	Hotels/Resorts	68
3	Health Care Facilities	5
4	Apartments/Flats	1
5	Restaurants	21
6	Meat Stalls	3
5	River monitoring stations	15
6	Streams	3
7	Drains	3

The samples collected from various locations were sent to KSPCB. The detailed analysis report is under preparation by respective committee of OA. No. 395 of 2013. Detail of inspections/monitoring carried out by the teams is enclosed as **Annexure- V.**

- ii. Phase –II monitoring also scheduled to carry out during December 15 – 19, 2020 it is proposed to cover the identification, mapping and assessment of drains reaching stretches of Periyar River from Neriamangalam to Aluva, Eloor and Thrissur.

Prayer

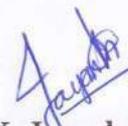
It is most respectfully submitted that the committee has taken steps for monitoring the entire stretches of river Periyar and completed the Phase -I field monitoring and scheduled for Phase – II field monitoring. As per the committed action plan, reasonable time is required to complete the analysis of samples. **Hence, it is humbly prayed that a time period of 3 months i.e. March 31, 2021 may kindly be given to this respondent to submit a comprehensive and consolidated report on pollution caused to Periyar River.**



(H. D. Varalaxmi)
Sc-E /AD, CPCB



(Dr. G. Saravanan)
Sr. Scientist, NEERI,



(Dr. K. Jayachandran)
Member of SEIAA



(Sri. Shajahan.)
Deputy Collector RR,
Collectorate, Ernakulam



(Smt. Sreelakshmy P.B)
Environmental Engineer, KSPCB

Item No.01, 02 & 03:

ANNEXURE I

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

(Through Video Conference)

Original Application No.396 of 2013 (SZ)

IN THE MATTER OF

Shibu Manuel,

Secretary, Green Action Force,

...Applicant(s)

Versus

The Government of India and others.

...Respondent(s)

Original Application No. 242 of 2016 (SZ)

IN THE MATTER OF

K. Muhammed Iqbal

...Applicant(s)

Versus

Kerala State Pollution Control Board and
Others.

...Respondent(s)

Original Application No. 262 of 2017 (SZ)

IN THE MATTER OF

K.K. Muhammed Iqbal

...Applicant(s)

Versus

Kerala State Pollution Control Board
And others.

...Respondent(s)

Date of hearing: 23.09.2020.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

Original Application No. 396 of 2013

For Applicant(s):

None.

For Respondent(s)

M/s. Saraswathy of R1
M/s. E.K. Kumaresan for R2 & R3
M/s. Rema Smrithi for R4
M/s. M. Kumaresan represented
M/s. King & Partridge for R6 to R8 & R10
M/s. Ravi Kumar for R9
M/s. K.K. Ashkar for R11
M/s. D.S. Ekambaram through
M/s. Jeyalakshmi for R12

Original Application No. 242 of 2013

For Applicant(s):

M/s. K.K. Ashkar & Ashira
Mohammed Ashrof

For Respondent(s)

M/s. Rema Smrithi for R1, R2
M/s. M. Kumaresan represented
M/s. King & Partidge for R3

Original Application No. 262 of 2017

For Applicant(s):

M/s. K.K. Ashkar

For Respondent(s) M/s. V.K. Rema Smrithi for R1, R2
 . M/s. D.S. Ekambaram through
 M/s. Jeyalakshmi for R3

Order

1. When the matter came up for hearing today through Video Conference, M/a. K.K. Ashkar & Ashira, Mohammed Ashrof represented for the applicant in O.A. No. 242 of 2013, M/s. K.K. Ashkar represented for the applicant in O.A. No. 262 of 2017 and there was no representation for the applicant in O.A. No. 396 of 2013. M/s. Saraswathy represented first respondent in O.A. No. 396 of 2013, M/s. E.K. Kumaresan represented respondent 2 and 3 in O. A. No. 396 of 2013, M/s. Rema Smrithi represented respondents 1 and 2 in O.A. No. 242 of 2013, M/s. M. Kumaresan represented M/s. King & Partridge for respondents 6 to 8 & 10 in O.A. No. 396 of 2013 and 3rd respondent in O.A. No. 242 of 2013, M/s. Ravi Kumar represented respondent 9 in O.A. No. 396 of 2013 and M/s. K.K.. Ashkar represented respondent 11 in O.A. 396 of 2013, M/s. D.S. Ekambaram through M/s. Jeyalakshmi represented 12th respondent in O.A. No. 396 of 2013 and 3rd respondent in O.A. No. 262 of 2017.

2. As per order dated 17.01.2020 in O.A. No. 396/2013 and O.A. 242/2016, this Tribunal had evaluated the progress of the work of the remediation regarding the pollution issue in respect of river Peiryar and also to clean Kuzhikandomthodu, Panachithodu, Pallipuram chal and Unthithodu which are small streams meeting river Peiryar. Earlier the pollution Control Board had filed a report stating that they had already prepared a draft DPR for the purpose of implementation of the remedial measures suggested by the committee in consultation with the Kerala Industrial and Technical Consultancy Organization Ltd (KITCO) who has been entrusted with the work by the State Government and they gave some time line for that purpose.
3. We also directed the Ministry of Environment, Forests and Climate Change (MoEF & CC) to consider the request for sharing the expenditure for remediation by the Central Government and the State Government in the ratio of 40:60 and directions have been issued to the Chief Secretary of State of Kerala as well as to the secretary, Ministry of Environment, Forests and Climate Change (MoEF & CC), New Delhi to consider the same and come with the proposal.

4. The Central Pollution Control Board had filed a report dated 18.5.2020 where in they have stated that what was intended by the Central Government is only for the purpose of preparation of DPR and not for implementation of the remedial measures as the expenses for remediation has to be met by the State Government.
5. It is quite unfortunate that huge amount has been marked for the purpose of preparing DPR but on going through the expenditure required for the remediation process suggested by the committee that much amount is not required at all for remediation. We do not understand as to why the Government is spending such a large amount for preparation of DPR instead of finding out some other method by which the project can be finalised and implementation can be made with lesser expenditure.
6. Further, even if the Central Government is not providing fund for this, it is the responsibility of the State Government to protect the interest of the people and find out ways and means to raise fund for making the rivers flowing in their State pollution free as providing clean drinking water is a part of right to life as provided under Article 21 of Constitution of India.

7. They cannot go back in discharging their responsibility in fulfilling the constitutional obligation on the ground of want of fund for this purpose.
8. Further, no contribution has been made from the side of the State Government for establishment of Effluent Treatment Plants wherever it is not available and where the local bodies are not in a position to fund for that purpose.
9. If the local bodies are not having the fund then also there is a responsibility on the State Government to find out the solution to resolve the issue and necessary treatment plants have to be provided for the purpose of avoiding untreated sewage or effluent being discharged into the river, which is the major cause for pollution of the rivers.
10. If land is required for the construction of Sewerage Treatment Plant/Effluent Treatment Plant (STP/ETP), then also the State Government/District administration has to take steps to find out the land, and if acquisition is required, they will have to acquire the same and implement the scheme of providing Sewerage Treatment Plants STPs and Effluent Treatment Plants (ETPs) wherever it is required at the earliest as health is of great

concern as far as the State is concerned and the health of the people has to be protected by the State.

11. If they are slow in taking preventive measures, then they will have to face the disastrous consequences of epidemic diseases the State as most of the diseases are water borne and air borne.
12. The learned counsel appearing for the Pollution Control Board submitted that there are three cases now pending before this Tribunal in respect of the same issue relating to different areas where the common cause is regarding the pollution caused to Periyar River. If the committee that has been constituted by this Tribunal in O.A. No. 396 of 2013 is directed to supervise the entire stretch of river Peiryar, then a comprehensive and consolidated report can be filed by them regarding the remediation in respect of the entire stretch of Periyar River.
13. Even in the committee constituted by this Tribunal in O.A. No. 262 of 2017 most of the members are common in both the committees. So there will not be any difficulty for this Tribunal to direct the committee that has been constituted by this Tribunal in O.A. No. 396 of 2013 to look into the entire issue

and submit a comprehensive report regarding implementation of the remedial measures suggested by the committee.

14. So, we direct the committee constituted by this Tribunal in O.A. No. 396 of 2013 to look into the issues in OA. No. 262 of 2017 and O.A. No. 242 of 2016 as well. The Principal Bench of National Green Tribunal in respect of polluted river stretches has directed the Chief Secretary and Principle Secretaries of Irrigation as well as local administration to have a co-ordination for implementing the remedial measures for making the polluted river stretch pollution free and it appears that on the basis of the directions given by the Principal Bench, several committees from the State level and the district level have been formed , so as to supervise the implementation of the remedial measures and make the polluted rivers free from pollution. In spite of all those things the result is not to the extent expected and to the satisfaction of the Tribunal. So, the Chief Secretary as well as the Principal secretary of the local administration and the Irrigation Department are also directed to involve in this issue and make earnest effort to provide necessary financial as well as other assistance for the purpose of implementing the remedial measures suggested by the committee, so that the

process of the implementation can be quickened. Any delay in implementation of such recommendation will only result in further disaster which is the responsibility of the State Government to prevent and they are expected to prevent the disaster from being happening and not to act after the disaster has happened.

15. The committee is directed to submit a further consolidated progress report of implementation of the remedial measures suggested to make river Periyar pollution free along with the subsidiary streams and canals which also joins the Periyar as without remedying the pollution caused to those canals and rivers, any amount of steps taken in Periyar river alone is not going to achieve the desired results.
16. The committee is directed to submit a further progress report of the implementation and also the water quality of the Peiryar River so as to enable this tribunal to understand as to whether on account of the remedial measures taken any improvement has caused in the water quality of the river.
17. Further, they are also directed to go into the question as to whether there were any clandestine method of discharging untreated effluents by the industries into river peiryar and that

will also have to find out by conducting surprise inspection of the industries and if there is any such illegal act is found, then the regulating authorities are directed to take steps against those Industries or Institutions who are discharging untreated effluents into river Periyar in accordance with law.

18. They are not expected to get any further orders from this Tribunal for that purpose. Once it is found during surprise inspection, that there is violation then, they will have to act swiftly in accordance with law to prevent such mischief and not to wait for the orders of this Tribunal to exercise their statutory powers which has been vested in them to protect environment.
19. The committee is directed to submit the progress report for implementation of the remedial measures and its progress as directed by this Tribunal on or before 21.12.2020 by e-filing along with necessary hardcopies to be produced as per rules.
20. The Registry is directed to communicate this order to the member of the committee constituted in O.A. No. 396 of 2013 and O.A. No. 262 of 2017 and also to the Chief Secretary, State of Kerala, the Principal Secretaries of Irrigation and Local Administration, so as to enable them to comply with the direction of this Tribunal.

21. For consideration of further report, post on 21.12.2020.

.....J.M.

(Justice K. Ramakrishnan)

.....E.M.

(Shri. Saibal Dasgupta)

**O.A. 396/2013,242/2016 &
O.A. No. 262/2017 (SZ)
23rd September 2020. Sr.**



ANNEXURE II

Minutes of the meeting of 5 Member “Supervised Committee” in compliance to the Hon’ble NGT Orders in O.A.395/2013 dated 19.08.2020, O.A. 396/2013 & O.A. 262/2013 dated 23.09.2020 related to the pollution of River Periyar

The meeting of 5 member “ Supervised Committee (SC)” was held on 28th September 2020 through video conference in view of outbreak of pandemic COVID-19.

The following members were present during the meeting.

1. Smt. H. D. Varalaxmi, Scientist-E /Additional Director, CPCB (South), Bengaluru,
2. Dr. G. Saravanan, Sr. Scientist, CSIR-NEERI, Chennai Zonal Centre.
3. Dr. K. Jayachandran, member of SEIAA, Kerala
4. Shri S. Shajahan, Deputy Collector, Collectorate, Ernakulam
5. Smt. Sreelakshmy P.B, Environmental Engineer, KSPCB, ESC, Eloor

While hearing in the matter of O.A 395/2018, the Hon’ble NGT considered the report filed by the Hon’ble SLMC Chairman regarding pollution of Periyar river and passed an order dated 19.08.2020 directing that “the committee appointed by this Tribunal in Original Application No.396 of 2013 can be directed to go into these aspects on the basis of the observations made by the Chairman, State Level Monitoring Committee and come with a plan for remedying the situation in an effective manner and submit a report to this Tribunal before the next hearing date. We direct accordingly”.

Further while considering the case related to remediation of Kuzhikandam thodu in O.A No. 396/2013 on 23.09.2020 NGT directed that “the committee constituted by this Tribunal in O.A. No. 396 of 2013 to look into the issues in OA. No. 262 of 2017 and O.A. No. 242 of 2016 as well”

“Supervised Committee” convened the meeting in view of the above two orders of Hon’ble NGT. The CPCB member Smt. H. D. Varalaxmi welcomed all participants to the meeting and asked the KSPCB member to brief about the NGT orders and the issues raised by the Hon’ble SLMC Chairman. KSPCB member. Smt. Sreelakshmy P.B, Environmental Engineer given a detailed presentation on the following

- Latest NGT orders related to O.A 395/2013 and 396/2013, 262/2017.
- Various NGT constituted committees and present status
- The issues pointed out by Hon'ble SLMC Chairman in his report dated 19.08.2020 and action taken by KSPCB in this regard.
- Details of monitoring conducted by KSPCB
- The action plan prepared by the Kerala state as per the order of Hon'ble NGT in O.A 673/2018.
- The problems in River Periyar during summer due to improper operation of shutters installed at regulator to avoid the intrusion of back water into river.

After the presentation, the committee conducted a detailed discussion on the NGT orders and the issues related to River Periyar. The committee viewed that as per the NGT order dated 21.01.2019, the "Supervised Committee" had already conducted two events of monitoring in Periyar River and submitted report before the Hon'ble NGT. The members informed that a detailed inspection is necessary to be conducted in the Edayar industrial belt so as to address the issues pointed out by Hon'ble SLMC Chairman. The committee noted that NGT had already constituted a three member committee in O.A 262/2017 dated 21.01.2020. The responsibilities of this committee are to.

- To conduct a detail inspection of industries/ETPs/STPs at the bank of River
- To calculate compensation against M/s sree sakthi paper mill in case of any environmental degradation has found due to storage of plastic waste at the bank of river.
- To study the Periyar River water quality.

This three member committee had conducted a preliminary inspection on 19.02.2020 and the detailed inspection was scheduled on March 2020 which was not being done due to outbreak of Pandemic Covid-19. The detailed inspections of STPs/ETPs at the bank of river Periyar and also soil test inside M/s SreeSakthi paper mill to calculate the

Environmental Compensation due to the storage of plastic waste inside the unit is the pending action by the three member committee. The Supervised Committee members opined that this three member committee can also be joined with supervised committee and combined inspection may be done in concerned areas. The members informed that the documents related to action taken by KSPCB shall be verified and hence, the committee called for records of the following;

1. The action taken by KSPCB on various issues pointed out by Hon'ble SLMC chairman.
2. The reports filed by NGT constituted committee in 262/2017.
3. The report filed by KSPCB in Hon'ble High Court of Kerala in WPC No.9500/2020 and the present status.
4. To collect the data's from Irrigation department on the actual schedule of opening of shutters, the SOP for opening of shutters, the criteria for measuring the flow of water, the minimum flow maintained in the River during summer, details of water extraction from the river.
5. The copies of directions issued by KSPCB to irrigation department, Local bodies etc with respect to pollution problems of river Periyar.
6. The latest reports on of river sediment/water samples collected by KSPCB or any other agencies.
7. The details of action plan and status on the implementation of action plan prepared by state as per the NGT order in O.A 673/2018 for rejuvenation of River Periyar
8. Details of STPs/ETPs at the bank of river Periyar
9. The mass balance and water balance of industries located at the banks of River Periyar

The committee decided that a meeting shall be conducted with the OA 262/2017 committee to discuss the progress made by the said committee and to decide schedule of

field inspections and monitoring. The committee directed KSPCB that the decision of the supervised committee shall be informed to the committee in OA 262/2017. The supervised committee also directed to direct irrigation department to attend next meeting of supervised committee.

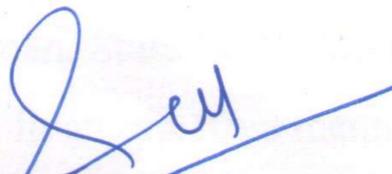
Environmental Engineer, KSPCB informed the Committee members that as per the direction of the Hon'ble NGT, remediation cost towards Edayattuchaal and Chakkarachaal has been calculated at Rs. 48 Crores against M/S Binani Zinc Ltd, under the 'Polluter Pay' principle and the same has been conveyed to the company authorities.

The Deputy Collector (RR) Ernakulam officiating for District Collector Ernakulam, informed the members that there is a revenue recovery proceeding pending against M/S Binani Zinc Ltd, but this amount has not been yet reported to the District Collector by KSPCB. Since the matter is pending before the Hon'ble High Court, Deputy Collector advised KSPCB to intimate the matter urgently to District Collector Ernakulam and bring the matter urgently before the notice of Hon'ble High Court of Kerala.

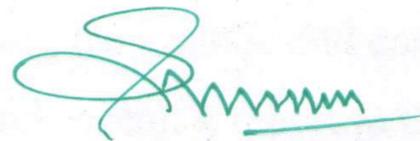
The meeting ended with thanks to Chair.



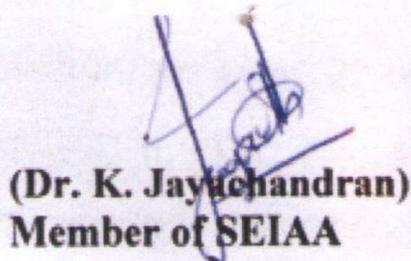
(H. D. Varalaxmi)
Sc-E /AD, CPCB



(Smt. Sreelakshmy P.B)
Environmental
Engineer, KSPCB



(Sri.S. Shajahan.)
Deputy Collector
Collectorate, Ernakulam



(Dr. K. Jayachandran)
Member of SEIAA



(Dr. G. Saravanan)
Sr. Scientist, NEERI,

ANNEXURE III

**Minutes of the meeting of Nodal Officers of Hon'ble NGT
constituted committees in OA No.395/2013, 396/2013 and
262/2017**

The meeting of Nodal officers of NGT constituted committees held on 10th October 2020 through video conference in view of outbreak of pandemic COVID-19.

The following members were present during the meeting.

1. Smt. H. D. Varalaxmi, Scientist-E /Additional Director, CPCB (South),
Bengaluru,- Nodal Officer- Committee OA 396/2013
2. Sri.M.A Baiju, Chief Environmental Engineer, KSPCB,Regional Office,
Ernakulam- Nodal Officer- Committee OA 395/2013
3. Smt.Vinaya K.S, Senior Environmental Engineer, KSPCB, Regional Office,
Ernakulam.- Nodal Officer- Committee OA 262/2017

Supervised committee meeting conducted on 28.09.2020 decided to combine the two committees OA 262/2017 and 396/2013 and inspect the Eloor - Edayar industrial belt and file a comprehensive report before Hon'ble NGT. Nodal officers meeting are convened to convey the decision of Supervised committee to three committees. The Nodal officers of the three committees opined that a joint meeting shall be convened before the inspection to distribute the inspection areas, river stretch to be monitored, discuss the terms of references for each committees etc. After the discussion, the nodal officers, decided to convene the meeting on 22.10.2020 complying all COVID-19 Protocols.

The meeting ended with thanks to Chair.


(H. D. Varalaxmi)
Sc-E /AD, CPCB


(Sri.M.A Baiju)
CEE, KSPCB, RO, EKM


(Smt.Vinaya K.S)
SEE, KSPCB, RO, EKM

ANNEXURE IV

Minutes of the meeting of "Combined Committee" constituted in compliance to the Orders of Hon'ble NGT related to the pollution of River Periyar dated 19.08.2020 in O.A. No.395/ 2013, dated 23.09.2020 in O.A 396/2013 and in O.A 262/2017

While hearing in the matter of O.A 395/2018, the Hon'ble NGT considered the report filed by the Hon'ble SLMC Chairman regarding pollution of Periyar river and passed an order dated 19.08.2020 directing that ***"the committee appointed by this Tribunal in Original Application No.396 of 2013 can be directed to go into these aspects on the basis of the observations made by the Chairman, State Level Monitoring Committee and come with a plan for remedying the situation in an effective manner and submit a report to this Tribunal before the next hearing date. We direct accordingly"***.

Further while considering the case related to remediation of Kuzhikandam thodu in O.A No. 396/2013 on 23.09.2020 NGT directed that ***"the committee constituted by this Tribunal in O.A. No. 396 of 2013 to look into the issues in OA. No. 262 of 2017 and O.A. No. 242 of 2016 as well"***

In view of the above orders "Supervised committee" convened a meeting through video conference (VC) on 28.09.2020 to discuss the actions to be taken in compliance of the above NGT orders. Further, VC meeting was also conducted between nodal officers of the committees in O.A no.395/2013, 396/2013 and 262/2013 on 10.10.2020 to discuss the orders passed by the Hon'ble NGT in respective cases and activities completed/ initiated in compliance of NGT orders. After deliberate discussions, the Nodal officers decided to convene a joint committee meeting to peruse the reports of respective cases and to decide the schedule of field monitoring. Accordingly the meeting was convened by the Chief Environmental Engineer, KSPCB, Regional Office, Ernakulam on 22.10.2020 at the Research and Training Centre, Kerala State Pollution Control Board, Regional Office, Gandhinagar, Ernakulam complying all COVID protocols.

The following officials were attended the meeting.

1. Sri.M.A Baiju, Chief Environmental Engineer, KSPCB, Regional Office, Ernakulam
2. Smt. H. D. Varalaxmi, Scientist-E /Additional Director, CPCB (South), Bengaluru,
3. Dr.V. Deepesh, Scientist C, CPCB RD, Bangalore
4. Sri. Jowin Joseph, Scientist, NEERI, Chennai
5. Smt. Vinaya K.S, Senior Environmental Engineer, KSPCB, ESC, Eloor
6. Smt. Sreelakshmy P.B, Environmental Engineer, KSPCB, District office-1, Ernakulam
7. Smt. Jolly Joseph, Deputy Collector(R.R), Idukki

The following members attended the meeting through video conference

1. Dr. G. Saravanan, Sr. Scientist, CSIR-NEERI, Chennai Zonal Centre.
2. Dr. K. Jayachandran, member of SEIAA, Kerala
3. Shri Shajahan, Deputy Collector, Collectorate, Ernakulam

Sri.Muhammed P K, Executive Engineer in charges, Irrigation department, Sri.Eby Varghese, Environmental engineer, KSPCB, district office, Idukki, Sri. Sajeesh Joy, Assistant Environmental Engineer, KSPCB, Eloor, Smt. Shahana, Assistant Environmental Engineer, KSPCB, Regional office, Ernakulam were also present in the meeting.

1. Chief Environmental Engineer welcomed all committee members to the meeting and asked Smt. P.B Sreelakshmy, Environmental Engineer supervised committee member of KSPCB to present background of the meeting and details of various action taken by the respective committees Of OA 396 and 262.
2. Smt. Sreelakshmy P. B., Environmental Engineer, KSPCB presented following information;

- a. The orders passed by Hon'ble NGT in OA 395/2013, 36/2013 and 262/2017.
 - b. The responsibilities of the NGT constituted committees and the present status of the action done by committees.
 - c. Status of Suo Moto case filed by Hon'ble High Court of Kerala in WPC No.9500/2020
 - d. Issues in Periyar river due to improper operation of various regulator bunds constructed across Periyar river.
 - e. The details of industries/hotels/establishments etc located at the banks of river Periyar.
 - f. The details of pump houses (water intakes) situated in Periyar river.
 - g. Details of drains joining River.
3. After hearing details of activities carried out in compliance of orders passed by Hon'ble NGT, the Supervised Committee members discussed the following points with the respective committees, concerned officers of the District Office of the KSPCB and Irrigation Department.
- i. **Idukki District (OA 395/2013)- From upstream of Perinjankutty to Panamkutty, Idukki to Neriamangalam:**
 - Mapping of around 70 establishments viz. Hotels, Resorts and small-scale industries which contribute to pollution in the river, inspection and monitoring of the same.
 - Mapping and Monitoring of entire in Idukki District (1) From the upstream of Perinjankutty up to Panamkutty (2) from the upstream of Muthirapuzha to Panamkutty (3) Panamkutty to Neriamangalam stretches and (4) assessment of organic loading (Locations where identified major drains joining to the mainstream of river Periyar and Criteria for selection of location shall be as per the polluted stretch classification where minimum rate of flow shall be fixed).

ii. **Ernakulam District (OA 262/2017)- Neriamangalam to Aluva from Aluva to Eloor Ferry (Marthadavarma Branch), and Manglapuzha branch (Paravur)**

- Mapping of various drains joining River Periyar and also to assess the organic load contributed by the drains
- Mapping of around 230 Establishments viz. Hotels, Resorts, Hospitals, STP's and small scale industries are the source of pollution to Periyar river and inspection/monitoring of the same.
- Mapping and Monitoring of river stretches from Neriamangalam to Aluva, Aluva to Eloor Ferry (Marthadavarma Branch), and Manglapuzha branch (Paravur) along the Periyar river (selection of locations based on the sources of pollution/ drains joining to the river Periyar).

iii. **Thrissur District (with reference to report of SLMC filed before Hon'ble NGT):**

- Mapping of various drains joining River Periyar and also to assess the organic load contributed by the drains
- Mapping of around 41 Establishments viz. Hotels, Resorts, Hospitals, STP's and small scale industries are the source of pollution to Periyar river
- Mapping and Monitoring of river stretches of Periyar in Thrissur District (selection of locations based on the sources of pollution/drains joining to the River Periyar)

iv. **OA No. 242/2016**

- To conduct inspection in the industry and necessary monitoring so as to address the prayers of the Application- 242/2016

v. The committee asked irrigation department about the schedule of opening and closing of shutters at Pathalam and Manjummel regulators and their observations and views and also asked irrigation

department to submit the steps taken to maintain minimum flow in the river during lean period.

4. After detailed deliberations with Committee members, concerned officers of KSPCB following action plan with time line to complete the activities in compliance of Hon'ble NGT orders dated 19.08.2020 in OA 395/2013 and Order dated 23.09.2020 in O.A 396/2013 were decided.

ACTION PLAN

No.	Tasks	Timeline	Responsibility
1	Compilation of the activities already carried out in compliance of all previous NGT orders with respect to OA Nos. 395/2013 and 262/2016 (409/2016).	Before 16th November, 2020.	Nodal officers, KSPCB.
2	Details of pollution load assessment (district wise) already carried out by KSPCB in the impact zones of all three stretches of River Periyar.	Idukki- Before 16th November, 2020. Ernakulam and Thrissur- Before 25th November 2020	Respective DO, KSPCB
3	Identification & mapping of all potential pollution sources in the impact zones along the River Periyar (Idukki, Ernakulam & Thrissur districts).	Idukki- Before 16th November, 2020. Ernakulam and Thrissur- Before 25th November 2020.	Respective DO, KSPCB
4	Preparation of schedule of activities based on the Preliminary assessment, primary data, mapping and district environmental plan already prepared by KSPCB.	Before 16th November, 2020 (For Idukki) & Idukki- Before 16th November, 2020. Ernakulam and Thrissur- Before 15th December 2020	Respective DO, KSPCB in consultation with committee
5	Preparation of work plan comprising of day wise inspection details for individual teams shall be made available prior to actual schedule of	Idukki- Before 15th November, 2020 Ernakulam and	Respective Committee members and DO, KSPCB

	inspections i) Idukki District ii) Ernakulam District iii) Thrissur District	Thrissur- Before 15th December 2020	
6	Inspection of all industries, hospitals, other establishments, wastes dumping grounds in the impact zones.	Idukki (November 18 -21, 2020) Ernakulam & Thrissur (4th-9th January,2020)	Committee and respective DO, KSPCB
7	Inspection of drains and assessment of pollution load in the impact zones of all three stretches of River Periyar.	Idukki- 18th-21st November. Ernakulam and Thrissur District- 15th to 19th December 2020	Committee and respective DO, KSPCB
8	Sample collection from all applicable sources and logistics (Number of samples and location as per the decision of committee members/ Team leader in the team). 10 % of the samples shall be duplicated for cross verification by CPCB/NEERI.	During field monitoring	Respective DO, KSPCB
9	Analysis of the parameter prescribed in the consent issued. In case non-consented entities, concerned team leader shall decide the parameters based on the category and pollution potential. (Recognized Govt. laboratories as decided by the committee-KSPCB to identify labs based on the parameters)	Consented Parameters details - Before 15th December, 2020. (The sector specific parameters to be describe as annexure)	KSPCB, Central Lab and respective DO.
10	Submission of analysis reports to the respective committee member or team leader.	15 days from completion of field monitoring	KSPCB
11	Report preparation i) Interim report on completed work to be submitted for review by supervised committee (Idukki, Thrissur & Ernakulam). ii) Final report (Idukki, Thrissur & Ernakulam).	Report of Idukki District- 10-12- 2020 Ernakulam and Thrissur- 30.01.2021	Respective committee members/ team leaders

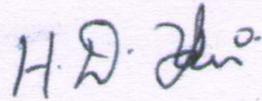
12	Final report submission before NGT	26.02.2021	Supervised committee
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The Supervised committee members asked to make available of reports/data pertains to 395, 396 and 262 before starting the inspection. 2nd phase of activity will be decided immediately after the completion of 1st phase.

The members Dr. G. Saravanan, and Dr. K. Jayachandran, informed that their convenient dates will be informed for the inspection. The Deputy Collector, Ernakulam ensured to extend all cooperation for the successful completion of the inspections, monitoring etc in Ernakulam District.

The meeting ended with thanks to Chair.

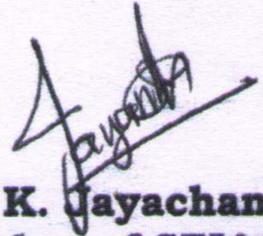
Supervised Committee-OA 396/2013



(H. D. Varalaxmi)
Sc-E /AD, CPCB



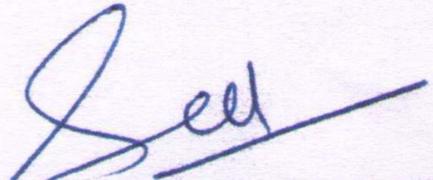
(Dr. G. Saravanan)
Sr. Scientist,
NEERI,



(Dr. K. Jayachandran)
Member of SEIAA



(Sri. Shajahan.)
Deputy Collector RR,
Collectorate, Ernakulam



(Smt. Sreelakshmy P.B)
Environmental
Engineer, KSPCB

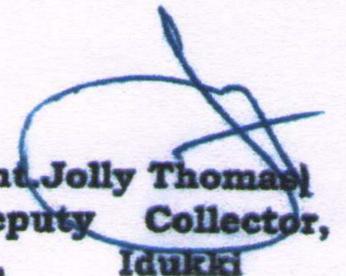
Committee- O.A -395/2013



(Dr. Deepesh.V),
Scientist C, CPCB



(Sri. M.A Baiju)
Chief Environmental
Engineer, KSPCB

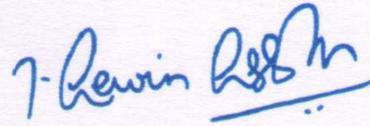


(Smt. Jolly Thomas)
Deputy Collector,
RR, Idukki

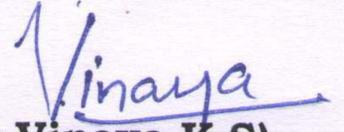
Committee- O.A- 262/2017



**(Dr. Deepesh.V),
Scientist C, CPCB**



**(Sri. Jowin Joseph)
Scientist, NEERI**



**(Smt. Vinaya K.S)
Senior Environmental
Engineer, ESC, Eloor**

INSPECTION 18 TO 20			
INSPECTION DATE	18-11-2020		
TEAM	TEAM 1	TEAM 2	TEAM 3
RIVER SAMPLING		Nallathanni, Kundala/mattupetty	
ESTABLISHMENTS	Tata Instant Tea	Hotel Munnar Central	Eastend(Pankaj Cottage), Munnar
	Shrishti	Dr. Babu's Dental Clinic	Hotel Chettinad
	Hotel C7, Nallathanni	Arun Hospital, Mattupetty Road, Munnar	Landy Queen
	Hotel Sri Nivas Restaurant, Munnar	Hotel Maharani, Munnar	Minerva Holidays
	Tata Global Beverages Limited High Range Hospital, Munnar	Hill top	MAS Holidays
	Munnar Treat Hotel	Jays Tourist Home	Shree Mahaveer Hotel, Colony road
	New Chicken Bazar	Hotel Emerald Inn, Munnar	Guru's Hotel
	Rapheek Restaurant	EDEN HOLIDAYS,Riverside Inn, Munnar	Sangeetha Restaurant
	Rapsy Restaurant		Greeshmam Holiday Inn
	Hazrath Inn		Rochas Restaurant
	Hazrath Hotel,Munnar		Hotel Gurubhavan
	Arafa Tourist Home		Guru Bhavan Inn
	Silver Star Tourist Home		Emmel Dwelling
	Prabhu Clinic		Red Star Holiday
	PTJ beef stall		Aarons Cottage, Ikka Nagar, Munnar
	Krishna Lodge		V M J Dwelling, Ikka Nagar, Munnar
	Saravana Bhavan, MG Road, Munnar		Al Buhari Hotel
	Munnar Inn		Camp Munnar, Ikka Nagar, Munnar
	Silver Spoon Restaurant		Eight land Holidays
	Surya Soma Restaurant		Le Celestium Hotel
			Munnar Castle (Wine Berry)
			Dhanyasree Hotels and Resorts Pvt.Ltd.
			Karthika Residency, Colony road
			Sree Venkiteswara Inn

INSPECTION 18 TO 20			
INSPECTION DATE	19-11-2020		
TEAM	TEAM 1	TEAM 2	TEAM 3
RIVER SAMPLING		Near Munnar head works	Ellackal bridge
ESTABLISHMENTS	Gruenberg	Sujatha INN, Munnar	Munnar Dream Palace
	Moselberg, near Pallivasal Power House	Bell Mount	Munnar New Tourist Home (Munnar Heaven),
	Cliff Valley Resort (Blanket)	Green Ridge(Green Leaf)	Lakshath Inn, Devikulam Road
	Rivulet Resort, Pallivasal	Tea Garden Inn	Love dale
	Cuckmere Holidays, Pallivasal	Red Sparrow Hotel, Munnar	Aruvi Resort
	Broad bean resort, Pallivasal	Highrange Inn	
	Abad Copper Castle - Resorts in Munnar	Swiss Garden - Hotel in Munnar	
		The Silvertips Munnar	
		Misty River view	
		Shree Mahaveer Restaurant	
		Hotel Malabar Chillies, DTPC	
		S N Tourist Home, A M Road, Munnar	
		West Wood Hotels & Resorts Pvt. Ltd., Munnar	
		Archana Residency, Munnar	
		John's Cottage, M S A ROAD MUNNAR	
		Grand Plaza Munnar	
		Sea Grace Cottage	
		Simons Home Stay	
		Sree Annapoorani Restaurant	
		Hotel Hillview Munnar	
		Royal Retreat Munnar	

INSPECTION 18 TO 20			
INSPECTION DATE	20-11-2020		
TEAM	TEAM 1	TEAM 2	TEAM 3
RIVER SAMPLING	Sampling at Perinjankutty, Panamkutty, Neriya Mangalam- Deviyar	Karimban	Vandiperiyar, Upputhara
ESTABLISHMENTS	Janani, Adimaly	Pappen's Family Restaurant	Springdale hotel Pvt. Ltd.
	Eastern Condiments (P) Ltd, Adimaly	Hotel Stonage	
		Saphire Restaurant	
		JANNAH RESIDENCY, Adimaly	
		MATHA TOURIST HOME	
		Vijayaraja Hospital	