

Annexure PCB-(b)



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KERALA STATE POLLUTION CONTROL BOARD
കേരളസംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

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

KSPCB/38/2021-SEE2

Date: 16/03/2022

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENTAL PROTECTION ACT, 1986

Sub: Non-compliance of Solid Waste Management Rules, 2016.

Ref: 1.The Hon'ble NGT orders dated 16/01/2019 and 25/04/2019 in OA no. 606/2018.

2. The Hon'ble NGT order dated 17/07/2019 in O.A No. 519/2019
3. The Hon'ble NGT order dated 02/07/2020 in OA 606/2018
4. The Hon'ble NGT order dated 16.04.2021 in OA 147/2020
5. Letter no. PCB/PLKD/TG-345/2020 dated 30.05.2021 from District Office, Palakkad
6. Email dated 03/01/2022 from Environmental Engineer, District Office, Palakkad
7. Letter from this office no.KSPCB/38/2021-SEE2 dated 10.01.2022
8. Minutes of the hearing held on 13.01.2022
9. email from Ottapalam Municipality dated 14/03/2022

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

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

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

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

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

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

ANDWHEREAS the Environmental Engineer, District Office, Palakkad vide letter cited 6th above reported that there is non-compliance in the action plan submitted by the municipality as the time limit had already elapsed based on the latest inspection conducted on 27.12.2021.

WHEREAS the continued failure to comply with SWM Rules, 2016 is still continuing in the Ottapalam Municipality and is liable to the compensation as per the order dated 02/07/2020 of the Hon'ble NGT in OA 606/2018 and the Environmental Engineer suggested for levying environmental compensation for the failure of the Municipality for Rs.13 lakhs (Rupees Thirteen Lakhs Only) from 01/04/2020 to 31/04/2021 @ Rs 1 lakh per month and notice for hearing was issued vide the letter cited 7th above;

WHEREAS in the hearing conducted on 13.01.2022, the Ottappalam Municipality was directed to comply with the time lines reported and for the issue of notice for levying the Environmental Compensation as next step of non compliance;

ANDWHEREAS the Environmental Engineer, District Office, Palakkad vide letter cited 9th above, reported that there is non-compliance in the time lines mentioned in the action plan submitted by the municipality for door to door collection from households and establishments and for renovation of windrow composting unit and door to door collection exists only for 76% households and 50% establishments and renovation of windrow composting unit is yet to be started and there is continued failure to comply with SWM Rules 2016;

NOWTHEREFORE 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 remit the Environmental Compensation Rs.13 lakhs (Rupees Thirteen Lakhs Only) from 01/04/2020 to 31/04/2021 for the non-compliance of the Solid Waste Management Rules, 2016 in the new head of account given below which is opened for crediting the compensation ordered by Hon'ble NGT in O.ANo.606/2018 in its order dated 14.12.2020.

Head of Account

1425-00-800-91-Compensation issued for non compliance of Solid Waste Management Rules, 2016 and other important environmental issues for the protection of public health and the environment as ordered by the Hon'ble National Green Tribunal.


CHAIRMAN

To

The Secretary
Ottapalam Municipality

Copy to:

1. The Chairman
State Level Monitoring Committee
2. The Additional Chief Secretary
Local Self Government Department
3. The District Collector, Palakkad
4. The Director, Urban Directorate
5. The Chief Environmental Engineer, Regional Office, Thiruvananthapuram
6. The Environmental Engineer, District Office, Palakkad