

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

Original Application No.50 of 2016 (SZ)

S.Paul Raj

...Applicant

Vs

The Commissioner
Kayalpattinam Municipality and ors.

...Respondents

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

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...Respondents

**REPORT FILED ON BEHALF OF THE 2ND RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.**

I, S.Malarvizhi, D/o. K.Subburam, Hindu, aged about 56 years, having my office at 76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly affirm and sincerely state as follows:-

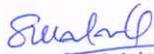
- 1) I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board (TNPCB), Chennai -600 032, and filing this Report on behalf of the Respondents Tamil Nadu Pollution Control Board (TNPCB) and as such I am well acquainted with the facts of the case from the records.
- 2) It is respectfully submitted that this Hon'ble Tribunal in its order dated 12.04.2023 directed as under,
"2.Incidentally it was brought to our knowledge that a fire broke out in the dump yard in the month of March and April 2023. If that is so, we direct the Tamil Nadu Pollution Control Board to visit the site and file a report preferably with photographs."
- 3) It is respectfully submitted that a major fire broke out at the Municipal Solid Waste Processing Facility located at Kadayalkudi in SF.No. 278/1B of Kayalpattinam South Village, in Kayalpattinam Municipality in Thoothukudi District on 25th March 2023. The fire broke out at the unsegregated Municipal Solid wastes which have

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been dumped within the premises of this processing facility. Two fire tenders were engaged to douse the flames. The cause of the fire is not known. According to the Municipal authorities the fire broke out spontaneously due to the rising temperature and heat wave. No causality reported.

- 4) It is respectfully submitted that, as directed by this Hon'ble Tribunal, this respondent inspected the Municipal Solid Waste Processing Facility located at Kadayakudi in Kayalpattinam Municipality, Thoothukudi District on 15.04.2023.
- 5) It is respectfully submitted that during inspection it was noticed that large quantity of unsegregated Municipal Solid Waste have been dumped within the premises of the facility and about 75% of this Municipal Solid Waste in the dump was found in burnt condition. During inspection it was noticed that even though the fire was controlled smoke still coming up from the Municipal Solid Waste dumps. The photographs showing the smoke is enclosed as Annexure.
- 6) It is respectfully submitted that during inspection it was noticed that the building which is located in the premises where the composting of the biodegradable waste was going was not affected in the fire. Also, during inspection it was noticed that there is a Bio – Methanation – cum Power Generation plant in the premises and this plant was also not affected by the fire. However, this Bio-gas plant was found to be not in operation for a long period.
- 7) It is respectfully submitted that during inspection it was noticed that there is a separate concrete building in the premises which is located adjacent to the dumps where the segregated plastic wastes have been stored. There is a baling machine installed within this building. This building and the entire segregated plastic wastes stored in this building were found to have been burnt out completely.
- 8) It is respectfully submitted that during the year 2020, in the same facility the unsegregated Municipal Solid wastes which have been


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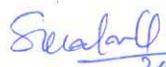
dumped within the premises were found in burnt condition and the Tamil Nadu Pollution Control Board vide proceeding dt: 18.11.2020 had imposed an amount of Rs.14 Lakhs towards Environmental Compensation for non-compliance of the Municipal Solid Waste Management Rules. However, the Municipality moved the Hon'ble High Court of Madras, Madurai Bench against the orders of the Hon'ble NGT dated 29.11.2022 by filing W.P.(MD)No.16 of 2023 and WMP(MD)No:33 of 2023 and the Hon'ble High Court of Madras, Madurai Bench in its order dated 03.01.2023 has stayed the order of this Hon'ble Tribunal and directed the Municipality to pay an amount of Rs.5 Lakhs to TNPCB on or before 31.01.2023. The order of the Hon'ble High Court of Madras, Madurai Bench dt.03.01.2023 in W.P. (MD) No: 16 of 2023 and WMP(MD) No: 33 of 2023 reads as follows:

“there shall be an order of interim stay, on condition that the petitioner Municipality shall deposit a sum of Rs.5.00,000/- (Rupees Five Lakhs) without prejudice to its rights and conditions on or before 31.01.2023 to the first respondent (TNPCB), failing which, the interim stay granted today shall stand automatically vacated, without any further reference to this court.”

In compliance of the said Hon'ble High Court order, the Kayalpattinam Municipality has paid Rs. 5 Lakhs to TNPCB on 25.01.2023.

9) It is respectfully submitted that the present status of the Municipal Solid Waste Management in the Kayalpattinam Municipality as on 15.04.2023 is stated hereunder:

- Population as on 2022 : 49302 Nos (as per the statement of municipality)
- No. of wards: 18.
- Total quantity of Municipal Solid Waste generated at present: 14 T/Day
- Total quantity of biodegradable Municipal Solid Waste (wet waste) generated: 9.5 T/Day


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10) It is respectfully submitted that the details of municipal solid waste processing facilities available at present are given hereunder:

I. MCC-1 (Micro Composting Centre-1) located at Kadayalkudi at S.F.No 278/1B of Kayalpattinam South Village, Kayalpattinam Municipality.

- Processing Capacity: 3T/Day.
- Facilities Provided: i) Compost room/building, Shredding Machine, Mechanical Sieve, baling machine.
 - ii) Room for storing the segregated plastic waste.
 - iii) Windrow composting in open area.

The segregated and unsegregated MSW are brought to this processing facility and then composting of the segregated biodegradable waste is carried out. Composting was found to be going on at this facility during inspection on 15.04.2023.

Further, it was noticed that unsegregated municipal solid waste in large quantity was dumped at this processing facility and it is in this municipal solid waste dump, fire broke out on 25.03.2023.

II. MCC-2 (Micro Composting Centre-2) located at Sivankoil Street in Kayalpattinam Municipality at S.F.No.392/5 of Kayalpattinam Municipality.

- Processing Capacity: 3T/Day.
- Facilities Provided: Compost room/building & Mechanical sieve- 1No

Only the segregated bio-degradable wastes are brought to this facility and composted. No plastic wastes are brought into this facility. Composting was found to be going on at this facility during inspection on 15.04.2023.

III. Bio -Methanation –cum- Power Generation Plant
(5T capacity)

Location : At Kadayalkudiin S.F.No.278/1B of Kayalpattinam south village, Kayalpattinam Municipality. This Bio - methanation - cum -

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Power generation Plant and MCC -1 are located nearby in the same campus.

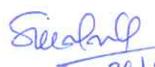
- During inspection on 15.04.2023 this plant was not in operation. This Bio - Methanation -cum - Power generation Plant started trial run during 2016 and due to technical/mechanical problems the trail run of this plant was stopped. From November 2021 to January 2022 the plant was operated and again the plant was shut down and from February 2022 to till date this plant is not in operation.

IV. Biomining of the already existing old municipal solid waste dump site located at Papparapalli

- Biomining of the legacy waste in the Papparapalli dump site commenced on 24.12.2022. Total estimated quantity (revised estimated quantity) of the legacy waste is 22436 m3. During inspection on 15.04.2023 it was noticed that out of the 22436 m3 of legacy waste Biomining of only 3458 m3 of the legacy waste was found to have been completed.
- During inspection on 15.04.2023, Biomining of the remaining legacy waste was found to be going on.

11) It is respectfully submitted that TNPCB has issued directions to the Commissioner, Kayalpattinam Municipality vide proceedings dated 18.11.2020 and following is the status of compliance as on 15.04.2023:

S. No	<i>Direction issued vide Procdt: 18.11.2020</i>	<i>Status of compliance as observed during inspection on 15.04.2023</i>
1.	<i>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.</i>	<i>Not fully complied</i>
2.	<i>The Municipality shall provide 100% door-to door collection of MSW (covering all wards)</i>	<i>The Municipality provided 100% - door to door collection of MSW (covering all wards). However, 100% Segregation of</i>


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	<i>and 100% segregation of waste (covering all wards)</i>	<i>the waste at source is not carried out.</i>
3.	<i>The Municipality shall stop the burning of the municipal solid wastes immediately and shall process the entire quantity of the bio degradable solid wastes in the composting centers.</i>	<i>The Municipality stopped the burning of the Municipal Solid Waste immediately. However, the Municipality has not segregated the waste in the dump and not processed in the composting centers as directed and kept the Municipal Solid Waste dump at the site as it is. It is in this unsegregated municipal solid waste dump, the fire broke out on 25.03.2023.</i>
4.	<i>The Municipality shall rectify the defects in the Bio-methanation - cum power generation plant provided and shall put the same into operation immediately after obtaining valid CTO from TNPCB.</i>	<i>The defects in the Bio-Methanation-cum-Power Generation plant not rectified. During inspection on 15.04.2023 this plant was not in operation. This Bio - Methanation - cum - Power generation Plant started trial run during 2016 and due to technical/mechanical problems the trail run of this plant was stopped. From November 2021 to January 2022 the plant was operated and again the plant was shut down and from February 2022 to till date this plant is not in operation.</i>
5.	<i>The Municipality shall carry out the Bio-mining of the legacy waste dump site located at Papparapalli immediately.</i>	<i>The Bio-mining of the legacy waste dumpsite located at Papparapalli commenced only on 24.12.2022 and during inspection on 15.04.2023 it was noticed that out of the total estimated quantity of 22436 m³ (as per the revised assessment made by IIT-Madras) of legacy waste Biomining of only 3458 m³ of the legacy waste was completed so far and Biomining of the remaining legacy waste was found to be going on.</i>
6.	<i>The Municipality shall rectify the defects in the Mechanical sieve (provided for sieving the compost), baling machine (provided for baling the segregated plastic wastes) and shredding machines and shall put the same into operation immediately.</i>	<ul style="list-style-type: none"> • <i>The defect in the shredding machine and Mechanical Sieve have been rectified.</i> • <i>The baling machine was found to be burnt in the fire that broke out on 25.03.2023</i>

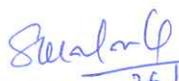
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7.	<i>The Municipality shall provide adequate number of CCTV in the dumpsite premises to monitor the area.</i>	<i>The Municipality has installed 5 CCTV cameras in the dumpsite premises. However, the CCTV cameras were not in operation at the time of inspection.</i>
8.	<i>The Municipality shall carry out proper segregation of municipal solid waste</i>	<i>The Municipality provided 100% - door to door collection of MSW (covering all wards). However, 100% Segregation of the waste at source is not carried out. About 65% of the MSW are reported to be segregated by the municipal workers at source during door to door collection of the waste and the remaining is segregated at the MSW Processing facility located at Kadayakudi at S.F.No 278/1B of Kayalpattinam South village, Kayalpattinam Municipality.</i>
9.	<i>The Municipality shall install adequate water sprinkler arrangements and water supply lines in and around the dump site.</i>	<i>The Municipality has provided separate pipelines for water spraying around the dumpsite.</i>

12) It is respectfully submitted that, since the municipality has not complied with all the directions issued by this Respondent, further Environmental Compensation of Rs.30 lakhs at the rate of Rs.1 lakh/month for 30 months for the period from November 2020 to April 2023 and also Environmental Compensation (Rs. 25 lakhs) at the rate of Rs. 1 lakh/month for 25 months for the period from November 2020 to November 2022 for not commencing the Bio-mining of the legacy waste is assessed by this Respondent.

13) It is respectfully submitted that, however, in view of the interim stay granted by the Hon'ble High Court in W.P.(MD) No.16 of 2023 and WMP (MD) No.33 of 2023 against the order dated 29.11.2022 passed by this Hon'ble Tribunal in O.A.No.50 of 2016 with Appeal No.57 of 2021, this Respondent is not in a position to issue Show Cause Notice to the Respondent in connection with imposition of Environmental Compensation due to the operation of interim stay order.


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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 circumstance of this case and thus render justice.

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BEFORE ME

VERIFICATION

I, S.Malarvizhi, D/o.K.Subburam, working as Joint Chief Environmental Engineer, having office at No. 76, Mount Salai, Guindy, Chennai – 32, do hereby submit that the above contents are true to the best of my knowledge and belief through records.

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RESPONDENT- TAMIL NADU POLLUTION
CONTROL BOARD.**

**Advocate for Respondent: TNPCB
Thiru. S. Sai Sathya Jith,
Advocate, Chennai.**

Date:26.05.2023.

Date of hearing on:29.05.2023.

