

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

Original Application No. 50 of 2016 (SZ)

S. Paul Raj

... Applicant(s)

Versus

The Commissioner,
Kayalpattinam Municipality,
Tuticorin District and another.

... Respondent (s)

STATUS REPORT FILED BY THE 1st RESPONDENT

(DATE : 08.11.2023)



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I, P.Kumarsingh, Son of Pandiyan, aged 57 years, the Commissioner of Kayalpattinam Municipality, having office at Municipal Office, Kayalpattinam Municipality, 49, Mutharamman Kovil Street, Kayalpattinam, Tiruchendur Taluk, Thoothukudi District – 628 204, do hereby solemnly affirm and sincerely state as follows:-

1. I state that I am the Commissioner of Kayalpattinam Municipality, the 1st Respondent herein and as such I am well acquainted with the facts of the case from the available records. I am filing this Status Report in my official capacity and I am authorized to do so.

2. I humbly submit that this present application has been filed with respect to the improper disposal of the Solid Waste in Kayalpattinam South village.

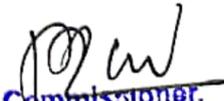

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BRIEF FACTS AND LITIGATIONS :

3. That Kayalpattinam Municipality was a I Grade Town Panchayat in the year 1952 and was upgraded as Selection Grade Town Panchayat in the year 1982. Subsequently, the said Municipality was upgraded as III Grade Municipality from 14.06.2004 by the Government of Tamil Nadu, vide G.O. Ms. No. 270, Municipal Administration and Water Supply Department, dated 11.06.2004. Now it is a II Grade Municipality. The area of the Municipality is 12.50 Sq.Kms comprising of 18 Wards and the total population of the Municipality is 40,542 as per 2011 Census and now it is 49,302 approximately.

4. That the Solid Waste generated is around 14 Metric Tonnes per day in 18 wards of the Municipality, in which 9.5 Tonnes is Biodegradable and 4.5 Tonnes is Non-degradable. In the Municipality, about 77 Sanitary workers, 4 Supervisors, 7 Drivers and 14 Permanent sanitary workers are being engaged for the disposal of Municipal Solid Waste. Apart from the said manpower, 3 tipper lorries, 8 Tata Ace vehicles, and sufficient Battery Operated Vehicles are being involved in the Solid Waste disposal.

5. That earlier, since no proper disposal site was available to this Respondent, the solid waste which was being generated, was dumped at Paparapalli for the last 50 years. Hence it was just and necessary to establish a facility for the proper disposal of solid waste and hence a Solid Waste processing facility was proposed to be established for treating the Solid Waste generated and convert it into useful manure by natural composting on pavements. Further, the Bio-methanation Power Plant was also proposed to be

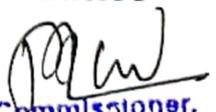

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established, to digest the degradable market waste in a digester and use the evolving gas to produce electricity. Both the projects were meant to treat the solid waste generated from the Municipal area, thereby ensuring better environment and health of the community.

6. That pursuant to the above proposals and as there was no proper Solid Waste Management site available to the Municipality, the Government of Tamil Nadu allotted Rs. 5.00 Lakhs for the purchase of suitable land to set up a compost yard in the year 2006. Subsequently in the year 2012, this Municipality was allotted another sum of Rs. 90.00 Lakhs to process the biodegradable waste into Power Generation and organic manure as byproduct.

7. That pursuant to the above, the Regional Executive Engineer inspected the sites and suggested that the land of an extent of 4.5 Acres in Survey No. 278/1B of Kayalpattinam South Village was the suitable site for setting up of Biomethanation Plant, which was later allotted to this Municipality. Pursuant to which, the name of the Municipality was registered in the revenue records.

6. That the Municipality had applied for the Authorisation under the 2000 Rules which was notified under the Environment (Protection) Act 1986, to establish a Municipal Solid Waste processing facility on 24.03.2015. The Municipality had also applied for the establishment of a Bio-methanation power plant in the remaining area of 0.3 acres through online system on 10.04.2015. This apart, the proposal for implementation of Solid Waste Management had been submitted to the State Government under Swachh Bharat Mission Scheme of Rs.333.26 Lakh and the said proposal was also accepted by the State Level Sanction Committee


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in its meeting held on 28.12.2017 and the administrative sanction accorded for the same.

7. That the Authorization for Municipal Solid Waste processing facility to convert the waste into manure under the 2000 Rules, was issued by the Joint Chief Environmental Engineer of the Tamil Nadu Pollution Control Board on 25.05.2015.

8. That Municipality as a Government body which is responsible for improving and maintaining a clean environment, had applied for the said project and the consent orders under Water (Prevention & Control of Pollution) Act 1974 and Air (Prevention & Control of Pollution) Act 1981 (as amended) were issued on 24.06.2015 after placing the subject before the Zonal Level Consent Clearance Committee (ZLCCC) which was held on 19.06.2015 for establishing the Bio-methanation Power Plant at S.F.No.278/1B of Kayalpattinam South Village, Tiruchendur Taluk of Thoothukudi District.

9. That in the meantime, an application in O.A. No. 100 of 2015 (SZ) was filed before this Hon'ble Tribunal by one Mr.Paul Rose & another against the aforesaid project which was proposed to be established at S.F.No.278/1B of Kayalpattinam South Village, Tiruchendur Taluk of Thoothukudi District and the same was dismissed on 25.01.2016 thereby permitting the Appellant Municipality to proceed with the work as per the Authorization and Consent Orders of the Tamil Nadu Pollution Control Board, with the following observations:-

"38. While parting with, we have to make mention about a fact that a public project like this is attempted to be scuttled due to private dispute even among the municipal members and its


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president and such activity ignoring the common interest of the people is to be discouraged. The sustainable development is not for the purpose of scuttling any of public projects but it must be balanced with the public interest of course by following the best technology available in respect of the scheme with intent to preserve environment. In any event the development for social benefit shall not be curtailed. On an analysis of the facts of this case we have to mention that no issues of great environmental importance have been raised by the applicants."

10. That immediately after the dismissal of the above O.A. No. 100 of 2015 (SZ), Mr.Paulraj & another, had filed this present application in OA No. 50 of 2016 and thereafter, two applications in OA no. 11 of 2021 and OA No. 12 of 2021 came to be filed, with respect to the disposal of legacy waste in the Municipality.

11. That as seen from the above, despite this Respondent Municipality taking earnest steps to ensure compliance with the SWM Rules, 2016 and drastically improving and implementing various measures and mechanisms to dispose, segregate and contain the waste generated, repeatedly by way of such applications, the progress of this municipality and the projects sought to be implemented are being scuttled and tampered with, ignoring public interest.

12. That this Municipality has been taking the following measures with respect to the waste generated :


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BIODEGRADABLE WASTE :

13. That with respect to the 9.5 Tonnes of Biodegradable Waste that is generated within the Municipality, the following are the steps taken by this Respondent to mitigate and handle the same:

a. **Micro Composting Centre 1** is established at SF No. 278/1B of Kadayakudi, Kayalpattinam Municipality, with a capacity of 3 Metric Tonnes, to treat and dispose the wastes that are being generated everyday by complying all environment and pollution control norms.

b. **Micro Composting Centre 2** is established at SF No. 392/5 of Sivan Koil Street, Kayalpattinam Municipality, with a capacity of 3 Metric Tonnes, to treat and dispose the wastes that are being generated everyday by complying all environment and pollution control norms.

c. A composting mechanism called "**Windrows method**" is being deployed at the SF No. 278/1B of Kadayakudi, Kayalpattinam Municipality, with a capacity to handle 3.5 Tonnes of biodegradable waste.

That the biodegradable waste is composted and provided to farmers as free of cost for use as manure and at present the Kadayakudi compost centre is well functioning as per SWM rules, 2016.

NON-BIODEGRADABLE WASTE :

14. That with respect to the 5 Tonnes of Non-Biodegradable Waste that is generated within the Municipality, the same is collected in


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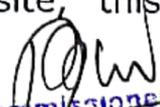
the municipal area and properly segregated and the unusable plastic waste is sent to Kadayakudi RRC for recycling the plastic waste through **M/s. JASS FOUNDATION**, Annanagar, Chennai and awareness is also being given about waste segregation from house to house through municipal SBM Animators.

EXISTING WASTE DISPOSAL :

15. That with respect to the waste found to be dumped at the site in question, this Respondent submits that during the COVID19 – Pandemic period in the year 2020, due to the nationwide lockdown and severe restrictions in movement and manpower, this Respondent was unable to control and handle the waste that was being generated without any segregation and the same were unfortunately dumped at the site and as a result of which, the amount of waste found to be dumped towards the end of the lockdown period was substantial and could not be segregated or disposed of using the existing resources of the Municipality. However, this Respondent further submits that once the lockdown period ended, the waste was properly segregated, handled and disposed of as per the Solid Waste Management Rules, 2016 and no further waste was allowed to be dumped at the site.

16. That this Respondent has requested permission from the District Collector for obtaining 2 MT incinerators, to dispose of the DRY WASTE that is generated and once permission is granted, the same will be carried out accordingly.

17. That in order to completely resolve the issue and work towards handling and disposing of the waste found at the site, this


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Respondent vide its proceedings dated 25.11.2022, had proposed the use of BIO MINING to dispose and handle the waste found at the site. It is submitted that in this regard, a Council Meeting was held on 29.11.2022, where the Council considered the expenditure and feasibility of the said proposal to ensure that the waste is disposed of completely.

18. That this Municipality is ensuring that the bio mining is done strictly as per standards and all the waste that is found to be dumped at the site, is cleared and will further ensure that no such dumping of waste takes place anywhere within the jurisdiction of this Municipality.

19. That in compliance of the Rules 2016, the field staffs of the Municipality segregate the Solid Wastes at the source by door to door collection through different coloured bins. Further, household bins of twin colours for Bio and Non-bio wastes were distributed to all the households in the Municipality. Further, the Municipality is taking earnest steps to create awareness among the public for the proper disposal of Solid wastes like conducting a rally, creating awareness in all schools, Auto announcement in all wards, Pledge taking for segregating in all houses, Street corner meeting, display boards at all important places in the town and stakeholders meeting of all domestic and commercial Establishments, etc.,. Source segregation awareness in all local TV Channels and handbills are telecasted/ issued with an objective to create awareness among the general public in the locality.

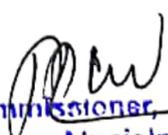

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20. That during March, 2023, owing to intense heat waves due to summer, the existing waste at the site unfortunately caught fire on its own in certain occasions and it was put out only by the Fire Brigade. However, in order to prevent and contain such incidents and to prevent miscreants from tampering and causing any fire, we have placed CCTV cameras around the site and this respondent has also given an FIR to the police authorities to take suitable action.

BIO-METHANATION PLANT :

21. That a Bio-methanation Power Plant was also proposed to be established, to digest the degradable market waste in a digester and use the evolving gas to produce electricity. Pursuant to the above proposal, the land of an extent of 4.5 Acres in Survey No. 278/1B of Kayalpattinam South Village was allotted to this Respondent Municipality for setting up of Biomethanation Plant.

22. That Municipality as a Government body which is responsible for improving and maintaining a clean environment, had applied for the said project and the consent orders under Water (Prevention & Control of Pollution) Act 1974 and Air (Prevention & Control of Pollution) Act 1981 (as amended) were issued on 24.06.2015 after placing the subject before the Zonal Level Consent Clearance Committee (ZLCCc) which was held on 19.06.2015 for establishing the Bio-methanation Power Plant at S.F.No.278/1B of Kayalpattinam South Village, Tiruchendur Taluk of Thoothukudi District.


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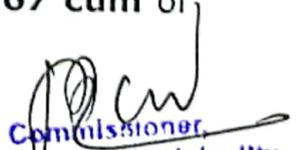
23. That as per Rule 15(y) of the New Rules 2016, the Consents from the Tamil Nadu Pollution Control Board were deemed to be not necessary since the proposed treatment plant i.e., Bio-methanation plant is only for handling waste up to 5 Metric Tonnes.

24. That this Respondent Municipality has completed the establishment of bio-methanation plant and trial run was successfully completed. However, this Respondent has proposed to enter into an agreement with third party agency, to maintain and keep the operation of the subject plant and the process for the same are under negotiation with the agency.

BIO MINING :

25. I humbly submit that the technical approval for the Bio – Mining Work was issued by the Chief Engineer, Directorate of Municipal Administration, Chennai through the Order no. Na.Ka.No. 001/2022/DO1 dated 20.07.2022 and based on the above administrative approval, a work order had been issued dated 26.08.2022 for the above said solid waste disposal work for bio mining waste for a total measurement of 22437 cu.m in Papparapalli, Kayalpattinam Municipality at an estimate of Rs.160.5 lakhs and the work was scheduled to be completed within 6 months subject to climatic conditions.

26. I humbly submit that pursuant to the above work order, with respect to the biomining and disposal of the legacy waste, in the **THIRD PHASE** of the work, the bio mining of **12269 cum** of waste has been completed, as measured by Anna University. At present, the 4th phase of work is being carried out for about **10167 cum** of


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waste as measured by Anna University and the same is scheduled to be completed within 30 days, subject to climatic conditions, if possible, the process will be completed by **December 2023**. That once the project is completed, the Municipality has planned to develop the site with suitable compound walls and develop a park for the public use.

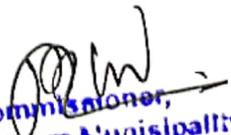
27. I humbly submit that the DPR evaluation of Pappalapalli dumpsite by, CES, Anna University, Chennai shows waste amounting to 2247 Cum as on August 2022. Presently, based on site inspection and analysis of records it was observed that 11,332 cum of legacy waste (5379 cum Bio earth + 4113 cum inert + 1840 cum of RDF) has been screened and disposed from Kayalpattinam biomining facility as of 30th September 2023.

28. I humbly submit that, the above legacy waste was disposed of to the following buyers :

(a) 5379 cum of bio earth – Sold to Mr. J.Malavaraj, Mr. D.Danieal Raj, Mr. R.Chinnadurai and Mr. M.A.S.Jam Jam Aysha (Buyers Name)

(b) 4113 cum of inert waste has been filled at Municipality land cemetery road and also used to fill the lands of Thiru.Esskakkipandi, Tmt.T.Pappa Thangarajan and S.Halima Beevi.

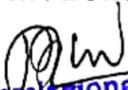
(c) 1840 cum of RDF – Given to M/s.Dalmia Cement, Ariyalur (Buyer Name)


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29. That this Respondent undertakes to abide by and strictly follow any directions as would be passed by this Hon'ble Tribunal.

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

DATED AT KAYALPATTINAM ON THIS THE 7th DAY OF NOVEMBER 2023


**Commissioner,
Kayalpatnam Municipality.**
1st RESPONDENT