

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

**Original Application Nos. 50 of 2016 (SZ)**

S. Paul Raj

...Applicant

**Vs**

1. The Commissioner,  
Kayalpattinam Municipality,  
Kayalpattinam,  
Thoothukudi District

2. The District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
C7 & C9, SIPCOT Industrial Complex,  
Thoothukudi

....Respondents

**AFFIDAVIT FILED ON BEHALF OF THE 2<sup>ND</sup> RESPONDENT, DISTRICT  
ENVIRONMENTAL ENGINEER, TAMIL NADU POLLUTION CONTROL BOARD,  
THOOTHUKUDI**

**Filed by  
Thiru.C. Kasirajan,  
Advocate, Chennai.**

## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

O.A. No.50 of 2016.

S. Paul Raj

.... Applicant

Versus

1. The Commissioner,  
Kayalpattinam Municipality,  
Kayalpattinam.,  
Thoothukudi District.

2. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
C7 & C9, SIPCOT Industrial Complex,  
Thoothukudi

.... Respondents

## AFFIDAVIT FILED BY THE 2nd RESPONDENT, DISTRICT ENVIRONMENTAL ENGINEER, TAMIL NADU POLLUTION CONTROL BOARD, THOOTHUKUDI.

I, S. Sathiaraj, son of Thiru. T. Sundaram, aged about 55 years, having office at C7 & C9, SIPCOT Industrial Complex, Meelavittan, Thoothukudi – 628 008, do hereby solemnly affirm and sincerely submit this affidavit as follows:

It is respectfully submitted that I am the second respondent in the O.A. No. 50 of 2016.

It is respectfully submitted that the Hon'ble NGT (SZ), Chennai in its order dated 13.10.2020 in O.A. No.50 of 2016 has issued the following direction:-

"6. The Committee is directed to go in to the allegation made in the memo and submit a report in this regard as well. The pollution Control Board is also directed to submit an independent report regarding the implementation of the Solid Waste Management Rules, 2016 in the 1<sup>st</sup> respondent Municipality and also the compliance of the direction issued by the Principal Bench of National Green Tribunal, New Delhi in the O.A. No. 606 of 2018 and what is the action taken by them for non compliance of the same as directed by the Principal Bench in the above case and also regarding the allegation made into the memo dated 13.10.2020 submitted by the counsel for the applicant....."

8. The committee as well as the respondents 1 & 2 are directed submit their independent report respectively as directed above on or before 20.11.2020 to this Tribunal by e-filing along with necessary hardcopies to be produced as per Rules....."



DISTRICT ENVIRONMENTAL ENGINEER  
Tamilnadu Pollution Control Board

It is respectfully submitted that, as per the above direction of the Hon'ble NGT the following independent report is submitted by the District Environmental Engineer, Tamil Nadu Pollution Control Board, Thoothukudi.

*"Kayalpattinam Municipality located in Tiruchendur Taluk of Thoothukudi District is a 2<sup>nd</sup> grade Municipality having population of 55450 (midyear population 2018). The Municipality has 18 wards. Total Municipal Solid Wastes generation is about 14.00 MT per day (including bio- degradable and non bio – degradable wastes). Out of this, the bio- degradable wastes are about 10.5MT per day. Remaining wastes are non bio – degradable wastes.*

*For processing the bio- degradable wastes the Municipality has provided two numbers of Micro Composting Centers (MCC) of each 3 MT per day capacity and one Onsite Composting Center (OCC) of 0.5 MT per day capacity. Apart from this, the Municipality has provided one Bio-methanation cum – power generation plant for processing the bio – degradable wastes. The present operating status of these plants is as given below:*

MCC- 1 (Micro Composting Center- 1)

*This Micro Composting Center is located at Kadayakudi at S.F. No. 278/1B of Kayalpattinam south village in Kayalpattinam Municipality area. The maximum processing capacity of this MCC-1 is 3 MT per day (as per design). This MCC-1 is in operation and about 1 MT per day of bio – degradable wastes are being processed at present in this MCC-1. The final compost is being sieved manually using a sieve. The compost obtained was found kept in bags for sale. Composting performance is good. The segregated plastic wastes are kept inside a building within the premises.*

*In this MCC1 facility, one number of Mechanical sieve (for sieving the compost), one number of Baling machine (for baling the segregated plastic wastes) and two numbers of shredding machines have been installed. However, all these machineries are not in operation.*

*Authorization has been granted to operate this MCC – 1 by TNPCB vide Authorization No. SWM/ 001-TTN/ 2019 dated 22.04.2019 (Proc. No. F. No.001/ JCEE (M)/TNPCB/ TNV/ SWM/TTN/2019.Dated: 22. 04.2019).*

MCC-2 (Micro Composting Center-2)

*This Micro Composting Center is located at Sivan Kovil Street, in Kayalpattinam Municipality (at S.F. No. 392/5 of Kayalpattinam Municipality). The maximum processing capacity of this MCC-2 is 3 MT per day (as per design). This MCC-1 is in operation and about 1 MT per day of bio – degradable wastes are being processed at present in this MCC-2. The compost obtained was found kept in bags for sale. Composting performance is good.*

*At this MCC-2, only the segregated bio – degradable wastes are brought for composting. No plastic wastes are brought into this facility.*

*S. Sathyan*

There are no Baling machines and no Shredding machines installed at this MCC-2. Only one Mechanical sieve (for sieving the compost) is installed at this center. However, this Mechanical sieve is not in operation now. The compost is being sieved manually using a sieve.

Authorization has been granted to operate this MCC-2 by TNPCB vide Authorization No. SWM/ 001-TTN/ 2019 dated 22.04.2019 (Proc. No. F.No.001/JCEE(M)/TNPCB/ TNV/ SWM/TTN/2019.Dated: 22. 04.2019).

OCC (on-site composting center)

This OCC is located inside the Kayalpattinam Municipality office campus (at S.F. No. 437 of Kayalpattinam Municipality). The maximum processing capacity of this OCC is 0.50 MT per day (as per design). This OCC is in operation and about 0.50 MT per day of bio – degradable wastes are being processed at present in this OCC. The bio – degradable waste generated from parks, horticultural wastes and the bio – degradable wastes from nearby households are processed at this center. The compost obtained was found kept in bags for sale. Composting performance is good. The final compost is being sieved manually using a sieve.

At this OCC, only the segregated bio – degradable wastes are brought for composting. No plastic wastes are brought into this facility. There are no Baling machines, no Shredding machines and no Mechanical sieve installed at this OCC.

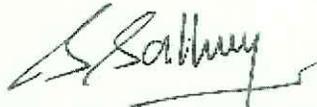
Authorization has been granted to operate this OCC by TNPCB vide Authorization No. SWM/ 001-TTN/ 2019 dated 22.04.2019 (Proc. No. F.No.001/JCEE (M) /TNPCB/ TNV/ SWM/TTN/2019.Dated: 22. 04.2019).

Bio-methanation cum – power generation plant

The Kayalpattinam Municipality has installed one Bio-methanation cum power generation plant of 300 m<sup>3</sup> (5 MT) capacity for treating the bio – degradable wastes and to produce electricity from it. This Bio - methanation - cum power generation plant is located at S.F.No. 278/1B of Kayalpattinam south village in Kayalpattinam Municipality area adjacent to the MCC-1. The construction of this Bio – methanation – cum power plant completed.

This Bio –methanation – cum power generation plant started trial run during the year 2016 and due to technical / mechanical problems they could not continue the trial run and eventually they have stopped the operation of the plant. Till now the plant is not in operation.

Since the Municipality has not yet put the Bio – methanation – cum power plant into operation, the excesses bio degradable wastes are found to be dumped inside the premises of the MCC -1 and about 75% of the wastes thus dumped are found to be in burnt condition.

  
DISTRICT ENVIRONMENTAL ENGINEER  
Tamilnadu Pollution Control Board  
TUTICORIN

*Tamil Nadu Pollution Control Board has granted consent for Establishment under the Water Act and Air Act to this Bio – methanation – cum power generation plant vide proceeding No. F.0096/ TTN/ RS/ DEE/ TNPCB/TTN/ W/2015. Dated: 24.06.2015 Proc. No. F.0096/ TTN/ RS/ DEE/ TNPCB/TTN/ A/2015. Dated: 24.06.2015*

*Further it is respectfully submitted that, the Municipality has not yet applied for consent to operate since they could not put the plant into regular operation due to technical problems.*

**Existing old Municipal solid waste dump site at Papparapalli.**

*The municipality has an old municipal solid waste dump site (about 2 acres) at Papparapalli. About 17280 Cu.m (m<sup>3</sup>) of legacy waste is reported to be there at this dumpsite (as per the survey carried out by the Anna University). Bio – mining of this legacy waste dump site is yet to be carried out.*

*It is respectfully submitted that following are the main findings based on the above filed observations:*

- 1. At present only about 2.50 MT / day of the bio degradable solid wastes are processed at the three existing composting centers (MCC – 1, MCC – 2 & OCC). The remaining bio degradable solid wastes are stored/ dumped inside the premises of the MCC-1. About 75% of the wastes thus dumped/stored was found to be in burnt condition.*
- 2. The Municipality is yet to carry out the bio mining of the legacy waste in the old dump site at Papparapalli.*
- 3. The Municipality is yet to put the Bio - methanation – cum power plant into operation so as to avoid the dumping of the excess bio degradable wastes within the premises of the MCC 1.*
- 4. The Municipality is yet to 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 yet to put the same into operation.*

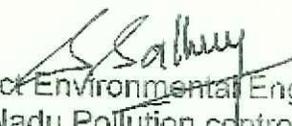
*Further, it is humbly submitted that since the Municipality has failed to fully comply with the SWM Rules 2016, the Tamil Nadu Pollution Control Board Vide Proceeding No. TNPCB/LAW/LAIII/NGT/007187/2016 Dated 18.11.2020 has issued direction to the Commissioner, Kayalpattinam Municipality to remit the Interim Environmental Compensation of Rs. 14 Lakhs for the period from April 2020 to October 2020 and also issued direction to the Municipality that the Municipality is liable to remit the Environmental compensation till the compliance of the following directions:*

- 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.*

*S. Sathya*

- 2) The Municipality shall provide 100% door-to door collection of MSW (covering all wards) and 100% segregation of waste (covering all wards)
- 3) 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.
- 4) The municipality shall rectify the defects in the Bio- methanation –cum power generation plan provided and shall put the same into operation immediately after obtaining valid CTO from TNPCB.
- 5) The municipality shall carry out the Bio-mining of the legacy waste dump site located at Papparapalli immediately.
- 6) 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. The Municipality shall commence legacy waste remediation at the Ramayanpati dumpsite immediately.
- 7) The Municipality shall provide adequate number of CCTV in the dumpsite premises to monitor the area.
- 8) The Municipality shall carry out proper segregation of municipal solid waste
- 9) The Municipality shall install adequate water sprinkler arrangements and water supply lines in and around the dump site
- 10) The Municipality is liable to pay Environmental Compensation till the compliance of conditions stipulated in 1 to 9.

Under these circumstances, it is humbly prayed that the Hon'ble NGT may be pleased to pass appropriate orders as the Hon'ble NGT may consider deem fit and proper on the facts and circumstances of the case.

  
District Environmental Engineer,  
Tamil Nadu Pollution control Board,  
Thoothukudi

Solemnly affirmed at \_\_\_\_\_ on the day \_\_\_\_\_  
of November 2020 and signed his name in  
my presence.

BEFORE ME

Advocate

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

**Original Application Nos. 50 of 2016 (SZ)**

S. Paul Raj

...Applicant

**Vs**

1. The Commissioner,  
Kayalpattinam Municipality,  
Kayalpattinam,  
Thoothukudi District

2. The District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
C7 & C9, SIPCOT Industrial Complex,  
Thoothukudi

....Respondents

**AFFIDAVIT FILED ON BEHALF OF THE 2<sup>ND</sup>  
RESPONDENT, DISTRICT ENVIRONMENTAL  
ENGINEER, TAMIL NADU POLLUTION  
CONTROL BOARD, THOOTHUKUDI**

**Advocate for Respondents No.2  
Thiru. Kasirajan  
Advocate, Chennai.**

**Date: 19.11.2020**