

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

**Original Application No. 52 of 2020 (SZ)
&
Original Application No. 67 of 2020 (SZ)**

Tribunal on its own motion Suo Motu
initiated proceedings based on the
News Item published in Dinamalar Newspaper
-Supplementary edition Chennai dt. 28.02.2020
under the caption "Dried Cauvery filled up with Waste Water."

Versus

The Secretary to Govt. of Tamil Nadu,
Department of Environment,
Govt. Secretariat, Fort St. George
Chennai, Tamil Nadu – 600009 & Others.

... Respondents

Original Application No. 67 of 2020

Tribunal on its own motion Suo Motu
initiated proceedings based on the News Item
published in Dinamalar Newspaper, Chennai.
Edition dt. 09.05.2020, Under the caption
"Life returns to normal, dye effluents Start flowing in drains."

Versus

The Chief Secretary to Govt. of Tamil Nadu,
Govt. Secretariat, Fort St. George,
Chennai and Ors.

.... Respondents

INDEX

S.No	Description	Page No.
1.	REPORT FILED ON BEHALF OF THE 2ND & 3RD RESPONDENTS - TAMIL NADU POLLUTION CONTROL BOARD.	1 - 8

**FILED BY
TAMIL NADU POLLUTION CONTROL BOARD**

**BEFORE THE NATIONAL GREEN TRIBUNAL
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&

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....Respondents

REPORT FILED ON BEHALF OF THE 2ND & 3RD RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD.

I, R. Rajamanickam, Son of P.M.Ramasamy, Hindu, aged about 54 years,
having my office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly
affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution
Control Board, Chennai-32, and I am filing this Report on behalf of the 2nd & 3rd
Respondents, Tamil Nadu Pollution Control Board and as such I am well
acquainted with the facts of the case as per the records.

R. Rajamanickam
26/11/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

2. It is respectfully submitted that, the Hon'ble NGT (SZ) in its orders dated 08.07.2021 directed inter alia as follows:-

".....Para 11: The report of the Tamil Nadu Pollution Control Board shows that they have already imposed environmental compensation of Rs.8 Lakhs on Erode City Municipal Corporation and also issued certain directions to the Pallipalayam Municipality and they are closely monitoring the dump yards and also the progress of the work. They have not mentioned as to why they have not imposed any environmental compensation on Pallipalayam Municipality, as they also did not strictly comply with the directions issued by the Principal Bench of National Green Tribunal in O.A. No.606 of 2018.

Para 12: So, the Pollution Control Board is directed to file further progress report and action taken report and also the steps taken by them for recovery of compensation already imposed against the Erode City Municipal Corporation.

Para 14: The Tamil Nadu Pollution Control Board is also directed to ascertain the water quality of the Cauvery river passing through these two local bodies so as to ascertain as to whether the water has been contaminated and if so, what are the remedial measures to be taken and if there is any improvement in the water quality on account of the steps said to have been taken by the local bodies may be reported and if there is any gap, what is the nature of remedial measures to be taken by them to rectify the same".

Status and action taken report with respect to Erode City Municipal Corporation:

3. It is respectfully submitted that in pursuant to the said NGT order dated 08.07.2021, the Compliance Report of the conditions imposed in the directions issued by the TNPCB to Erode City Municipal Corporation vide Board Proceeding dt. 27.11.2020 is as follows:

R. Jayaram 26/11/2024
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD
 76, MOUNT SALAI, GUINDY,
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Sl. No.	Conditions	Compliance Report
1.	The Corporation 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.	The Erode City Municipal Corporation is carrying out door to door collection and segregation of solid wastes in all the wards. The Erode City Corporation has assured to 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.
2.	The Corporation shall provide 100% segregation of waste (covering all wards).	Complied with. The Erode City Municipal Corporation is carrying out door to door collection and segregation of solid wastes in all the wards.
3.	The Corporation shall provide required capacity of waste processing facilities for the treatment of biodegradable waste and non-biodegradable wastes.	Complied with. The Erode City Municipal Corporation is carrying out door to door collection and segregation of solid wastes in all the wards. The Erode City Municipal Corporation has provided 24 Micro Composting Centres at various locations within the Erode Corporation limit for the processing of biodegradable waste generating from all of its wards. Hence, dumping of fresh waste is eliminated.
4.	The Corporation is liable to pay Environmental Compensation till the compliance of conditions stipulated in 1 to 3.	The Erode City Municipal Corporation has not remitted Interim Environmental Compensation of Rs. 8 lakhs (Rupees Eight Lakhs only) However, The Commissioner, Erode City Municipal Corporation has requested the Chairman, TNPCB, Chennai to reconsider the Environmental Compensation imposed to the Erode City Municipal Corporation as the biomining of legacy waste will be completed by December 2021 vide letter dated: 19.07.2021.

Progress in the processing of legacy waste in Erode:

Vairapalayam Dump Site, Erode

Earlier, the Erode City Municipal Corporation had dumped approximately 80,850 m³ of solid waste at Vairapalayam on the right bank of River Cauvery.

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26/11/2024
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Based on the directions issued by the TNPCB on 13.01.2020, the Corporation has processed and removed entire quantity of the legacy waste dumped at Vairapalayam dump site.

Vendipalayam Dump Site, Erode

The Erode City Municipal Corporation had dumped approximately 6,00,000 m³ of solid waste at Vendipalayam, Erode. During inspection of this legacy waste dumpsite, it was informed by the Erode City Municipal Corporation Officials that approximately 3,25,000 m³ of legacy waste has been processed. The Erode Corporation authorities have informed that the remaining quantity of legacy waste will be processed before 31.12.2021.

Status of collection of Environmental Compensation imposed to Erode City Municipal Corporation:

The Chairman, TNPCB has levied Rs. 8 lakhs (Rupees Eight Lakhs only) as an interim Environmental Compensation for a period of 8 months (April 2020 - November 2020) to the Erode Corporation for non-compliance of Solid Waste Management Rules, 2016 vide Proceedings No. T1/TNPCB/F.32363/ SWM/NGT 606 of 2018/2020-4, Dated: 27.11.2020.

Further, a letter has been addressed to the Commissioner, Erode City Municipal Corporation, Erode vide DEE, TNPCB, Erode letter dated: 13.07.2021 to remit the Interim Environmental Compensation of Rs. 8 lakhs (Rupees Eight Lakhs only) at the earliest so as to submit the action taken report regarding the recovery of Environmental Compensation to Hon'ble National Green Tribunal (SZ), Chennai.

It is further submitted that, the Commissioner, Erode City Municipal Corporation has requested the Chairman, TNPCB, Chennai to reconsider the Environmental Compensation imposed as the biomining of legacy waste will be completed by December 2021 vide letter dated 19.07.2021.


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In this regard, the Commissioner, Erode Municipality was instructed to remit the Environmental compensation and to comply with the directions issued by the Board vide letter dated 26.08.2021.

Status and action taken report with respect to Pallipalayam Municipality:

4. It is respectfully submitted that the Compliance status of the conditions stipulated in the directions issued to the Pallipalayam Municipality under section 5 of the Environment (Protection) Act, 1986 as amended vide Board Proceeding dated 09.02.2021 is as follows:

Sl. No.	Conditions	Compliance
1	The Municipality shall comply with the provisions of Solid Waste Management Rules, 2016 and shall comply with orders passed by the Hon'ble NGT (PB) in OA 606 of 2018 from time to time.	The municipality has complied the Rule 22 of Solid Waste Management Rules, 2016 from Serial No. 1 to 10 and yet to comply the rules 22 in Serial No. 11 of Solid Waste Management Rules, 2016, regarding time frame for implementation of bio-remediation or capping of old and abandoned dump sites within five years from 08/04/2016 (i.e., upto 07/04/2021). Based on the above, Environmental Compensation has been calculated and submitted to Board vide this office letter dated 26.07.2021. Also the municipality has not Commenced setting up of STP.
2	The Municipality shall comply with the orders passed by the Hon'ble NGT (SZ) in O.A. No. 52/2020 & O.A. No. 67/2020.	As mentioned in the Sl.No. 1.
3	The Municipality shall expedite the bio-mining of the legacy waste dump site and complete the same within the stipulated time as per the orders of the Hon'ble NGT.	As per the rules 22 (Serial No. 11) of Solid Waste Management Rules, 2016, time frame for implementation of bio-remediation or capping of old and abandoned dump sites has not been completed till date.
4	The Municipality is liable to pay Environmental Compensation if there is any non-compliance of conditions stipulated in 1 to 3.	Environmental Compensation have been calculated and submitted to Board vide this office letter dated 26.07.2021 for the non-compliance of the Solid Waste Management Rules, 2016.

R. Rajan
26/08/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
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5. It is respectfully submitted that in pursuant to the Hon'ble NGT order dated 08.07.2021 the Pallipalayam municipality Bio mining site was inspected by the DEE, Kumarapalayam on 26.07.2021 and following were observed:

- The Pallipalayam Municipality is generating 12 MT/Day of solid waste of which, 7 MT is biodegradable wet waste, 0.5 MT is saleable dry waste, 3.37 MT is non-saleable dry waste, 0.001 MT of E-waste, 0.029 MT of Domestic Hazardous waste, 0.1 MT of construction and demolition waste and remaining 1 MT are inert material.
- The Pallipalayam Municipality has provided Micro Compost Centre (MCC) – 2 MT (Operating at Avarangadu, Pallipalayam) and Bio Methanation Plant – 5 MT (Operating at Kottakadu, Pallipalayam)
- The Pallipalayam Municipality has obtained Authorization under the Solid waste management Rules, 2016 for the operation of waste processing facility vide Proc. dated 22.04.2019 for the period valid up to 31.03.2020 and yet to apply for renewal of authorization.
- The Municipality has provided Bio mining facility for processing the legacy waste at Kottakadu dump site, Pallipalayam, Namakkal District and the total area to be reclaimed is 1.16 acres to the quantity of 40306 cubic meter of legacy waste. The Municipality has processed 32680 cubic meter of legacy waste as on date.
- The municipality has installed machinery to the capacity of 30 T/Day or 37.5 cubic meter/day (Approximately one cubic meter of legacy waste is 800 Kg), by which only 2513 cubic meter shall be processed out of 7626 cubic meter of legacy waste on or before 30.09.2021 (67 days) and the remaining 5113 cubic meter could not be processed on or before 30.09.2021.
- It was reported by the Municipal Engineer of Pallipalayam Municipality that they are in process of procuring additional machinery for processing the legacy waste, since the remaining legacy waste 7626 cubic meter are to be processed within 30.09.2021.

R. Vijay
26/8/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
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- Hence, the Pallipalayam municipality has not provided adequate capacity of material recovery facilities and there exists a gap in solid waste management.

Further, it is submitted that under rules 22 (Serial No. 11) of Solid Waste Management Rules, 2016, time frame for implementation of bio-remediation or capping of old and abandoned dump sites within five years from 08/04/2016 (i.e., upto 07/04/2021).

6. It is respectfully submitted that the Pallipalayam municipality has not completed the implementation of bio-remediation or capping of old and abandoned dump sites till date and thereby not complying with the provisions of Solid Waste Management Rules, 2016. In view of the above, the Board has issued show cause notice as to why an interim environmental compensation of Rs.5 Lakhs for the period from April-2021 to August- 2021 (5 months) may not be levied to Pallipalayam Municipality under section 5 of the Environment (Protection) Act, 1986 vide proc. Dated 26.08.2021.

Cauvery River Water Quality:

7. It is respectfully submitted that the Water samples are collected from the river Cauvery at three locations in Erode District at regular intervals. Presence of fecal coliform in the water indicates the disposal of sewage in the river. In this connection, it is reported that the Erode City Municipal corporation has 60 wards and 36 wards are connected with UGDSS. In the remaining 24 Wards UGDSS work is in progress. Sewage collected through the UGDSS is treated in the 50.5 MLD capacity STP maintained by the Corporation. The Commissioner, Erode City Municipal Corporation was instructed to expedite the UGDSS works in the remaining 24 wards.


26/8/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
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In this regard, directions has been issued to the M/s. Erode City Municipal Corporation vide Proc. dt. 25.11.2019 to expedite the UGDSS work and to provide STP to prevent disposal of untreated sewage into River Cauvery and Kalingarayan canal and vide Proc. dt. 18.06.2021 to complete the underground sewerage system for the unsewered area and to ensure 100 % treatment of sewage.

8. It is respectfully submitted that the ROA of the water samples collected during January 2020, February 2020, May 2020 to April 2021 in the River Cauvery passing through Pallipalayam Municipality reveals that the total coliform and faecal coliform were present. The Pallipalayam Municipality has to provide Sewage Treatment Plant to treat the sewage generated from the Municipality.

In this regard, directions has been issued to the Commissioner, Pallipalayam Municipality vide Board Proc. dt. 26.08.2021 to provide full fledged underground sewerage scheme with Sewage Treatment Plant to treat the sewage generated from the Municipality. , Else the Municipality is liable to pay Environmental Compensation as per Hon'ble National Green Tribunal(NGT), Principal Bench order dt. 02.07.2020 in O.A.No. 606 of 2018.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) at Chennai may be pleased to pass such further or other orders as this Hon'ble tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


26/8/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
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BEFORE ME

VERIFICATION

I, R. Rajamanickam, Son of P.M.Ramasamy, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, do hereby submit that the contents of the above report are true to the best of my knowledge through records.

Verified at Chennai on this 26th day of August, 2021.


26/8/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
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**REPORT FILED ON BEHALF OF
THE 2ND & 3RD RESPONDENTS -
TAMIL NADU POLLUTION
CONTROL BOARD.**

Advocate for Respondent:

Date:26.08.2021

Hearing date on: 27.08.2021

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