

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

ORIGINAL APPLICATION NO. 52 & 67 of 2020 (SZ)

Tribunal on its own motion
SUO MOTU Based on the
News Item in Dinamalar Newspaper
dated 28.02.2020, Chennai Supplementary
"Dried Cauvery filled up with waste water"

...Applicant

Versus

The Secretary to Government of Tamil Nadu,
Department of Environment,
Chennai and others.

...Respondent(s)

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**Filed by
Thiru. Sai Sathyajith,
BSC, Chennai.**



**Joint Committee's Report in respect of SUO MOTU O. A. No. 52 & 67 of 2020 in the Hon'ble
NGT (SZ), Chennai**

It is submitted that the Hon'ble National Green Tribunal (SZ), Chennai has taken up a SUO MOTU O. A. No. 52/2020 based on the news published in Dinamalar daily on 28.02.2020 regarding Cauvery River Water Pollution. Subsequently, based on the news published in Dinamalar daily on 09.05.2020 regarding Cauvery River pollution, the Hon'ble NGT (SZ), Chennai has taken up another SUO MOTU O. A. No. 67/2020 and has constituted a high level committee and directed the committee to inspect and report vide its Order Dated: 03.03.2020 in O. A. No.: 52/2020 and passed subsequent Orders on 12.05.2020 and 15.05.2020, combining both the O. A. Nos. 52 & 67/2020.

Subsequently, Hon'ble NGT (SZ), Chennai vide its Order Dated: 27.08.2021 in O. A. No. 52 of 2020 (SZ) and O. A. No. 67 of 2020 (SZ) has directed the local bodies to submit the short term measures as well as long term measures taken by them for preventing the discharge of untreated sewage being let into the Cauvery River and also directed the TamilNadu Pollution Control Board to collect water samples from River Cauvery to ascertain whether any change in the water quality has occurred on account of steps taken by the municipality to prevent the discharge of untreated sewage into River Cauvery and also to submit a report regarding the progress of disposal of legacy waste as well as implementation of the Solid Waste Management Rules 2016 in the respective local bodies.

In this regard, the Joint Committee's report is submitted as below.

Status of Processing of legacy waste in Erode, Erode District

Erode City Municipal Corporation has engaged M/s Zigma Global Environ Solutions Pvt Ltd., for the processing of legacy waste dumped in Vairapalayam and Vendipalayam dump sites of Erode District for the speedy disposal of MSW legacy waste.

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

b. 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 4,60,000 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 disposal of legacy waste from Kottakadu Dumpsite, Pallipalayam in Namakkal District

a. Kottakadu Dump Site, Pallipalayam Municipality

The bio-mining site of Pallipalayam Municipality located at Kottakadu dump site, Pallipalayam, Kumarapalayam Taluk, Namakkal District was inspected by the Officials of TNPCB, Kumarapalayam on 23.09.2021 and found that the Pallipalayam Municipality was carrying out bio-mining process. The Pallipalayam Municipality has so far processed around 36,335 m³ of legacy waste from the total accumulated quantity of 40,306 m³. The Pallipalayam Municipality has informed that the entire legacy wastes accumulated at Kottakadu dump site, Pallipalayam will be processed and removed before 30.09.2021.

I. Details of Environmental Compensation imposed to Erode City Municipal Corporation

a. Environmental Compensation imposed to Erode City Municipal Corporation:

In the mean time, The Chairman, TNPCB vide Proceedings No. T1/TNPCB/F.32363/SWM/NGT 606 of 2018/2020-4, Dated: 27.11.2020 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. The Chairman, TNPCB has also issued directions to the Commissioner, Erode City Municipal Corporation to remit the interim Environmental Compensation of Rs.8 Lakhs (Rupees Eight Lakhs) for the non-compliance of the direction issued by the Principal Bench of the Hon'ble National Green Tribunal in O. A. No.606 of 2018 and further emphasized that the Corporation is liable to remit the Environmental Compensation till the compliance of the following directions:

- 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.*
- 2. The Corporation shall provide 100% segregation of waste (covering all wards).*
- 3. The Corporation shall provide required capacity of waste processing facilities for the treatment of biodegradable waste and non-biodegradable wastes.*

4. *The Corporation is liable to pay Environmental Compensation till the compliance of conditions stipulated in 1 to 3.*

Subsequently, the Hon'ble National Green Tribunal (SZ), Chennai in its Order Dated: 08.07.2021 in O. A. No. 52 & 67 of 2020 has reiterated the Pollution Control Board to file further progress report, action taken report and the steps taken by the Board for recovery of compensation already imposed for the Erode City Municipal Corporation.

In this regard, a letter has been addressed to the Commissioner, Erode City Municipal Corporation, Erode vide T.O. Lr. 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 before the next hearing dated: 27.08.2021.

Besides, a letter was addressed to the TNPC Board, Chennai with a request to send a letter to the Commissioner of Municipal Administration, Chennai to instruct the Commissioner, Erode City Municipal Corporation to remit the Interim Environmental Compensation of Rs. 8 lakhs (Rupees Eight Lakhs only) at the earliest vide T.O Lr. No. DEE/TNPCB/ERD/F.NGT O.A.No.52 & 67 of 2020/2021 Dated: 14.07.2021.

Meanwhile 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.

In this connection, the Chairman, TNPCB, Chennai has instructed the Commissioner, Erode City Municipal Corporation to address the Hon'ble NGT (Principal Bench), New Delhi along with the compliance of the directions issued by the TNPCB and to comply with the Directions issued by the Board under Section 5 of Environment (Protection) Act, 1986 as amended vide Lr. No. T1/TNPCB/LAW/LA-III/NGT/F.06801/SWM/2020/2021 dated: 26.08.2021.

b. Directions issued to Pallipalayam Municipality, Namakkal District

Directions under the Section 5 of Environment (Protection) Act, 1986 has been issued by the TNPC Board to the Commissioner, Pallipalayam Municipality to comply with the following conditions vide Board's Proceedings No.T1/TNPCB/SWM/NGT/F.06801/KMP/2021, Dated 09.02.2021.

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.*
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.*

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.*
4. *The Municipality is liable to pay Environmental Compensation if there is any non-compliance of conditions stipulated in 1 to 3.*

Subsequently, the Hon'ble National Green Tribunal (SZ), Chennai in its Order Dated: 08.07.2021 in O. A. No. 52 & 67 of 2020 has issued the following directions among other things inter alia as follows.

"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"

In this regard, it is recommended to Tamil Nadu Pollution Control Board to impose the interim Environmental Compensation of Rs. 4 Lakhs to the Commissioner, Pallipalayam Municipality calculated as per the directions issued by the Principal Bench of National Green Tribunal in O.A. No. 52 & 67 of 2020 vide T.O. Letter No. F.No.99/DEE/TNPCB/KMP/SWM/2021, Dated. 26.07.2021 & 17.08.2021.

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

Also, Tamil Nadu Pollution Control Board has issued Directions under section 33A of Water (Prevention and Control of Pollution) act 1974 as Amended dated. 26.08.2021 to comply the following:

1. The Pallipalayam Municipality shall provide full-fledged underground Sewerage Scheme Treatment Plant within period of three months to treat the sewage generated from the municipality.
2. The local body shall immediately stop the discharge of the untreated/sullage effluent generated from the Municipality into the River Cauvery.

3. The Local body 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 for non-compliance of the above directions.

The Hon'ble National Green Tribunal (NGT), principal bench in O.A. No. 606 of 2018 passed order dt. 02.07.2020 interalia that:

"The Compensation regime already laid down for failure of the local bodies and/or Department of Irrigation and Public Health/In charge Department to take action for treatment of sewage in terms of observations in PARA 36 above will result in liability to pay compensation as already noted above which are reproduced for ready reference.

ii) Commencement of setting up of STPs -31.03.2020. Compensation is payable for failure to do so the rate of Rs. 5 Lakhs per month per STP by concerned Local Bodies/States (in terms of orders dated. 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018 w.e.f. 01.04.2020.

Hence the Local body is liable to pay Environmental compensation as per the above said Hon'ble National Green Tribunal (NGT), for non-commencement of setting up of STPs before 31.03.2020., ie., for the period from 01.04.2020 to August 2021.

It is submitted that TNPCB will closely monitor the progress in the processing and disposal of balance legacy waste dumped at Vendipalayam Dump site, Erode District and Kottakadu Dump site at Pallipalayam Municipality, Namakkal District.

The Erode Legacy waste dump site was inspected by the District Collector, Erode on 28.06.2021 & 02.07.2021 and the District Collector, Erode instructed the Corporation officials to expedite the biomining process.

The Pallipalayam Municipal Legacy waste dump site was inspected by the District Collector, Namakkal on 24.08.2021 and the District Collector, Namakkal instructed the Commissioner, Pallipalayam Municipality to expedite the biomining process.

II. (a). Cauvery River Water Quality:

As per the directions of the Hon'ble NGT (SZ), Chennai, raw water samples were collected directly from River Cauvery on 14.09.2021 from six locations such as Kumarapalayam Upstream, Kumarapalayam Downstream, Seerampalayam, Avathipalayam, Pallipalayam, Pallipalayam Downstream. Also, raw water samples were collected directly from River Cauvery on 16.09.2021 from four locations such as near Bhavani bridge, B.P Agraharam barrage, Vairapalayam and Vendipalayam barrage. The consolidated report of analysis of the samples collected on 14.09.2021 & 16.09.2021 from the Cauvery River reveals that the parameters such as pH, Conductivity, Bio chemical Oxygen Demand, Nitrates, Nitrite, Ammonia are within the standards prescribed (Copy of

ROA enclosed vide Annexure-1). The levels of the above mentioned water quality parameters are also found to be improved when compared with the range values of water quality parameters analyzed from January 2020 to July 2021. However the presence of total coliform indicates the discharge of sewage into River Cauvery. As per the ROA dated: 22.09.2021, the value of total coliform in MPN/100 ml in the above said locations are 4.0,3.6,3.7 & 4.0 respectively and is less than the total coliform present in the samples collected from River Cauvery from January 2020 to July 2021. This indicates that the discharge of sewage into River has reduced. The raw water pumped and drawn from the river is treated in water treatment plants and chlorinated by the concerned local bodies at raw water intake points and supplied to the public.

- (i) Continuous water quality monitoring stations to monitor the water quality of River Cauvery is functioning at Kumarapalayam in Namakkal District on the upstream side of Pallipalayam Municipality & in Parisalthurai in Erode District on the downstream side of Erode City Municipal Corporation.
- (ii) The Vairapalayam, Erode MSW legacy waste dump site is located on the right bank of River Cauvery in Erode City Municipal Corporation limit. As the entire quantity of legacy waste dumped in this site has been processed and removed, there is no possibility of mixing of leachate generated from the site with Cauvery River water. There is no possibility of washing away of MSW during the flood. Hence the river water will not get polluted from this dump site.
- (iii) The regular collection of MSW from all the wards of Erode City Municipal Corporation and Pallipalayam Municipality and processing of the waste in the 25 Nos. of micro composting centres and elimination of dumping of fresh MSW on the River banks has considerably improved the river water quality in Erode.
- (iv) The Erode city Municipal Corporation has provided sewage treatment plant of capacity 50.5 MLD at Peelamedu Village, Vendipalayam. The Corporation has covered 36 wards with UGDSS. The UGDSS works in the remaining 24 wards is in progress, the Corporation has assured to complete UGDSS works in remaining wards before 31.05.2022. The Corporation has proposed to collect the sewage through tanker lorries from the UGDSS uncovered area and to treat the same through the sewage treatment plant as a short term measures.
- (v) The District Co-ordination Committee functioning under the Chairmanship of the respective District Collectors of Erode and Namakkal Districts & TNPCB are taking action against the violating industries discharging untreated effluent in river Cauvery and other water bodies.
- (vi) The TNPCB and District Co-ordination Committee, Erode & Namakkal Districts have collected Environmental Compensation of Rs. 2,25,65,335/- (Erode District) and Rs. 31,03,750/- (Namakkal District) from the violating industries since July 2019.

(vii) Formation of 5 Nos. of CETPs in Erode, 3 Nos. of CETPs in Bhavani & 2 Nos. of CETPs in Kumarapalayam for the treatment of waste water generated from textile processing units functioning in Erode District & Namakkal District & having individual effluent treatment plant with Zero liquid discharge system has been initiated by the TNPCB and Consent to Establish orders have been issued to the 8 Nos. of CETPs in Erode District The details of the proposed textile CETPs are as submitted as below.

Details of proposed CETPs in Erode:

Sl. No	Name of the proposed CETPs	Capacity in MLD	No. of member bleaching/dyeing units (consented units)	Total Cost of the project (in Crores)
1.	M/s Green Kalingarayan CETP Pvt Ltd.,	5.80	82	194.272
2.	M/s Villarasampatti CETP Pvt Ltd.,	4.50	85	189.372
3.	M/s Suriyampalayam CETP Pvt Ltd.,	4.20	36	173.532
4.	M/s Gangapuram CETP Pvt Ltd.,	4.50	38	174.930
5.	Erode Common Effluent Treatment Plant (CRMS for large scale units)	2.0	18	178.752
	Total	21	259	910.858

Details of proposed CETPs in Bhavani:

S. No	Name of the proposed CETP	No of Member units	Capacity (MLD)	Project Cost (Rs)	Land extent
1	M/s. Sree Bhavani Dyeing Cluster Development Ltd, Andikulam Village, Bhavani Taluk	73 Unauthorised dyeing units (Presently under Closure)	4	Rs. 92.61 Crores	6.32 Acres
2	M/s. Kadayampatti Common Effluent Treatment Plant Private Limited, Bhavani Taluk	34 consented units	6.25	Rs. 205.42 Crores	5.69 Acres
3	M/s. Kadayampatti Common Reject Management Systems Private Limited, Bhavani Taluk	11 consented units	1.75	Rs. 166.4 Crores	5.99 Acres

Details of proposed CETPs in Kumarapalayam:

S. No	Name of the proposed CETP	No of Member units	Capacity (MLD)	Project Cost (Rs)	Land extent (Acres)
1	M/s. Green Environmental Association, Elanthakuttai Village,	118	3.0	157	10.89

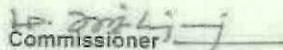


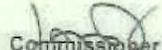
S. No	Name of the proposed CETP	No of Member units	Capacity (MLD)	Project Cost (Rs)	Land extent (Acres)
1	M/s. Green Environmental Association, Elanthakuttai Village,	118	3.0	157	10.89

	Kumarapalayam Taluk, Namakkal District				
2	M/s. Kumarapalayam Green Cauvery Dyeing Cluster, Elanthakuttai & Sowdhapuram Village, Kumarapalayam Taluk, Namakkal District	92	5.0	150	28

The proposed CETPs will be formed by availing 50% of funds as subsidy from Government of India, 25% from Government of Tamil Nadu and 25% as industries contribution.

Due to the compliance of various directions of Hon'ble NGT (SZ), Chennai in O.A Nos. 52 & 67 of 2020 and the commitment to process the legacy waste dumped on both banks of the River in Erode Corporation & Pallipalayam Municipality, expediting to comply with the directions of Hon'ble NGT (Principal Bench), New Delhi in O.A No. 606 of 2018, strict action taken by the District Co-ordination Committees of both Erode & Namakkal Districts against the violating industries, continuous monitoring of the River water quality by TNPCB and co-ordinated efforts taken by various Government departments has considerably improved the River water quality.

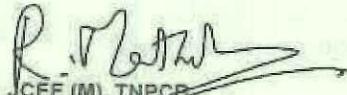

Commissioner
Pallipalayam Municipality


Commissioner
Erode City Municipal Corporation, Erode.

Executive Engineer, WRD, Erode (Lower Bhavani Basin Division)

Executive Engineer, WRD, Mettur division (Trichy Region)

SE, PWD (WRD)
Bhavani Basin Circle


JCEE (M), TNPCB
Salem


District Collector
Namakkal

District Collector
Erode



**ADVANCED ENVIRONMENTAL LABORATORY,
TAMILNADU POLLUTION CONTROL BOARD,
SALEM - 636 004.**

Parameters	Nature of samples	River Samples				Test Method
		River Cauvery at Komarapalayam Bridge	River Cauvery at Bhavani Kattalai Barrage at B.P. Agraharam	River Cauvery at Vairapalayam Water Pumping Station	River Cauvery at Bhavani Kattalai Barrage at Vendipalayam	
	Treated/ Untreated	Untreated				
	Date of Collection	16.09.2021 at 04.30 pm	16.09.2021 at 04.55 pm	16.09.2021 at 05.25 pm	16.09.2021 at 06.10 pm	
	Date & Time of Receipt	17.09.2021 at 01.00 pm				
	DEE Code	NGT - 01	NGT - 02	NGT - 03	NGT - 04	
	Lab Code	1357	1358	1359	1360	
Total Hardness as CaCO ₃	mg/l	52	70	150	90	APHA 23 rd Edi. 2017 2340 C
Sodium	%	44	36	21	30	SOP NO.TNPCB/AEL-SLM/ SOP/35 Issue No.I Dt.25.04.2014.
Iron Total as Fe	mg/l	<0.05	<0.05	<0.05	<0.05	APHA 23 rd Edi. 2017 3500-Fe B
Total Residual Chlorine	mg/l	<1	<1	<1	<1	APHA 23 rd Edi.2017 4500 Cl B
Total Chromium	mg/l	<0.05	<0.05	<0.05	<0.05	APHA 23 rd Edi. 2017 3500-Cr B
Alkalinity as CaCO ₃	mg/l	56	48	50	48	APHA 23 rd Edi. 2017 2320 B
Calcium Compounds	mg/l	<0.05	<0.05	<0.05	<0.05	APHA 23 rd Edi. 2017 5530 C
Nitrate Nitrogen as NO ₃	mg/l	0.022	0.054	0.032	0.065	APHA 23 rd Edi. 2017 4500 - NO ₃ -B
Nitrite Nitrogen as NO ₂	mg/l	0.002	0.042	0.022	0.026	APHA 23 rd Edi.2017 4500-NO ₂ -B
Ammonia Nitrogen as NH ₃ -N	mg/l	<1	<1	<1	<1	APHA 23 rd Edi. 2017 4500 S2F
Total Phosphorus	mg/l	0.446	0.389	0.397	0.401	APHA 23 rd Edi. 2017 4500-P E
Orthophosphate as PO ₄	mg/l	0.097	0.105	0.089	0.093	APHA 23 rd Edi. 2017 4500-P E

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GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.

ORIGINAL APPLICATION NO. 52 & 67 of
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Tribunal on its own motion SUO MOTU
Based on the News Item in Dinamalar
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Supplementary "Dried Cauvery filled up
with waste water"

...Applicant

Versus

The Secretary to Government of Tamil
Nadu, Department of Environment,
Chennai and others.

...Respondent(s)

**JOINT COMMITTEE REPORT FILED ON
BEHALF OF THE RESPONDENT -
TAMIL NADU POLLUTION CONTROL
BOARD**

Advocate for Respondent: TNPCB
Thiru. Sai Sathyajith
BSC, Chennai.

Dated: 27.09.2021

Date of hearing: 28.09.2021