

**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

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

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

**BEFORE THE NATIONAL GREEN TRIBUNAL
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Original Application No. 52 of 2020 (SZ)

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Versus

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

....Respondents

**COMPLIANCE REPORT FILED ON BEHALF OF THE
RESPONDENT -TAMIL NADU POLLUTION CONTROL BOARD.**

I, M. Pannirselvam, S/o M. Venkatesan, Hindu, aged about 59 years, having my office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely states as follows:

M. Pannirselvam 19/12/22

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032

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 Respondent Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per the records.

2. It is respectfully submitted that, the Hon'ble NGT (SZ) in its orders dated 31.01.2022 directed inter alia as follows:-

“.....Para 43:

... (iii) *The Tamil Nadu Pollution Control Board is directed to monitor the progress of the work undertaken by both the Pallipallayam Municipality and the Erode City Municipal Corporation in carrying out the action plan prepared by them to prevent discharge of untreated sewage into the Cauvery River or any drain which ultimately reaches the Cauvery River to avoid pollution being caused to the water body and if there is any lacuna or violation found, then they are directed to take appropriate action against the local bodies who are responsible for the same in accordance with law.*

(iv) *The Tamil Nadu Pollution Control Board is also directed to implement the directions issued by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.606 of 2018 in respect of imposition of environmental compensation against those municipalities who have not implemented the directions in its letter and spirit and file the progress report regarding the action taken and the results thereof before this Tribunal on or before 04.07.2022.*

(v) *After the legacy waste is disposed of by bio-mining, the Pallipallayam Municipality as well as the Erode City Municipal Corporation are directed to conduct a further study regarding the contamination (if any) caused to the soil and the groundwater in that area, due to dumping of waste for a long time by the recognized agency as suggested by the Tamil Nadu Pollution Control Board and the expenses required for conducting such study and carry out the remediation measures suggested by that agency also will have to be borne by the Pallipallayam Municipality and the Erode City Municipal Corporation within their area of jurisdiction and that will have to be monitored by the Tamil Nadu Pollution Control*

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Board and satisfy that remedial process has been completed and the contamination (if any) caused to the soil has been remedied by the methods provided by the agency in this regard.

(vi) If there is any contamination caused to the soil, then the Tamil Nadu Pollution Control Board is also directed to assess environmental compensation for the damage caused to the environment and take steps to recover the amount from the respective local bodies, after issuing proper notice and conducting a hearing in accordance with law”.

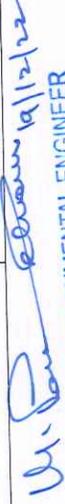
3. It is respectfully submitted that in pursuant to the said NGT order dated 31.01.2022, the Compliance Report of the TNPC Board has already filed before the Hon'ble NGT(SZ) during July, 2022 and the same may be taken up as part and parcel along with this report.

4. It is respectfully submitted that present status of compliance report of the directions issued by the Hon'ble NGT in its order dt.31.01.2022 is as follows:


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Compliance report of the directions issued by the Hon'ble NGT in its order dt.31.01.2022

Sl. No.	Directions of the NGT	Compliance Report	
		Erode City Municipal Corporation	Pallipalayam Municipality
43 (iii)	The Tamil Nadu Pollution Control Board is directed to monitor the progress of the work undertaken by both the Pallipalayam Municipality and the Erode City Municipal Corporation in carrying out the action plan prepared by them to prevent discharge of untreated sewage into the Cauvery River or any drain which ultimately reaches the Cauvery River to avoid pollution being caused to the water body and if there is any lacuna or violation found, then they are directed to take appropriate action against the local bodies who are responsible for the same in accordance with law.	Erode City Municipal Corporation has installed Sewage Treatment Plant (STP) of capacity 50.55 MLD at Peelamedu Village, Vendipalayam to treat the sewage arising from Erode Corporation area. The Corporation has covered 36 Wards with UGDSS and the sewage arising from the above said wards is collected and treated in the STP. The UGDSS works in the remaining 24 Wards is in progress, the Corporation has assured to complete UGDSS works in remaining wards by March 2023. Continuous water quality monitoring stations are installed by TNPCB to monitor the water quality of River Cauvery are functioning at Kumarapalayam in Namakkal District on the upstream side of Pallipalayam Municipality/ Erode City & Parisalthurai in Erode District on	Based on the Hon'ble NGT (SZ) direction, the Show Cause Notice (SCN) has been issued to the Commissioner, Pallipalayam Municipality vide Proc. No. F.KMP99/RS/DEE/TNPCB/KMP/W/2022, dated. 10.05.2022. The Commissioner, Pallipalayam Municipality has furnished the reply to the SCN by enclosing a Detailed Project Report (DPR) for the proposed establishment of 2 STPs with 3.5 MLD (Zone I) and 1.5 MLD (Zone II) capacity in Pallipalayam and stated that the proposed STP work will be started & completed within six months period after getting the approval from the Executive Director of Municipalities, Directorate of Municipal Administration, Chennai. In this regard, the TNPC Board, Chennai has issued direction under section 33A of the water (P&CP) Act, 1974 as amended to the Commissioner, Pallipalayam Municipality to construct and commission the STPs


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	<p>Compensation of Rs. 8 lakhs (Rupees Eight Lakhs only) at the earliest.</p> <p>Besides, a letter was addressed to the TNPC Board, Chennai with a request to address 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.</p> <p>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 would be completed by December 2021 vide letter dated: 19.07.2021.</p> <p>In this regard, Chairman, TNPCB has instructed the Commissioner, Erode City Municipal Corporation to address the Hon'ble NGT</p>	<p>Hon'ble NGT (SZ), Chennai. The Hon'ble NGT(SZ), Chennai in its order dated.25.05.2022 has directed the appellant (Pallipalayam Municipality) to deposit 50% (52,50,000/-) of the same within a period of 08 weeks. There will be an order of interim stay of further proceedings if the said amount is deposited within the given time frame, otherwise the stay granted already will be vacated without further references to this tribunal.</p> <p>In the event of deposit of the amount, the Pollution Control Board is directed to find out whether the same can be kept in any interest bearing deposit. Which would be useful for either of the parties.</p> <p>The Pallipalayam Municipality vide its Lr. No. 1443/2022/1 dated 16.11.2022 (copy enclosed) has reported that the Environmental Compensation amount of Rs.10 lakhs in the name of TNPCB-Environmental Compensation Fund (Union Bank of India, DD No.934642, dated.16.11.2022) handed over to the TNPCB, Chennai. The municipality has yet to remit the remaining Environmental Compensation amount of Rs.</p>
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U. R. Sathyan 19/12/22

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	<p>(Principal Bench), New Delhi along with the compliance of the directions issued by the TNPCB. Further, it is strictly instructed to comply with the directions issued by the Board under Section 5 of the Environment (Protection) Act, 1986 as amended vide Proceedings No. T1/TNPCB/F.32363/SWM/NGT 606 of 2018/2020-4, Dated: 27.11.2020 to comply with the Solid Waste Management Rules, 2016 vide Lr. No. T1/TNPCB/LAW/LA-III/NGT/F.06801/SWM/ 2020/2021 Dt: 26.08.2021.</p> <p>However, Erode City Municipal Corporation is yet to remit the Environmental Compensation imposed by the TNPCB.</p>	42,50,000/-
<p>43. (v)</p> <p>After the legacy waste is disposed of by bio-mining, the Pallipalayam Municipality as well as the Erode City Municipal Corporation are directed to conduct a further study regarding the contamination (if any)</p>	<p>The Erode City Municipal Corporation has informed that so far 5.79 lakh cubic meter of legacy waste is processed in addition is this quantity waste generated from 2020 is yet to disposed scientifically. Around 1.15 lakh cubic</p> <p>It is respectfully submitted that with regard to the Pallipalayam Municipality, the Commissioner, Pallipalayam Municipality has reported that the legacy waste of 40306 Cu.m was processed (Bio-mining) as on 28.12.2021 (100% of the total volume). The study</p>	


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	<p>caused to the soil and the groundwater in that area, due to dumping of waste for a long time by the recognized agency as suggested by the Tamil Nadu Pollution Control Board and the expenses required for conducting such study and carry out the remediation measures suggested by that agency also will have to be borne by the Pallipalayam Municipality and the Erode City Municipal Corporation within their area of jurisdiction and that will have to be monitored by the Tamil Nadu Pollution Control Board and satisfy that remedial process has been completed and the contamination (if any) caused to the soil has been remedied by the methods provided by the agency in this regard.</p>	<p>meter of additional waste need to be processed through biomining method and will be completed by March 2023. After completion of the bio-mining of legacy wastes the samples of soil, ground water in and around the legacy waste sites would be collected and analyzed as per the Hon'ble NGT Orders.</p>	<p>regarding the contamination (if any) caused to the Soil and the ground water in that area yet to be conducted by the Pallipalayam Municipality. The bore well sample was collected by the officials of the O/o. DEE, TNPCB, Kumarapalayam in the above said bio-mining completed site on 15.07.2022. The report of analysis reveals that the all the parameters were satisfying the standards for discharge of trade effluent into Inland surface water (TNPCB B.P. Ms. No. 30 Dated: 21.02.1984).</p>
<p>43. (vi)</p>	<p>If there is any contamination caused to the soil, then the Tamil Nadu Pollution Control Board is also directed to assess</p>	<p>The Erode City Municipal Corporation has informed that so far 5.79 lakh cubic meter of legacy waste is processed in addition to this</p>	<p>It is respectfully submitted that directions were issued vide proceeding dated 26.04.2022 to the Commissioner, Pallipalayam Municipality to remit the Environmental</p>


 W. P. S. Srinivasan 12/22
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	<p>environmental compensation for the damage caused to the environment and take steps to recover the amount from the respective local bodies, after issuing proper notice and conducting a hearing in accordance with law</p>	<p>quantity waste generated from 2020 is yet to be disposed scientifically. Around 1.15 lakh cubic meter of additional waste need to be processed through biomining method and will be completed by March 2023. On completion of the biomining activity and after the assessment of damages if any caused to the soil and groundwater, Environmental Compensation would be levied to the Erode City Municipal Corporation.</p>	<p>Compensation amount of Rs.1,05,00,000/- for non-commencement of setting up of Sewage Treatment Plant before 31.03.2020 i.e., from the period 01.04.2020 to December 2021. In this regard, Pallipalayam Municipality made an appeal (Appeal No.34 of 2022) before the Hon'ble NGT and the Hon'ble NGT in its order dated 25.05.2022 directed the Pallipalayam Municipality to deposit 50% of the compensation amount (52, 55,000/-) within a period of eight weeks. However, the municipality has remitted a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to TNPCB so far and yet to remit remaining amount of Rs.42,50,000/.</p>
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M. R. Sathyanarayana P11/2/22

JOINT CHIEF ENVIRONMENTAL ENGINEER
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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.

U. Pan 19/12/22
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BEFORE ME

VERIFICATION

I, M. Pannirselvam, S/o M. Venkatesan, 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.

U. Pan 19/12/22
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**COMPLIANCE REPORT FILED ON
BEHALF OF THE RESPONDENT - TAMIL
NADU POLLUTION CONTROL BOARD.**

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

Date:20.12.2022

Hearing date on: 10.02.2023.

