

**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.

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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:


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
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.

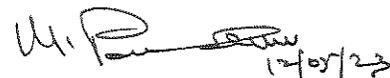
2. It is respectfully submitted that, the Hon'ble NGT (SZ) in its orders dated 31.01.2022 directed inter alia as follows:-

".....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 pursuance to the said NGT order dated 31.01.2022, the Compliance Reports dated 12.7.2022 and 20.12.2022 have been filed by this respondent before the Hon'ble Tribunal 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 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)	<p>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.</p>	<p>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.</p>	<p>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.</p> <p>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</p>


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<p>(3.5 MLD STP in Zone I and 1.5 MLD STP in Zone II) within six month period vide Board's Proc. No. T6/TNPCB/LAW/LA-III/NGT/F.06801/W/2020, dated. 28.06.2022.</p> <p>Further, the Hon'ble NGT (SZ), in its order dated 24.03.2023 has given the time limit of 6 months (i.e. upto 23.09.2023) for the construction of Sewage Treatment Plant (STP) and directed the Pallipalayam Municipality to file the compliance report in the regard.</p>		<p>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</p>	<p>Based on the Hon'ble NGT (SZ) direction, the TNPC Board, Chennai has issued direction under section 5 of the EP Act, 1986 to the Commissioner, Pallipalayam Municipality to remit the Environmental Compensation amount of Rs. 1,05,00,000/- (Rupees One Crore and five Lakhs only) for Non-Commencement of setting up of STPs before 31.03.2020., i.e., from the period of 01.04.2020 to December 2021 vide Board's Proc. No. T6/TNPCBd/F.015196/KMP/ERD/2021, dated. 26.04.2022.</p>	<p>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 Erode City Municipal Corporation for non-compliance of Solid Waste Management Rules 2016.</p> <p>In this regard, the Commissioner, Erode City Municipal Corporation, Erode has been addressed vide T. O. Letter No.</p>
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<p>DEE/TNPCB/ERD/F.NGT O. A. No. 52 & 67 of 2020/2021 Dated: 13.07.2021 to remit the Interim Environmental Compensation of Rs. 8 lakhs (Rupees Eight Lakhs only) at the earliest.</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 (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</p>	<p>Meantime, The Pallipalayam Municipality filed an appeal in appeal No. 34 of 2022 in the 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 letter No.1443/2022/,1 dated 16.11.2022 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,</p>
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<p>Chennai. The municipality has yet to remit the remaining Environmental Compensation amount of Rs. 42,50,000/-.</p>	<p>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. However, Erode City Municipal Corporation is yet to remit the Environmental Compensation imposed by the TNPCB.</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) 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</p>
<p>The study regarding the contamination (if any) caused to the soil and the ground water in that area yet to be conducted by the Pallipalayam Municipality.</p>	<p>Bio Mining of existing legacy waste: The existing legacy waste in the river bank of Cauvery at Vairapalayam is entirely cleared through bio mining technology. As of now no solid waste and legacy waste polluting the river Cauvery. The existing legacy waste in Vendipalayam dumping yard is being processed and so far 5.79 lakh cubic meter of legacy waste is already processed and the bio mining of the remaining 1.15 lakh cubic meter of legacy waste is under progress. Further, the Erode City Municipal Corporation has been addressed vide T. O. Letter</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) 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</p>



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	<p>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>No.: F.CC/OA No. 52 & 67 of 2020/DEE/TNPCB/Erode/2023 Dated: 28.03.2023 to furnish the present status of UGSS connectivity of the remaining wards to be carried out in the Erode City Municipal Corporation and present status of bio-mining activity that has been carried out in the Municipal Solid Waste Dumpsite at Vendipalayam, Erode and also has to furnish the present compliance of the status of the directions issued as per the Orders of the Hon'ble NGT (SZ), Chennai Dated: 31.01.2022 in O. A. No. 52 & 67 of 2020.</p> <p>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 and subsequently the study regarding the contamination (if any) caused to the soil and the groundwater and the remediation measures will be carried out after the completion of biomining remaining legacy wastes.</p>	
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JOINT CHIEF ENVIRONMENTAL ENGINEER
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43. (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	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. Subsequently, the study regarding the contamination (if any) caused to the soil and the groundwater and the remediation measures will be carried out after the completion of biomining of remaining legacy wastes.	The study regarding the contamination (if any) caused to the Soil and the ground water in that area yet to be conducted by the Pallipalayam Municipality.
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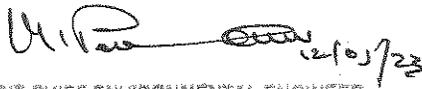

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Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) at Chennai may be pleased to pass such further or other orders as this Hon'ble tribunal may deem fit and proper in the facts and circumstances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


 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD
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 CHENNAI - 600 032.
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.


 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD
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BEFORE THE NATIONAL GREEN

**TRIBUNAL
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...Respondents

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

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

Date:12.05.2023

Hearing date on: 19.07.2023.

