

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN
ZONE, CHENNAI CIRCUIT BENCH AT KOCHI**

Application no. 06 of 2016 (SZ)

Applicant(s) :: Suo motu

Vs.

Respondents :: The District Collector & Others

VOLUME - I

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Dated this the 12th day of February, 2021

Fourth Respondent

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Dated this the 12th day of February, 2021

Fourth Respondent

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

Application no. OA 06 of 2020 (SZ)

Applicant(s) : Suo motu

Vs.

Respondents : The District Collector & Others

**REPORT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA
STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE,
THRISSUR, THE 4th RESPONDENT**

1. It is respectfully submitted that the 4th respondent is representing the 2nd respondent also in this application.
2. The Hon'ble NGT vide order dated 12.01.2021 in this OA had directed this respondent to submit a report regarding further actions taken regarding imposition of Environmental compensation and assessment of Environmental damage.
3. It is submitted that a hearing was conducted by the Chairman of the Board with the Secretary of Chalakudy Municipality, Urban Affairs Directorate and District Office of KSPCB for ascertaining the progress achieved in compliance with the order of Hon'ble NGT in OA 06/2020 (sz). Copy of the minutes is produced herewith and marked as Annexure R4 (a). The Assistant Executive Engineer who represented the municipality in the hearing expounded the details regarding the progress achieved in the management of solid waste. According to them the waste gap has come down to 2.4 tpd. But some clarifications are required from the municipality in this regard. The letter sent to the municipality calling for clarifications are produced herewith and marked as Annexure R4 (b).

4. It is submitted that a meeting of the committee constituted in compliance with the order of the NGT in O.A.06/2020, for the assessment of environmental damage, was held on 09.02.2021. The minutes of the meeting is produced herewith and marked as Annexure R4 (c). The committee observed that no human mortality or morbidity has been reported; similarly, no damage to flora and fauna has been reported or observed in the area. However, reporting of any morbidity or environmental damage in future, due to pollution arising from the fire accident cannot be ruled out. The committee discussed in detail about the methodology to be adopted for the assessment of the environmental damage caused due to the fire accident. The data furnished by the municipality are not sufficient and only scant data are available at present. The committee suggested that more data with regard to the facility, the composition of plastics, the population nearby and geo meteorological data at the time of the occurrence of the fire accident etc. may be collected from Chalakkudy Municipality. No direct damage has been reported due to fire, but negligence has occurred. Thus even though damages cannot be arrived at, the committee concluded that, based on “polluter pays” principle, it will be necessary to impose penalties based on “precautionary” principle.
5. It is respectfully submitted that more time is required to take further action regarding imposition of Environmental compensation and environmental damage. The municipality has to submit clarifications regarding waste management and additional data for the assessment of environmental damage. Hence it is submitted that two more months may kindly be allowed for filing of further report in this regard.

Dated this the 12th day of February, 2021

SUSEELA NAIR V A Digitally signed by SUSEELA NAIR V A
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FOURTH RESPONDENT

Minutes of the meeting of the
Environmental Damage Assessment Committee
constituted in compliance with the order of the NGT in O.A.06/2020 (SZ),
held on 28.12.2020 at Regional Office, Ernakulam

The meeting commenced at 4.30 P.M. The following members of the committee attended the meeting.

1. Dr. K.R.S. Krishnan, Expert Member, Technology Management Advisor, Thiruvananthapuram, Former Advisor, Department of Science and Technology, Former Director, HLL Life Care (through videoconferencing)
2. Dr. Deepesh V, Scientist D, Central Pollution Control Board, Bangalore
3. Er. M.A. Baiju, Chief Environmental Engineer, Kerala State Pollution Control Board, Regional Office, Ernakulam
4. Er. Suseela Nair V A, Environmental Engineer, Kerala State Pollution Control Board, District office, Thrissur

The Chief Environmental Engineer in his welcome speech apprised all the members that the next posting of the case is on 12/01/2021 and that the assessment of environmental damage on account of the fire breakout in the RRF of Chalakudy Municipality on 08.01.2020 needs to be carried out at the earliest.

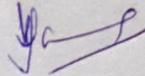
The Environmental Engineer briefed the members about the background of O.A No.06/2020, a Suo Motucase based on the news item in Malayala Manorama, Malayalam news Daily of 09/01/2020, in respect of the fire accident occurred in the RRF of Chalakudy municipality on 08/01/2020. Reportedly, 2 tonnes of plastic waste and machineries were burnt during the incident. She shared the data available with the Board such as the date and time of the incident, quantity of plastic waste burnt during the fire, details of residences and other establishments nearby and location details etc. As per the documents submitted by the municipality, fire accident occurred at 2.15 pm and lasted for almost 3 hours 50 minutes. The possible cause of damage is assumed as short circuit in the unit.

Dr. Deepesh V, CPCB member informed that CPCB has already formulated guidelines for assessment of environmental damages and the same has been approved by Hon'ble NGT. He shared the guidelines with other members and opined that since no mortality or morbidity is reported, the impact of the fire break out could be limited to deterioration of ambient airquality and ecology. He enquired Dr. KRS Krishnan whether any other better technology is available for damage assessment and requested to share if any.

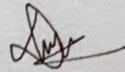
Dr. K.R.S. Krishnan, expert member, suggested that an aerial map of the site will be helpful in assessing the extent of damage. It was suggested that all members may acquaint with the CPCB guidelines shared by the CPCB member and meet after a week's time. The Environmental Engineer replied that she will hand over all the details including the map, videos and photos and other relevant data to all the members. The committee decided to meet again after one week.

The meeting came to an end by 4.30 P.M.

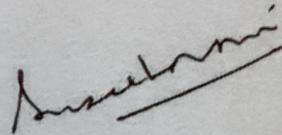
1. **Dr. K R.S. Krishnan,**
Technology Management Advisor,
Thiruvananthapuram
2. **Dr. Deepesh V.,**
Scientist D,
CPCB, Bangalore
3. **Er. Baiju M.A.,**
Chief Environmental Engineer,
KSPCB, Regional Office, Ernakulam
4. **Er. Suseela Nair V.A.,**
Environmental Engineer
KSPCB, District Office, Thrissur



DEEPESH V
SCIENTIST C



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കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

മജസ്റ്റിക് സ്ക്വയർ, മൂന്നാം നില, പരവട്ടാനി, ഒല്ലൂക്കര പി.ഒ., തൃശ്ശൂർ-680655

KERALA STATE POLLUTION CONTROL BOARD

Majestic Square, 3rd Floor, Paravattani, Ollukkara P.O., Thrissur-680655

PCB/TSR/MSW/5/2002

Date: 12.02.2021

From

The Environmental Engineer

To

The Secretary,

Chalaky Municipality.

Sub: - OA 06/2020-Details of Solid Waste Management – reg.

Ref: - 1. Minutes of the video conference held on 09.02.2021 in OA.06/2020 from the chamber of the Chairman.
2. Your email dated 9.2.2021.
3. Your letter no.H2-9815/04 dated 10.02.2021.

Sir,

It was reported that the plastic waste, e waste and domestic hazardous waste are given to Ecogreen, Kerala Waste Management Solutions, Malappuram. But the details regarding the quantity of waste collected daily/monthly or further treatment process and disposal methods adopted by Ecogreen were not mentioned. You have submitted a document to prove that Ecogreen is an authorised agency but it is not an authenticated document duly signed by the issuing authority. The document submitted is consent to operate issued to Royal King Plastic recycling melting unit, Karimannu, Palakkad. The said unit is a plastic recycling unit and is not equipped to handle E-waste or domestic hazardous waste. Hence you are requested to dispose of the plastic waste to an authorised agency with adequate facility and to submit a time bound action plan for the disposal of E-waste, sanitary waste and domestic hazardous waste.

Board officers noticed littering during inspections near Chalakudy bus stand and market area. It shall be removed and disposed of at the earliest and further littering is to be avoided. Action taken in this regard shall be reported to this office.

The decentralised facilities provided in the households are to be updated in the Enviclean app. Only 695 numbers of this facility are updated till now. Urgent action is to be initiated in this regard.

Yours faithfully,

SUSEELA NAIR V A Digitally signed by SUSEELA NAIR V A
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ENVIRONMENTAL ENGINEER

**Minutes of the meeting of the
Committee for Assessment of Environmental Damage held on 9.2.2021**

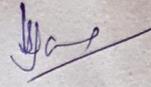
1. The meeting of the Committee for Assessment of Environmental Damage constituted by the Chairman, Kerala State Pollution Control Board, vide Proceedings No.PCB/HO/SEE2/Chalakkudy Municipality/2020 dated 7.10.2020 in compliance with the orders of Hon'ble NGT in O.A.06/2020, was held on 9.2.2021 through video conferencing mode. The meeting commenced at 3.30 P.M with the following members:
 - i. Dr. K.R.S. Krishnan, Expert Member, Thiruvananthapuram, Technology Management Adviser & Former Adviser, Department of Science and Technology (Govt of India), Former Director, HLL Lifecare Ltd.
 - ii. Dr. Deepesh V, Scientist C, Central Pollution Control Board, Bangalore
 - iii. Er. M.A. Baiju, Chief Environmental Engineer, Kerala State Pollution Control Board, Regional Office, Ernakulam
 - iv. Er. Suseela Nair V.A., Environmental Engineer, Kerala State Pollution Control Board, District office, Thrissur

2. The committee was briefed in detail about the nature and extent of the fire accident in the Resource Recovery Facility (RRF) of Chalakkudy municipality as well as the investigations carried out by PCB officers in and around the area, where the fire had occurred. It was observed that no human mortality or morbidity has been reported; similarly, no damage to flora and fauna has been reported or observed in the area. However, reporting of any morbidity or environmental damage in future, due to pollution arising from the fire accident cannot be ruled out.

3. The committee discussed in detail about the methodology to be adopted for assessment of the environmental damage caused due to the fire accident. Dr. Deepesh V, CPCB member presented a methodology for computing the possible cost of morbidity due to air pollution, based on the affected population in the likely impact area and also the cost of damage on flora and biodiversity. It was noted that the data furnished by the municipality are not sufficient and only scant data are available at present for the computation of the above aspects. In order to assess the pollution dispersal in the air, factors including local geo-meteorological conditions prevailing at the time of incident, composition of plastic waste, the storage condition (bailed or loose storage), construction material used for RRF shed, electrical installations/ wiring inside the shed and other specific data are required. In the absence of any monitoring stations in the locality, it is not feasible to model or extrapolate pollutant levels, plume patterns, dispersion trends or to predict levels of exposure in the nearby places. The committee suggested that more data with regard to facility, the composition of plastics, the population nearby and geo-meteorological data at the time of the occurrence of the fire accident etc. may be collected from Chalakkudy Municipality.
4. Dr. K.R.S. Krishnan, Expert member, opined that even though no direct damage has been reported due to fire, negligence has occurred. Thus, even though damages cannot be arrived at based on “polluter pays” principle, it will be necessary to impose penalties based on “precautionary” principle. The penalties which will be deterrent in nature may have two components: (i) a fine amount for causing fire due to negligence, and (ii) a cost based on presumptive damage assessment, which can be arrived at based on notional values. Being deterrent in nature, such penalties must also have a bearing on the polluter’s ability to pay.

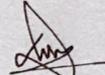
5. Environmental Engineer informed that the municipality has already been contacted for furnishing more data required for the assessment. After collecting all the available data, an appropriate methodology shall be adopted for arriving at the cost of damage. The committee decided to request for one more month for the damage assessment by adopting a scientific method based on the data available.
6. The committee decided to meet again after two weeks after computation of the values based on the data available. The meeting concluded by 4.15 P.M.

Dr.K.R.S. Krishnan,
Expert Member,
Thiruvananthapuram.



Dr.Deepesh V.,
Scientist C, CPCB.

DEEPESH V
SCIENTIST C



11/02/2021

Er. Baiju M.A.,
Chief Environmetal Engineer,
Regional office, KSPCB,
Ernakulam.

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Er. Suseela Nair V.A.,
Environmental Engineer,
KSPCB, District office,
Thrissur.

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