

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

Original Application No. 06 of 2020 (SZ)

IN THE MATTER OF

Tribunal on its own motion

Suo Motu based on the news item in

Malayala Manorama, Malayalam news Daily

Dt. 09.01.2020, "Plastic Waste Storage Facility of
Chalakydy Municipality destroyed in Fire"

...Applicant(s)

Versus

The District Collector,
District Collector Office,
Civil Station, Ayyanthole,
Thrissur and Ors.

....Respondent(s)

**STATUS REPORT FILED BY THE SECRETARY, CHALAKUDY
MUNICIPALITY , THE 3rd RESPONDENT**

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1. The Hon'ble National Green tribunal suo motu registered the above case based on a news report published in Malayala Manorama Daily dt 09/01/2020. The report was relating to a fire incident which occurred in the Plastic Recycling Unit at Chalakkudy on 08/01/2020.
2. As per order dt 27/07/2020 this Hon'ble Tribunal directed the District Collector, Thrissur to submit a report regarding the steps taken by the Municipality under Rule 12 of SWM Rules 2016. Thereafter a report was

submitted by the Kerala Pollution Control Board before this Hon'ble Tribunal in the above case. The District Collector Thrissur has also submitted a report as per the direction of this Hon'ble Tribunal.

3. This respondent have gone through the reports filed by the Pollution Control Board and also the District Collector, Thrissur.
4. The report submitted by the Pollution Control Board is incorrect as it is highly exaggerated and made without actually verifying the steps which was already taken by the Municipality for the effective implementation of the various provisions of the Act and Rules regarding solid waste management .
5. The Pollution Control Board is deliberately attempting to deviate the subject matter of dispute by incorporating matters which are not associated with the fire incident which took place on 08/01/2020 near Potta Crematorium.
6. During the pendency of the above proceedings before this Tribunal, the Chairman of Pollution Control Board even issued a demand notice to the Municipality claiming a sum of Rs 276 lakhs alleging non compliance of provisions of SWM Rules 2016 by adopting the doctrine of "polluter pay".
7. The reports of PCB and District collector does not state the steps already taken by the Municipality to solve the problems created due to the Storage of Plastic waste. It is submitted that the Municipality was very particular to implement the various measures provided in the Solid

Waste Management Rules for effectively resolving all the issues relating to Plastic waste Storage/ Management and disposal .

8. 08/01/2020 was a Bharath Bandh day declared by all trade unions in India. The All India Bandh was strongly observed in Kerala and there was no public or private transport no traffic facility or any other conveyance on that day. All public offices were defunct. The entire Municipal Area affected by the absence of any sort of public conveyance. The Bandh made Kerala in a stand still stage. Almost all the Government Offices were defunct and Private establishments were closed on that day. There was no private vehicles plying on the public roads fearing attack from the Bandh supporters. The Chalakudy Municipal Office is situated on the side of former NH 47. (Now NH 544)
9. On that Bandh day at about 2 PM a fire incident occurred in the Plastic waste storage at Chalakkudy Municipality at RRF (Resource recovery Centre) situated on the western side of NH 47 near Potta Crematorium on 08/01/2020. In the RRF Centre there were 4 employees appointed from the Green Brigade to supervise, manage and facilitating. Due to Bandh, these employees could not report for duty. As there was no employees present in the RRF centre the fire incident caused due to electric short circuit was not be noticed in time and could not take required safety measures including by informing the police and fire and rescue services. There is also no residents in the nearby locality. The fire incident was reported at about 2:30 pm. Due to bandh all roads

were deserted and somebody noticed the fire incident only belatedly. There is no laches or negligence on the part of Municipality in the unfortunate fire incident that took place on 08/01/2020.

10. Even now the actual reason for the unfortunate fire incident has not been detected by the police. It is suspected that the fire incident can be due to electricity short circuit. It is also suspected that the fire incident can be as a result of sabotage caused by some Anti Social elements in the locality who were against the establishment of the Solid Waste Recycling Unit at Potta.
11. In the city area generally the public are against the establishment of any recycling unit wherein plastic waste has been stacked in connection with the disposal and processing. The municipality has taken possible steps and communicated to Fire and rescue department, Police department, KSEB etc. The burnt waste were fully removed and the site cleared completely. It is submitted that there is no laches, negligence, or disobedience on the part of the Municipality in strictly complying the SWM Rules
12. The population of Chalakudy Municipality is only 49,525. Rule 22(7) of the rules necessitates the setting up of Solid Waste Management facilities by the municipalities in Town with below 1 lakh population and the Municipality has already taken all possible steps for the effective implementation of the Solid Waste Management Rules 2016 and the relevant provisions of Municipality Act and other Rules

concerning Solid Waste management in the Municipal area to alleviate the problems of Environmental Pollution and the management of Solid Waste.

13. It is submitted that the Chalakudy Municipality is one of few Municipality in whole which has taken all possible measures for the strict implementation of the various directions and infrastructure facilities suggested under Rule 22 of the SWM Rules within time frame. The steps taken by the Municipality has reduced the level of pollution in Municipal area and the Solid Waste was effectively managed by various steps taken by the Municipality for eradicating any Environmental damage.
14. In compliance of the direction of National Green Tribunal, KSPCB Chairman Municipality has convened a Video Conference with of Chalakudy Municipality on 09/09/2020 to evaluate the progress achieved in Solid Waste Management. Thereafter a detailed report regarding the assessment of SWM facility and legacy waste remediation was also submitted. Photocopy of the filled up template forwarded to the Chairman, Pollution Control Board is produced and marked as **Annexure 1.**
15. The Municipality has also taken following steps for the enforcement of Solid Waste Management Rules 2016 to solve the problems of management of Solid Waste.

16. Under Rule 22(1) of the Rules 2016 following 4 sites has been identified and solid Waste Processing facilities were set up.

A. In Ward Number 5 in the Alawi Centre Potta, two Treatment yard with the capacity of processing 5 tonnes of solid waste on 27.7.2000 was established. 9 CLR workers are working in these 2 plants.

B. In ward Number 19, two Bio Gas plants were established in the slaughter house situated near the Market. Every day Non Vegetarian Solid Waste exceeding 1 tonnes are processed in these 2 slaughter houses Bio Gas plants and 4 employees are working there.

C. On 02.10.2019 near the National Highway in Ward Number 21, four processing units known as "WATSON Park- Thumboormuzhi Unit "was established and Haritha Karma Sena (Green Brigade) is rendering necessary service here .

D. A MCF unit was established near Chalakkudy ITI In 2013 for the collection and segregation of Non Bio Degradable Waste and 5 employees are working in this Unit.

E. As required under Rule 22(3) of the SWM Rules 2016 the Municipality has already identified suitable sites for setting up Solid Waste processing Facility.

F. The process for the establishment for MCFs and one RRF under Swach Barath Mission Urban scheme is in progress. in the

following 4 locations and a sum of Rs. 6926900, Rs.5349943 was allotted respectively for the same.

- i. Potta near Municipal Crematorium(2000 sq.ft MCF and 1RRF for 3000 Sq.ft)
- ii. Alavi center (near MSW plant) 2000 sq.ft MCF
- iii. Near ITI (2000 Sq.ft MCF)
- iv. Near Indoor stadium (2000 Sq.ft MCF)

17. On 20.08.2020 Municipality has given consent to the Suchitwa mission for the clearance of legacy waste lying near the '**Take a Break**' compound in front of the Municipal Crematorium. The Suchithwa Mission has commenced tender proceedings for the removal of legacy Waste. For the removal of plastic waste the Municipality has executed an agreement with Eco Green, Kerala Waste Management Solutions, Kottakkal, Malappuram on 21.12.2019 and it has been forwarded to Pollution Control Board.

18. Complying Rule 22(5), the Municipality had started the door to door collection of segregated waste from all the 36 Municipal wards from 02/10/2019. The wastage is collected through the Haritha Karma Sena (Green Brigade) consisting of 38 members who are divided into 5 groups. They collect Solid Waste from houses, shops establishments etc and transport the same to the Material Collection Facility (MCF) for

recycling. The Municipality has provided the service of covered Tipper lorries, tractor with Drivers and sanitation employee.

19. Every day the Municipality is collecting 2 tonnes of waste from market, shop etc and convert the same as manure. 9 employees are working in the MSW Plant at Alawi Centre at Potta. Two bio gas plants has been established in Ward No 19 near the Municipal Market. Per day nearly 1 ton non vegetarian waste is being processed in these two bio gas plants. For doing this work 4 employees are serving in the slaughter house, bio gas plants. As stated earlier in the Thumboormuzhi Plant there is facility for processing half ton Solid Waste in the WATSON Park. For all these activities the Municipality is utilising the service of Green Brigade.

20. Necessary steps are also taken for the collection and transportation of construction and demolition waste as specified under Rule 22(6).

21. Municipality has also strictly complied **Section 326** of the Act regarding Management of waste and Municipal roads are swept clean everyday by cleaning staff. For this purpose and for the removal of waste, there are 28 permanent employees and 7 temporary workers. The green brigade collects and sorts organic and inorganic waste from the Market and other enterprises and from houses. Organic waste is processed with waste treatment plants. (Windrow Compost, Vermi Compost), Bio Gas Plant (Non Veg Waste). Inorganic waste is collected and sent to MCFs. Collected waste is moved to treatment plants using a tractor and

two tipper lorries owned by the Municipality. For organic waste management in houses, a DPR of Rupees 3,39,21,289 has been prepared and is implemented by distributing waste management plants. For disposal of inorganic waste, four MCF units and one RRF unit are being set up.

22. As provided under **Section 326 (1a)** of the Act health supervisor, health inspectors (2) and junior health inspectors (4) are overseeing cleanliness activities undertaken by cleaning staff and the green brigade.

23. Under **Section 327 of the Municipality Act** it shall be the duty of owners and occupiers for storage and deposit of rubbish and solid waste in the Municipality. In this regard the green brigade has been functioning since October 2nd, 2019 consisting of 38 members divided into 5 groups. They collect inorganic waste material from houses in all the wards and transport it to the MCF. The Organic waste collected directly by the Municipality is processed in Waste treatment plants (Windrow compost, Vermi compost), Biogas plant (non-vegetarian waste) and Watsonpark (4 nos Thumboormuzhi unit). For handling organic and inorganic waste a DPR of 33921289 has been prepared and being implemented. The Secretary has also complied the requirements under section 328 for the removal of rubbish and waste from premises within the Municipal area through the green brigade on

levying fee of Rupees 100 from shop owners and Rupees 30 from house owners towards user fee.

24. Necessary steps have also been taken for the final disposal of solid waste and its processing as specified under Section 331, 332 of the Municipality Act. Organic waste collected by the Municipality is treated in the solid waste management plant set up in a two-acre area in Alavi centre. Two non-vegetarian bio gas plants process 2000 kilo waste daily from the Municipality slaughterhouse and non-vegetarian market. 500 kilos of organic waste is processed in 4 Watson park Thumboormuzhi units near the NH in Ward 21.
25. The waste is converted into manure and sold to farmers at Rupees 4 per kilo. The biogas generated is distributed to nearby homes. Hospital waste is handled by an organisation 'IMAGE' on a contractual basis. Incinerators have also been set up for handling other wastes. For inorganic waste treatment, an MCF unit is set up near the Municipality Park and RRF units near 'take a break'.
26. The Secretary has complied the directions given Under Section 334 of the Act. Direction has been given for businesses to obtain licenses to function within the Municipality they must also have a contract for disposal of wastes with the green brigade. Houses are also registered by the green brigade for collection of inorganic waste. Two tons of organic waste are collected from the Municipal market and surrounding shops daily and converted into manure at the solid waste management

plants. The biogas plant near the slaughterhouse processes waste from the slaughter house and non-veg market. Hospital waste is handled by an organisation 'IMAGE' on a contractual basis.

27. For the Management of waste at source under Section 334A steps are already been taken by ensuring that when licenses are given to organisations in the Municipality limits have facilities for waste disposal. The licensees are liable to submit an affidavit regarding the same. The green brigade collects inorganic waste from businesses without fail. Fines are levied on those who improperly deal with waste.
28. Orders are passed restricting the user of plastic carry bags and covers and management of plastic waste in tune with Section 334 B of the Municipality Act. Plastic carry bags have been completely banned by the by the state and the municipality strictly implemented the same since January 1, 2020. As an alternative option, 4 Kudumbashree units engage in making and distributing cloth bags. Fines are imposed on violators of waste management rules.
29. The Municipality has taken strict measure and ensured the prohibitions under Sections 335-345 and are imposing fines on rule violators. Till date a sum of Rupees 1,53,200/- have been levied as fine from the persons who violated Section 335 and Section 345 of the Act.
30. As stated earlier the Municipality has taken every possible steps for the effective implementation of Rule 15(a), 15(b), 15(c), 15(d), 15(e), 15(f), 15(g), 15(h), 15(i,j), 15(k), 15(l), 15(m), 15(n), 15(o), 15(p), 15(q), 15(r), 15(t), 15(u), 15(v(a)), 15(v(b)), 15(x), 15(y&z), 15(Za), 15(Zb), 15(Zc), 15(Zd), 15(Ze), 15(Zf), 15(Zfg), 15(Zh), 15(Zi), 15(Zj&k)- of the Solid Waste Management Rules, 2016.

31. The steps taken by the Municipality under the Solid Waste Management Rules are highlighted below.

RULE	STEPS TAKEN
Rule 15(a)	A DPR of Rupees 3,39,21,289 for waste treatment has been prepared and certified by the SLEC and is being implemented. Under SO: 186/21 SO-469/21, SO-470/21, SO-444/21, SO 445/21. plan for disposal of household waste in 2019-20, 3853 waste treatment plants have been set up at the cost of Rupees 99,66,960. This is being surveyed through the envi-clean app.
15(b)	The green brigade has been functioning since October 2 nd , 2019 with 38 members divided into 5 groups. They collect inorganic waste from all houses in all the wards and transport it to the MCF. Within the Municipality limits, a user fee of Rupees 100 for businesses and Rupees 30 for homes has been levied by the green brigade. Waste is collected at the rate of Rupees 5 per kilogram from the public and processed at Watsonpark, Thumboormuzhi.
Rule 15(d)	From October 2, 2019 the 38 member green brigade has been included into SHG for door to door collection of waste from homes and businesses. For the same, a user-fee is being collected.
Rule 15(e)	The Chalakkudy Municipality has prepared Plastic and E-waste management 2016 bye laws vide the approval of the 29 th Council on 29.04.2019 and has been sent to the Directorate for State approval on 07.06.2019.
Rule 15(f)	Within the Municipality limits, a user fee of Rupees 100 for businesses and Rupees 30 for homes has been levied by the green brigade. Waste is collected at the rate of Rupees 5 per kilogram from the public and processed at Watsonpark,

	Thumboormuzhi.
Rule 15(g)	As a part of IEC, notices have been circulated among businesses and houses within the Municipality limits for raising awareness. The green brigade has been directed to collect inorganic waste and hand it over to scrap dealers and is being strictly supervised. To regularly inspect the cleanliness, a ward sanitation committee is set up in all wards. The ward counsellor ensures the services of social organisations, Kudumbashree workers, ASHA workers, National Health mission and so on. The NHM fund, Shuchitwa mission fund are used for cleaning activities according to the decisions taken by the committee.
Rule 15(h)	Inorganic waste collected by the green brigade from homes and businesses is transported to the MCF, RRF and are sorted and sent for recycling. A DPR project for collecting inorganic waste is being implemented consisting of 4, 2000 square feet MCF units and one 3000 square feet RRF unit. For awareness of waste management among students, the Collectors @ school campaign was held and bins were distributed for the collection of inorganic waste.
Rule 15(i,j)	In the wards within the Municipality, the Counsellors have organised campaigns to collect Hazardous waste. This is collected by the green brigade in regular intervals of six months and handed over to the Clean Kerala Company.
Rule 15(k)	The waste from roads cleaned by the Municipality's cleanliness workers is processed in the watsonpark thumboormuzhi unit near the National Highway.
Rule 15(l)	The cleanliness workers and green brigade have received training regarding waste management from IRTC, KILA, SEUF and the Municipality authorities.
Rule 15(m)	2 tons of organic waste is collected from the Municipality market

	and shops daily and processed into manure at the Municipal Solid waste management plant using windrow compost and vermin-compost. The waste from the slaughterhouse and non-veg market is processed in the bio-gas plant near the slaughterhouse. Hospital waste is handled by an organisation 'IMAGE' on a contractual basis.
Rule 15(n)	Cleanliness workers sweep and clean roads in the Municipality daily. This waste is segregated and processed at the watsonpark thumboormuzhi unit near the National Highway..
Rule 15(o)	All the waste collected from the streets and drains are transported in covered vehicles to the waste treatment plants daily. A tractor and two tipper lorries are used for the same. This waste is sorted and processed on a daily basis.
Rule 15(p)	Waste from the Thakolkaran park, near south bus stand is processed in the Thumboormuzhi unit near the National Highway.
Rule 15(q)	Waste collected directly by the Municipality is processed in waste treatment Plants (Windro Compost, Vermi Compost), bio gas plants (Non Veg Waste) Watson Park (4 numbers Thumboormuzhi Unit) For organic waste from homes a DPR of Rs 99,66,960/- has been implemented and waste management devices has been distributed. Under the DPR scheme the Municipality is distributing at 90% subsidiary rate bio gas plants, bio bins, bio digester pot, Vermi Compost, ring compost, bio compostor bin, bucket compost etc.
Rule 15(r)	For the collection of inorganic waste 38 workers are employed. They are further divided into 5 member groups of the Green Brigade. They collect inorganic wastes from houses in all wards and is transported to the MCF. 4 MCF units of 2000 sq ft each

	and 1 RRF unit is also being installed for inorganic waste management.
Rule 15(t)	For disposal of organic wastes from houses the DPR has been implemented by distributing waste disposal facilities worth Rs 99,66,960/- . Under the DPR scheme the Municipality is distributing at 90% subsidiary rate bio gas plants, bio bins, bio digester pot, Vermi Compost, ring compost etc.
Rule 15(u)	Organic waste processed in the Solid Waste Plant is sold as manure to farmers at the rate of Rs 4 per kilo. Using this manure 2 acres of land surrounding the plant has been made into a green belt and for cultivation in grow bags in the Municipality.
Rule 15(v(a))	Organic waste is processed in waste management plants (Windro Compost, Vermi Compost), bio gas plants (Non Veg Waste) Watson Park (4 numbers Thumboormuzhi Unit). Inorganic waste is collected and sent to the MCF. The waste is transported using 1 tractor and 2 tipper lorries. For the disposal of organic waste from homes the DPR has included a scheme worth Rs 99,66,960 and waste disposal facilities have been distributed. 4 MCF unit and 1 RRF unit is being implemented for inorganic waste disposal.
Rule 15(v(b))	Biogas produced in the Municipality's Bio gas plant is distributed to neighbouring houses. Appolo tyres had collected inorganic waste from 7 wards. Inorganic waste is also given to Eco Green, Malappuram on a contractual basis for cement manufacturing.
Rule 15(x)	A DPR of Rs 3,39,21,289 for waste treatment has been prepared and certified by the SLEC and is being implemented. Under SO :186/21 plan for disposal of household waste in 2019-2020,3853 waste treatment plants have been implemented at the cost of Rs.99,66,960.This is being surveyed through Enviclean App. In the Municipality's 2020-2021 plan ,25%of the fund has been set

	aside for clean waste disposal scheme.
Rule 15(y&z)	As stated in the Municipal Secretary's volume -2 numbered letter dated 18.02.2020 H 2-9815/04, for renewing the authorisation of SWM, Form No.1, Form No.4 along with a DD of Rs 20,000 has been submitted to the Environmental Engineer KSPOLLUTION CONTROL BOARD .
Rule 15(Za)	Annual Report has been submitted on time as under Form No.4.
Rule 15(Zb)	Annual Report has been submitted on time.
Rule 15(Zc)	The cleanliness workers and Green Brigade has received waste management training from IRTC, KILA, SEUF, and Municipality members.
Rule 15(Zd)	The cleanliness workers and Green Brigade have been provided with uniforms, gloves, raincoats, gumboats, shoes, masks, soaps, sanitizers and PPE kits.
Rule 15(Ze)	During construction of market complexes and shopping complexes it is ensured that it has waste collection and disposal facilities.
Rule 15(Zf)	The Municipality has prepared SWM bye-laws under which those litter and improperly dispose waste are fined after serving a notice.
Rule 15(Zg)	As a part of the IEC campaign, awareness notices have been prepared and distributed. The notice included details regarding segregation of organic and inorganic waste, disposing organic waste at the site itself and collection of inorganic waste by the Green brigade after levying user fee.
Rule 15(Zh)	The Municipality collects both organic and inorganic waste separately. Thereby there exists no land fill for disposal of mixed waste. Steps will be taken to set up sanitary land fill facilities in specified time.

Rule 15(Zi)	Waste is processed by the Municipality through centralised and decentralised waste disposal facilities. The inorganic waste collected by the Municipality is handed over to scrap dealers, Eco green Kottakkal and Clean Kerala Company. If land fill is required in due time steps shall be taken to set up the same.
Rule 15(Zj&k)	For removing the legacy waste in the 'Take a break ' compound near the Chalakudy Municipality crematorium , the Suchitwa Mission was given permission and floated tenders. When capping is found necessary, actions will be taken to ensure the same.

32. The municipality has submitted the template for assessment of solid waste management facilities and legacy waste remediation. The gap in solid waste management Uts is 2.4 TPD and the photocopy of the template report showing the details has already been forwarded to the Environmental Engineer Thrissur on 23.10.2020.

33. This respondent reserve the right to file an additional status report in case of necessity in due course.

34. In the above circumstances it is prayed that this Hon'ble Tribunal may be pleased to accept this report and close the above suo motu proceedings.

The above details are humbly submitted for perusal of the Hon'ble National Green Tribunal."

Dated this the 10th day of March, 2021.



(Signature)
AKASH M.S.
SECRETARY
CHALAKUDY MUNICIPALITY

SECRETARY CHALAKKUDY MUNICIPALITY