

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 69 of 2023 (SZ)

R.D. Raghu,
S/o. Ramakrishnan,
No.90C, Athukaadu, Somanur,
Coimbatore District – 641668.

...Applicant

Vs

The District Collector
Coimbatore,
Coimbatore District – 641 018 & 2.ors.

...Respondent

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

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...Applicant

Vs

1. The District Collector
Coimbatore District – 641 018.
2. District Environmental Engineer
Tamil Nadu Pollution Control Board
SIPCOT Industrial Estate
Pollachi Main Road, Kuruchi
Coimbatore District – 641 021
3. The Commissioner
Karumathampatti Municipality
Coimbatore District – 641 668

...Respondents

REPORT FILED ON BEHALF OF THE 2nd RESPONDENT

TAMIL NADU POLLUTION CONTROL BOARD

I, R. Chandrasekaran, S/o. Thiru. N. Ramu, Hindu, aged about 58 years, having my office at SIPCOT Industrial Estate, Pollachi Main Road, Kuruchi, Coimbatore -641 021, do hereby solemnly affirm and sincerely state as follows:-

1. I am the District Environmental Engineer, Tamil Nadu Pollution Control Board, Coimbatore -641 021, and I am filing this Report of the 2nd Respondent, TNPCB and as such I am well acquainted with the facts of the case from the records.
2. It is respectfully submitted that the Hon'ble National Green Tribunal, Southern Zone, Chennai in the matter of O.A No. 69 of 2023 filed by filed by Thiru R.D Raghu against the District


**District Environmental Engineer,
Tamilnadu Pollution Control Board,
Coimbatore (South)**

Collector, Coimbatore District &Ors, in the order dated 31.05.2023 as follows:

"The Tamil Nadu Pollution Control Board is directed to make a spot inspection and file a detailed report, including the particulars about the distance of the dump yard from the Noyyal River."

3. It is respectfully submitted that the Hon'ble National Green Tribunal (Southern Zone) in its order dated 05.07.2023 has directed as follows:

"1. The application is filed alleging that the 3rd Respondent which is a Karumathampatti Municipality is dumping the garbage in close proximity to the Noyyal River and also constructing the Micro Composting Centre.

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4. As the Irrigation Department itself has given a direction to the 3rd Respondent not to put up any construction, we confirm the same and the 3rd Respondent is hereby injuncted from putting up any construction, be it a Micro Composting Centre or garbage dump yard or electric crematorium, etc. until further orders."

4. It is respectfully submitted that the Solid Waste Management Rules, 2016 prescribes the following:

1. The Solid Waste Management includes the scientific and safe disposal of the waste collected from the Generators.

The Municipal Solid Wastes are categorized as below:

- i. Biodegradable Waste (Wet waste): Food and kitchen waste, green waste (vegetables, flowers, leaves, fruits) and paper.
- ii. Non - Biodegradable (Dry waste): Recyclable dry waste: Paper, glass, bottles, cans, metals, certain plastics, etc.


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- iii. Non – recyclable dry waste: waste clothes, tetra packs, toys, soiled plastic, thermocol, mattress, bags, chappals
- iv. Domestic Hazardous Waste: Expired medicines, diapers, napkins, paint drums, light bulbs, fluorescent tubes, spray cans, batteries, and shoe polish.
- v. E-waste: Worn out electrical equipments, TV Sets, old refrigerators, computers and washing machines
- vi. C & D Waste: building/construction waste

2. The wet waste should be scientifically disposed by converting them as bio manure, bio gas or electricity on daily basis. The Solid Waste Management Rules, 2016 also emphasizes the same.

3. The Solid Waste Management Rules, 2016 has provided guidelines for composting in Schedule II – standards for composting and it includes:

- i. The incoming organic waste should be stored and properly processed only in covered areas with necessary precautions to control odour and leachate and maintaining the quality of compost.
- ii. As per the Solid Waste Management Rules 2016, Section 4 (duties of waste generators) describes that “The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible”.
- iii. Section 15 of Solid Waste Management Rules 2016, (Duties and responsibilities of local authorities and village Panchayats of census towns and urban agglomerations) directs to
 - (m) Collect waste from vegetable, fruit, flower, meat, poultry and fish market on day to day basis and promote setting up of decentralised compost plant or bio-



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methanation plant at suitable locations in the markets or in the vicinity of markets ensuring hygienic conditions;

(q) Transport segregated bio-degradable waste to the processing facilities like compost plant, bio-methanation plant or any such facility. Preference shall be given for onsite processing of such waste;

(v) Preference shall be given to decentralised processing to minimize transportation cost and environmental impacts such as bio-methanation, microbial composting, vermi-composting, anaerobic digestion or any other appropriate processing for bio-stabilisation of biodegradable wastes;

4. The criteria for duties regarding setting-up solid waste processing and treatment facility.-

- i. The department in-charge of the allocation of land assignment shall be responsible for providing suitable land for setting up of the solid waste processing and treatment facilities and notify such sites by the State Government or Union territory Administration.
- ii. The operator of the facility shall design and set up the facility as per the technical guidelines issued by the Central Pollution Control Board in this regard from time to time and the manual on solid waste management prepared by the Ministry of Urban Development.
- iii. The operator of the facility shall obtain necessary approvals from the State Pollution Control Board or Pollution Control Committee.
- iv. The State Pollution Control Board or Pollution Control Committee shall monitor the environment standards of the operation of the solid waste processing and treatment facilities.


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- v. The operator of the facility shall be responsible for the safe and environmentally sound operations of the solid waste processing and or treatment facilities as per the guidelines issued by the Central Pollution Control Board from time to time and the Manual on Municipal Solid Waste Management published by the Ministry of Urban Development and updated from time to time.
- vi. The operator of the solid waste processing and treatment facility shall submit annual report in Form III each year by 30th April to the State Pollution Control Board or Pollution Committee and concerned local body.
5. It is respectfully submitted that the criteria for site selection for sanitary landfill sites is as follows;

“The landfill site shall be 100 meter away from river, 200 meter from a pond, 200 meter from Highways, Habitations, Public Parks and water supply wells and 20 km away from Airports or Airbase. However in a special case, landfill site may be set up within a distance of 10 and 20 km away from the Airport/Airbase after obtaining no objection certificate from the civil aviation authority/ Air force as the case may be. The Landfill site shall not be permitted within the flood plains as recorded for the last 100 years, zone of coastal regulation, wetland, Critical habitat areas, sensitive eco-fragile areas.”

Site Inspection of Solid Waste Processing Facility of M/s Karumathampatti Municipality:

6. It is respectfully submitted that the site was inspected on 28.08.2023 and the following details are submitted by the local body as follows:


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- i. The Karumathampatti Municipality had proposed to establish a Micro-composting centres along with Material Recovery Facility at S.F No. 117/2 Part with an area of 0.86 Acres on the Noyyal River Bank.
- ii. The Municipality has proposed to construct the micro-composting centres of three numbers with a capacity of 4.0 Tons – 2 Numbers each & 2.0 Tons – 1 Number for the bio-degradable waste along with Material Recovery Facility of Capacity 5.0 Tons.
- iii. As per the details furnished by the municipality, the total household is 10071 numbers and the commercial establishment is 630 numbers within the Municipality limit with an population of 45000.
- iv. The total municipal solid waste generated within the municipality limit is reported as 11.32 Tons per day out of which 6.32 tons per day of wet waste and 5.0 tons per day of dry waste is collected.
- v. The 3rd respondent has stated that the S.F No. 117/2 Part is going to be utilized only as composting centres/solid waste processing centres and Material Recovery Facility.

7. It is respectfully submitted that the following observations are submitted as follows:-

- i. During inspection, the Municipality has partly constructed the micro composting centre along with material recovery facility in the said location and the work was stopped as per the directions of the Hon'ble Tribunal.
- ii. The proposed site is located at a distance of approximately 20 meters from the River Noyyal.
- iii. The proposed site is located at a distance of 420 metres from the state highway SH165 and residential


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habitations are located at a distance of approx. 200 metres from the site

- iv. The site is classified as Agricultural use Zone as per Local Planning Authority booklet.
- v. At present, the municipality is dumping the waste at an location named Ramachipalayam which is also located in the banks of River Noyyal at a distance of approximately 10 metres.
- vi. The existing dump yard is located on the upstream side of River Noyyal at a distance of approximately 1.3 kms from the proposed project site.
- vii. The proposed site is a prohibited area if the site is utilized for sanitary landfill by the 3rd respondent.
- viii. As per Solid Waste Management Rules, 2016 there is no criteria for site selection of composting centres/solid waste processing centres with respect to distance from river, pond, highways, habitations, public parks and water supply wells, Airports or Airbase.

8. It is respectfully submitted that action taken by the Tamil Nadu Pollution Control Board in compliance with the Solid Waste Management Rules, 2016:

- i. Earlier a meeting was convened with all local bodies (Corporation, Municipalities & Town Panchayats) of Coimbatore District by the Joint Chief Environmental Engineer, Coimbatore region on 28.03.2023 and the local bodies were informed that time limit for setting up of solid waste processing facilities by all local bodies having 1,00,000 or more population and below 1,00,000 population in 2 years and 3 years respectively as per the Solid Waste Management Rules, 2016


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- ii. Further, the local bodies were instructed to identify suitable land for the solid waste processing and treatment facilities and to apply for authorization under Solid Waste Management Rules, 2016 from Tamil Nadu Pollution Control Board. A copy of the letter addressed to Local body is submitted.
 - iii. Till date, the Karumathampatti Municipality has not filed an application for authorization under Solid Waste Management Rules, 2016 for processing facility.
9. It is respectfully submitted that the units have not been levied with environmental compensation. Hence, the need of EC recovery does not arise.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such order 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.


District Environmental Engineer,
Tamilnadu Pollution Control Board,
Coimbatore (South)
BEFORE ME

VERIFICATION

I, R. Chandrasekaran, S/o.Thiru. N. Ramu, working as District Environmental Engineer, Tamil Nadu Pollution Control Board, Coimbatore, do hereby verify that the contents of above report are true to the best of my knowledge through records.


District Environmental Engineer,
Tamilnadu Pollution Control Board,
Coimbatore (South)

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RESPONDENT- TAMIL NADU POLLUTION
CONTROL BOARD.

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

Date:13.10.2023.

Date of hearing on:16.10.2023.