

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

Original Application No.95 of 2021 (SZ)

SUO MOTU Based on The News item published
in the New Indian Express, Chennai Edition,
Dated 25.02.2021, under the caption "Burning of
garbage Continues near Adyar".

-Vs-

The Secretary to Govt. of Tamil Nadu,
Department of Environment & Forests,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu 600 009 & others.

... Respondents

With

ORIGINAL APPLICATION No. 32 OF 2020 (SZ)

Tribunal on its own motion
Suo Motu Based on news item in
Dinamalar Chennai Newspaper dated 10.02.2020
"Heaps of Plastic Wastes and Garbages lying
In a side of Porur Lake"

Vs

The District Collector
Thiruvallur District and Ors

... Respondents

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Advocate for the Respondent: TNPCB

Tr. S. Sai Sathya Jith,
Advocate, Chennai

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

I, R. Rajamanickam, Son of P.M.Ramasamy, Hindu, aged about
57 years, having office at No.76, Mount Salai, Guindy, Chennai- 600
032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu
Pollution Control Board, Chennai and I am filing this Report on behalf
of the Respondent and as such I am well acquainted with the facts of
the case as per records.

R. Rajamanickam
16/12/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

2. It is respectively submitted that the Hon'ble National Green Tribunal (SZ), Chennai has passed order dated 22.10.2021 and directed the following

“Para 4 : It is seen from the report that there are lot of violations in implementation of Solid Waste Management Rules, 2016 by the Kundrathur Panchayat Union as well as Gerugambakkam Village Panchat and they are coming under the jurisdiction of Kundrathur Panchayat Union represented by its Block Development Officer and they will have to take appropriate steps in this regard. It is necessary to implead the Block Development Officer, Kundrathur Panchayat Union .

Para 9: The Tamil Nadu Pollution Control Board as well as the District Collector, Kancheepuram to file an independent report regarding the

- a. action taken by them for the violation found by the committee*
- b. also the usage of grazing ground poramboke by the Revenue Department or this has been allotted to the Panchayat Union for the purpose of using the same as dumping yard by the Revenue Department*
- c. allowing the same to be burnt by the miscreants or rag-pickers who have been engaged for the purpose.*
- d. whether any permission has been given for usage of grazing ground proamboke by the Revenue Department or this has been allotted to the Panchayt Union for ther purpose of using the same as dumpting yard by the Revenue Department*
- e. if yes whether rules in vogue are followed as normally the grazing grounds should not be used for any other purpose other than the purpose for which it has been earmarked and no dumping of waste can be permitted*

R. Srinivasan
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near the river bed as well as it is likely to affect the quality of the river water and it is likely to affect the quality of the river water and it is likely to pollute the river water as well.

3. It is respectfully submitted that in general, the Kundrathur Panchayat Union has not carrying out the implementation of the Solid Waste Management Rules, 2016 for all Village Panchayats within their jurisdiction.

4. It is respectfully submitted that, the TNPCB has issued directions under section 5 of the Environment (Protection) Act, 1986 as amended and also levied interim Environmental Compensation (EC) of Rs.30 Lakhs to the Block Development Officer, Kundrathur Panchayat Union for the non-compliance of Solid Waste Management Rules, 2016 vide Bd. Proc. dated.19.07.2021 in the matter of O.A.No.32 of 2020 (SZ). However, the Kundrathur Panchayat union has not yet remitted the interim Environmental Compensation (EC) amount till date.

5. It is respectfully submitted that, in due compliance of the Hon'ble NGT order dated. 22.10.2021, the complaint area of the Gerugambakkam Village Panchayat was inspected by the DEE, TNPCB, Sriperumbudur on 19.11.2021 and observed that the municipal solid waste is still being dumped and burning nearby bund of Adyar River at Kolapakkam Village.


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6. It is respectfully submitted that the DEE, TNPCB, Sriperumbudur has furnished the compliance status of the conditions stipulated in the directions issued to Kundrathur Panchayat Union vide Bd. Proc. dated.19.07.2021 in the matter of O.A.No.32 of 2020 (SZ) as follows,

Sl.No	Conditions imposed in the Directions vide Bd. Proc. dated.19.07.2021	Present status of the compliance.
1.	The Block Development Officer (BDO), Kundrathur Panchayat Union shall comply with the recommendations of the Joint Committee constituted by the Hon'ble NGT in OA.No.32 of 2020.	The BDO, Kundrathur has assured to comply with the recommendations of the Joint Committee constituted by the Hon'ble NGT in OA.No.32 of 2020 vide BDO,Kundrathur Panchayat union.
2	The Block Development Officer (BDO), Kundrathur Panchayat Union shall stop the dumping of un segregated solid waste being generated within the jurisdiction of Ayyappanthangal Village Panchayat in the portion of Porur Lake catchment area at S.F.No.138, Thelliyagaram Village, Kundrathur Taluk, Kancheepuram District at once.	<p>It was noticed that the Ayyappanthangal Village Panchayat has stopped dumping municipal solid waste in the portion of Porur lake catchment area at S.F.No.138, Thelliyagaram Village, Kundrathur Taluk, Kancheepuram District.</p> <p>It was noticed that Ayyappanthangal Village Panchayat has not cleared the municipal solid waste completely in the portion of Porur lake catchment due to heavy rain and entire area flooded with rain water.</p> <p>At present, municipal solid waste is collected and dumped at SF.No.128 Krishna Kalvai (Nearby SS Oil Mill Road), Ayyappanthangal Village, Kundrathur Taluk, Kancheepuram District which is located adjoining to the residential area.</p>

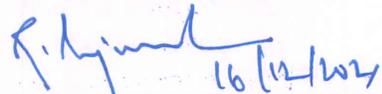

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3	The Block Development Officer (BDO), Kundrathur Panchayat Union shall ensure that there is no un segregated solid waste either from Ayyappanthangal Village Panchayat or from other local bodies dumped in the portion of Porur lake catchment area at S.F.No.138, Thelliyagaram Village, Kundrathur Taluk, Kancheepuram District by providing temporary barricade at the entry point as reported.	During inspection, it was noticed that the local body has constructed two pillars only and there is no barricade provided to avoid entry of disposal of solid wastes in that area.
4	The Block Development Officer (BDO), Kundrathur Panchayat Union shall clear the dumped solid waste (legacy wastes) inside the Porur Lake within the jurisdiction of Ayyappanthangal Village Panchayat S.F.No.138, Thelliyagaram Village, Kundrathur Taluk, Kancheepuram District by carrying out Biomining as per CPCB guidelines in co-ordination with District Administration.	No Bio mining activity is carried out in that area. Around 901MT of municipal solid waste shifted to Kodungaiyur Solid waste dumping site for further processing. Remaining municipal solid waste could not be shifted due to heavy rain and rain water stagnated in the disputed area.
5	The Block Development Officer (BDO), Kundrathur Panchayat Union shall commission the completed Micro Composting Centre (MCC) immediately so as to handle the 3T of Organic waste as reported.	The construction of Micro Composting Centre (MCC) located at Ponniamman Koil street, Ayyappanthangal Village, Kundrathur Taluk, Kancheepuram District has been completed to handle maximum 3T of organic wastes. In this regard, It was reported that the MCC is in operation from 01.06.2021 and during inspection it was noticed that there is no activity carried out in the MCC.
6	The Block Development Officer (BDO), Kundrathur Panchayat Union in coordination with District Administration shall identify an additional land for handling and treatment (Processing & Incineration) of entire quantity of municipal solid waste as per the Solid Waste Management Rules, 2016.	-
7	The Block Development Officer (BDO), Kundrathur Panchayat Union shall ensure 100% collection of solid waste being generated	The Special Officer, Ayyappantangal Village Panchayat has reported that door to door collection of solid waste in all wards are in process, however,


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	<p>within the jurisdiction of Ayyappanthangal Village Panchayat with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules, 2016</p>	<p>the awareness and co-operation among the public is lacking in complying with the said Rules to segregate the solid waste. It was also reported that the segregation process was being carried out in the MCC located at Ponniamman Koil street, Ayyappanthangal Village, Kundrathur Taluk, Kancheepuram District. At present, no activity is carried out in the premises.</p> <p>Municipal waste generated from the Ayyappanthangal village panchayat is collected and disposed at SF.No.128, Krishna Kalvai (Nearby SS Oil Mill Road), Ayyappanthangal Village, Kundrathur Taluk, Kancheepuram District which is located adjoining to the residential area without any segregation.</p>
8	<p>The Block Development Officer (BDO), Kundrathur Panchayat Union, in co-ordination with the District Administration and the Public Works Department, shall provide wire fencing of Porur Lake adjoining the Ayyappanthangal Village Panchayat till the Bio-mining activity completed.</p>	<p>There is no fencing provided around the disputed area by the competent authority.</p>
9	<p>The Block Development Officer (BDO), Kundrathur Panchayat Union shall remit interim Environmental Compensation (EC) of Rs.30 Lakhs (Including 12 lakhs levied by the NGT constituted Joint Committee till September 2020 & agreed by Hon'ble NGT) for not complying with the provisions of the Solid Waste Management Rules, 2016, as directed by the Hon'ble National Green Tribunal (Principal Bench) in its order dated.28.02.2020 in OA.No 606 of 2018.</p>	<p>The Kundrathur panchayat union has not yet remitted the interim Environmental Compensation (EC) amount to TNPCB.</p>

7. The present status of compliance on the recommendations of the Joint committee constituted in O.A.No.95 of 2021 with respect to Gerugambakkam Village Panchayat is submitted as below:


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Sl.No	Recommendation of the Joint Committee	Present status of the compliance.
1.	The BDO, Kundrathur P.U, shall ensure to identify the site for each village panchayats and no solid wastes dumped and burned on open areas and on the bank of any Rivers.	At present, the Gerugambakkam Village Panchayat has not cleared dumped municipal solid waste on the bank of Adyar River area. Presently un-segregated solid wastes generated from Gerugambakkam & Moulivakkam Village Panchayat are being dumped in the same area. The Kundrathur Panchayat Union is not implementing the Solid Waste Management Rules for all Village Panchayats with their jurisdiction.
2	The Block Development Officer (BDO), Kundrathur Panchayat Union shall ensure 100% collection of solid waste being generated within the jurisdiction of Village Panchayat with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016.	It was reported that the segregation process is being carried out in a MCC located at S.F. No. 543 [Vandipathaiporamboke], Tharapakkam Road, Bharathi Nagar, Gerugambakkam village and MCC is being operating from 14.07.2021. However, it was observed during inspection that no activity is being carried out in the said premises.
3	The Block Development Officer (BDO), Kundrathur Panchayat Union shall commission the Micro Composting Centre (MCC) within a month so as to handle the 2.5T of Organic waste generated in the Gerugambakkam village panchayat and so as to avoid the disposal of solid waste in the said area.	The Construction of Micro Composting Centre (MCC) located at S.F. No. 543 [Vandipathai poramboke], Tharapakkam road, Bharathi Nagar, Gerugambakkam, Kundrathur Taluk, Kancheepuram District has been completed to handle maximum 3 T/Day (Total generation 2.5 T/Day) of organic wastes In this regard, it was reported that the MCC is in operation from July 2021 and during inspection it was noticed that no activity is carried out in the premises.
4	The BDO, Kundrathur P.U shall initiate action to install and commission the solid waste magnetic thermal decomposition [pyrolator] at S.F. No. 738, Gerugambakkam village, Kundrathur Taluk, Kancheepuram District as reported within three months.	The Kundrathur Panchayat union has not initiated to install the solid waste magnetic thermal decomposition [pyrolator] at S.F. No. 738, Gerugambakkam village, Kundrathur Taluk, Kancheepuram District as reported within three months.
5	The Block Development Officer (BDO), Kundrathur Panchayat Union in coordination with District Administration shall identify an additional land for handling and treatment (Processing &	At present, the Kundrathur panchayat is disposing the un-segregated solid waste on the bank of Adayar River.


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	Incineration) of entire quantity of municipal solid waste as per the Solid Waste Management Rules, 2016.	
6	The Block Development Officer (BDO), Kundrathur Panchayat Union shall ensure to employ the sanitary staff in the dump site in question to monitor so as to prevent any fire from the rag pickers and maintain records if any case found.	The Special Officer, Gerugambakkam Village Panchayat has reported that sanitary staffs deputed and monitoring the dump site regularly to prevent fire of municipal solid in that area.
7	The Secretary, Rural Development Department, Govt of Tamilnadu and Assistant Director, Village Panchayats, Kancheepuram District shall monitor and ensure that the Kundrathur Panchayat Union is complied with the statutory requirements and for the scientific disposal of solid waste that are being generated in the Gerugambakkam Village Panchayat and other village panchayats near by Chennai District.	-
8	The authorities of PWD may be directed to ensure that no persons should not be permitted to dispose the solid waste on the bank of Rivers and if so appropriate action shall be initiated by them	AE,PWD has addressed to the BDO, kundrathur not to dispose municipal solid waste nearby Adyar river vide Ir.No.AE/Adyar river basin/2021 dated 18.10.2021
9	The Kundrathur Panchayat Union shall remit interim Environmental Compensation (EC) of Rs.12 Lakhs already directed by the Hon'ble NGT in the matter of O.A.No.32 of 2020 (SZ) for not complying with the provisions of the Solid Waste Management Rules, 2016.	The Kundrathur panchayat union has not yet remitted the interim Environmental Compensation (EC) amount to TNPCB.

8. In spite of issue of directions and imposing interim Environmental Compensation (EC) of Rs.30 Lakhs under section 5 of the Environment (Protection) Act, 1986 as amended vide proceeding dated 19.07.2021, the Kundrathur Panchayat Union has not complied

R. Rajan 16/12/2021
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with the Solid Waste Management Rules, 2016 and has not yet remitted the interim Environmental Compensation (EC) amount so far.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) 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.


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TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

BEFORE ME

VERIFICATION

I, R. Rajamanickam, Son of P.M.Ramasamy, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai – 600 032, do hereby submit that the contents of above report are true to the best of my knowledge through records.


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TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

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**REPORT FILED ON BEHALF OF THE
5TH RESPONDENT – TAMIL NADU
POLLUTION CONTROL BOARD**

Advocate for the Respondent: TNPCB
Tr. S. Sai Sathya Jith,
Advocate, Chennai

Date: 16.12.2021

Date of Hearing: 17.12.2021

