

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

Application No. 99 of 2017

R. Dinesh,
S/o. M.S. Ramasamy,
No.6, Parvathi Nagar,
Pudupalayam,
Gobichettipalayam Taluk,
Erode District.

...Applicant

Vs

1. Gobichettipalayam Municipality,
Re. by its Commissioner,
Municipal Office, Cutcherimedu,
Erode Main Road,
Gobichettipalayam, Erode & 2 others

...Respondents

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**Filed by
Thiru. C. Kasirajan,
Advocate, Chennai.**

Brief introduction about the Gobichettipalayam Municipality MSW Disposal and O.A No. 99/2017 filed in Hon'ble NGT (SZ):

Gobichettipalayam Municipality is a Selection Grade Municipality in Erode District, Tamilnadu with an extent of 7.5 sq. km and has total population of 59523 as per census 2011. The current population of 63472 is distributed in 30 Wards. At present, total quantity of solid waste generated from the Municipality is 22 T/day.

The Commissioner, Gobichettipalayam Municipality has obtained Authorization vide Proc. No. JCEE/SLM/TNPCB/SWM/F.07/PND/2019 Dated: 12/04/2019 for processing, recycling, treatment and disposal of municipal solid wastes of 22 MT/day under the Solid Waste Management Rules, 2016 for the period up to 31.03.2020 for carrying out processing/ recycling/ treatment/ disposal facility for the municipal solid waste generated at the following locations:

- i) Micro Composting Centre at Ramar Extension, T. S. No. 1, 4, Ward B, Block 15 (Old S.F. No. 15 B, 16 A pt, 16 B pt), Gobichettipalayam – 4 MT
- ii) Micro Composting Centre at Nayakankadu, T. S. No. 7, Ward D, Block 4 (Old S. F. No. 185 pt), Gobichettipalayam – 3 MT
- iii) Bio Methanation Plant at Nayakankadu, T. S. No. 2, Ward D Block 5 (Old S. F. No. 180 pt), Gobichettipalayam – 2 MT

In the past, the Gobichettipalayam Municipality has dumped the solid waste collected from the municipal area in Karattur Compost Yard located at T. S. No. 2 & 7, Ward D, Block 4 & 5 Gobichettipalayam in an extent of 1.94 Acres. Later, the Gobichettipalayam Municipality has engaged M/s. Aicon Surveys Private Limited, Puducherry in March 2015 to find the quantity of legacy waste dumped at the Karattur compost yard. The volume of legacy waste at the dump yard was found to be 40,000 m³. In the Karattur Compost Yard apart from the dumped legacy waste, one Micro Composting Centre (MCC) – 3 T Capacity and one Biomethanation Plant – 2 T Capacity is located within the premises.

Subsequently, the Gobichettipalayam Municipality has entrusted the work of Reclamation of existing dump site located at Karattur Compost Yard to M/s. Sri Sivaraman & Co, Gobichettipalayam vide letter ROC No. 3395/2015/E1 Dated: 30.10.2018 for the removal of the legacy waste of 40000 m³ through bio-mining process on Design, Build, Own and Operate (DBOO) basis at the cost of Rs. 2,67,80,000/- (at the rate of Rs. 639 per m³).

M/s. Sri Sivaram & Co., Gobichettipalayam has made MoU with M/s. Ultra Tech Cement Limited, Ariyalur to utilize plastic waste recovered from bio-mining process for Co-incineration purposes and has made MoU with M/s. Iniya Traders, Erode for disposal of Glass fraction for recycling purposes.

The Gobichettipalayam Municipality has also engaged the Centre for Environmental Studies (CES), Anna University, Chennai as Project Management Consultant to assess the work by periodic site visits, volume measurements, observations at the site and review of records. A team from Centre for Environmental Studies (CES), Anna University visited the site to assess the progress of Biomining operations on 26 July 2019, 24 August 2019 and 30 October 2019. As per the Progress Report furnished by the team, the cumulative volume of legacy waste processed through Biomining is around 1337 m³ as on November 2019.

In the mean time, an Application was filed by the Applicant, Mr. R. Dinesh, S/o. M. S. Ramasamy, residing at No. 6, Parvathy Nagar, Pudupalayam, Gobichettipalayam Taluk, Erode

was stated that they have already taken steps to dispose the legacy waste and have engaged an agency for that purpose by doing Biomining and as per the report of that agency, the work will be completed by 31.08.2020.

3) Directions of the Hon'ble NGT (SZ) on 27.01.2020 and its compliance

Later, the Hon'ble NGT (SZ) in its Order Dated: 27.01.2020 in O. A No. 99 of 2017 has directed the first respondent Municipality to submit a progress report of the disposal of the legacy waste periodically and to file such report on 04.05.2020. The Hon'ble NGT (SZ) has also directed the Central Pollution Control Board (CPCB), Regional Office, Ministry of Environment, Forest and Climate Change (MoEF& CC), Chennai and Tamil Nadu State Pollution Control Board (TNSPCB) to jointly take the responsibility of assessing environmental compensation, remedial measures required for improving the water quality in that area and also to take the assistance of any expert agency for this purpose, if desired. Further, the Hon'ble NGT (SZ) has nominated the TNPCB as the nodal agency for this purpose for coordination and providing necessary logistic support and directed the committee to submit the report before the next hearing scheduled earlier on 04.05.2020.

a) Compliance of the Directions by the TNPCB:

In accordance with the Directions of the Hon'ble NGT (SZ), the Board has constituted the Joint committee, comprising of the following members.

- i) Dr. C. Kaliyaperumal, Director, Ministry of Environment, Forest and Climate Change (MoEF& CC), Regional Office (Chennai).
- ii) Thiru. R. Rajkumar, Scientist, Central Pollution Control Board
- iii) Thiru. R. Mathivanan, Joint Chief Environmental Engineer (M), TNPCB, Salem as Nodal Officer for the Joint Committee.

The terms of reference for the joint committee are as follows

- i) To assess environmental compensation and the remedial measures for improving the water quality in the area which is seen contaminated due to the operation of the dumping ground.
- ii) TNPCB to act as nodal agency for coordination and providing necessary logistic support.
- iii) To submit report within a stipulated period of time as per Hon'ble NGT Orders.

b) Compliance of the Directions by the Gopichettipalayam Municipality:

As directed by the Hon'ble NGT (SZ), the Gopichettipalayam Municipality has submitted report to the Hon'ble NGT (SZ) on 02.06.2020, stating that around 3,600 m³ of Waste has been processed and the remaining work will be completed before November 2020. Further, it was stated by the Municipality that the delay has been caused due to lock down declared on account of COVID-19 Pandemic in the state.

4) Directions of the Hon'ble NGT (SZ) on 03.06.2020:

In the subsequent hearing on 03.06.2020, the Hon'ble NGT in O. A. No. 99 of 2017 has directed the committee to submit the report regarding the progress of the work that is going on and also the compliance as per order dated 27.01.2020 and submit the report within a period of 3 months. The next hearing was scheduled on 04.09.2020.

The consolidated Report of Analysis of the Ground water samples from the NABL Accredited Laboratory, M/s. Glens Innovation Labs Pvt Ltd, Arumbakkam, Chennai reveals that the Ground water samples at locations surrounding the dump site of Gobichettipalayam Municipality is not affected by the contamination of Heavy metals such as Arsenic, Cadmium, Chromium (as Cr⁶⁺), Copper, Cyanide, Lead, Mercury, Nickel, Nitrate, Iron as Fe, Phenolic Compound, Zinc and it was observed that there is no impact on the surrounding groundwater quality due to the legacy waste dump site.

7) Ambient Air Quality Analysis:

The Ambient Air Quality survey was carried out on 20.07.2020 at four locations around the legacy waste dump site. The Report of Analysis of the Survey conducted at the legacy waste site by the District Environmental Laboratory, TNPCB, Perundurai reveals that the parameters SO₂, NO₂, PM₁₀, PM_{2.5} are within the standards. The copy of the ROA vide Lr.No. TNPC Bd/DEL/PND/AAQS & SM/F.No. MSWM/2020-21 dated: 31.07.2020 is enclosed vide Annexure-I.

8) Present Status of biomining:

Based on the site visits and analysis of records, it is observed that 19962 m³ (5978 m³ of coarse soil + 13518 m³ of fine soil + 209 m³ of RDF + 257 m³ of other fractions) of legacy wastes is screened and disposed from Gobichettipalayam Biomining facility. This is about 49.90% of waste cleared from the total volume 40000 m³ to be cleared.

The progress report furnished by the Centre for Environmental Studies, Department of Civil Engineering, Anna University in December 2020 reveals that around 19962 m³ of legacy waste has been processed and disposed. Further, it was reported that some quantity of RDF is stacked at the site and yet to be dispatched.

The Centre of Environmental Studies, Department of Civil Engineering, Anna University, Chennai in its Progress Report prepared in December 2020 has recommended to implement the following.

- (i) The receipt of the acceptance and delivery challan for RDF from the end user should include the Name of the supplier and Name of the site from where the RDF is received.
- (ii) Ambient Air Quality Survey should be conducted at site during the operations and the results of the same should be submitted at the earliest as in the given format.

9) Progress of the Biomining Work:

The ongoing Biomining work involves the following processes.

- a) The garbage dumped over these many years is excavated using suitable Mechanical excavators, control of odour, if any, with sanitizing inoculums, stabilizing the biodegradable wastes by heaping.
- b) The excavated solid waste is transported to the biomining processing facility located adjacent to the legacy waste dump yard.
- c) Mechanical screen (40 mm screen – 1 No.) is used to sieve the excavated waste and processed materials into recoverable fractions. Subsequently, the waste fractions such as plastic, textiles, tyre, rubber etc., are separated manually.
- d) One vibrating screen is installed to separate the fine fractions, inerts. The bio earth and compost are stored in separate place for further disposal.

Solid Waste Management EC Calculation methodology adopted:

In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of

- Rs. 10 lakh per month per Local Body for population of above 10 lakhs,
- Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and
- Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies.
- Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.
- Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today.
- CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.

Environmental Compensation Calculation:

Environmental Compensation to be levied to Gobichettipalayam Municipality is worked out as mentioned in O.A No. 606/2018 of Hon'ble NGT (PB), New Delhi. The population of the Gobichettipalayam Municipality is 63472 (based on 2011 census), the interim environmental compensation to be levied to the Gobichettipalayam Municipality is as below.

S. No	Item	Details
1	Period of Environmental Compensation to be levied	01.04.2020 to 31.03.2021 (12 months)
2	Monthly compensation to be levied for population less than 5 Lakhs as per NGT order.	Rs.1.0 Lakh
3	Total Compensation for 12 months	Rs.12 Lakhs

Conclusion & Recommendations:

1. The fresh waste generated in the Municipality area is segregated, collected, organic waste is transported to MCC and converted into bio-compost and biogas. The other non-compostable waste is disposed as per Solid Waste Management Rules, 2016.
2. The Gobichettipalayam Municipality was having 40000 m³ of legacy waste accumulated over the period of 60 years. At present, the Assistant Engineer of the Municipality has informed that the total quantity of the legacy waste processed was 29000 m³ of legacy waste as on 16.02.2021. The Municipality has to process 11000 m³ of balance legacy waste.
3. The Committee's has arrived an Environmental Compensation of Rs.12 Lakhs (Rupees twelve Lakhs) and submitted to the Member Secretary, TNPCB, Chennai vide letter

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**Advocate for Respondent No. 3
Thiru. Kasirajan
Advocate, Chennai.**

Date:03.03.2021.

Date of hearing on:05.03.2021