

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

MAEMORANDUM OF APPLICATION

**(under section 18 (1) read with section 14, 15 of national Green
Tribunal Act 2010)**

Application No. 99 of 2017 (SZ)

BETWEEN:

R.Dhinesh,
S/o.M.S.Ramasamy,
No-6, Parvathi Nagar,
Pudhupalayam,
Gobichettipalayam.
Applicant

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-AND-

1. Gobichettipalayam Municipality
Rep. by its Commissioner
Municipal Office, Erode Main Road,
Gobichettipalayam
2. Commissioner of Municipal Administration,
Chennai.
3. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Erode.

..... Respondents

Compliance report filed by the 1st Respondent

I, J. PREM ANAND, S/o. K.A. Jayaraj, Hindu, aged about 38 years, working as Municipal Commissioner, Gobichettipalayam Municipality, Erode District., do hereby solemnly affirm and sincerely state as follows;

1. I am the 1st Respondent here in and as such, I am well acquainted with the facts and circumstances of the case. I am swearing this compliance affidavit on the basis of the records available in the office of this Respondent.


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Gobichettipalayam Municipality**

2. I submit that R.Dhinesh have filed an Original Application before the Hon'ble National Green Tribunal (SZ) in O.A. No.99/2017 against (1) The Commissioner, Gobichettipalayam Municipality (2) The Commissioner of Municipal administration, Chennai. (3) The District Environmental Engineer, Tamil Nadu Pollution Control Board, Perundurai alleging that the petitioner has filed Case against Gobichettipalayam Municipality to Shift the compost yard to some other place, which has resulted in Environment pollution to the neighbouring Residential Area.

3. Gobichettipalayam is a Selection Grade Municipality located at Erode District in Tamil Nadu. It is located at a distance of 37 Km from Erode with an extent of 7.51 sq. km and has a population of 59523 as per Census India 2011.

4. This Respondent submits that a land in Survey No.3, Block 5, Ward D to an extent of 1.89 acres at this Town was utilized as Gobichettipalayam Municipality's Compost Yard. The same was in use for more than 50 years. It is necessary to state that compound wall was constructed to prevent the pollution and trees were also planted to form a green circle around the said area.

5. It is submitted that this Respondent had taken earnest efforts to find other places for constructing new compost yards. Though permissions were obtained to set up, in different locations, the same had ended up in failures due to objections of the nearby villagers of every single location.

6. It is submitted that the above mentioned practice came to the existence after the implementation of Solid Waste Management Rules, 2016, in the Municipality. Till the implementation of the same the waste generated were segregated and kept accumulated in the impugned site, as the same was far from habitations.

7. This Respondent submits that though maximum efforts were made and proper steps were followed to segregate and dispose the waste, the same lead to accumulation of waste in the impugned site. Hence this Respondent 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 dumpyard is found to be 40000 m3 and


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accordingly this Respondent Municipality received Administrative sanction and Technical sanction for the same.

8.It is submitted that based on the Administrative sanction accorded by the Commissioner of Municipal Administration, Government of Tamil Nadu, this Respondent Municipality had engaged M/s. Sri Sivaraman & Co., Gobichettipalayam as the Concessionaire as per the terms of the Work Order (ROC. No. 3395/2015/E1 dated 30.10.2018) for the removal of the accumulated legacy waste dumped in the compost yard at the rate of Rs. 639 per m³ through bio-mining process.

9.It is submitted that this Respondent Municipality has also engaged the Centre for Environmental Studies (CES), Anna University, Chennai as Project Management Consultant to assess the progress of work by periodic site visits, volume measurements, observations at the site and review of records. The findings the CES team, consisting of Dr. Kurian Joseph, Professor, Dr. S. Karthikeyan, Associate Professor and the Project Associates periodically visited the site and the work progress was assessed. The Progress of the work as of November 2019 revealed that around 40,000 m³ of legacy wastes dumped within the Compost Yard has been processed and about 1134 m³ of the recovered materials had been disposed.

10.It is necessary to state that when this Respondent started the dumping of waste in the impugned site, there happened to be no residents or any developments around the place. The said place was used to convert the daily waste generated in the Municipality into manure. After start of plastic use, the actual problem arose and that lead to accumulation of about 40,000 Cu.m of waste.

11. In the meanwhile, due to an unforeseen Corona Virus Pandemic and state-wide lock down from 25.03.2020, the Municipality has been very much involved with the said pandemic. Further, the time has been taken consumption with regard to segregated wastes into bio-degradable and non bio-degradable wastes by bio-mining process. The segregated black soil and


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silt used for agricultural purposes and the remaining non bio-degradable wastes i.e non-recycle Plastic, Tyres, Stones, leather wastes, bottles, clothes etc., were transported to other recycling units. After completing of bio-mining process, a Mass cleaning works were also carried out with the Cleanliness workers of this Municipality and all works were completed on 25.08.2021. Though it is pandemic situation and lock down period, this Municipality have in obedience to the order of the Hon'ble National Green Tribunal (SZ) passed in O.A.99/2017, have fully cleared off the legacy wastes from the dump site except buffered quantity of 2682Cum with very great difficulty and hardship at an estimate cost of Rs.2,63,00,000/- I 40,000 of Legacy waste (Rs. Two crores and sixty three lakhs only) in a war footing basis and remaining buffered quantity of 2682 Cum will be cleared with in 3 Months at an Estimate cost of Rs.21,00,000 Tender Dated.15.09.2021.

12. It is further submitted that the staff and workers have dedicated their lives and had taken risk and removed the garbage in the above site and have obeyed the Order of the Hon'ble National Green Tribunal (SZ) and while carrying out the task of removal of garbage, either the public or the staff / workers of Gobichettipalayam Municipality have been free from corona virus infection.

13. It is furthermore submitted that this Municipality consists of 30 wards and generate 20 MT of wastes per day including Bulk waste of 2 MT i.e 11.70 tonnes of Bio-degradable and 6.30 of Non Bio-degradable wastes. The wastes are being collected by the Cleanliness workers from residences of this Municipality on day to day basis by door to door collection through using of Push cart, Battery Operated Vehicles (BOV) and Light Commercial Vehicles (LCV). Similarly the wastes from commercial and market area are also being collected through Lorries and other high capacity vehicles. There are two Micro Composting centers (MCC) 7 MT [One at Compost yard (3 MT), Karatoor, and another at Ramar Extension Burial Ground (4 MT)]and Bio Methanation Plant (3 MT) were established in this Municipality. In addition to the above MCCs, 7 Onsite Composting Centers (OCC) 0.90 MT and Windrows of Ramar Extension Burial Ground 0.70 MT processing were also established in the wards of this Municipality. The bio-degradable (organic) wastes are brought to MCCs and OCCs wherein the wastes would be shredded using a machine and then dumped into cubical pits for decomposing using the aerobic method. While it decomposes, in


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around 40 days, a micro-organism solution will be added to control odour and also to hasten the process. The dried compost would then be sieved to produce manure. The manure are being distributed to the farmers for agricultural purposes. While bio-degradable wastes are processed in MCC and OCCs, non-biodegradable wastes are segregated and temporarily stored in Resource Recovery Centre (RRC) and the same transported to authorized plastic recycling industry (Ariyalur Cement Factory) in consultation with the TNPCB. An Incinerator of 1.50 tonnes is sponsored by Olirum Erode to Gobichettipalayam Municipality and awaiting for approval from TNPCB. Further, it is necessary to mention that this Municipality has formed a Special Squad to prevent disposal of garbage in the open places and is following the best methods for disposal of daily generated solid wastes as deemed under the Solid Waste Management Rules (SWM), 2016.

14. Status of Soil Test:

As directed by the Hon'ble NGT (SZ) in its order dated 14.06.2021, the Gobichettipalayam Municipality has conducted the soil test through the Tamil Nadu Agricultural University, Coimbatore on 16.08.2021. The representative samples (3 Nos) were collected by the TNAU, Coimbatore from the biomining completed site as directed by the Hon'ble NGT.

The Report of Analysis reveals the following.

Parameters	Sample-1	Sample-2	Sample-3
pH	9.23	9.01	9.02
EC (dS/m)	0.95	0.90	0.89
Total Arsenic (mg/Kg)	172	199	185
Total Cadmium (mg/Kg)	BDL	BDL	BDL
Total Chromium (mg/Kg)	14.0	13.5	13.0
Total Lead (mg/Kg)	6.0	1.0	2.5
Total Mercury (mg/Kg)	BDL	BDL	BDL
Total Nickel (mg/Kg)	BDL	BDL	BDL
Total Copper (mg/Kg)	BDL	BDL	BDL


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Total (mg/Kg)	Zinc	6.0	19.5	17.5
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BLD - Below Detectable Limit

From the findings of the Report of Analysis, the TNAU has concluded that all the heavy metals except Arsenic are within the permissible limit. Further, it was stated that Maximum Permissible Limit for Arsenic in Soil is 20 mg/Kg.

15. Further, I submit and assure that we (Gobichettipalayam Municipality) hereinafter not allowed storing the garbage in the above said site and would preventing accumulation of garbage in the open places and strictly following the disposal of daily generated solid wastes as per the Solid Waste Management Rules, 2016 in future and obliging.

16. It is therefore prayed that this Hon'ble Court may be pleased to accept this compliance report and considering the financial position of this Municipality, this Hon'ble Court may also be pleased to Disposal of this Case.

Solemnly affirmed on this the : BEFORE ME
26th day of August, 2021 :
And signed his name in my presence. :

(ADVOCATE : CHENNAI)


Commissioner
Gobichettipalayam Municipality