

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

Original Application No.103 of 2023

Tribunal on its own motion SUO MOTU
based on the news item published in 'The
Times of India' Chennai Edition dated
31.07.2023, "Kosasthalaiyar River turns a
dump yard – Local Bodies use stretch at
Puzhal to dispose waste".

And

The District Collector,
Tiruvallur and Others.

....Respondents

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

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....Respondents

REPORT FILED ON BEHALF OF FIFTH RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD

I, K.Nalini, Daughter of Thiru.K.Krishnasamy, Hindu, aged about 59
years having office at No.76, Mount Salai, Guindy, Chennai 600 032, do
hereby solemnly affirm and sincerely state as follows:

1. I submit that I am working as the Joint Chief Environmental Engineer,
Tamil Nadu Pollution Control Board, Chennai and I am authorized to
file this report on behalf of the fifth respondent and as such I am well
acquainted with the facts of the case from the available office records.
2. It is submitted that the Tribunal has taken a Suo Motu based on the
news item published in 'The Times of India', Chennai Edition dated
31.07.2023 under the caption "Kosasthalaiyar River turns a dump yard
– Local Bodies use stretch at Puzhal to dispose waste". In this regard,
the report is submitted by fifth respondent herein is as follows:
3. It is submitted that on 24.08.2023, the area was inspected, by the
following officials:
 1. Er.P.S.Livingston, District Environmental Engineer, TNPCB,
Gummidipoondi
 2. Er.Thirumoorthy Inbaraj, Assistant Engineer, TNPCB,
Gummidipoondi
 3. Er.G.Venkatasamy, Assistant Engineer, TNPCB,
Gummidipoondi


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4. Er.V.Pushpalatha, Assistant Engineer, TNPCB, Gummidipoondi
5. Thiru.M.Baskaran, Executive Officer, Naravarikuppam Town Panchayat,
6. Thiru.V.Karunanidhi, Sanitary Inspector, Naravarikuppam Town Panchayat.

4. It is submitted that the areas were inspected by the officials of TNPCB on 11.09.2023, 26.04.2024, 17.07.2024 and 18.08.2024. Report is submitted based on the observations made during the inspections and the details obtained from the officials of Naravarikuppam Town Panchayat.
5. It is submitted that Naravarikuppam Town Panchayat, located in Thiruvallur District, is having a population of 20946, as per 2011 Census Records, and spread over an area of 5sq.km. This Local Body is located in the Northern side of Madhavaram of Greater Chennai Corporation, at a distance of around 5 k.m., surrounded by Padiyannallur and Theerthankaraipattu Village Panchayats in the Northern side, Puzhal Lake in South and Western directions, Pulli Lane and Thandal Kazhani Village Panchayats in the East. The Current population is estimated to be around 25115 and also the local body also caters around 40000 of floating population.
6. It is submitted that the Town Panchayat is generating around 9.1 MT of Municipal Solid Waste, of which 4.5 MT is assessed to be Organic Wet waste, 3.10 MT is Recyclable Wastes including plastic waste, 0.5 MT is soil and 0.5 MT is Non-recyclable wastes, comprising of grit, street sweepings, garden waste etc. The organic waste is composted through wind row composting, at their composting shed, located at Sothupakkam Salai. The Recyclable waste is also handled and stored in the above location viz. Solid Waste Management shed at Sothupakkam Salai and sold out periodically. The soil is used for filling of road sides. The non-recyclable wastes, were earlier disposed at the dumping location along the bank of Puzhal lake, which is the subject matter of this Original Application. The Town Panchayat is said to have achieved


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100% source segregation; however, the composition of the waste that is found in the dumping location suggests otherwise.

7. It is submitted that the Solid Waste generated is collected with the help of battery operated vehicles, push carts and Tricycles, everyday, transferred to lorries and tractors and transported to the Resource Recovery Park (Solid Waste Handling and Processing Facility) located in Sothupakkam Road. The Recyclable Wastes including plastics are segregated and sold out on a weekly basis. However, no records are maintained in this regard. The organic waste is subjected to wind row composting for about twenty days, and then transferred to Masonry Tanks for further composting for about 25 days. The compost obtained is sieved and sold out as manure.
8. It is submitted that Solid Waste Management/ processing facility is operated over an extent of 0.88 acres, located in Sothupakkam Salai, wherein sheds for wind row composting, another shed for composting tank, one room for housing the sieving machines are present. A room for housing shredding machines and for the storage of recyclable waste and another shed with a wind row platform is proposed over an area of 529 sq.m for which work order issued on 15.05.2023 and construction was under progress.
9. It is submitted that during the inspection on 18.08.2024, it is observed that the work related to the construction of another shed in this premises, as indicated above, is found to be under progress. It is observed that even after the completion of this shed, the available facilities would not be adequate to handle the entire quantity of organic soled waste generated. The leachate generated is collected and reused in the windrows. It is observed that in view of the paucity of space, wind rows are arranged in open area also. This Facility is surrounded by residences in three sides. No odour nuisance or fly menace is observed. No complaint against the operation of this Facility is received.
10. It is submitted that by considering the constraints faced in managing/handling the wastes, more particularly on the paucity of

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infrastructure/ process area for the management of Solid Waste, more particularly the Organic Wet Waste, which needs to be composted, Naravarikuppam Town Panchayat identified Government Land measuring 1.31.50 Hectares in S.No.: 34/2 & 35/1 of Padianallur Village, for establishing additional facilities for the management of Solid Waste. Based on the recommendations of District Collector, Government of Tamil Nadu alienated the above land vide G.O.(Ms).No.472, Revenue and Disaster Management Department, Dated 11.09.2023. The said land is also inspected and found to have surrounded by the Waste Management site for Padianallur Village Panchayat in the western side and vacant lands in the other three sides. It is informed that a sum of Rs. 10.00 Lakhs has been allotted for providing a deep bore well with pump room and connected pipelines in this site, for which administrative sanction was issued in proceedings dated 09.01.2024. Further another sum of Rs. 43 lakhs has been allotted for the development of this site, such as construction of compound walls, around the site, for which administrative sanction issued in proceedings dated 07.06.2024. These works are yet to be commenced. During inspection on 18.08.2024, it is observed that the non-recyclable-inert wastes such as grit, street sweepings are found dumped at this location.

11. It is submitted that an area measuring 2.41 acres, in S.Nos.: 98/2A and 98/2B, Narvarikuppam Village, is used for a long time for the dumping of solid waste. Of this, S.No.: 98/2A measuring an area of 49 cents belongs to an individual and the rest is Public Land of Town Panchayat, classified as Park. This site is surrounded by Kosasthalaiyar River in the Eastern side, Road beyond which Puzhal lake in the Western side, GNT Road in the Northssssssern side, Private shed in the Southern side.
12. It is submitted that the said location is used for dumping of the waste, and that even after the establishment of the Solid Waste Management Facilities by Naravarikuppam Town Panchayat, the excess waste, that could not be processed/ handled at the Solid Waste Management


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Facility were also dumped at this location. During the inspection on 24.08.2023, it is ascertained that the quantity of waste that has been dumped in this location is over 8000 cu.m., As the said location was not cordoned, the Executive Officer, Naravarikuppam Town Panchayat was advised to provide fencing around this dump site, which was found to have provided. It is noticed by the subsequent inspections, that no new waste is found to have dumped in this location.

13. It is submitted that the TamilNadu Pollution Control Board has granted authorization to Naravarikuppam Town Panchayat on 08.04.2019 with validity up to 31.03.2020, to the Local Body, for the management of their Solid Waste, under the provisions of the Solid Waste Management Rules, 2016. The said authorization was not renewed subsequently. A show cause notice is issued to the Naravarikuppam Town Panchayat for Non- Compliance of the Provisions of Solid Waste Management Rules, 2016, such as not having valid authorization under the Solid Waste Management Rules, 2016, dumping the waste in violation of the provisions of the Solid Waste Management Rules, 2016, not commencing and completing the biomining in the dump locations, within the timeline prescribed by in the Rules and by the Hon'ble National Green Tribunal (PB) in O.A.No.606 of 2018. The Local Body furnished reply for the Show Cause Notice vide letter dated 30.09.2023, wherein the measures taken by the Local Body to manage the solid waste, action taken for the booming of the dumped waste were elaborated; however, there is no convincing explanation for missing the timeline prescribed for biomining etc., is given. Therefore, provisional Environmental Compensation of Rs. 49 Lakhs (Rupees Forty Nine Lakhs) was levied to the Local Body, vide proceedings dated 24.06.2024.

14. It is submitted that the Hon'ble National Green Tribunal (PB), New Delhi in its order dated 28.02.2020 in OA No. 606 of 2018 has directed to impose Environmental Compensation to the local Bodies, having population less than one lakh, for non compliance of the Solid Waste

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Management Rules, 2016 at the rate of Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. Naravarikuppam Town Panchayat is having population of 20946, as per 2011 Census Records, and the Current population is estimated to be around 25000 and also caters around 40000 of floating population, and therefore, the total population, adopting any yardstick, is less than 1 lakh. Therefore Rs. 1 lakh per month per Local Body from 01.04.2020 till compliance is considered, and the period for the levy of Provisional Environmental Compensation is considered as April 2020 to April 2024, which is worked out to be 49 months, and therefore a provisional Environmental Compensation of Rs. 49 Lakhs is levied on the Local Body.

15. It is submitted that for non compliance of Solid Waste Management Rules 2016 by the Naravarikuppam Town Panchayat a show cause notice was issued to the Naravarikuppam Town Panchayat vide Proceeding dated 25.08.2023, for which the local body furnished reply vide letter dated 30.09.2023 which was found to be unsatisfactory, in as much as no commitment is made to commence biomining of legacy wastes dumped at opposite to Puzhal Lake and not applied for renewal of Authorization under Municipal Solid Waste Rules 2016 and continuing to violate the direction issued by the Hon'ble National Green Tribunal [PB], New Delhi.

Therefore, TNPCB imposed Environmental Compensation of Rs. 49 lakhs, for the period between April 2020 and April 2024, as ordered by the Hon'ble National Green Tribunal (Principal Bench) in O.A.606 of 2018 at the rate of Rs. One Lakh (Rs.1,00,000/-) per month, for the non-completion of the legacy waste management as ordered by the Hon'ble National Green Tribunal (Principal Bench) in O.A.No.519 of 2019, as per the Template formulated by the Central Pollution Control Board.

16. It is submitted that an amount of Rs. 49Lakhs/- was recommended to levy as provisional environmental compensation to the

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Sothupakkam Crematorium and the installation of the equipments is under progress. It is learned that the booming of the waste dumped along the bank of Puzhal lake would be commenced once the biomining of the dumped waste at the Sothupakkam Crematorium is completed.

19. It is submitted that based on the observations made during the inspections carried out by the officials of Tamil Nadu Pollution Control Board, and assessing the progress made on carrying out the various measures taken by the Local Body, viz. Naravarikuppam Town Panchayat, the following inferences are arrived at:

- a. The Local Body has not made adequate attempt to develop the infrastructure, in the newly alienated land at Padianallur Village, to bridge the gap between the infrastructures available to handle the solid waste, particularly wet organic waste, even though the said land has been approved for the use of the Local Body, way back in September 2023. This shows the non-prioritization on the part of Local Body, in formulating schemes to cope with the situation in managing the solid waste in the Local Body.
- b. Even though the work order for the biomining has been issued on 04.07.2024, the process has not been commenced, even after the lapse of over 45 days. This shows that the contractor has not been sensitized of the significance of completing the booming, at the earliest, to avert the increase in the Environmental Compensation, in view of the delay in completing the biomining and the ongoing case before the Hon'ble National Green Tribunal.
- c. The inaction on the part of the Local Body, not taken any steps to get the authorization under the Solid Waste Management Rules, 2016, showed that the Executive Head of the Local Body is not fully recognizing the obligations cast on them under the provisions of the Solid Waste Management Rules.


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Naravarikuppam Town Panchayat and also to issue the following directions to the Naravarikuppam Town Panchayat under Section 5 of Environment (Protection) Act, 1986 as amended for the above said violations. As recommended by the District Environmental Engineer, TNPCB, Gummidipoondi, Board issued the certain directions including remittance of Environmental Compensation of Rs.49 lakhs under Section 5 of the Environmental Protection Act, 1986 vide Proceeding No.T3/TNPCB/LAW/NGT/F.020628/2024, dated:24/06/2024 for compliance. The local body is yet to make the payment of the Environmental Compensation.

17. It is submitted that Naravarikuppam Town Panchayat estimated the total volume of legacy waste to be biominated at 10788 Cubic Meters, covering the 8353 cu.m., of waste that is dumped along the bank of Puzhal lake, which is the subject matter of this litigation, and another amount of 2435 cu.m. of waste dumped at the crematorium in Sothupakkam Village. Initially Naravarikuppam Town Panchayat got administrative and technical sanction for a sum of Rs.47.47 Lakhs for biominating of legacy wastes dumped at opposite to Puzhal Lake, based on which Naravarikuppam Town Panchayat called for tender. As there is lukewarm response Tenders were called on nine occasions on 18.01.2023, 13.02.2023, 08.03.2023, 10.04.2023, 28.04.2023, 09.06.2023, 21.07.2023, 18.08.2023 03.10.2023. It is learned that no one has participated in the above Tenders. Then Naravarikuppam Town Panchayat revised the Estimate amount and called for fresh tenders 18.03.2024, in which M/s. Green Ethics Private Limited, West Tambaram, Chennai has become the successful tenderer and work order was issued on 04.07.2024 to for removal of the garbage dumped at the Crematorium in Sothupakkam and the waste dumped in the bank of Puzhal Lake, for a consideration of Rs.65,84,690/- (Rupees Sixty Five Lakhs Eighty Four Thousands and Six Hundred and Ninety only) and the contract period is 8 months from the date of issue of work order.
18. It is submitted that during inspection on 18.08.2024, it is observed that the equipments required to carry-out the biominating are received at the


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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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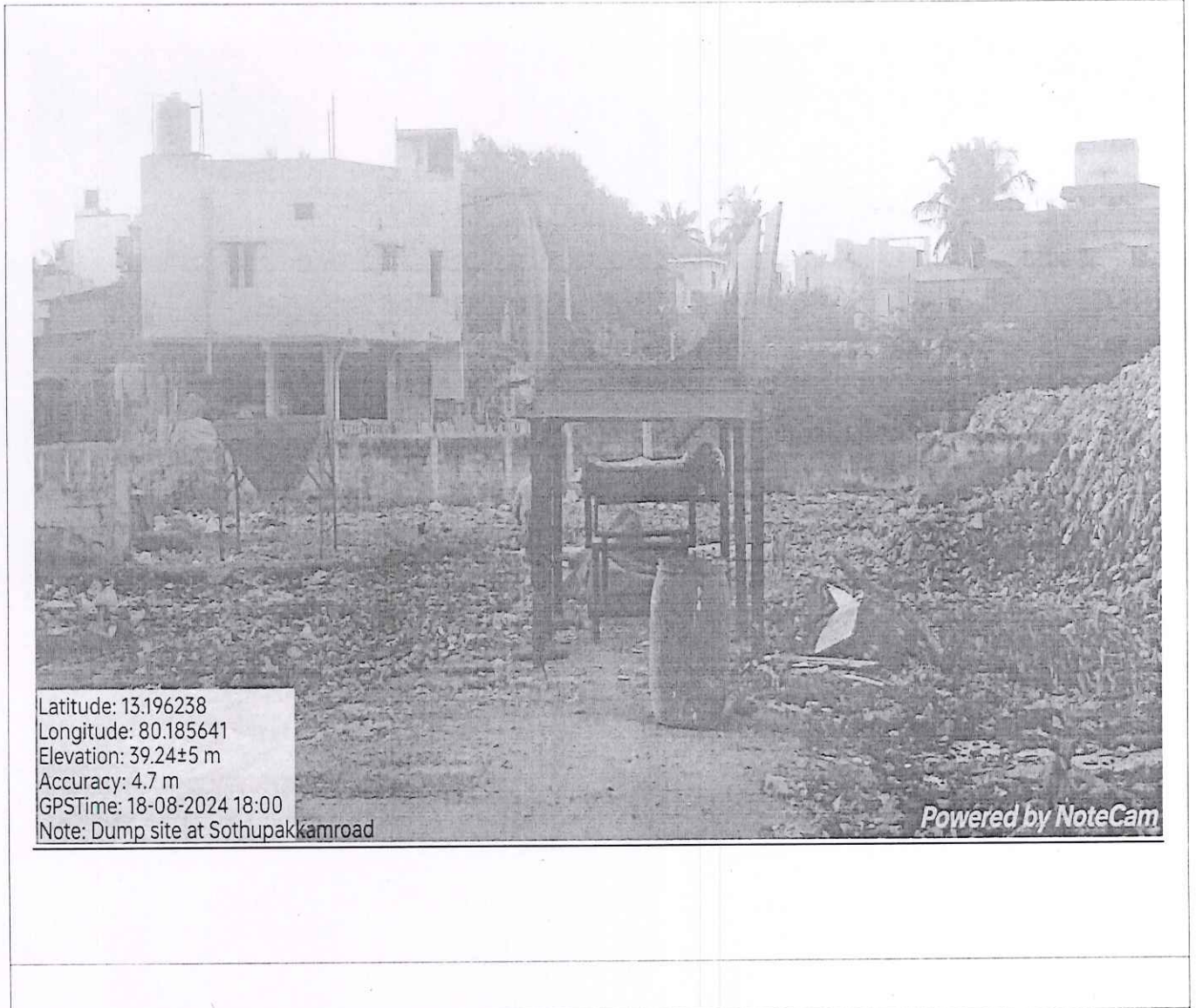
VERIFICATION

I, K.Nalini, Daughter of Thiru.K.Krishnasamy, working as Joint Chief Environmental Engineer, having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records.


JOINT CHIEF ENVIRONMENTAL ENGINEER
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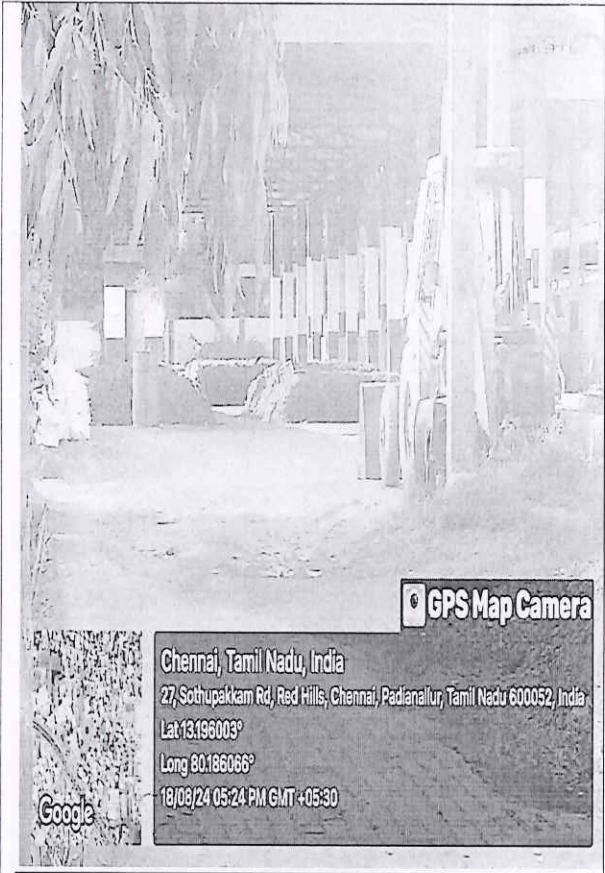
Photographs of Legacy Waste dumped site at Crematorium





Solid waste management processing facility

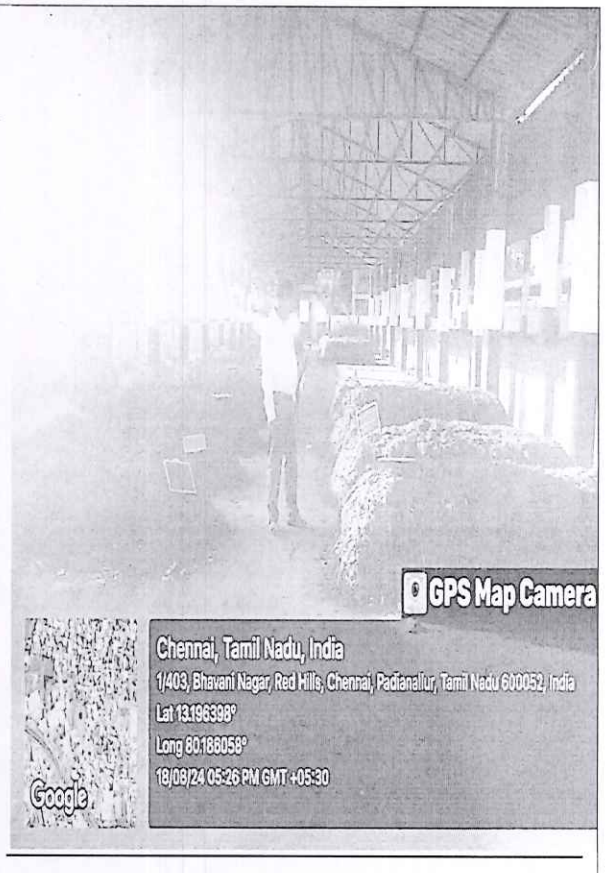
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GPS Map Camera

Chennai, Tamil Nadu, India
27, Sothupakkam Rd, Red Hills, Chennai, Padianallur, Tamil Nadu 600052, India
Lat 13.196003°
Long 80.186066°
18/09/24 05:24 PM GMT+05:30

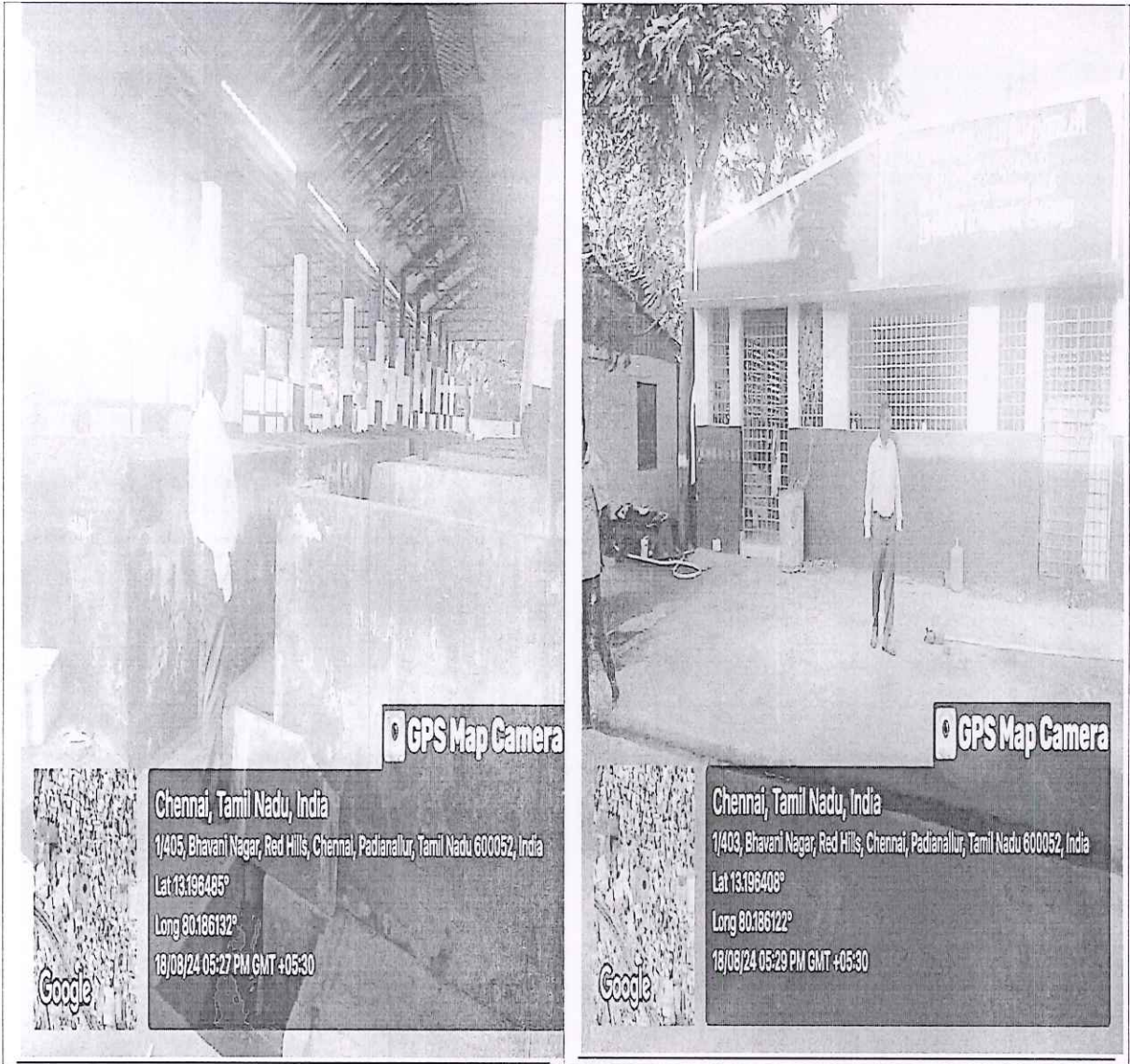
Google



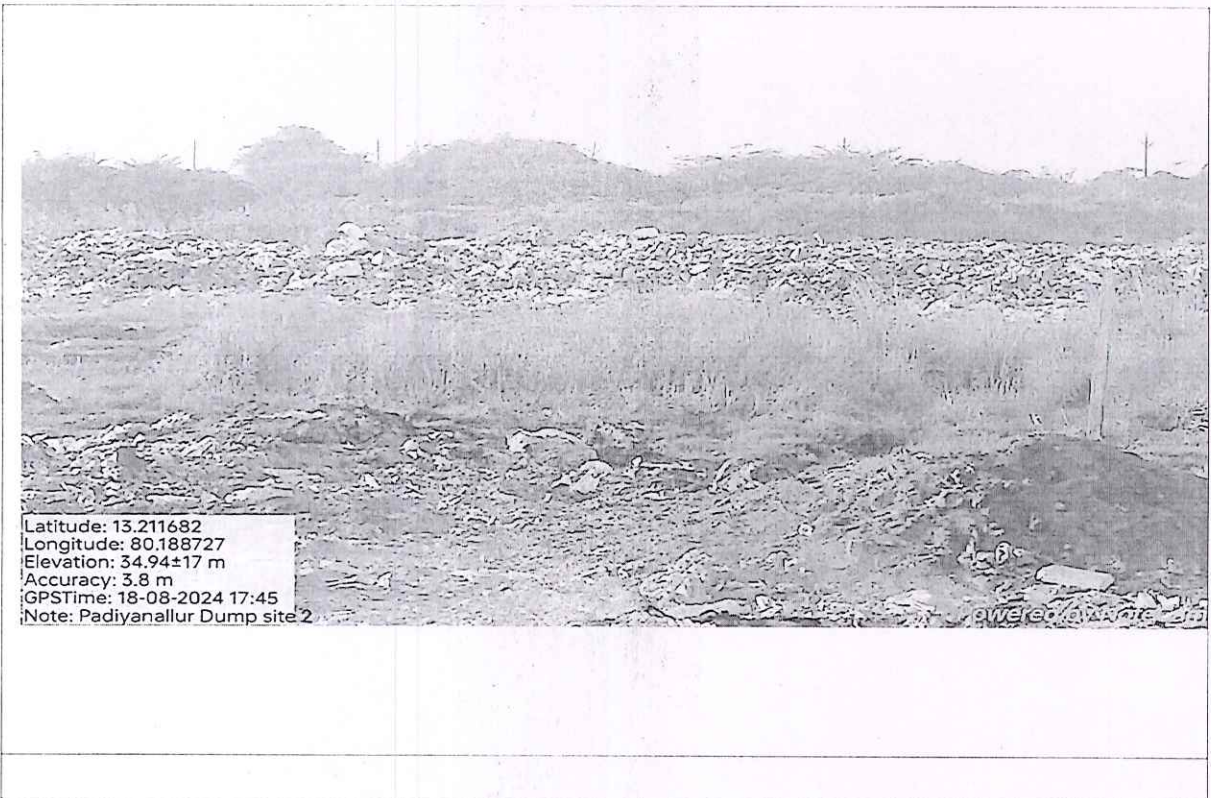
GPS Map Camera

Chennai, Tamil Nadu, India
1/403, Bhavani Nagar, Red Hills, Chennai, Padianallur, Tamil Nadu 600052, India
Lat 13.196398°
Long 80.188058°
18/09/24 05:26 PM GMT+05:30

Google



Land for Alternate site





Latitude: 13.211681
Longitude: 80.188726
Elevation: 21.44±3 m
Accuracy: 3.8 m
GPSTime: 18-08-2024 17:44
Note: Padiyanallur Dump site

Powered by NoteCam

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**REPORT FILED ON BEHALF OF
FIFTH RESPONDENT - TAMIL
NADU POLLUTION CONTROL
BOARD**

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

Date:09.09.2024

Date of hearing on:10.09.2024.

