

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

Original Application No. 156 of 2024

Suo Moto matter in respect of news item
appearing in The Hindu dated 07.04.2024
titled "**Fire Breaks out at Vellalore landfill
in Coimbatore**".

-Vs-

Central Pollution Control Board (CPCB),
Through its Member Secretary,
New Delhi and ors.

...Respondents.

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

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

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

I, S. Palanisamy, Son of Thiru.S. Santhappan, 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. It is submitted 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 Second respondent and as such I am well acquainted with the facts of the case from the records available in our office.
2. It is respectfully submitted that the Hon'ble National Green Tribunal(PB), New Delhi has registered a Suo Motu as Original Application No.374 of 2024 (PB) based on the news item published in 'The Hindu' dated 07.04.2024 titled, "Fire Breaks out at Vellalore landfill in Coimbatore" which has been transferred to this Bench and renumbered as Original Application No.156 of 2024 (SZ).
3. It is respectfully submitted that on 14.8.2024, this Hon'ble Tribunal has taken up for hearing the OA and passed order,*inter alia*, that-


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- “1. The execution application [E.A. No.30 of 2022 (PB)] is filed by the applicant before the Principal Bench, National Green Tribunal, New Delhi against the failure of non-compliance of the order dated 03.10.2018 passed by the Tribunal in O.A. No.523 of 2018 (PB) [Earlier O.A. No.234 of 2013 (SZ)] and 524 of 2018 (PB) [Earlier O.A. No.164 of 2013 (SZ)]. Thereafter, the matter was transferred to this Bench and the same has been renumbered as E.A. No.11 of 2023 (SZ).
2. The Original Application [O.A. No.127 of 2022 (SZ)] is a continuation of the earlier application filed before this Bench as O.A. No.234 of 2013 (SZ) which was disposed of on 03.10.2018.
3. Meanwhile, the Principal Bench of the National Green Tribunal, New Delhi has Suo Motu registered a case as O.A. No.374 of 2024 (PB) based on the news item published in „The Hindu“ dated 07.04.2024 titled, “Fire Breaks out at Vellalore landfill in Coimbatore”, which has been transferred to this Bench and renumbered as O.A. No.156 of 2024 (SZ)
4. As the issue involved in all the above-referred cases is similar in nature, the same have been listed today for consideration”.
4. It is respectfully submitted that Thiru. V. Eswaran, Coimbatore has filed E.A. No.30 of 2022 (PB)] before the National Green Tribunal, Principal Bench, New Delhi against the failure of non-compliance of the order dated 03.10.2018 passed by the Tribunal in O.A. No.523 of 2018 (PB) [Earlier O.A. No.234 of 2013 (SZ)] and 524 of 2018 (PB) [Earlier O.A. No.164 of 2013 (SZ)]. The Tribunal directed time-bound action for remediation of solid waste and filing of report in O.A. No. 606/2018 (PB), Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues.
5. It is respectfully submitted that the execution application filed by Thiru. V. Eswaran, Coimbatore, it is informed that the dump site has still not been remediated and fresh waste is being dumped. Thereafter, the matter was transferred to Hon’ble National Green Tribunal, Southern Bench and the same has been renumbered as E.A. No.11 of 2023 (SZ).
6. It is respectfully submitted that the O.A. No.127 of 2022 (SZ)] is a continuation of the earlier application filed before this Bench as O.A. No.234 of 2013 (SZ) which was disposed of on 03.10.2018 was filed by Thiru. K.S Mohan against (1) The Corporation of Coimbatore Represented by its Commissioner (2) Union of India Represented by its

Secretary to Government Ministry of Environment and Forest (3) The State of Tamil Nadu Represented by its Secretary to Government Department of Environment and Forest (4) The Tamil Nadu Pollution Control Board Represented by its Member Secretary (5) Additional Chief Secretary to Government, Department of Municipal Administration and Water Supply and (6) The District Collector, Coimbatore with the following prayers.

- a. To direct the 1st Respondent to stop dumping unsegregated waste and burning municipal solid waste and other waste at Kurichi — Vellalore dump site.
 - b. To direct the respondents to of the site at Kurichi Vellalore and implement the same forthwith.
 - c. To direct the respondents to carry out necessary steps to restore the ecology of the area
 - d. To direct the payment of compensation for environmental harm on account of the violation committed by the 1st and 2nd Respondents
 - e. To issue such other orders as it deems fit in the interest of the case and render justice.
7. It is respectfully submitted that M/s. Coimbatore City Municipal Corporation vide its letter Roc.No.2392/12/JN5, dated 09.02.2024 informed that it is generating around 1100-1200 MT/day of municipal solid waste from 100 wards. The waste is processed at Vellalore village in 654 acres of land. As per the statement of Coimbatore Corporation, the details of various treatment facility at MSW site at Vellalore is furnished below.

Sl. No.	Method of processing	Capacity of processing	Name of the Agency	Consent status
1.	Windrow composting & RDF	600 MT/day	M/s. Coimbatore Integrated Waste	Obtained Consent from the Board with validity up to
2.	Vermicomposting and Bio-gas plant	150 MT/day	M/s. Nilla Blooms Scappes	Not applied for consent and renewal of


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3.	Processing of chicken waste	7-10 MT/day	M/s.BHAIRAV RENDERERS	The unit has obtained consent valid up to
4.	MCC/ MRF facility	175 MT/day	Coimbatore Corporation	Not applied for consent and renewal of
5.	Bio-gas plant	7.5 MT/day	Coimbatore Corporation	Not applied for consent and renewal of
6.	Total quantity of waste processed = 950 MT/day (approx.) The balance quantity of around 250 MT/day (approx.) of fresh Municipal Solid Waste is being dumped in 25 acres area of Vellalore without any treatment. The Commissioner, Coimbatore Corporation in his letter dated 09.02.2024 informed that the Coimbatore Corporation has proposed to treat the remaining untreated fresh			
7.	Bio-mining status: 9,40,044 cubic metre of legacy waste has been processed. Balance quantity of 7, 43,287 MT of legacy waste is to be processed by the Coimbatore Corporation.			

8. It is respectfully submitted that Coimbatore City Municipal Corporation has obtained Municipal Solid Waste Authorization from Tamil Nadu Pollution Control Board (TNPCB) vide Proceedings. No. TNPCB/SWM/22842/CBE/2011 dated 04.03.2011 with a validity up to 31.03.2012. The same has been renewed vide Proceedings No. TNPCB/TS I/SWM/F.22842/CBS/2018 dated 19.01.2018 with validity up to 31.03.2019. It is yet to apply for renewal authorization. The Coimbatore City Municipal Corporation has already been addressed to apply for renewal authorization under Solid Waste Management Rules, 2016 several times. Moreover, the State level monitoring committee instructed the Corporation to comply with the Rules while conducting the meeting held on 09.08.2019, 31.01.2020 & 07.10.2022. So far, the Coimbatore City Municipal Corporation/Solid waste management processing facility (SPV) has not applied for renewal authorisation under Solid Waste Management Rules, 2016.
9. It is respectfully submitted that,whereas, the Hon'ble National Green Tribunal (Principal Bench) vide order dated 16.01.2019 in OA No. 606 of 2018 has stated that "Timelines of two years have expired as rules came into force on 08.04.2016 Timelines of three years is going to expire on 08.04.2019. However, for bio-remediation, timelines of five


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years has been provided. "On 'Polluter Pays Principle', the polluters must be required to pay damages by the concerned authorities. Failure to do so may render the authorities also liable to pay damages".

10. It is respectfully submitted that, whereas, the Hon'ble National Green Tribunal (Principal Bench) vide order dated 28.02.2020 & 02.07.2020 in OA No. 606 of 2018 has directed that,

" In view of fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and the 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 Rules 22 from serial.No.1 to 10.

"... 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 local body from 01.04.2020 till compliance".

11. It is respectfully submitted that based on which, the Chairman, TNPC Board has issued direction under section 5 of Environmental (Protection) Act, 1986 along with interim compensation (from April 2020 to November 2020) of Rs. 80 Lakhs to The Commissioner, Coimbatore City Municipal Corporation vide Proceedings.No.T1/TNPCB/F.32363 /SWM/NGT 606 OF 2018/2020-1 dated: 27.11.2020. The corporation is liable to remit the Environmental Compensation till the compliance of the following direction.

- a. The Corporation shall comply with the provisions of Solid Waste Management Rules, 2016 and shall comply with the orders passed by the Hon'ble NGT in O.A No. 606 of 2018 from time to time.
- b. The Corporation shall provide 100% segregation of waste (covering all wards).


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- c. The Corporation shall provide required capacity of waste processing facilities for the treatment of biodegradable waste and non-biodegradable wastes.
- d. The Corporation is liable to pay Environmental Compensation till the compliance of conditions stipulated in 1 to 3.

12. It is respectfully submitted that continued failure to comply with Solid Waste Management Rules, 2016 shall incur Environmental Compensation at rates that are multiples of the rates assessed (i.e., Rs. 10 Lakh per month), till the compliance is achieved.

13. It is respectfully submitted that report of analysis of the ground water samples collected at 14 nos borewell/ openwell samples in and around Vellalore dump yard on 05.07.2023 reveals that, the Total Dissolved Solids (TDS) in 13 locations and Chlorides in 11 locations exceeds the permissible limit of the drinking standards (IS 10500: 2012). The TDS and Chlorides levels were very high especially in the borewells and openwells of Mahalingapuram and Konavaikal palayam villages.

14. It is respectfully submitted that, further report of analysis of Ambient Air Quality survey conducted on 14.08.2023 at 6 places around dumpsite, reveals that the parameters PM₁₀ exceeds the standards prescribed by the Board in the following locations.

- a. On top of open terrace of Thiru.Rajendran's House, Mahalingapuram
- b. On top of open terrace of Thiru.Athavan's House, Mahalingapuram

15. It is respectfully submitted that in further, the fire accident had occurred at the above dump site on 06.04.2024 evening around 5.45 p.m in the Vellalore yard of the Coimbatore Corporation. The MSW site was inspected by the TNPCB officials on 08.04.2024 and observed that the fire has occurred at open dump site of municipal solid waste storage area where legacy waste and fresh municipal solid waste being dumped spreads over 10 acres (approx.) situated at MSW site at Vellalore.


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16.It is respectfully submitted that subsequently, Ambient Air Quality survey was conducted by the Advanced Environmental Laboratory, Coimbatore at 5 places in and around municipal solid waste dumpsite on 08.04.2024 to measure PM10, PM2.5, SO2 & NO2 levels.=

- a. On top of open portico terrace of the house of Thiru.R.Harish, D.No.125, Mahalingapuram – North East (200m).
- b. On top of open terrace of house of Thiru.P.Muniappan, 117, Water Tank Road, Mahalingapuram - East – North East (225m)
- c. On top of open terrace of the house of Thiru. V.Shanmugasundaram, Kamar Street, Kanjikonampalayam, Vellalore Post.
- d. On top of open terrace of Thiru.Balamurali's House, D.No.45, Nabi Nagar, Chettipalayam Road, Pothanur.
- e. On top of scaffolding near the house of Thiru.G.Vijayan, D.No.8-B, Muthaliyar Street, Konavaikalpalayam, Coimbatore – 23.

17.It is respectfully submitted that the report of analysis revealed that the level of PM₁₀ exceeds the limits (100mg/m³) in the all five stations and PM_{2.5} (ie. 60mg/m³) in one station on top of open terrace of Thiru. Balamurali's House D.No. 45, Nabi Nagar, Chettipalayam road, Podanur.

18.It is respectfully submitted that, for the non-compliance with Solid Waste Management Rules, 2016 and the previous directions dated 27.11.2020, the Board has issued directions again to The Commissioner, Coimbatore City Municipal Corporation vide Proceedings.No.T3/TNPCB/F.22842/ SWM/2024 dated: 05.06.2024 for the strict compliance of the following,

- a. To comply with the Provisions of the Solid Waste Management Rules, 2016 and to comply with the orders passed by the Hon'ble NGT in O.A.No. 606 of 2018 from time to time.
- b. To ensure 100% segregation of Solid waste generated in the Corporation.


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- c. To renew authorization of the solid waste processing facilities of the Coimbatore Corporation as per the Solid Waste Management Rules, 2016.
 - d. To setup additional solid waste processing facilities for the processing of municipal solid waste generated in the Corporation.
 - e. To expedite the Bio mining of legacy waste and not to dump the fresh waste at the dumpsite.
 - f. To maintain proper records for the solid waste management process.
 - g. To take necessary action to avoid the recurrences of fire accidents and to comply with the Directions of the Board Proc.No. Dated: 07.07.2022 regarding the Prevention and Management of fire incidents at the dumpsite of Local Bodies.
 - h. To remit the interim Environmental Compensation of Rs.80 Lakhs imposed to the Coimbatore Corporation vide proceeding dated: 27.11.2020 for non-compliance of Solid Waste Management Rules, 2016.
- 19.It is respectfully submitted that in Meanwhile, M/s. Coimbatore Integrated Waste Management Company Private Limited (Processing facility) has obtained Consent from the TNPC Board vide CTO PROCEEDINGS NO.T3/TNPCB/F.1987CBS/RL/CBS/W&A/2024 DATED: 28/08/2024 for the Processing of Municipal Solid Waste- 600 Tons/Day for the period valid up to 31.03.2025.
- 20.It is respectfully submitted that the MSW processing facility located at Vellalore was inspected by the TNPCB officials on 25.09.2024 and observed that the leachate oozes out from the legacy waste which is stored nearby M/s. Coimbatore Integrated Waste Management Company Private Limited facility. It is observed that huge leachate produced from the legacy waste causing groundwater contamination.
- 21.It is respectfully submitted that, telephonic complaint was received from the public of Sriram Nagar, Kurichi village, Madukkarai Taluk located nearby Vellalore dumpyard on 03.10.2024 regarding the change in the colour of Borewell water sample. The Borewell sample was


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collected at Sriram Nagar, Kurichi village by the TNPCB Officials sent for analysis.

22. It is respectfully submitted that in this regard, the Coimbatore City Municipal Corporation has been instructed vide Letter No.F.Tech 187/DEE/TNPCB/CBE(S)/2024 Dated: 07.10.2024 to follow the suggestions/recommendations furnished below.

- a. M/s. Coimbatore City Municipal Corporation shall enhance the door-door to collection facility and shall ensure only segregated waste is sent to Vellalore municipal solid waste processing facility.
- b. M/s. Coimbatore City Municipal Corporation shall process the remaining legacy waste immediately adopting high end machineries like Scelper & Screener, heavy duty trommel screens.
- c. M/s. Coimbatore City Municipal Corporation shall take immediate action to arrest the leachate coming out of legacy waste and shall provide leachate collection and treatment plant so as to avoid groundwater contamination.
- d. M/s. Coimbatore City Municipal Corporation shall analyse the groundwater quality and soil condition in and around the bio mined area (50 acres) of Phase I at the Vellalore dumpsite to reclaim the soil in recovered land.
- e. M/s. Coimbatore City Municipal Corporation shall make agreement with Cement industries for the disposal of balance quantity of 24000 MT of RDF arised out of bio mining of legacy waste (Phase I) immediately.
- f. M/s. Coimbatore City Municipal Corporation shall apply EM solution on the windrows composting & other dumped waste inside Vellalore to avoid repeated complaints.
- g. M/s. Coimbatore City Municipal Corporation shall treat the remaining untreated fresh waste by installing Waste to Energy recovery plant.


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- h. M/s. Coimbatore City Municipal Corporation shall apply for renewal of authorisation under the Solid Waste Management Rules, 2016.
- i. M/s. Coimbatore City Municipal Corporation shall furnish Monthly returns and Annual returns to the TNPC Board regarding the generation and treatment of municipal solid waste.
- j. M/s. Coimbatore City Municipal Corporation shall submit the action taken to avoid fire accident in the Vellalore dump yard.
- k. M/s. Coimbatore City Municipal Corporation shall ensure that the Ambient Air Quality in and around the Vellalore dumpyard is within the National Ambient Air Quality Standards (NAAQS).
- l. M/s. Coimbatore City Municipal Corporation shall enhance more decentralised MSW processing facilities so as to avoid dumping of untreated Municipal solid waste in Vellalore.

In the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal, (SZ) 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.

S. S. Palanisamy
 JOINT CHIEF ENVIRONMENTAL ENGINEER
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VERIFICATION

I, S. Palanisamy, Son of Thiru.S. Santhappan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.

S. S. Palanisamy
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CONTROL BOARD.**

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

Date:20.12.2024

Date of Hearing on:09.01.2025

