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PROCEEDINGS OF THE MEETING BY THE STATE LEVEL MONITORING COMMITTEE OF NATIONAL GREEN TRIBUNAL FOR SOLID WASTE MANAGEMENT IN TAMILNADU HELD AT TAMILAZHAGAM, UDHAGAMANDALAM ON 08-08-2019 AT 10.30 AM. ON HEARING THE PETITION REGARDING OOTY & GUDALUR DUMP SITE.

CHAIR: JUSTICE Dr.P.JYOTHIMANI

The following officials participated in the meeting:

- 1 J.Innocent Divya, District Collector, The Nilgiris.
- 2 M.Asokan, Addl. Director of Municipal Admn, O/o.The CMA, Chennai.
- 3 D.Sekar, Member Secretary, TNPCB, Guindy, Chennai.
- 4 Dr.Kurian Joseph, Professor, Centre for Environment Studies, Anna University, Chennai.
- 5 A.Sulthana, Regional Director of Municipal Admn, Tiruppur.
- 6 P.Asokan, Joint Chief Environmental Engineer, TNPCB, Coimbatore.
- 7 D.Guruswamy, District Forest Officer, Nilgiris.
- 8 V.Murugesan, Regional Executive Engineer, O/o.the RDMA Tambaram, Chennai.
- 9 S.Venkatesh, REE, Tiruppur Region
- 10 P.S.Livingston, District Environmental Engineer, Tamilnadu Pollution control Board, Udhagamandalam.
- 11 P.Narayanan, Commissioner, Udhagamandalam and Gudalur Municipality, Nilgiris District.
- 12 L.Gopala Krishnan, Deputy Director (Town Panchayat), O/o. CMA, Chennai.
- 13 C.Ravi, Municipal Engineer, Ooty Municipality.
- 14 K.Saravana Kumar, Executive Engineer, Coimbatore City Municipal Corporation, Coimbatore.
- 15 J.Elangovan, Sr.Gr.Town Planning Officer, Municipal Office, Ooty.
- 16 Dr.P.R.Murali Kumar, Udhagamandalam, Municipal Health Officer, O/o. Udhagamandalam Municipality.
- 17 K.Seenuvasan, Assistant Executive Engineer, O/o. CMA, Chennai.
- 18 K.Nirmala, Manure Officer, O/o. CMA, Chennai.
- 19 J.Arokia Anbarasi, Assistant Engineer, O/o. CMA, Chennai.
- 20 Dr.P.Ramesh, Assistant Engineer, O/o. DW Executive Engineer, TNPCB, Coimbatore North.

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- 21 S.Neela Megam, Assistant Engineer (a/c) TNPCB, Ooty.
- 22 S.Arjunan, Advocate
- 23 C.N.Premasagar, (Rtd Forester) and Petitioner
- 24 V.Ravi, SE (Generation), Kundah.
- 25 Madhayya, Petitioner
- 26 P.Subramaniam, Petitioner
- 27 S.Jeyaraj
- 28 Chandrasekar
- 29 Rajadurai

Pursuant to the direction issued by the National Green Tribunal, New Delhi in series of Applications viz. **OA No.525, 526, 527 and 528 of 2018** on the file of National Green Tribunal dated 26-11-2018 requesting the Monitoring Committee headed by the Chairman to deal with the implementation of various directives issued from time to time by the National Green Tribunal., the Committee by itself and through the Commissioner of Udthagamandalam Municipality as well as Gudalur Municipality informed the parties concerned calling them to appear for a personal hearing on the above said date and time.

Before the date of enquiry, as the Committee felt that the inspection should be carried out on both the dump sites connected with the said case viz. Theetukkal at Ooty as well as the disputed places in 27th Mile at Gudalur.

Accordingly such inspection was carried out on 07-08-2019 by the Chairperson of the Committee along with the Principal Secretary to the Government Environment and Forest Department, Mr.Shambu Kalolikal, I.A.S., who is also a Member of the Committee, Member -Secretary of the Tamilnadu State Pollution Control Board, Mr. Sekar who is another Member and the District Collector Mrs. J. Innocent Divya, I.A.S., Mr. Ashokan, M.Sc., Additional Director of Municipal Administration, Chennai representing Mr.Harmander Singh, I.A.S., Principal Secretary of the MA & WS Dept., Chennai who is the Member-Secretary of the Committee, Dr. Kurian Joseph, Professor, Centre for Environmental Studies, Anna University, Chennai having been invited by the Committee as an expert participant and the officers of the State Pollution Control Board as well as the Municipal Administration

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including the Regional Director, Tirupur, Commissioner, Udthagamandalam Municipality who is also holding charge of Gudalur Municipality and his officials and Dr. D. Gurusamy, District Forest Officer, Ooty.

As explained by the District Forest Officer who is one of the parties in the proceedings before the National Green Tribunal, Udthagamandalam, Municipality was originally permitted to use 5 acres of Reserved Forest land at Theetukal situated in S.No. 215/2 on lease basis for processing the solid waste generated and collected from the municipal area and the period of lease has already been expired as early as in the year 2012.

It was also stated by him that in addition to the above said extent of land the Municipality has started using more than 10 acres of pertinent land comprised in the said same survey number without any permission from the Forest department and thus total extent of nearly about 15 acres of land is being used by the Municipality for processing the solid waste. It was his statement that the Forest department has been requesting for restoration of the said land to preserve the Forest nature in the interest of environment. It was by deliberation agreed that the Municipality should offer the alternate land to the extent of 30 acres to the Forest department with certain conditions which includes effecting afforestation through the Municipality and continue to use the site of 15 acres at S.No. 215/2 Part for its purpose. It is stated that the administrative process in finalizing of the above said process is in progress and agreed that the process will be completed so that there will be vesting of right over the lands to the Municipality.

The expert participant Dr. Kurian Joseph has made an extensive study of the entire area of Theetukkal site during the visit and explained his technical opinion as to the further proceedings to be carried out and also suggested that existing centralized waste processing facilities should be put into operation until the micro composting centres are fully operational and successful.

The Committee with its Members and accompanied officers has also made visit on the same day at Gudalur and inspected the disputed place which are the subject matter of dispute in the applications before the Hon'ble

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National Green Tribunal. The officials of the Tamilnadu State Pollution Control Board particularly the District Environmental Engineer Mr.P.S. Livingston have submitted their views and opinions for the clearance of the solid waste including the disposal of plastic waste.

On the next day i.e. 08-08-2019 when the enquiry was commenced at 10.30 am, it was found that Mr. P. Radhakrishnan who is the principal complainant relating to the Theetukal Dump Yard was not present and it was told that a notice was served by the Municipality in his Ooty address. Further, the office of the Committee at Chennai has effected service on Mr.P.Radhakrishnan by a communication dated 02-08-2019 and the track record of the postal department shows that the addressee has received the communication on 05-08-2019. Further, on the date of hearing the said P.Radhakrishnan has not chosen to appear and explain his difficulties in so far as it relates to the issue relating to the Theetukal Dump Yard.

In respect of the issue relating to the Gudalur, after receipt of the notice by Mr. Prem Sagar who was the applicant in OA 527/2018 (earlier OA 190/2015 (SZ) is present and he has also submitted additional petition with further particulars and photographs. Further, the other petitioners viz. Thiru. P. Subramani and Thiru. Mathaiah who are stated to be served having chosen to appear before this Committee along with their advocate Mr.Arjunan on this day. Mr.Prem Sagar, the petitioner in OA No. 527/2018 (Applicant 190 of 2015) on enquiry has admitted as it is also stated in his petition that after the order of stay was passed by the National Green Tribunal on 06-11-2015, there was no dumping in Survey No.715, 813/1 and 813.2 of Gudalur Village at Thorapally, and further dumping of solid waste has been stopped totally. Therefore, he admitted that as on date he has no grievance relating to the solid waste in the above said survey number. However, it remains a fact that the Committee which deals with the Forest preservation has to find the way for removal of the dump already made. Above applicant has also stated that the dumping was only 4 years old prior to the order of stay granted in the year 2015 and that is in the extent of 15 acres. However his fresh grievance is that

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the Forest department has started putting up a huge concrete permanent structure for running the office of the District Forest Office at Gudalur. This is also admittedly carried out after the National Green Tribunal has referred the matter to this Committee by its order dated 26-11-2018.

The District Collector who is present is also of the view that some portion of the land are Janmam lands vested with the District Administration particularly under Section-17 of the Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) Act. Therefore, she has also to find out from the records and take appropriate decision to proceed further. In the circumstances stated above that as on date the District Forest Officer, Gudalur is already having his office on the main place at Gudalur and taking note of the fact that the present construction is stated to be carried out in the Forest area which is a concrete construction activity and may lead to urbanization in the Forest which is against the Forest and environmental law.

The Committee is of the view that the District Forest Officer should not proceed further with the construction until further decision of the this Committee. As the District Forest Officer, Gudalur is not present, however represented by the District Forest Officer, Ooty, he is requested to scrupulously follow the above direction through the District Forest Officer, Gudalur until further proceedings. The present construction which was brought to the notice of the Committee as well as Members is for the first time.

In the circumstances, the Committee requires further inspection of the said place in Gudalur before taking a decision and requested the Commissioner In-charge, Gudalur Municipality to inform all the parties in advance about the next date of hearing as well as inspection so that a final decision can be arrived at.

In view of the above and taking into consideration of overall situation culminating into present hearing after inspection, the following directions are issued.

1. The Municipal Commissioner, Ooty is directed to provide sufficient safety arrangements for protection of the land to an extent of about

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15 acres which is in his possession and now being used for solid waste management by way of providing chain link fencing along with development of green belt through out as a natural barrier to control the animals entering into the dump yard. The above said direction shall be commenced forth-with by the Commissioner, Ooty after getting necessary survey through the help of the District administration and Forest department and report to the Committee in its office at Chennai within a period of one week from today.

2. The Commissioner of Ooty Municipality is also requested to accumulate the solid waste spread over the existing land into a earmarked small area to make use of the balance land for effectively carrying out the bio-mining process. The balance land shall also be kept by the Municipality for the proposed improvements to be made in the dump site which includes the provision of facility for handling dry waste, e-waste collection centre etc.
3. The Commissioner, Ooty Municipality is directed to provide the leachate collection arrangements by constructing a peripheral drain around the waste dump to collect leachate and also create a sump to store the leachate for disposing in the Sewage Treatment Plant (STP) through the tanker lorries. This direction is found to be necessary by the Committee after having thorough discussion with Professor Dr. Kurian Joseph, Mr. V. Murugesan, REE, Chengalpat region and Mr. K. Saravanakumar, EE (in-charge), Coimbatore Corporation who were invited by the Committee to assist in lending technical expertise, knowledge and also to avoid further disturbance to the adjacent lands.
4. The Commissioner, Ooty Municipality is directed to submit Detailed Project Report (DPR) as requested by the Forest department about the developments to be made by the Municipality in the present site at Theetukal indicating the need, necessity, justification regarding the requirement of the land for specified purpose so as to enable the Forest department to take appropriate decision. The said DPR shall be

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submitted to the Forest Department by the Municipality within ten days from today and thereafter the Forest department shall take necessary decision for completing the process which shall be done within a reasonable time. Further, the Municipality can comply with various directions issued against it in improving the Theetukal site without waiting any further.

5. The Committee found large number of damaged waste collection bins accumulated in a large shed without taking any decision regarding its disposal. Therefore, the Committee directs the Ooty Municipality to clear all those bins by following the appropriate procedure and in accordance with law so that the area can be used effectively for the purpose of solid waste management. Needless to say, that the above said activities shall be completed within a period one month from today and immediately after completing all the said process the entire place including the other sheds shall be cleaned for proper use.
6. The trommel machinery stated to be available with the Municipality shall be put in use immediately after cleaning all the premises and action to be taken to procure necessary secondary machineries within a reasonable time. Whatever machines required including shredder, conveyor belt etc. has to be arrived at by the Municipality within one week from today. If there is any financial crunch faced by the Municipality in respect of procuring the instruments, equipments, machineries and other required infrastructures, the Commissioner, Ooty Municipality, in consultation with the District Collector shall send a proposal for seeking funds to the Principal Secretary, MA & WS Dept who is Member -Secretary of this Committee for forwarding the same with his remarks and recommendations to the Principal Secretary, Department of Environment and Forest who is also a Member of the Committee and also the Chairman of TamilNadu State Pollution Control Board, so as to enable them to release necessary funds from Tamilnadu State Pollution Control Board.



7. The animal waste lying in the dump site should be disposed and sent to bio-methanation plant stated to be situated at Kandal STP site. The above said action shall be taken by the Municipality immediately and also Municipality is directed to see that bio-methanation plant operates properly and Commissioner shall file a report to the Committee at its Chennai address immediately.
8. The Commissioner, Ooty Municipality is directed to provide hot air blower arrangements in all the existing micro composting centres and maintain the temperature and aeration required for composting. Mr.Ravi, Municipal Engineer who is present in the meeting states that the arrangements are being made today itself to partially carry out the above said direction and the same will be scrupulously followed.
9. The Ooty Municipality shall use the existing site after completing the cleaning process for carrying out composting and any other activities of solid waste management. The Commissioner shall ensure the effective use of the entire area for implementation of the Solid Waste Management Rule, 2016.
10. Mr.P. Subramani, S/o. Palaniandy, 4/46, Karunanidhi Nagar, Gudalur the applicant in OA No. 526 of 2018, OA of 2017 (SZ) is stated to be passed away during the pendency of this proceeding. The Commissioner in-charge, Gudalur Municipality undertakes to produce the death certificate in this regard on the next date of sitting.
11. Mr.Arjunan, Advocate appearing for some of the parties including Mr. Mathiah also made submission. He also submitted that it is at Chalukudi, Kuruthukuli, the place which could not be approached on the date of visit by the Committee contended that due to the legacy waste which was dumped prior to 2015 that mixed with bio medical waste by which the water course in which the water being used for drinking purpose has been polluted.
12. The District Collector undertakes to take necessary inventory on that issue and take appropriate action and assured that it will be cleared

and informed during the next day of visit. The said issue will be included in the next meeting and the parties shall be informed in advance by the Commissioner In-charge, Gudalur Municipality to enable them to be present on the day of visit by the Committee and the date of further hearing.

13. The Commissioner In-charge, Gudalur Municipality is directed to carry out Solid Waste Management activities in an efficient manner in the existing land to an extent of one acre which is provided with fencing situated in 27th mile of Gudalur.

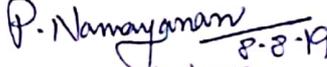
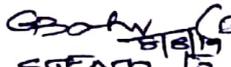
The composting shall be done in accordance with the MSW Rules, 2016 and the guidelines issued by the appropriate authorities including the State Pollution Control Board. Further, it is informed by the Tamilnadu Pollution Control Board that in the existing authorization to Gudalur Municipality for Windrow Composting of organic waste in S.F. No. 195/2A, Gudalur Village, Ward-1 of Gudalur Town for the maximum quantity of 4.00 TPD, Micro Composting Centre (Proposed) in S.F.No. 195/2A, Gudalur Village, Ward 1 of Gudalur Town for the maximum quantity of 5.00 TPD, Composting by 18 Bulk Waste Generators for maximum 2.00 TPD and Home Composting in 914 House Holds/small institutions for 3.00 TPD respectively. Likewise, in respect of Ooty Municipality the State Pollution Control Board has produced the copy of authorization issued to operate waste processing/re-cycling/treatment/disposal facility of Udhagamandalam Municipality which was valid upto 31-03-2020 for Bio-methanation facility at Kadal Mukkonam in SF Nos.91, 93, 95 Block F2 Ward 27 to the maximum qty of 5.00 TPD, Micro composting Center at Kadal Mukkonam in TS No. 106 Block F2 Ward 27 to the maximum qty of 3.00 TPD, Micro composting Center at Kadal Mukkonam in TS No. 107 Block F1 Ward 27 to the maximum qty of 2.00 TPD, Micro composting Center at Kurusady Colony TS.Nos.84, Block F2 Ward 27 to the maximum qty of 2.00 TPD, Micro composting Center at Kandhal STP in

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TS.No. 3, 4, Block F4 Ward 27 to the maximum qty of 3.00 TPD, Micro composting Center at Stone House (Old Ooty) in TS.No. 615, Block D Ward 8 to the maximum qty of 3.00 TPD, Micro composting Center at Pudumund in TS.No. 12/9, Block B, Ward 3 to the maximum qty of 2.00 TPD and On-site Composting Centers at 7 public places at Ambethkar Nagar, Upper Kodakamundu, Nondimedu, HPF Housing Colony, Elk Hill (2 Locations) of 0.50 TPD and Compositing by 45 Bulk Generators of 3.00 TPD. The statements which are accompanied by the authorization Letter No. 10/2019 and 12/2019 dated 12-04-2019 are recorded.

The Committee thanks all the participants and requested the continuous support to effectively implement orders of the National Green Tribunal, New Delhi and various other directions that were issued to both the Ooty and Gudalur Municipalities.


Justice Dr.P.Jyothimani
 Chairperson
 Regional Monitoring Committee of
 NGT for Solid Waste Management

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 Commissioner
 Ooty and Gudalur
2.  (BABU.G.)
 STENO TO COLLECTOR
 Ooty.