

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

Original Application No. 64 of 2020 (SZ)

Rajesh,
Tiruvallur District..

...Applicant(s)

Versus

Union of India
Rep. by its Secretary
The Ministry of Environment Forest and
Climate Change,
Jorbagh, Lodhi Colony,
New Delhi – 110003 and 13 others.

...Respondent(s)

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

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REPORT FILED ON BEHALF OF THE 2ND & 12TH RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD.

I, Tmt. R. Sarasavani, Daughter of Thiru. Raghavan, Hindu, aged about 56 years, having my office at No. 76, Mount Salai, Guindy, Chennai – 32, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the 2nd & 12th Respondents TNPC Board and as such I am well acquainted with the facts of the case as per records.

2. It is submitted that the Hon'ble NGT has directed the Tamil Nadu Pollution Control Board in its order dated 13.04.2021 inter alia that:

“Para 7: The Tamil Nadu Pollution Control Board is also directed to file a further action taken report for non-implementation of the Solid Waste Management Rules, 2016 in Minjur Town Panchyat as has been directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.606 of 2018 before the next hearing date”.

3. It is respectfully submitted that, in order to comply the said order, the facility was inspected by the DEE, TNPCB, Gummidipoondi on 09.06.2021 along with the Executive Officer, Minjur Town Panchayat and reported the following:

*Madam,
Please sign
with date*

*Jan
05/7/2021*

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 022

- i. The Municipal solid waste generated of 7.50MT/day is collected and composted in the composting facility (Compostable - 4.55 MT/day and recyclable waste - 2.95MT/day) at Kosasthalaiyaru river bank
- ii. The Executive Officer has informed that alternate land has been identified at Kalpakkam Village for shifting the processing facility since the existing facility is located in the PWD lands and has requested the Collector, Thiruvallur for allotment of land. The approval is still in progress.
- iii. The dumped municipal solid waste (legacy waste) has not yet been taken up for bio mining process for which the Executive officer stated that necessary proposal has been submitted to the Government for approval.
- iv. Burning of the legacy waste was noticed during inspection.

Based on the above, the TNPCB has issued the following directions to the Minjur Town Panchayat vide Board Proceeding No.T1/TNPCB/LAW/NGT/SWM/F.9322/GMP/2020/2021-2 dated 21.06.2021 for compliance of the following:

- i. The Minjur Town Panchayat shall comply with the provisions of Solid Waste Management Rules, 2016 and shall comply with the orders passed by the Hon'ble NGT in OA 606 of 2018 from time to time.
- ii. The Minjur Town Panchayat shall shift the existing composting facilities to the site identified at Kalpakkam Village as proposed after obtaining the Authorization of the Board.
- iii. The Minjur Town Panchayat shall clear the dumped solid waste (legacy waste) for further bio mining process after obtaining approval from the Government of Tamil Nadu and in accordance with the provisions of SWM Rules, 2016.
- iv. The Minjur Town Panchayat shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016.

Alan
05/7/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No 76, MOUNT SALAI CHUNDRY

v. The Executive Officer, Minjur Town Panchayat shall monitor and ensure the compliance with the statutory requirements and for the scientific disposal of solid waste that are being generated in the local body, till commencement of the new facility.

vi. The Minjur Town Panchayat is liable to pay Environmental Compensation for non compliance of the conditions stipulated vide Sl. No. 1 to 5.

The copy of the Board Proceeding dated 21.06.2021 is enclosed herewith as **Annexure - I**

8. It is respectfully submitted that the Hon'ble NGT, Principal Bench, New Delhi vide order dated 02.07.2020 in OA No. 606 of 2018 has directed the State Pollution Control Boards to assess and recover interim compensation against the local bodies with respect to non-compliance of Solid Waste Management Rules, 2016 and for continued failure on commencing the work of legacy work sites remediation from 01.04.2020.

In compliance of the Hon'ble NGT order, the TNPCB has assessed an interim environmental compensation of Rs.28 Lakhs for a period of 14 months (from April 2020 to May 2021) to the Minjur Town Panchayat for non compliance of Solid Waste Management Rules, 2016 and for not commencing the work of legacy waste remediation process.

Hence, under Section 5 of the Environment (Protection) Act, 1986, the TNPC Board has issued Show Cause Notice to the Minjur Town Panchayat vide Board Proceeding No.T1/TNPCB/LAW/NGT/SWM/F.9322/GMP/2020/2021-1, dated 21.06.2021 as to why the Board shall not recover interim environmental compensation of Rs.28 Lakhs (from April 2020 to May 2021) for non compliance of Solid Waste Management Rules, 2016 and for not commencing the work of legacy waste remediation process. The Copy of Show Cause Notice issued is enclosed herewith as **Annexure- II**

dlar
05/8/2021

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

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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05/7/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.
BEFORE ME

VERIFICATION

I, Tmt. R. Sarasavani, Daughter of Thiru. Raghavan , working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records

Verified at Chennai on this day of July, 2021.

dlar
05/7/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

By Speed Post



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TAMIL NADU POLLUTION CONTROL BOARD

Proc. No. T1/TNPCB/LAW/NGT/SWM/F. 9322/GMP/2020/2021-2 Dated: 21.06.2021

Sub: TNPCB – Solid Waste Management – Hon'ble NGT order in O.A.No.64 of 2020 (SZ) & –Non-compliance of Solid Waste Management Rules, 2016 by Minjur Town Panchayat - Directions under section 5 of the Environment (Protection) Act, 1986 as amended – Orders Issued - Regarding.

Ref: 1. Hon'ble NGT (SZ), Chennai orders dated 13.05.2020, 03.03.2021, 13.04.2021 & 24.05.2021 in Original Application No. 64 of 2020 (SZ)
 2. Hon'ble National Green Tribunal (Principal Bench) order dated 02.07.2020 in OA No. 606 of 2018
 3. DEE, Lr.No. DEE/TNPCB/GMP/F.M-40/NGT O.A.No.64 /2020 dt. 12.06.2021
 4. JCEE(M), CHN Lr. No. F.213/JCEE(M)/TNPCB/CHN.ZONE/NGT OA. No.64/2021, Dated: 14.06.2021

Whereas, the applicant Mr. V. Rajesh, Thiruvallur District has filed Original Application No. 64 of 2020 (sz) before the Hon'ble NGT (SZ) Chennai against regarding illegal dumping of Solid Waste by the Town Panchayat near the Kosasthaliyar River bank.

Whereas, a Joint Committee has inspected the wet waste processing site and open solid waste dumpsite located at Minjur Town Panchayat as per Hon'ble National Green Tribunal order dated 13.05.2020 in Original Application No. 64 of 2020 (sz) and has submitted certain recommendations to the Hon'ble NGT(SZ) for compliance.

Whereas, the Hon'ble National Green Tribunal, Southern Zone Bench, Chennai vide order dated. 13.04.2021 has directed the Tamil Nadu Pollution Control Board to file a further action taken report for non-implementation of the Solid Waste Management Rules, 2016 in Minjur Town Panchayat as has been directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.606 of 2018 before the next hearing date.

Whereas, in compliance of the Hon'ble National Green Tribunal, Southern Zone Bench, Chennai vide order dated. 13.04.2021, the facility was inspected by the Joint Chief Environmental Engineer (M), Chennai and District Environmental Engineer, Gummidipoondi on 09.06.2021 along with the Executive Officer, Minjur Town Panchayat and reported the following vide references 3rd and 4th cited,

- The Executive Officer has informed that alternate land has been identified at Kalpakkam Village for shifting of the processing facility since the existing facility is located in the PWD lands and requested the Collector, Thiruvallur for allotment of land. The approval is still in progress.

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- The dumped municipal solid waste (legacy waste) has not yet been taken up for biomining process for which the Executive officer stated that necessary proposal has been submitted for approval.
 - Burning of the legacy waste was noticed during inspection.

Whereas, the Joint Chief Environmental Engineer (M), Chennai and District Environmental Engineer, Gummidipoondi has recommended to issue necessary direction to the Minjur Town Panchayat vide references 3rd and 4th cited for non-compliance of Solid Waste Management Rules, 2016 and for not commencing the work of legacy waste remediation process.

Therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, the Board hereby issues direction to the Executive Officer, Minjur Town Panchayat for strict compliance

1. The Minjur Town Panchayat shall comply with the provisions of Solid Waste Management Rules, 2016 and shall comply with the orders passed by the Hon'ble NGT in OA 606 of 2018 from time to time.
2. The Town Panchayat shall shift the existing composting facilities to the site identified at Kalpakkam Village as proposed after obtaining the Authorization of the Board.
3. The Town Panchayat shall clear the dumped solid waste (legacy waste) for further bio mining process after obtaining approval from the Government of Tamilnadu and in accordance with the provisions of SWM Rules, 2016.
4. The Minjur Town Panchayat shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016.
5. The Executive Officer, Minjur Town Panchayat shall monitor and ensure the compliance with the statutory requirements and for the scientific disposal of solid waste that are being generated in the local body, till commencement of the new facility.
6. The Minjur Town Panchayat is liable to pay Environmental Compensation for non compliance of the conditions stipulated vide SI. No. 1 to 5.



TAMIL NADU POLLUTION CONTROL BOARD

Proc. No. T1/TNPCB/LAW/NGT/SWM/F. 9322/GMP/2020/2021-1 Dated: 21.06.2021

Sub: TNPCB – Solid Waste Management – Hon'ble NGT order in O.A.No.64 of 2020 (SZ) & –Non-compliance of Solid Waste Management Rules, 2016 by Minjur Town Panchayat - Levy of Environmental compensation for non compliance under section 5 of the Environment (Protection) Act, 1986 as amended – Show cause notice - Issued - Regarding.

- Ref:**
1. Hon'ble NGT (SZ), Chennai orders dated 13.05.2020, 03.03.2021, 13.04.2021 & 24.05.2021 in Original Application No. 64 of 2020 (SZ)
 2. Hon'ble National Green Tribunal (Principal Bench) order dated 02.07.2020 in OA No. 606 of 2018
 3. DEE, Lr.No. DEE/ TNPCB/ GMP/ F.M-40/ NGT O.A.No.64 /2020 dt. 12.06.2021
 4. JCEE(M), CHN Lr. No. F.213/ JCEE(M)/ TNPCB/ CHN.ZONE/ NGT OA. No.64/2021, Dated: 14.06.2021

Whereas the Ministry of Environment Forest and Climate Change, Government of India, in exercise of the powers conferred under section 3, 6, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Municipal Solid Waste (Management and Handling) Rules, 2000, has notified the Solid Waste Management Rules, 2016. As per Rule 15 of Solid Waste Management Rules, the role of local body has been specified for the implementation of solid waste management in the respective local bodies.

Whereas, necessary infrastructure for implementation of the Rules shall be created by the local bodies within the specified timeframe as mentioned in Serial No. 1 to 10 in Rule 22 of the Solid Waste Management Rules, 2016.

Whereas, the applicant Mr. V. Rajesh, Thiruvallur District has filed Original Application No. 64 of 2020 (sz) before the Hon'ble NGT (SZ) Chennai against regarding illegal dumping of Solid Waste by the Town Panchayat near the Kosasthaliyar River bank.

Whereas, a Joint Committee has inspected the wet waste processing site and open solid waste dumpsite located at Minjur Town Panchayat as per Hon'ble National Green Tribunal order dated 13.05.2020 in Original Application No. 64 of 2020 (sz) and recommended the following among other things inter-alia that,

- i. EO Town Panchayat, Minjur has submitted the compliance report and requested for six months time for shifting of processing facilities

- ii. Minjur Town Panchayat shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016.
- iii. Minjur Town Panchayat shall clear the dumped solid waste (legacy wastes) in the processing/ dump site by carrying out Bio mining as per CPCB guidelines within the period of six months.
- iv. The Executive Officer, Minjur Town Panchayat shall monitor and ensure the compliance with the statutory requirements and for the scientific disposal of solid waste that are being generated in the local body, till commencement of the new facility.
- v. The Public Works Department (PWD), WRD shall issue necessary notice to Minjur Town Panchayat to vacate the facility and ensure no further dumping of Municipal Solid Waste by the Town Panchayat.
- vi. The Minjur Town Panchayat shall remit interim Environmental Compensation (EC) of Rs.12 Lakhs for not complying with the provisions of the Solid Waste Management Rules, 2016, as directed by the Hon'ble National Green Tribunal (Principal Bench) in its order dated 28.02.2020.

Whereas, the Hon'ble National Green Tribunal, Southern Zone Bench, Chennai vide order dated. 13.04.2021 has directed the Tamil Nadu Pollution Control Board to file a further action taken report for non-implementation of the Solid Waste Management Rules, 2016 in Minjur Town Panchayat as has been directed by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.606 of 2018 before the next hearing date.

Whereas, in compliance of the Hon'ble National Green Tribunal, Southern Zone Bench, Chennai vide order dated. 13.04.2021, the facility was inspected by the Joint Chief Environmental Engineer (M), Chennai and District Environmental Engineer, Gummidipoondi on 09.06.2021 along with the Executive Officer, Minjur Town Panchayat and reported the following vide references 3rd and 4th cited,

- The Municipal solid waste generated of 7.50MT/day is collected and composted in the composting facility (Compostable - 4.55 MT/day and recyclable waste - 2.95MT/day)
- The Executive Officer has informed that alternate land has been identified at Kalpakkam Village for shifting of the processing facility since the existing facility is located in the PWD lands and requested the Collector, Thiruvallur for allotment of land. The approval is still in progress.



TAMIL NADU POLLUTION CONTROL BOARD

- The dumped municipal solid waste (legacy waste) has not yet been taken up for biomining process for which the Executive officer stated that necessary proposal has been submitted for approval.
- Burning of the legacy waste was noticed during inspection.

Whereas, the Hon'ble NGT, Principal Bench, New Delhi vide order dated 02.07.2020 in OA No. 606 of 2018 has directed the State Pollution Control Boards to assess and recover interim compensation against the local bodies with respect to non-compliance of Solid Waste Management Rules, 2016 and for continued failure on commencing the work of legacy work sites remediation from 01.04.2020.

Whereas an amount of Rs.28 lakhs has been assessed as an interim environmental compensation for a period of 14 months (from April 2020 to May 2021) to the Minjur Town Panchayat for non-compliance of Solid Waste Management Rules, 2016 and for not commencing the work of legacy waste remediation process.

Now therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, the Board hereby issues Show Cause Notice to the Executive Officer, Minjur Town Panchayat as to why the Board shall not recover Interim Environmental Compensation of Rs. 28 Lakhs (from April 2020 to May 2021) for the non-compliance of Solid Waste Management Rules, 2016.

It is informed that non-receipt of any reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above said contraventions and action will be taken on merits in accordance with law.

To

The Executive Officer,
Minjur Town Panchayat,
No.29, Bakthavachalam Street, Minjur,
Thiruvallur Distirct - 601203
E-Mail id: tlrminjur@gmail.com

Copy submitted to

1. The Chairman,
State Monitoring Committee of NGT for Solid Waste Management in Tamil Nadu,
183, EVR Periyar Road,
Kilpauk,
Chennai – 600 010

J. Prasad
21/6/2021
For Chairman

R. Prasad
21/6/21

2. The Principal Secretary to Government,
Environment, Climate Change & Forests Department,
Secretariat,
Chennai-600 009.
3. The Additional Chief Secretary to the Government,
Municipal Administration & Water Supply Department,
Secretariat,
Chennai-600 009.
4. The Director of Town Panchayats,
Urban Administrative Building Society,
Raja Annamalaipuram, MRC Nagar
Chennai - 600 028

Copy to

1. The Joint Chief Environmental Engineer (Monitoring),
Tamil Nadu Pollution Control Board,
Chennai
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Gummidipoondi
3. File Copy

**BEFORE THE NATIONAL GREEN
TRIBUNAL SOUTHERN ZONE,
CHENNAI.**

**Original Application No. 64 of 2020
(SZ)**

Rajesh,
Tiruvallur District..

...Applicant(s)

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Union of India
Rep. by its Secretary
The Ministry of Environment Forest
and Climate Change,
Jorbagh, Lodhi Colony,
New Delhi – 110003 and 13 others.

...Respondent(s)

**REPORT FILED ON BEHALF OF
THE 2ND & 12TH RESPONDENTS -
TAMIL NADU POLLUTION
CONTROL BOARD.**

Date: 05.07.2021.

Date of hearing on: 22.07.2021