

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH, CHENNAI
ORIGINAL APPLICATION NO. 27 OF 2021 (SZ)

Tribunal on its own motion

Suo Motu based on the news

item in The Hindu E-Paper, Edition

dt. 28.01.2021, "Faecal contamination

high in Perandoor, Edappally Canals" : Applicant(s)

Versus

The Chairman, SPCB & Others : Respondent(s)

VOLUME 1(Report)

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Dated this the 22nd May 2021

Rema Smrithi, Advocate
STANDING COUNSEL FOR THE 4th RESPONDENT

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**REPORT FILED BY THE CHIEF ENVIRONMENTAL ENGINEER,
REGIONAL OFFICE, ERNAKULAM FOR AND ON BEHALF OF THE
4th RESPONDENT IN OA 27 of 2021**

I, M.A Baiju, 54 years, S/o M.K Aravindakshan, now working as Chief Environmental Engineer, Regional Office, Kerala State Pollution Control Board, Ernakulum. I am competent to and duly authorized to represent the 4th Respondent in OA 27 of 2021. I know the facts and circumstances of the case. The factual submissions made here under are true and correct to the best of my knowledge, information and belief. In these circumstances, it is just and necessary that this Hon'ble Tribunal may be pleased to accept the accompanying information on file and it is so humbly prayed in the interests of justice in this case.

1. The above application was taken on its motion "Suomotu" based on a newspaper report published in The Hindu E-Paper Edition dated 28.01.2021 under the caption "*Faecal Contamination high in Perandoor, Edappally Canals*". Actually the case is originated from Analysis reports (4 nos.) of samples collected from the above two streams flowing through the heart of the city which due to unrestrained




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waste disposal (domestic as well as commercial establishments) and evident flow restrictions due to encroachments and weed growth. It is respectfully submitted that the samples were analyzed to verify whether there are any effect of STP provided by the Jawahar Lal Nehru Stadium and Slaughter House installed at Kaloor. Though there are certain issues with regard to installation of Sewage Treatment Plant at slaughter house, the STP at JLN Stadium is capable of managing the entire sewage that would generate during tournaments or events at the Stadium. But, the variable waste load coming to this STP due to under utilization of the stadium is the main issue which was severe during last year due to the restrictions imposed in view of the outbreak of COVID-19 pandemic in the country. Hence it was suggested that the waste water transferred from Hotels and establishments where no space for the installation of STP could be brought to this unit for effective treatment and to avoid operation of such units in noncompliance with the relevant provisions of different Environmental Rules. Above mentioned details were brought to the notice of the Hon'ble Tribunal in OA 264 of 2017 and the Hon'ble Tribunal vide order dated 05.02.2021 disposed the case as it was seen that the STP installed is capable of treating the entire waste generated from the stadium and associated establishments but the stream pollution is the menace faced by the people of Kochi. The final order dated 18.02.2021 in OA 264 of 2017 (SZ) is directing the Board as follows,

“The Kerala State Pollution Control Board is directed to conduct periodical monitoring of the functioning of the STP in the Jawaharlal Nehru Stadium complex and management of the waste generated and possibilities of pollution being caused on account of non implementation of the recommendations given by them and take appropriate action against the persons responsible for causing such pollution in accordance with law”.

2. It is respectfully submitted that this respondent will initiate actions to regularly monitor the STP in the JLN Stadium. Here, it is pertinent to note that due to COVID-19 outbreak, the stadium is not utilized for any functions viz. tournament or exhibitions etc. and thus effluent generation/treated effluent discharge is not expected. It is true that this respondent had initiated certain




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actions to monitor some portion of Perandoor Canal and Edappilly thodu where severe water pollution identified due to uncontrolled discharge of sewage / septic tank waste by unidentified agencies. During monitoring two samples from each canals were collected and analyzed for different usual parameters which shows exceeding concentrations including coliforms.

3. I may humbly submit that it is worthwhile to note that the order of the Hon'ble Tribunal dated 05.02.2021 directing to appoint an expert committee towards the effective implementation of different regulatory mechanisms. With respect to this the Hon'ble Tribunal's explanation is as follows,

"In order to ascertain the real impact and also the remedial measures to be taken by the regulating authorities and the implementing authorities, we feel it appropriate to appoint a Joint Committee comprising of (i) the District Collector, Ernakulam District or a Senior Officer not below the rank of Assistant Collector or a Sub Divisional Magistrate as deputed by him, (ii) a Senior Officer from the Kerala State Pollution Control Board deputed by its Chairman, (iii) a Senior Officer not below the rank of Additional Secretary from the Ministry of Environment, State of Kerala as deputed by the Principal Secretary, Department of Environment dealing with sanitation and sewage issue (iv) a Senior Officer from the Kochi Municipal Corporation as deputed by the Commissioner and (v) a Senior Officer from the Greater Cochin Development Authority as deputed by its Chairman to inspect the area in question and submit a factual as well as action taken report to remedy the situation".

Also directed as follows,

"The implementing authorities are directed to come with an independent action plan as to how they are going to solve the issue in an effective manner with long term and short term measures with lesser time line as allowing such menace for a longer time will have great impact on health of the people".

Further, to coordinate the activities of the Committee the Hon'ble Tribunal specifically ordered as mentioned below,

"The Kochi Municipal Corporation will be the nodal agency for co-ordination and for providing necessary logistics for this purpose".

4. It is respectfully submitted that though there were such orders by the Hon'ble Tribunal, till now no such discussions were made within the constituted committee. However, actions were taken to study the entire stretch of Perandoor Canal and Edappally thodu, two main polluted streams flowing through the heart




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of Kochi City. There are five more stations each were already identified for monitoring two stretches, Perandoor Canal and Edappally thodu and the details of stations are produced herewith and marked as **Annexure 1**, photographs of these stations are produced herewith and marked as **Annexure 2** and analysis reports of water samples collected from these stations are produced herewith and marked as **Annexure 3**. Subsequently, pollution load mapping has been started and will be completed immediately after second round of sampling (Post Monsoon Monitoring) are completed and analysis reports are obtained. Identification of industries/establishments located along the banks of the above mentioned streams is progressing and the monitoring of those establishments will be done to verify whether the facilities provided by them for the treatment of solid waste and waste water are satisfactory.

5. I may also humbly present that there are specific actions initiated by the Government to clean up these streams in addition to other three streams which are flowing through the city. The “Integrated Urban Regenerated Water Transport Project” (IURWTS) is a creative proposal by the Government, details of which are as follows,

“The project involves rejuvenation of 5 canals running through the heart of the urban fabric of Kochi Corporation and occupying nearly one-third of the corporation area. The overall objective was to improve inland Transport in the canal systems and have an intermodal connectivity with an integration of the Rail Metro and Water Metro. The restoration of canals and urban regeneration is aimed at restructuring the urban fabric and renewal of the urban economy and thereby overall improvement of city’s image”.

More details are as follows,

“Kochi Metro Rail Limited (KMRL) have been entrusted the work of Integrated Urban Regeneration and Water Transport System (IURWTS) in Kochi by the Government of Kerala. The proposed project envisages the development of the Edappally Canal (11.23 km), Thevara – Perandoor Canal (9.8 km), Chilavanoor Canal (11.15 km), Thevara Canal (1.405 km) and Market Canal (0.664 km) in Kochi. The major aim of the project is to regenerate the urban area in and around the canals, rehabilitate the slum dwellers, and make use of the commercial area in the vicinity of the canal along with creation of tourism destinations and navigation through the canals.




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As a part of the project the following activities are proposed to be carried out Cleaning of Canals

- *Dredging & Cutting*
- *Bank Protection*
- *Reconstruction of Cross Structures and Foot Over Bridges*
- *Sanitary Sewer Line & STPs*
- *Sanitation Facilities*
- *Jetties*
- *Infrastructure Development*
- *Beautification of canals including Tourism & Sports Park*

On successful implementation of the proposed project will lead to Cleaner and Greener Environment, better drainage, sewage & rain water harvesting systems, effective and enhanced connectivity from various locations, improved landscape around the facility, reduced risk of potential flooding near the canals, properly treated and reused he sewage water from the facilities and circulate the treated water etc”.

6. It is respectfully submitted that the Hon’ble Tribunal also made some comments on the committed offence by responsible agencies which is as follows,

“The committee is also directed to ascertain the remedial measures to be taken, damage caused to the environment and assess the environmental compensation to restore the damage caused including the expense required for implementing the remedial measures and who is responsible to pay the same as well”.

It is also respectfully submitted that there are specific guidelines prepared by the CPCB for the assessment of Environmental Compensation (EC) and Damage assessment towards sewage management which can also be discussed in detail once the meeting of the committee is convened by the Nodal Agency, the Kochi Corporation. Copy of relevant pages of the guidelines and model calculation are provided by the CPCB towards the assessment of EC is produced herewith and marked as **Annexure 4**.

7. I may humbly submit that there are other streams also seems to be polluted due to uncontrolled sewage/septage discharges from unauthorized establishments and disposal of solid waste including plastic and other wastes. The District Office of the Board is already initiated actions on all the establishments and Local Bodies which cause unrestrained pollution to these streams as per the direction of the Hon’ble Tribunal in O A 395 of 2013 and OA 606 of 2018 which will also be




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explained within the committee and strict directions will be issued to Corporation and GCDA to instigate time lined actions in this regard.

8. It is respectfully submitted that the main reason for the contamination of canals is due to the sewage, sullage and garbage generated in the households and establishments located in the area. Kochi Corporation may be directed to conduct sanitation survey of the area using mobile application for the identification of source of pollution and based on that, time bound action plan can be formulated and that can be implemented strictly for the protection of canals. Necessary guidance for this can be given by this respondent to the Kochi Corporation.

Dated this the 22nd day of May 2021




Chief Environmental Engineer
M. A. BAIJU
Chief Environmental Engineer