

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 25 of 2021 (SZ)

IN THE MATTER OF

Tribunal on its own motion-SUO MOTU Based on the News item in Times of India, Chennai Edition, Dated 19.01.2021, "Private tankers in Chennai brazenly dump Sewage into storm water drains in broad daylight."

...Applicant(s)

Versus

1. The Principal Secretary to Govt. of Tamil Nadu, Health and Family Welfare Department,
Govt. Secretariat, Fort St. George
Chennai, Tamil Nadu 600- 009.
2. The Secretary to Govt. of Tamil Nadu, Department of Environment & Forests, Govt. Secretariat,
Fort St. George Chennai, Tamil Nadu 600- 009.
3. Additional Secretary to Govt. of Tamil Nadu,
Municipal Administration and Water Supply Department
Govt. Secretariat, Fort St. George
Chennai, Tamil Nadu 600- 009.
4. The Chairman,
Tamil Nadu Pollution Control Board,
No. 76, Anna Salai, Guindy,
Chennai, Tamil Nadu 600- 032.
5. Chennai Metropolitan Water Supply & Sewerage Board,
Rep. by its Managing Director,
No. 1, Pumping Station Road,
Chintadripet, Chennai – 600 031.
6. The District Collector,
Tiruvallur District,
First Floor, Collectorate,
Tiruvallur – 602 001.
7. Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building, Chennai 600 003

...Respondent(s)


Superintending Engineer (South-West)
Chennai Metropolitan Water Supply & Sewerage Board,
Chintadripet, Chennai-600 002.

**REPORT OF THE JOINT COMMITTEE BASED ON THE INSPECTION CONDUCTED
ON 12.03.2021 AND 29.03.2021**

The above case has been Suo Motu registered by this Tribunal on the basis of the newspaper report published in the Times of India Newspaper, Chennai Edition dated 19.01.2021, under the caption "Private tankers continue to dump sewage into storm drains in broad daylight. Accordingly the Tribunal by its order dated 05.02.2021 had admitted the matter and appointed a Joint Committee to go into the question and submit a report.

The Joint committee has also been directed to ascertain the persons responsible for doing such mischief by conducting proper enquiry after collecting details from the person mentioned in the newspaper report and also from the reporter who published report and take appropriate action against such persons including launching of prosecution and imposing environmental compensation and other coercive steps in accordance with law.

If storm water drains are discharging the same into the any water body, then the committee is also been directed to ascertain the water quality of the water body and if it is contaminated to suggest the remedial measures to be taken to rectify the same including assessment of environmental compensation and recover such amount from those who are responsible for the same.

Pursuant to the above Order, the Joint Committee comprising of the following Officials of Various Agencies have been formed to ascertain the Genuineness of the allegations in the Newspaper report and the details of action taken against the mischief mongers.

1. The District Collector, Thiruvallur District or A Senior Officer not below the rank of Assistant Collector.
2. A Senior Officer from Tamil Nadu Pollution Control Board (TNPCB) as designated by its Chairman.
3. A Superintending Engineer from Public Works Department (PWD)
4. A Senior Officer from Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB)


Superintending Engineer (South West)
Chennai Metropolitan Water Supply & Sewerage Board,
Chintadripet, Chennai-600 002.

5. A Senior Health Officer from Greater Chennai Corporation (GCC)

The Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) has been appointed as the Nodal agency for co-ordination and also for providing necessary logistics for this purpose.

The District Collector, Tiruvallur District has been directed to supervise and coordinate the committee members and review their work and enable them to submit the report to the Tribunal on time.

JOINT INSPECTION OF THE COMMITTEE

The Joint Committee had fixed the date of Joint Inspection on 12.03.2021 to ascertain the genuineness of report and the following Officials have assisted the Joint Committee at the time of Inspection.

1. Thiru S.Ravindranathan, Superintending Engineer (South West), CMWSSB
2. Thiru J.Shankar, Tahsildar, Poonamallee Taluk.
3. Tmt.P.Suganthi Rani, Asst.Environmental Engineer , TNPCB,Ambattur
4. Thiru A. Jothi Prakash, Assistant Engineer, TNPCB, Ambattur
5. Tmt.A.Shanthi, Asst.Exe.Engineer, Storm Water Drain Dept, GCC
6. Thiru G.Mahendrakumar, Junior Engineer, Water Resources Dept, PWD

The Joint Committee has again made a Joint Inspection on 29.03.2021 to monitor the activities of the sewer tanker lorry operators at the complaint site and the following Officials have assisted the Committee at the time of Inspection.

1. Thiru S.Ravindranathan, Superintending Engineer (South West), CMWSSB
2. Thiru P.Senthur Pandu , District Environmental Engineer, TNPCB, Tiruvallur
3. Thiru G.Mahendrakumar, Junior Engineer, Water Resources Dept, PWD
4. Thiru Ramachandran, Commissioner, Poonamalle Municipality
5. Thiru Dr.Rajkumar, Additional City Health Officer (Central), GCC

Based on the Joint Inspection of the Members of the Joint Committee at the complaint site and as per the directions of the Hon'ble Tribunal, the

observations and findings of the committee members on the subject matter are furnished as follows:-

REMARKS OF THE DISTRICT COLLECTOR

The District Collector, Tiruvallur District has furnished his remarks as follows:-

1. As ordered by the Hon'ble Green Tribunal, Southern Zone, the direction has been given to the official concerned to co-ordinate with the committee members. Accordingly, the committee members have inspected the subject area on 12.03.2021. Necessary instructions also given to the Revenue officials to monitor the activities of private tankers, who are dumping the sewage into storm water drains.
2. As a result of routine monitoring the activities of private tankers, the Tahsildar, Poonamallee, has seized two tanker lorries nearing Registration No. TN. 10 M 6138 and TN 09 BJ 5905, which were illegally discharged the sewage water into the storm water drains and the seized vehicles have been handed over to the Inspector of Police, T12, Poonamallee Police Station for taking necessary legal action.
3. As ordered by the Hon'ble Green Tribunal, Southern Zone, the necessary actions are being taken to prevent illegal discharge of sewage water into storm water drains by the private tankers.

REMARKS OF TAMIL NADU POLLUTION CONTROL BOARD (TNPCB)

In order to comply the NGT order dated 05.02.2021 in O.A. No. 25 of 2021, the Joint Committee has carried out inspection along with the officials of O/o DEE, TNPCB, Ambattur on 12.03.2021 in the stretches of Poonamallee By-pass road and found that 2 to 3 tanker Lorries have discharged their sewage into storm water drain and fled away. It was ascertained that the storm water drain was opened in some places in the said locations and tankers lorries have discharged the sewage into it. The sewage discharged has flows through the storm water drain and finally confluence into River Cooum located about 2KM. During the joint committee inspection, the Tahsildar Poonamallee Taluk reported that criminal action will be initiated against the tanker lorry owners.

S. N. S.

**Superintending Engineer (South West)
Chennai Metropolitan Water Supply & Sewerage Board,
Chintadripet, Chennai-600 002.**

In continuation to that the said complaint was again inspected by the District Environmental Engineer, Tamil Nadu Pollution control Board, Tiruvallur on 23.03.2021. During inspection of the complained stretches of Poonamallee By-pass road, it was noticed that sewage was found stagnated in the storm water drains along the Chennai -Bangalore National Highway near Parivakkam signal. Further, sewage sample in the storm water drain and water sample at River Cooum were collected and sent to TNPCB Laboratory for analysis.

The analysis results of the sewage sample collected in the storm water drain & water sample of River Cooum are enclosed as Annexure-1,1(a) & 2,2(a) respectively. The report of analysis reveals that presence of Faecal coliform, Total Coliform and BOD in raw sewage and also in river Cooum ensure the discharge of untreated sewage affecting the water quality of river Cooum.

In this regard, the Commissioner, Poonamallee Municipality and the Inspector of Police, T12-Poonamallee Police Station have been addressed vide Office of the DEE, TNPCB, Tiruvallur letter dated 23.03.2021 to take necessary action to prevent illegal discharge of sewage into storm water drain by the private tanker lorries.

REMARKS OF THE SUPERINTENDING ENGINEER (WRO), PUBLIC WORKS DEPARTMENT (PWD)

The Superintending Engineer, Water Resources Department of the Public Works Department, Chennai – 600 032 has furnished his remarks as follows:-

The National Highway Authority of India (NHAI) is the Custodian of the drain in which the private tankers dump sewage. This drain is further connected with Pallikuppam Odai which is Originates from Parivakkam tank and subsequently confluence into Coovum river. Hence, the observation and action taken report may be obtained from the Concern Department i.e., NHAI and incorporated in the Inspection report, since the drains are road side drains which are being maintained by the NHAI.


Superintending Engineer (South West)
Chennai Metropolitan Water Supply & Sewerage Board,
Chintadripet, Chennai-600 002.

REMARKS OF THE CHENNAI METROPOLITAN WATER SUPPLY AND SEWERAGE BOARD (CMWSSB)

The Superintending Engineer (South West), Chennai Metropolitan Water Supply and Sewerage Board, Chennai – 600 028 has furnished his remarks as follows:-

The Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) is in the process of Implementation and Maintenance of water distribution, sewage collection and disposal network in Greater Chennai Corporation which comprises of 200wards including the recently added 42Nos of local bodies viz., 9Nos of Municipalities, 8Nos of Town Panchayats and 25Nos of Village Panchayats to the Greater Chennai City. The Implementation of Under Ground Sewerage Schemes (UGSS) to these newly added areas are under operation in certain places and at various stages of completion in the remaining places.

As the Board is responsible for the Implementation and Maintenance of water supply and Sewerage facilities in the Core Chennai City and to its newly added areas, Water supply Schemes (WSS) and Under Ground Sewerage Schemes (UGSS) are under implementation at various places in Chennai City. These Schemes have been successfully completed and put into use in certain areas and works are under progress in the remaining areas. The sewage generated at these unserved areas are being collected at a nominal cost through Phone helpline and by Online portal of the Board. The registered sewer tanker lorries of the Board collect sewage and decant at the nearest Sewage pumping Station/ Sewage Treatment plant for further treatment and safe disposal.

Wherein the Complaint site in question comes under the purview of the Poonamalle Municipality and is not under the Jurisdiction of Greater Chennai Corporation or the Board. The requisite enforcement action have to be dealt by the Commissioner of the Municipality concerned.

In compliance of the direction of the Hon'ble National Green Tribunal (SZ), the Joint Committee as constituted with CMWSSB as its Nodal Agency, the Superintending Engineer (South West) of CMWSSB has carried out the inspection in the area in question on 12.03.2021, again on 29.03.2021 and


Superintending Engineer (South West)
Chennai Metropolitan Water Supply & Sewerage Board,
Chintadripet, Chennai-600 002.

the observed that, Two Nos of Sewer Tanker Lorries bearing registration Nos. TN18-9695 and TN18-9690 were decanting of sewage in the Storm water drain near AGS Dental College (Complaint spot) and a complaint has been lodged with the Poonamalle Police Station for illegal let out of sewage into the drain. A FIR has been registered under IPC section 277, vide no.252 on 15.04.2021 against the erring sewer tanker lorry operator, M/s.Saravana Transport, who has previously involved in the letting out of sewage into the storm drain near AGS Dental college (complaint site) on 19.01.2021.

In Thirumazhisai Town Panchayat, a 3MLD capacity sewage treatment Plant(STP) is being Operated and Maintained by the Thirumazhisai Town Panchayat and an average of 25Nos of Sewage Tanker lorries collect sewage in and around Thirumazhisai area including its abutting areas including Poonamalle Municipality at a nominal rate of Rs.150 per Load and decant the sewage collected at the above STP.

CMWSSB has further formulated a draft policy to regulate the registration of sewer lorries and its operations. The policy will be formulated and implemented by next financial year. As per policy, the registered lorries will be equipped with GPS trackers for monitoring the septage collection.

As ordered by the Hon'ble Green Tribunal, Southern Zone, all necessary actions are being taken by the Board in co-ordination with GCC and PWD officials to prevent illegal discharge of sewage water into storm water drains water bodies by the private tankers in its Jurisdictional areas including the 42Nos of local bodies added to the Greater Chennai City.

REMARKS OF THE GREATER CHENNAI CORPORATION (GCC)

The Additional City Health Officer, Greater Chennai Corporation has furnished his remarks as follows:-

The Complaint site comes under the purview of the Poonamalle Municipality and is not under the Jurisdiction of Greater Chennai Corporation. The required enforcement action has to be dealt by the Commissioner of the Municipality concerned.


Superintending Engineer (South West)
Chennai Metropolitan Water Supply & Sewerage Board,
Chintadripet, Chennai-600 002.

The National Highway Authority of India (NHAI) is the Custodian of the drain in which the private tankers dump sewage. This drain is further connected with Pallikuppam Odai which originates from Parivakkam tank and subsequently confluence into Coovum river. Hence, the observation and action taken report may be obtained from the Concern Department i.e., NHAI and incorporated in the Inspection report, since the drains are road side drains which are being maintained by the NHAI.

ACTION TAKEN BY THE JOINT COMMITTEE

In continuation to the above, the Nodal Officer on behalf the Joint Committee has requested the Project Director, National Highways Authority of India (NHAI) to take necessary action to prevent illegal dumping of sewage into the storm water drains along their stretch. In response to the above, the Project Director, Kancheepuram unit has submitted the action taken details which includes the following.

- The Issues of Illegal parking, garbage and sewage dumping along the National Highways road stretch has been brought to the notice of the Police Officials concerned vide their letters dated 2nd January 2021 and 09th April 2021. A complaint in this regard has been lodged by the NHAI patrol team with the Poonamalle Police Station on 07.01.2021.
- The missing cover slabs of the storm drains, either damaged or removed by the miscreants were identified along the NHAI stretch from chainage 13/800km to 37/000km are replaced.
- Further, The District Collector Thiruvallur has been requested vide letter dated 1st March 2021, to cause necessary Instructions to the officials of the Local bodies concerned to check the above stated issues.

Further the Nodal Officer, vide his letter dated 29.03.2021 has requested the Regional Transport Officer, Poonamallee to initiate action on the sewer tanker lorries belonging to M/s.Saravana Transport, bearing Registration No. TN 18-9690 and TN18-9695 which was found illegally dumping sewage near the complaint site (near M/s.Johnson Lift Pvt Ltd) during a surprise check on 13.03.2021. A complaint has been registered on the above incident on 17.03.2021 and a FIR has been filed under IPC section

277, vide no.252 on 15.04.2021 against the erring sewer tanker lorry operator, M/s.Saravana Transport, who has previously involved in the letting out of sewage into the storm drain near AGS Dental college (complaint site) on 19.01.2021.

RECOMMENDATIONS OF THE JOINT COMMITTEE:-

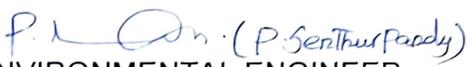
The Joint Committee has considered the following actions proposed by the Nodal Officer of the CMWSSB and submit the following recommendations before the Hon'ble National Green Tribunal.

1. The National Highways Authority of India (NHAI) shall take immediate action on the following:-
 - a. To intensify the patrolling activities especially along the complaint location and other isolated/ vulnerable points along Highways.
 - b. To monitor and replace the damaged/missing cover slabs of the storm drains on regular basis, which are either damaged or removed by the miscreants along the NHAI stretch from chainage 13/800km to 37/000km of Madhuravoyal – Sriperumpudur section of NH-4.
 - c. To enforce stringent action on the violators in close coordination with Police and RTO officials. To erect caution boards at all vulnerable locations.
2. The Police Department shall keep a vigil in the area in question and take action on the sewage tanker lorries decanting the sewage other than the Thirumazhisai STP/CMWSSB STP.
3. The Regional Transport Officers shall take immediate action on the following:-
 - a. To cancel the license issued to the sewage tanker lorries found decanting the sewage in the waterways/ Storm water drains and shall issue necessary instruction to the sewage tanker lorry owners in this regard.
 - b. While renewal of Fitness certificate, to insist for No Objection Certificate from the Local bodies concerned.
4. The Commissioner, Poonamalle Municipality shall expedite on the followings:-
 - a. Establishment of Underground sewerage system to handle the sewage generated in the Poonamalle Municipal area.


Superintending Engineer (South West)
Chennai Metropolitan Water Supply & Sewerage Board,
Chintadripet, Chennai-600 002.

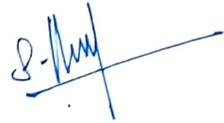
- b. To regulate the sewage tanker Lorries operating in their jurisdiction by properly registering them and streamlining the sewage tanker lorries in co-ordination with Thirumazhisai STP to ensure proper decanting of collect sewage in their Jurisdiction. Stringent legal action shall be imposed on erring tanker operators.
- c. In coordination with the Police & NHAI Officials concerned shall arrange to install and monitor CCTV's along the complaint location and other vulnerable points along the Highways.


DISTRICT COLLECTOR,
TIRUVALLUR DISTRICT.


DISTRICT ENVIRONMENTAL ENGINEER
TIRUVALLUR


SUPERINTENDING ENGINEER
PWD (WRO)

Superintending Engineer, W.R.D.,
Palar Basin Circle,
Chepauk, Chennai-600 005.


SUPERINTENDING ENGINEER(SW)
CMWSSB/ NODAL AGENCY

S. RAVINDRANATHAN .
Superintending Engineer (South West)
Chennai Metropolitan Water Supply & Sewerage Board,
Chintadripet, Chennai-600 002.


21/04/2021
Dr G. RAJAKUMAR
ADDITIONAL CITY HEALTH OFFICER (CENTRAL)

GREATER CHENNAI CORPORATION

ADDL CITY HEALTH OFFICER
Regional Office (Central)
Greater Corporation of Chennai
Chennai - 600 30.