

Justice Dr. P. JYOTHIMANI

CHAIRPERSON
State Monitoring Committee
of
National Green Tribunal
for
Solid Waste Management in Tamilnadu

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24.05.2021
Date :

To,

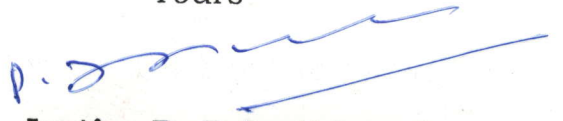
The Registrar General,
National Green Tribunal,
Foritkot House.
New Delhi.

Dear Sir,

I am forwarding herewith my Second report on Solid Waste Management implementation in Tamil Nadu relating to Udagamandalam and Gudalur. Kindly place before the Hon'ble Bench for appropriate orders.

With Regards

Yours


Justice Dr.P.Jyothimani,
Chairman, SLMC

Copy to:-

The Registrar General,
National Green Tribunal (Southern Zone)
Kalas Mahal,
Chennai.

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No.525/2018

(Earlier O.A.No.42/2013(SZ))

Original Application No. 526/2018

(Earlier O.A.No.86/2017(SZ))

Original Application No.527/2018

(Earlier O.A.No.190/2015(SZ))

Original Application No.528/2018

(Earlier O.A.No.209/2015(SZ))

P.Radhakrishnan

.... Applicant(s)

Versus

Ministry of Environment and Forest & Ors

.... Respondent(s)

With

P.Subramani

.... Applicant(s)

Versus

Govt. of Tamil Nadu & Ors

.... Respondent(s)

With

C.N.Prem Sagar

.... Applicant(s)

Versus

Gudalur Municipality & Ors

.... Respondent(s)

With

Madayya

.... Applicant(s)

Versus

Gudalur Municipality & Ors

.... Respondent(s)

**SECOND REPORT OF THE CHAIRMAN, JUSTICE DR.P.JYOTHIMANI,
MONITORING COMMITTEE FOR SOLID WASTE MANAGEMENT,
TAMILNADU CONSTITUTED UNDER O.A.No.606/2018.**

It is respectfully submitted as follows:

1. In continuation of my first report of the State Level Monitoring Committee for Solid Waste Management in the State of Tamil Nadu dated 12.06.2019, which relates to the implementation of Solid Waste Management Rules 2016 in the ULBs in the State, I am submitting this second report, which is pursuant to a common order of this Hon'ble Tribunal dated 26.11.2018 and passed in the above batch of cases which relate to disposal of solid waste in Theetukkal village of Udagamandalam Municipality and waste dumped at Kuruthukuly, Chalukkudi of Padanthurai village in Gudalur, Udagamandalam District.

2. This Hon'ble Principal Bench of the National Green Tribunal, in a common order of 26th November 2018, while disposing the above applications, was pleased to direct this Monitoring Committee constituted under O.A.No.606/2018, constantly monitor the issues raised in the above cases to expedite early mitigation of the problems and submit periodical reports. The issues are pertaining to the disposal of solid waste in Theetukal Village by the Udagamandalam Municipality. The dumping place in the said Village belongs

to the Forest Department of the State. Further, there was a complaint relating to waste being dumped in Kuruthukuly, Chalukkudi of Padanthurai Village and the site at survey no.195/2A, Upper Gudalur, Gudalur Village which had been temporarily used as a dumping site as a consequence of an interim order dated 25.04.2017 directing the Municipality not to dump garbage in Upper Gudalur.

3. In the interim order passed on 25.04.2017, it was directed as follows:

- “1. The Municipality shall not use the entire 3.10 acres of land in R.S.No.1281, at the 27th mile of Upper Gudalur, Gudalur village but shall restrict use of the area only to an extent of 1 acre and the entire land is to be cordoned off and fenced properly so as to avoid interference by the animals.
2. The said arrangement is only a temporary measure and as soon as a permanent place is allotted in the manner known to law, the Municipality shall remove all wastages, which are put at the site as a temporary measure and restore the site at their cost.
3. Regarding the alternative place at Padanthurai, we direct the Commissioner of Gudalur Municipality to expedite the process by contacting the Forest officials and inform the same by filing appropriate Status Report on the next date of hearing.”

4. This Hon'ble Tribunal in the said order was also pleased to make the following further directions;

“12. We are of the view that urgent steps require to be taken

to deal with the problem and accordingly direct as follows;

- i.** The concerned Municipal Corporations shall prepare an action plan to deal with the municipal waste which would include solid waste and completion of the ongoing process for establishment of solid waste treatment plants.
- ii.** They shall also prepare a separate action plan for dealing with the legacy waste according to the procedure laid down in the Solid Waste Management Rules, 2016.
- iii.** The action plan shall be prepared within a period of one month from hence and place it before us for consideration. The Municipalities, namely, Udagamandalam Municipality and Gudalur Municipality shall take urgent steps for seeking clearance under Section 2 of the Forest Conservation Act, 1980 as well as environmental clearance for setting up the plant.
- iv.** Both Municipalities, namely, Udagamandalam Municipality and Gudalur Municipality shall deposit Performance Guarantee of Rs. 1.25 crores each with the Tamil Nadu State Pollution Control Board.
- 13.** Since this requires constant monitoring to expedite early mitigation of the problems, we are of the view that in order to achieve the object it would be appropriate if the matter is dealt with by the Committee constituted under Original Application No. 606/2018 in respect of

Southern Zone which is headed by Hon'ble Dr. Justice P. Jyothimani.

- 14.** Let a copy of the entire case record be forwarded to the Committee. The Committee may submit a periodical report as required under the Directions contained in the said order in Original Application No. 606/2018.
- 15.** The applications thus stand disposed of. No order as to cost."

5. Pursuant to the said direction and after receipt of relevant papers relating to the case from the National Green Tribunal, Principal Bench, the Monitoring Committee and also through the Commissioners of Udagamandalam Municipality and Gudalur Municipality, informed all parties and officials of the District Administration and Municipal Administration, including the District Collector, Additional Director of Municipal Administration, Member Secretary, Tamil Nadu Pollution Control Board, Dr. Kurian Joseph, Professor, Centre for Environment Studies, Anna University, specifically invited by the Committee as an expert, District Forest Officer, Ooty and others, of the inspection of all spots connected in the case, namely Theetukkal dump site at Ooty as well as the 27th mile at Gudalur on 07.08.2019 to be followed by a public enquiry on 08.08.2019 at 10.30 AM at the Conference Hall of the Government Guest House, Ooty. Accordingly, on 07.08.2019 a physical inspection was conducted by the Chairman of the Committee in which the Principal Secretary to the Government of Tamil Nadu, Environment and Forest Department, District Collector and others have participated apart from the parties to the case and large number of public.

6. When the Committee inspected Theetukkal dump site, the District Forest Officer, one of the parties before this Hon'ble Tribunal, has explained that originally, the department has permitted to use 5 acres of Reserve Forest

land at Theetukkal situated in S.No.215/2 on lease basis for processing solid waste generated and collected from the municipal area and the period of lease has already expired in the year 2012. He has also stated that in addition to 5 acres, the Udagamandalam Municipality has started using more than 10 acres in the same survey number without any permission and as on date 15 acres of Forest land are being used by the Municipality for processing the solid waste. He further stated that the Forest Department has been insisting the Municipality to hand over the entire extent of 15 acres. It is stated that by deliberations, the Municipality has agreed to offer alternate land to the extent of 30 acres to the Forest Department with certain conditions relating to afforestation by the Municipality in which event the Municipality can continue to use the said 15 acres. It is stated that administrative process in finalizing the above proposal is in progress and the same will be finalized soon. The Expert Member, Professor, Kurian Joseph, after extensive study of the entire Theetukkal site, on the spot, has given his opinion and also suggested that the existing centralized waste process to continue till decentralized Micro Composting enters are made fully operational.

7. Afterwards, the Committee also inspected the sites at Gudalur. The District Environment Officer has offered his opinion regarding clearance of solid waste including plastics. On the date of enquiry on 08.08.2019, Mr.P.Radhakrishnan one of the applicants relating to Theetukkal dump yard has not chosen to appear eventhough notice was sent to him, Mr. Prem Sagar, applicant relating to Gudalur and other applicants Mr.P.Subramani and Mr. Mathaiah appeared along with their Advocate. It was agreed by them that after the interim order of stay passed by the NGT on 06.11.2015, there is no dumping of any waste in S.No.715, 813/1 and 813/2 of Gudalur Village at Thorappalli and they have no grievance. However, the dumping stated to be for 4 years before the date of stay, to protect the forest, steps must be taken to remove the stray dumps found. He has further raised an issue that the DFO, Gudalur is putting up an office in the forest after the matter was referred to

this Committee by this Hon'ble Tribunal on 26.11.2018. The District Collector present also states that some of these portions are Janmam lands vested with the District Administration under Section 17 of the Gudalur Janmam Estate(Abolition and Conversion into Rayatwari) Act, and she would take appropriate decision. However, taking note of the fact that the DFO, Gudalur already has an office in the town and any concrete structure in the forest will affect the natural environment particularly relating to the wild animals, the DFO, Gudalur was directed not to proceed with any construction in the forest area and as the DFO, Gudalur was not present, the DFO, Ooty present was directed by the Committee to scrupulously follow the said direction through the DFO, Gudalur. As another inspection was required before taking a final decision, the Commissioner-in-charge of Gudalur Municipality was requested to inform all parties in advance before the next date inspection.

8. The Committee, after the said inspection followed by enquiry has passed the following directions on 08.08.2019 in the presence of all parties and officials;

- “1. The Municipal Commissioner, Ooty is directed to provide sufficient safety arrangements for protection of the land to an extent of about 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 throughout as a natural barrier to control the animals entering into the dump yard. The above said direction shall be commenced forthwith by the Commissioner, Ooty after getting necessary survey through the help of the District Administration and the 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 an 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 center 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 to 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 Prof.Dr. Kurien Joseph, Mr.V.Murugesan, REE, Chengalput 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 a Detailed Project Report (DPR) as requested by the Forest Department about the developments to be made by the Municipality in the present site at Theetukkal indicating the need, necessity, and 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 submitted to the Forest Department by the Municipality within 10 days from today and thereafter, the Forest

Department shall take necessary decision for completing the process which shall be within a reasonable time. Further, the Municipality can comply with various directions issued against it in improving the Theetukkal 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 for 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 of one month from today and immediately on completing all the said process the entire place including the other shed shall be cleaned for proper use.
6. The trammel 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, conveyer 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 allotment of funds to the Principal Secretary, M.A&W.S Department, who is the Member Secretary of this Committee for forwarding the

same to the Principal Secretary, Department of Environment and Forest who is also a Member of this Committee and also the Chairman of Tamil Nadu State Pollution Control Board, so as to enable them to release necessary funds from the Tamil Nadu State Pollution Control Board.

7. The animal waste lying in the dump site to be disposed and sent to bio methanization plant stated to be situated in Kandal STP site. The above said action shall be taken by the Municipality immediately and the Municipality is directed to see that bio-methanization plant operates properly and the Commissioner shall file a report to the Committee to its Chennai address immediately.
8. The Commissioner, Ooty Municipality is directed to provide hot air blower arrangements in all the existing Micro Composting Centers and maintain the temperature and aeration required for composting. Mr.Ravi, Municipal Engineer who is present in the meeting states 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 the composting and any other activities of the 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 Palanandi, 4/46, Karunanidhi Nagar,Gudalur the applicant in O.A.No.526 of 2018,

O.A.No.86 of 2017 of SZ is stated to have passed away during the pendency of this proceedings. 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 due to rain, due to heavy legacy waste dumped prior to 2015 that mixed with bio medical waste by which water course in which 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 visit of the Committee. The said issue will be included in the next meeting and the parties shall be informed by the Commissioner-in-charge, Gudalur Municipality to enable them to be present on the day of visit by the Committee to be followed by 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 of one acre which is provided with fencing situated in 27 th mile of Gudalur. The composting shall be done in accordance with SWM Rules, 2016 and the guidelines issued by the appropriate authorities including the State Pollution Control Board. Further, it is informed by the Tamil Nadu Pollution Control Board that in the existing authorization to Gudalur

Municipality for Windrow Composting of organic waste in S.F.No.195/2A, Gualur Village, Ward-1 of Gudalur Town for the maximum quantity of 4.00 TPD, Micro Composting Center (proposed) in S.F.No.195/2A, Gudalur Village, Ward-1 of Gudalur Town for the maximum quantity of 5.00TPD, Composting by 18 Bulk Waste Generators for maximum 2.00 TPD and Home Composting in 914 households/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 in Udagamandalam Municipality which is valid up to 31.03.2020 for Bio-methanization facility at Kadal Mukkonam I S.F.Nos.91,93,95 Block F2 Ward27 to the maximum quantity of 5.00 TPD, Micro Composting Center at Kadal Mukkonam in T.S.No.106, Block F2 Ward27 to the maximum quantity of 3.00TPD, Micro composting center at Kadal Mukkonam in T.S.No.107 Block F1 Ward27 to the maximum quantity of 2.00TPD, Micro composting center at Kurusady Colony T.S.No.84, Block F2 Ward 27 to the maximum quantity of 2.99TPD, Micro composting center at Kandhal STP in T.S.No.3,4, Bock F4 Ward 27 to the maximum quantity of 3.00TPD, Micro composting center at Stone House(old Ooty) in T.S.No.615, Block D Ward8 to the maximum quantity of 3.00 TPD, Micro composting center at Pudumund in T.S.No.12/9 Block B, Ward 3 to the maximum quantity of 2.00 TPD and on-site composting centers at 7 public places at Ambedkar Nagar, Upper Kodakamundu, Nandimedu, HPF Housing Colony, Elk Hill(2 Locations) of 0.50 TPD and composting 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,”

9. The proceedings of the said inspection followed by the meeting dated 07.08.2019 and 08.08.2019, have been duly forwarded by the Committee to the State Government for appropriate directions to the officials concerned for proper implementation. Copy of the proceedings is enclosed with this report as Annexure-1.

10. There was another inspection conducted by the Committee as a follow up action, on 01.02.2020 at Udagamandalam and on 02.02.2020 at Gudalur along with enquiry at the Additional Collectorate Office Conference Hall, Udagamandalam. At Theetukkal dump yard, Mr.P.Radhakrishnan, petitioner has appeared and informed that his agricultural lands are situated in the downstream and due to the leachate formed in the dumpsite, his lands which are situated adjacent to the dumpsite are affected. However, he has fairly stated that as per the directions of the Monitoring Committee in the previous visit, the Udagamandalam Municipality has constructed compound wall for a fairly long distance along with a drainage system to collect leachate and disposed safely and therefore, according to him no leachate discharged in to his lands from the dump yard as on date. He also stated that a small quantity of waste is still in his land and requested for removal. The Commissioner has promptly replied that the same will be removed immediately. He has also stated that there is a passage leading to Mysore in which some wastes are dumped. He was assured that it will be discussed with the District Collector and the issue will be resolved. Mr.M.Nagalingam, another person having agricultural land in the downstream has informed that while during dry season there is no much effect, in rainy seasons the leachate are seen. He also requested that drinking water supply may be made for all the 75 households. In fact, this issue was discussed by the

Committee with the District Collector, who joined in the inspection at Gudalur in the afternoon and it was assured by her that immediate action will be taken. There was another complaint made by the people in the area that while transporting waste by lorries to the dump yard there are spills of waste on the road leading to the dump yard at Theetukkal. The Municipal Commissioner has assured that immediate steps will be taken to remove the spillover and lorries carrying waste will be properly covered. Professor, Kurian Joseph from Anna University invited as an expert, while appreciating the Municipality in taking good efforts after the direction of the Committee on the previous date of inspection, particularly the construction of compound wall in spite of the earlier direction to fence by iron chain link fencing and construction of leachate collection drains. He also insisted that no fresh waste must be brought to the dump site. In respect of waste management relating to bio degradable waste taking into the cold climatic condition in Ooty, he suggested aerated static pile composting and in vessel composting process as option and make pilot test before full scale trial. Otherwise, the efforts relating to source segregation was found appreciable. The TNPCB official was directed to continue regular monitoring of the well water regarding leachate contamination. The DFO, Ooty has informed that the process of exchange of lands is being expedited.

11. Mr. Jacob Mathew, Senior Advocate and Mr. Arjunan, Advocate along with Mr. C.N. Prem Sagar, petitioner before the NGT, have insisted that the accumulated non bio degradable waste including bio medical waste at Thorappalli must be removed, even though it is admitted that for the past 5 years after the interim order passed by the Hon'ble NGT, there is no fresh dump. They have also complained that the DFO, Gudalur in spite of the earlier order of the Committee has proceeded to construct office in the forest area at Makkamoola along Mysore Road and only after the District Collector's intervention, work was stopped. During the inspection at Gudalur at Thorappalli, in which the petitioner and other officials including the District Collector were present, it was infact found that bio medical waste and other

waste have been dumped years back in the forest area. The Chairman of the Committee has given instruction to the Regional Director of Municipal Administration, Mrs. Sultana, District Environment Engineer of the TNPCB, Mr. Livingston to take immediate steps to remove all the bio medical and other waste in the area by camping at the place and intimate immediately about the removal. The Committee was informed by the RDMA that the entire bio medical waste dumped earlier have been removed totally and sent to the Facility at Coimbatore and other waste were removed and sent to Theetukkal, Ooty as there is no facility for treatment available at Gudalur.

12. In respect of the complaint that the DFO's office being constructed in the forest area at Makkamoola, Gudalur, about which the Committee on the earlier inspection has directed not to further construct, the Committee made spot inspection in the presence of all and found that the proposed office building for DFO is being constructed in the place situated on the road and not in the forest area. Even though that was not an issue before the Hon'ble NGT, as it related to forest, the above spot inspection was made and ultimately it was found that the place of construction is not a forest. However, to safeguard, two well grown-up red sandal trees, the concrete floor in front of the office was directed to be removed and mud road to be formed.

13. After completion of inspection of Theetukkal dump yard at Udagamandalam, various places in Gudalur and review meeting and extensive enquiry with parties and officials and considering the totality of the situation taking note of the improvements made by the Udagamandalam Municipality relating to solid waste management, the following directions were issued by the Committee on 01.02.2020.

- "1. The Udagamandalam Municipality shall ensure that either in Theetukkal or in any other place in the district under its control the solid waste is not subjected to open burning.

Stern actions shall be taken against any person involved in such open burning of waste.

2. The Udagamandalam Municipality shall ensure that while carrying the waste through lorries they should be properly covered to ensure that there is no spillover of the waste either on the road or road corner. Such lorries shall always be used to transport the waste fully covered.
3. The Monitoring Committee places on record its appreciation for the efforts taken by the Udagamandalam Municipality in construction of compound wall to the extent of 59 meters adjacent to the agricultural lands belonging to the petitioner before the NGT, at the cost of Rs.24.80 lakhs. In respect of the 240 meters surrounding the entire extent of the 15 acres of land forming the Theetukkal dumpyard, the Municipality shall complete construction of wall up to the area covered in agricultural activities downstream, and the remaining extent shall be covered by chain link fencing at the earliest and intimate the same to the Committee. As the DFO, Udagamandalam felt that the entire extent can be covered by wall in the interest of the wild animals, the Monitoring Committee while appreciating the stand of the DFO, requests the Principal Secretary to the Government, Department of Environment to take efforts whether the Department can contribute fund as grant for the construction of compound wall. Such decision is required to be taken within a short period of 15 days, therefore the Municipality can proceed to cover the remaining area by chain link fencing.

4. The accumulation of solid waste at Theetukkal and converting the same into heaps, thereby avoiding the scattering of waste shall be completed by 31.05.2020.
5. While appreciating the completion of leachate collection drains and collection tank at Theetukkal dump yard, the Monitoring Committee directs the Municipality to continue to maintain and obtain any expert opinion as and when required,
6. Regarding the completion of the process of exchange of lands in lieu of the 15 acres of land at Theetukkal, while the Municipality has admittedly submitted its DPR about the development to be made by it in the site at Theetukkal, the Forest Department shall complete the process of diversion particularly when the Municipality has already deposited the amount for afforestation with the DFO. The Principal Secretary to Government, Department of Environment and Forest who is also a member of the Committee to use his good office in completing the above said process.
7. Secondary separation machineries which are to be installed at Theetukkal compost yard viz., shredder and screening of waste, conveyer belt etc., for which Rs.110 lakhs has been sanctioned, the contractor who represented before the Committee has undertaken to complete the supply of all machineries before the end of March 2020. The Municipality shall ensure procurement of those machineries and put them in effective use. Udagamandalam Municipality shall ensure that adequate man power and supporting resources are provided for the composting of the segregated wet waste estimated to be at 22 t/day. TNPCB shall continue periodic

monitoring of wells around the Theetukkal compost yard and take appropriate action based on the test results.

8. In respect of the legacy waste at Theetukkal, quantified approximately as 1.60,000 cu.m, for which the Project Sanctioning and Monitoring Committee is stated to have approved the scheme of Bio mining for Rs.856.76 lakhs under Integrated Urban Development Mission (IUDM) through G.O.Ms. No. 11 dated 23.01.2020, the Municipality shall take all necessary steps for technical sanction and further tender process. It is made clear that when once the process of bio mining is started, fresh waste shall not be brought to the site.
9. The District Collector has agreed to effect drinking water supply to the residents in Theetukkal particularly those residing near the dump yard and the same is recorded.
10. The Commissioner, Udagamandalam Municipality in association with the District Administration shall conduct frequent IEC activities particularly among the students, public and tourists and involve the NGOs, Lions Club, Rotary Club and Tribal Welfare Organization in those welfare measures for effective implementation of Solid Waste Management with community participation.
11. The Tamil Nadu Pollution Control Board shall through its District Environment Engineer, Udagamandalam, take immediate effective steps to remove the old bio medical waste dumped at Thorappalli, Gudalur and send the same to the appropriate Facility for its scientific treatment and disposal. Mr. P.S. Livingston, the DEE who has accompanied the

Committee throughout its inspection has assured that he would take immediate step to remove. In fact, on 05.02.2020, he has informed the Chairperson of the Committee that the bio medical waste accumulated in Thorappalli consisting of only injection vials and injection bottles were segregated and collected in 11 number of blue colour bags and shifted to BMW Collection vehicle on the said date and handed over to the CBMWTSDF, M/s Techno Thern Industries, Chettipalayam, Coimbatore and reached the facility on 06.02.2020. While appreciating the prompt step taken by the DEE, the Committee directs the Officer to send a written report,

12. The Commissioner in charge of Gudalur Municipality shall take all effective steps to remove all solid waste at Thorappaalli, Gudalur and report to the Committee. The DEE of the PCB, in his information to the Chairperson as stated above has stated that the Regional Director of Municipal Administration (RDMA), is personally supervising the removal of the old dumps at Thorappalli, and all dumps will be removed in a period of two weeks. The efforts of the RDMA is commendable and she shall send the report of the status of removal to the Monitoring Committee,
13. The DFO, Gudalur, shall remove the concrete flooring on the portico of the new building meant for DFO's office at R.S.No.750/2, Makkamoola, Gudalur in order to prevent any damage to the redwood Sandal trees and their root branches, and proceed further in respect of Building."

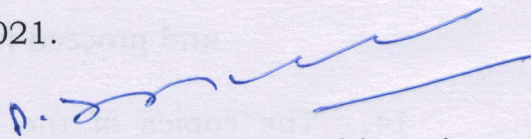
14. The copies of the said proceeding have been forwarded to the Government departments, including the Principal Secretary to Government of

Tamil Nadu, Environment and Forest Department, the Commissioner of Municipal Administration, Chennai, the Member Secretary, Tamil Nadu State Pollution Control Board, the District Collector, Nilgiris District, the Commissioner, Udagamandalam Municipality for implementation and follow up actions based on the above directions of the Monitoring Committee dated 01.02.2020 and the same is filed before this Hon'ble National Green Tribunal as Annexure-2.

15. It is respectfully stated that after the said inspection, the Municipal Commissioner has confirmed that the solid waste dumped in Gudalur have been removed and the old bio medical waste as stated by the DEE, TNPCB and mentioned in this report, have been completely removed and sent to the Facility at Coimbatore for treatment in accordance with the Bio-Medical Waste Management Rules 2016. She has also informed that most of the other directions have also been implemented and requested the Committee to make further inspection. In the meantime, the Covid-19 pandemic has incapacitated the Committee to make inspection, even though local inspections in and around Chennai and some places in South Tamil Nadu have been carried out. The Monitoring Committee would make further inspection after the second wave of pandemic comes to an end in Tamil Nadu.

16. The above report is submitted for perusal of this Hon'ble National Green Tribunal, Principal Bench, New Delhi, and the Committee undertakes to file further report after fresh inspection and as per any further direction of this Hon'ble Tribunal.

Dated at Chennai this 24th day of May 2021.



Justice Dr. P. Jyothimani
Chairman

Monitoring Committee
for Solid Waste Management in
The State of Tamil Nadu.

A-1

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 Kalollikar, 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

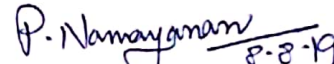
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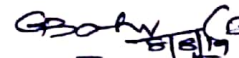
TS.No. 3, 4, Block F4 Ward 27 to the maximum qty of 3.00 TPD, Micro composting Center at Stone House (Old Ooty) in TS.No. 615, Block D Ward 8 to the maximum qty of 3.00 TPD, Micro composting Center at Pudumund in TS.No. 12/9, Block B, Ward 3 to the maximum qty of 2.00 TPD and On-site Composting Centers 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

1. 
 Commissioner
 Ooty and Gudalur

2.  (BABU. G.)
 STENO TO COLLECTOR
 Ooty.

Proceedings of the meeting conducted by the State Level Monitoring Committee of National Green Tribunal for Solid Waste Management in Tamilnadu held at Additional Collectorate Office Conference Hall on 01-02-2020 at 10.30 am on hearing the petitions regarding Udthagai and Gudalur Dump Site.

IN THE CHAIR: HON'BLE JUSTICE DR.P.JYOTHIMANI

The following officials participated in the meeting.

1. Dr.K. Baskaran, I.A.S., Commissioner of Municipal Administration.
2. Thiru.D. Sekar, Member Secretary, Tamilnadu State Pollution Control Board.
3. Dr. Kurian Joseph, Professor, Centre for Environment Studies, Anna University.
4. Mrs.S. Nirmala, District Revenue Officer, The Nilgiris.
5. Thiru.D. Guruswamy, District Forest Officer, The Nilgiris.
6. Thiru.P.S. Livingston, DEE, Tamilnadu Pollution Control Board, Udthagai.
7. Mrs.R. Saraswathi, Municipal Commissioner, Udthagai.
8. Mrs.A.Sulthana, Regional Director of Municipal Administration, Tiruppur.
9. Thiru.S. Venkatesh, Regional Executive Engineer o/o RDMA, Tiruppur.
10. Dr. Murali sankar, Municipal Health Officer, Udagamandalam.
11. Thiru.C. Ravi, Executive Engineer, Udthagamandalam Municipality.
12. Dr. J. Ragunathan, Municipal Health Officer, Coonoor Municipality.
13. Thiru. D. Sakthivel, Manager & Commissioner i/c Nelliylalam Municipality.
14. Thiru. S. Venkatachalam, Municipal Engineer, Gudalur Municipality i/c & Nelliylalam Municipality.
15. Thiru.C.Balakumar, SI, Nelliylalam Municipality.
16. Thiru.S.Elangovan, Town Planning Officer, Udthagamandalam.
17. Thiru. J.Sathish, AE i/c TNPCB, Udthagamandalam.
18. Thiru. K.Nagaraj, Commissioner i/c Gudalur Municipality.
19. Thiru. N.Saravanan, Sanitary Inspector, Gudalur Municipality.
20. Thiru.P.Manimaran, DEE, TNPCB, Coimbatore.
21. Thiru. A.Nandagopal, Assistant, Udthagamandalam Municipality.
22. Thiru.V.Murugesan, REE, Chengleput Region, (Special Invitee).
23. Thiru.K.Jacob Mathew, Senior Advocate
24. Thiru.C. Arjunan, Advocate.
25. Thiru.P. Radhakrishnan, Petitioner in the NGT, Udthagamandalam.
26. Thiru.C.N.Prem Sagar, Petitioner in the NGT, Gudalur.
27. Thiru.M. Nagalingam, Paptin Thiagi Land.
28. Thiru. Madhayyan, Petitioner in the NGT, Gudalur.
29. Thiru.V.Rajendran.Public.
30. Thiru.P.Chandrasekar, Public, Thiagi land.
31. Thiru.S.Senthil Kumar, Public, Thiagi land.
32. Thiru. G.Chandrasekar, Public.
33. Thiru. S.Suresh, Public.

Dr.K.Baskaran, Commissioner of Municipal Administration, while welcoming the participants, has explained the importance of carrying out the bio mining proces of the legacy waste at Theetukkal dump yard and action

taken in this regard. He also informed that fresh waste shall not be dumped in the site when once bio mining process is started. He referred to the restoration of land effected in Sembakkam and Kumbakonam after bio mining process.

Mr.P.Radhakrishnan, petitioner before the NGT, whose agricultural land is in the downstream who complained that due to leachate formed in the dump site his lands are affected, has fairly stated that as per the earlier direction of the Monitoring Committee, the Municipality has constructed compound wall for fairly long distance and that a drainage system has been constructed to collect the leachate and dispose safely and therefore as on date there are no leachate discharge in his land. However, he requested the Committee to direct the Municipality to continue the same. He has also pointed out that some quantity of waste dumped in his land is still in existence and requested for a direction to remove. The Commissioner has promptly replied that the said waste will be removed immediately. He has another request to the Committee that a passage had been in existence leading to Mysore, but the same has been covered by the dump. He was informed that the said issue will be discussed with the District Collector, who was unable to participate as she was held up in Delhi, and steps will be taken to solve along with the Commissioner.

Mr.M.Nagalingam, who is also having agricultural lands on the downstream side complained that during dry seasons the leachate discharged in to his land is very less but it is high in rainy season, which could be collected and disposed properly with the arrangements made by the Municipality and requested that drinking water supply shall be made for all residents in 75 households. He was assured of appropriate solution through the District Administration. In fact, when the District Collector has joined in the inspection at Gudalur in the afternoon the said issue was discussed and the District Collector has promptly assured that she will take immediate action. There is also another complaint from the public that while transporting the waste by lorries to the dump yard by the Municipal staff there are spills of waste on the road leading to the dump yard at Theetukkal. The Municipal

Commissioner has assured to take immediate action in removing the waste and also ensure that in future the Lorries will be covered during the transportation of waste for disposal. Mr.Radhakrishnan and other residents of Theetukkal have submitted a written representation to the Committee.

Mr.Jacob Mathew, Senior Advocate, Mr.Arjunan, Advocate and their client Mr.C.N.Prem Sagar, petitioner before the NGT in respect of solid waste in Gudalur, have made presentation of their case. Mr. PremSagar, who is stated to be a retired Forester fairly admitted that as of now in the past nearly five years after the NGT has granted interim order there are no dumping of garbage at Thorappalli. But the accumulated non bio degradable garbage already dumped has not been removed till date. He has also stated that the DFO, Gudalur was involved in deforestation by putting up a building in the forest for DFO Office at Makkamoola along Mysore Road. His complaint was that in spite of earlier direction of the Committee not to proceed with the said construction he has preceded and only after the intervention of the District Collector the work was stopped. He also complained that there was some construction of guest house in the forest behind the proposed DFO office under construction at Makkamoola and this amounts to non forest activity in the forest which is not permissible. The above said issues of construction were not actually before the NGT. However in order to ascertain the facts by an inspection which was not possible on the previous visit due to heavy rain, the Committee directed the DFO, Udhagamandalam who was holding additional charge for the post of DFO, Gudalur not to proceed further. Today during the meeting in the morning session at Ooty, the DFO, Gudalur was not present and therefore the petitioner was informed that it will be ascertained during the inspection at Gudalur in the afternoon and in the presence of the DFO, Gudalur and the issue will be sorted out.

Mr. Prem Sagar and Mr. Mathayyan have complained that in Chelukkadi in Gudalur, and Kuruthuppalli, even though no dumping takes place for the past nearly five years due to the interim order of the NGT, nearly 200 loads of

garbage was dumped prior to the order and also stated that the Municipality has covered covered with mud over it. Further they stated that huge quantity of bio medical waste was also are dumped illegally in many places causing environmental hazard and there is a possibility of water pollution since there is a water body nearby and therefore they were seeking intervention of the Committee to issue appropriate direction to the Municipality and the PCB to remove them in accordance with the rules. As stated above, they were informed that appropriate directions would be issued on inspection in the afternoon. Mr. Nagalingam, another resident of Gudalur owning Thiagi land requested the Committee to direct the District Collector for providing water supply pipeline by the Panchayat. This aspect was informed to the District Collector in the afternoon who agreed to look into the said grievance immediately.

Professor Kurian Joseph from Anna University, the Solid Waste Management Expert, while appreciating the efforts taken by the Municipality after the last meeting, particularly the construction of compound wall and leachate collection drains to prevent the further leachate flown downstream, insisted that we must learn from the past and no fresh waste must be dumped in to the site when once bio mining starts in the site. Leachate drained in the leachate tank to be transported to the nearby sewage treatment plant and treated. Records of the quantity of leachate collected and treated shall be maintained by the Municipality. He has given his expertise opinion about the various options which can be followed regarding the waste management particularly about the bio degradable waste taking in to the cold climatic condition of Ooty He has explained about the aerated static pile composting and invessel composting process as options that can be pilot tested before full scale trial. While appreciating the source segregation initiatives in a good level, it was insisted that the efforts needs to be sustained with community participation. While the efforts of the Municipality in putting up the compound wall up to certain level is good, he suggested that the wall can be extended at least up to the place agricultural lands are situated downstream even though

ideally the compound wall must be for the entire land to secure it and to avoid the animals and cattles entering into the dump site. He observed that the water samples from the well of the petitioner tested by the TNPCB is not indicating leachate contamination and suggested that the TNPCB, to continue regular monitoring of the well water to find out whether there is any contamination by leachate. Combustible should not be allowed to be accumulated to the Resource Recovery Centre to prevent possible fire accident which would cause damage to operating personal, the forest and wild animals. Space of windrow composting needs to be extended to address the fact that composting in cold climate will require more time and space. Machineries proposed for the Composting needs to be made functional as quickly as possible. Adequate manpower and supporting resources must be ensured for operation and maintenance of the Compost Plant.

Mr.Sekar, Member Secretary, TNPCB has submitted that the Board would make periodical collection of sample of leachate and water for testing the same. He suggested that the Municipality should ensure that waste is transported properly and no burning or fire accident takes place at Theetukkal. He also insisted to conduct a gap analysis of the existing waste management system to identify the deficiencies and take adequate actions to ensure proper implementation of the waste management system.

Mr.D.Guruswami, the District Forest Officer, Udthagamandalam, has informed the Committee that as per the direction of the Committee during the previous meeting, while the Municipality has submitted DPR related to the improvements proposed in the site at Theetukkal, the same will be proceeded further. Even though in the previous meeting the Municipality was directed to put up chain link fencing along with development of green belt throughout the boundary covering the entire 15 acres of land, he suggested to have wall throughout to avoid any animals entering into the site. He informed that the DGPC the user agency is carrying out the survey and the Municipal Commissioner has also agreed to work in coordination with the Forest

Department. He also agreed to expedite the process for exchange of lands as already agreed upon. It was also informed that the Municipality has already remitted amount for compulsory afforestation in the alternate land to be given to forest department in exchange of 15 acres of forest land in possession of the Municipality.

The Commissioner of Udhagamandalam Municipality in her reply has stated that as per the earlier direction of the Committee, compound wall to the extent of 59 meters, instead of wire fencing, has been constructed at the cost of Rs.29 lakhs and the remaining 240 meters will be covered with chain link fencing as directed, at the cost of Rs.47 lakhs in a month's time. She has informed the Committee that for bio mining proposal, technical sanction has been granted on 23.01.2020 and the tendering process will be started soon. She has informed the Committee that the legacy waste accumulated is estimated to be about 1, 60,000 cum. Heaping of the accumulated waste is being done and it will be completed by the end of May 2020. Old damaged bins which were accumulated in a large extent at Theetukka have been disposed as per the direction of the Committee and large area occupied by the said bins is now being effectively used for solid waste management. In respect of the leachate generation from the dump site, she submitted that the petitioners' lands in the downstream has been completely protected by constructing the peripheral drain as Leachate Collection Tank. Leachate collected in the tank are being send to STP by lorries and therefore the adjacent lands are protected from any leachate from the dumpsite. As stated above, this has been fully accepted by the petitioner before the NGT as well as the other owners. The Commissioner has also agreed to carry out IEC activities effectively and periodically to sensitize the tourists who are the large moving population in Ooty besides the residents. In respect of machineries for secondary separation of solid waste, the Contractor Ms. Mayo Vessels Machines told that out of 14 machines, they have supplied 3 which are major equipment and has agreed to supply the remaining within 45 days. The Project Director of the Company

who was also present in the meeting has agreed before the Committee that the supply of all machines with installation will be completed by 31.03.2020. The Commissioner has further stated that Windrows platform area of 4500 sq.m has been cleared and windrows composting of wet waste has been started from 15.08.2019 by which more than 1000 metric tonnes of wet waste is handled in windrows platform. She has also informed the Committee that Leachate Collection Tank has been constructed and completed at the cost of Rs.9.90 lakhs. Further, pursuant to the earlier direction of the Committee, 121 number of dumper bins were disposed of by an auction conducted on 27.08.2019 and the space is being used for waste processing. It is also stated by the Commissioner that cow dung from the compost yard has been cleared and sent to the Bio- Methanization plant for disposal. It is also stated by her that there are 6 MCCs and due to the adverse climatic condition the composting process is very slow and efforts have been taken for using hot blower technology which also failed due to low temperature prevailing in the town. At present 2 MCCs have been converted into Resource Recovery Centers, and the other centers are being converted into RRCs, waste collection depots and E-Waste collection center. She has also filed a written status report.

After extensive hearing of all stakeholders as narrated above, the Chairperson of the Monitoring Committee, while appreciating the efforts of the Udhagamandalam Municipality in implementing almost all directions issued in the previous meeting held on 08.08.2019, has agreed to issue further directions to both Udhagamandalam and Gudalur Municipalities after carrying out spot inspection at Gudalur in the afternoon. The residents of Theetukkal have also submitted a written representation.g

Accordingly, inspection of various identified places at Gudalur was carried out in the presence of the District Collector who joined after reaching from Delhi, the District Forest Officer, Gudalur Mr. Sumesh Soman IFS. Mr.Livingston, DEE, PCB, Udhagai who is also looking after Gudalur, Coonoor and all other places in the District, has accompanied. Mr.C.N.Premasagar, the

petitioner before the NGT was also present during the inspection apart from the Regional Director of Municipal Administration, Mrs.A.Sultana. The inspection at Thorappalli, Gudalur has revealed that there is accumulation of bio medical waste stated to have been dumped some years back. During inspection it was found that huge quantity of other solid waste dumped many years in many places inside the forest that have left uncleared. The Chairperson has given instruction to the DEE, TNPCB and the RDMA to see that both the bio medical and other waste are removed and the bio medical waste to be sent to the authorized facilitator for proper disposal and other solid waste sent to Theetukkal for carrying out bio mining along with the existing waste, as there is no place at Gudalur for disposal of the solid waste. The Committee has made inspection to the building constructed for DFO office, Gudalur stated to have been made by the Forest department in the forest at Makkamoola at Gudalur. As stated above, the said construction was not forming part of the NGT case filed by Mr. P.N.Premasagar, based on which the Committee functions to monitor the waste management at Ooty and Gudalur. However, as Mr. Premasagar raised it as an issue on the last inspection, an interim direction was issued by the Committee to the DFO, Udagamandalam, not to proceed with the construction till spot inspection is made. Today, when the said place was inspected, it was found that the building supposed to be the DFO's office is on the road and not inside the forest. The present office of the DFO which is situated in the crowded place in Gudalur is grossly insufficient and not safe for keeping the records and therefore there is nothing wrong in the forest department in shifting its office in the new place at Makkamoola. However the Committee found that there are two red sandalwood trees well grown up in the campus and the concrete floor laid in the entrance of the office premises may affect the further growth of the said trees and its possible branches. Therefore the Committee directed the DFO, Gudalur, present to remove the concrete floor in the interest of preserving the said trees. He was directed to form a mud road for approaching the proposed office and also to develop the surrounding area

with green cover. The Committee finally visited the MCC/RRC of Gudalur Municipality in R.S.No1281, Ward 1, Gudalur Town.

After completing the enquiry conducted at Udhagamandalam followed by the inspection at Theetukkal dump yard and inspection at various places at Gudalur as stated above and considering the totality of the situation and taking note of the improvements effected by the Udhagamandalam Municipality relating to the solid waste management, the following directions are issued:

1. The Udhagamandalam Municipality shall ensure that either in Theetukkal or in any other place in the District under its control the solid waste is not subjected to open burning. Stern action shall be taken against any person involved in such open burning of waste.

2. The Udhagamandalam Municipality shall ensure that while carrying the waste through lorries proper coverage should be made and ensure that there will not be any spill over of the waste on the road or on the road corners. Such Lorries shall always be used to transport the waste fully covered.

3. The Monitoring Committee places on record its appreciation for the efforts taken by the Udhagamandalam Municipality in construction of compound wall to the extent of 59 meters adjacent to the agricultural lands belonging to the petitioner before the NGT, at the cost of Rs.24.80 lakhs. In respect of the remaining 1240 meters surrounding the entire extent of the 15 acres of land forming the Theetukkal dump yard, the Municipality shall complete the construction of wall upto the area which are covered in agricultural activities downstream, and the remaining extent shall be covered by chain link fencing at the earliest and intimate the same to the Committee. As the DFO, Udhagamandalam felt that the entire extent can be covered by wall in the interest of the wild animals, the Monitoring Committee while appreciating the said stand of the DFO, requests the Principal Secretary to Government, Department of Environment to take efforts whether the Department can contribute fund as grant for the construction of compound

wall. Such decision is required to be taken within a short period of 15 days, therefore, the Municipality can proceed to cover the remaining area by chain link fencing.

4. The accumulation of solid waste at Theetukkal and converting the same in to heaps, thereby avoiding the scattering of waste shall be completed by 31.05.2020.

5. While appreciating the completion of leachate Collection Drains and Collection Tank at Theetukkal dump yard, the Monitoring Committee directs the Municipality to continue to maintain and obtain any expert opinion as and when required.

6. Regarding the completion of the process of exchange of lands in lieu of the 15 acres of land at Theetukkal, while the Municipality has admittedly submitted its DPR about the development to be made by it in the site at Theetukkal, the Forest Department shall complete the process of diversion particularly when the Municipality has already deposited the amount for afforestation with the DFO. The Principal Secretary to Government, Department of Environment and Forest who is also a member of the Committee to use his good office in completing the above said process.

7. Secondary separation machineries which are to be installed at Theetukkal compost yard viz., shredder and screening of waste, conveyer belt etc., for which Rs.110 lakhs has been sanctioned, the contractor who represented before the Committee has undertaken to complete the supply of all machineries before the end of March 2020. The Municipality shall ensure procurement of those machineries and put them in effective use. Udaghamandalam Municipality shall ensure that adequate man power and supporting resources are provided for the composting of the segregated wet wastes estimated to be at 22 t/day. TNPCB shall continue periodic monitoring of wells around the Theetukkal compost yard and take appropriate action based on the test results.

8. In respect of the legacy waste at Theetukkal, quantified approximately as 1,60,000 cu.m, for which the Project Sanctioning and Monitoring Committee is stated to have approved the scheme of Bio mining for Rs.856.76 lakhs under Integrated Urban Development Mission (IUDM) through G.O.(MS) No. 11 dated 23.01.2020, the Municipality shall take all necessary steps to initiate steps for technical sanction and further tender process. It is made clear that when once the process of bio mining is started, fresh waste shall not be brought to the site.

9. The District Collector has agreed to effect drinking water supply to the residents in Theetukkal particularly those residing near the dump yard and the same is recorded with appreciation.

10. The Commissioner, Udagramandalam Municipality in association with the District Administration shall conduct frequent IEC activities particularly among the students, public and tourists and involve the NGOs, Lions Clubs, Rotary Clubs, and Tribal Welfare Organization in those welfare measures for effective implementation of Solid Waste Management.

11. The Tamilnadu Pollution Control Board shall through its District Environment Engineer, Udagramandalam, take immediate effective steps to remove the old bio medical waste dumped at Thorappalli, Gudalur and send the same to the appropriate Facility for its scientific treatment and disposal. MR. P.S.Livingston who has accompanied the Committee throughout its inspection has assured that he would take immediate step to remove. In fact, on 05.02.2020, he has informed the Chairperson of the Committee that the bio medical waste accumulated in Thorappalli consisting of only injection vials and injection bottles were segregated and collected in 11 number of blue coloured bags and shifted to BMW Collection vehicle on the said date and handed over to the CBMWTSDF, M/ s Techno Therm Industries, Chettipalayam, Coimbatore and reached the facility on 06.02.2020. While appreciating the prompt step taken by the DEE, the Committee directs the Officer to send a written report.

12. The Commissioner in charge of Gudalur Municipality shall take all effective steps to remove all the solid waste found in Thorappalli, Gudalur and report to the Committee. The DEE of the PCB, in his information to the Chairperson as stated above has stated that the RDMA, is personally supervising the removal of the old dumps at Thorappalli, and all the dumps will be removed in a period of two weeks. The efforts of the RDMA is commendable and she shall send the report of the status of removal to the Monitoring Committee.

13. The DFO, Gudalur, shall remove the concrete flooring on the portico of the new building meant for DFO's office, at R.S.No.750/2, Makkamoola, Gudalur in order to prevent any damage to the redwood sandal trees and its root branches, and proceed further in respect of the building.

The Chairperson of the Committee thanked all the participants and its Members for their effective cooperation and requested their continuous support in implementing the Solid Waste Management Rules in the State of Tamilnadu.

P. Jyothimani
19/2/2020
Justice Dr. P.Jyothimani
Chairperson

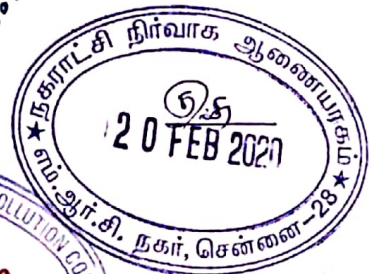
① Principal Secy. Environment & Forest Dept. 20/2/20 11:00 AM

② CMA

③ MS TNPCB Chennai
tnpcbmembersecretary@gmail.com
PN to

④ collector nilgiris (udhaga)

⑤ Municipal Commi ssion



RT112300035IN IVR:828411230
RL ANNA NAGAR S.O (CHENNAI)
Counter No:2,19/02/2020,18:52
To:MUNICIPAL COM,UDHAGAMANDALAM
PIN:643001, Udagamandalam H.O
From:DR P JYOTHIMANI,CHAIRPERSON
Wt:44gms
Amt:38.00(Cash)
(Track on www.indiapost.gov.in)
(Dial 1800 266 6666)

RT112300035IN IVR:828411230
RL ANNA NAGAR S.O (CHENNAI)
Counter No:2,19/02/2020,18:52
To:DISTRICT COLL,NILGIRIS DISTRICT
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From:DR P JYOTHIMANI,CHAIRPERSON
Wt:42gms
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(Track on www.indiapost.gov.in)
(Dial 1800 266 6666)