



## **TAMIL NADU POLLUTION CONTROL BOARD**

**Proc. No. T1/TNPCB/LAW/NGT/SWM/F.014708/MMN/2015-1 Dated: 12.03.2021**

**Sub:** TNPCB – Solid Waste Management – Hon'ble NGT orders in O.A.No. 90 of 2015 & OA No. 104 of 2016–Non-compliance of Solid Waste Management Rules, 2016 by Nandivaram Guduvancheri Town Panchayat - Levy of Environmental compensation for non compliance under section 5 of the Environment (Protection) Act, 1986 as amended – Show cause notice - Issued - Regarding.

- Ref:**
1. Hon'ble National Green Tribunal (SZ), Chennai order dated 04.02.2020, 17.11.2020, 23.12.2020 & 28.01.2021 in O.A. No. 90 of 2015 & OA No. 104 of 2016
  2. Lr. No. DEE/TNPCB/MMN/Hon'ble NGT Appl. No. 90 of 2015 & 104 of 2016 dated 17.02.2021
  3. Hon'ble National Green Tribunal (Principal Bench) order dated 02.07.2020 in OA No. 606 of 2018
  4. Letter No. 18583/MA.IV(2)/2018-54 dated 09.09.2020 received from the Deputy Secretary to Govt., Municipal Administration & Water Supply Department, Secretariat, Chennai
  5. Template for Assessment of SWM facilities and legacy waste remediation furnished by the Jambai Town Panchayat dated 05.09.2020

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

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

Whereas, applications have been filed by the Zion Nagar Plot Owners Welfare Association in O.A. No. 90 of 2015 and by the Nandivaram Radha Nagar Residents Welfare Association in OA No. 104 of 2016 before the Hon'ble NGT (SZ) Chennai with respect to the dumping and burning of garbage and municipal solid wastes in the Nandivaram Lake adjacent to Radha Nagar and Zion Nagar.

Whereas, as per Hon'ble NGT (SZ) order dated 04.02.2020, a joint committee has been constituted comprising District Collector, Chengalpattu District, Tamil Nadu Pollution Control Board, and Public Works Department & Water Resources Organization to inspect the area in question and to submit a report on the extent of legacy waste kept undisposed and action taken in compliance of the SWM Rules, 2016. The Committee has inspected the area in question (i.e.) Nandivaram lake on 24.08.2020 and submitted report to the Hon'ble NGT(SZ).

Whereas the Hon'ble NGT (SZ) in its order dated 17.11.2020 has directed the TNPCB to take action in compliance with the directions issued by the Principal Bench of National Green Tribunal, New Delhi in O.A. No. 606 of 2018.

Whereas, the Hon'ble NGT in its order dated 23.12.2020 has directed the TNPCB and the District Collector to submit report regarding the status and the steps taken for implementation of the Solid Waste Management Rules, 2016 in this area strictly in compliance with the provisions provided therein including the disposal of the legacy waste already accumulated in the dump yard as noticed by the committee.

Whereas, the DEE, TNPCB, MM Nagar has inspected the Micro Composting facility located at SF No.375/1 etc, Kanniyappa Nagar, Nandivaram Village, Chengalpattu Taluk and District on 19.12.2020 & 17.02.2021, and noticed that the said local body has dumped the solid wastes within the composting facility premises.

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

Whereas, the Municipal Administration & Water Supply Department and the Executive Officer, Nandivaram Guduvancheri Town Panchayat vide reference 4<sup>th</sup> & 5<sup>th</sup> cited have furnished the details on the status of solid waste management facilities and legacy waste remediation as per the CPCB's prescribed template. As per the details provided, it is observed that out of 14.4 tons of solid waste generated, 8.78 tons/day of solid waste are processed and there exists a gap in solid waste management of 5.78 tons/day. Also, the Town Panchayat has not carried out 100% segregation of waste at all wards and has not provided adequate capacities for material recovery facilities.

Whereas in compliance of the Hon'ble NGT orders, the District Environmental Engineer, TNPCB, Maraimalai Nagar has assessed Interim Compensation to be levied to the Nandivaram Guduvancheri Town Panchayat (population is 50000) as Rs.11 lakhs from April 2020 to February 2021 for dumping the solid wastes within the composting facility located at SF No.375/1 etc, Kanniyappa Nagar, Nandivaram Village, Chengalpattu Taluk and District and not properly carrying out the implementation of the SWM Rules, 2016.



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Whereas an amount of Rs.11 lakhs has been assessed as an interim environmental compensation for a period of 11 months (April 2020 to February 2021) to the Nandivaram Guduvancheri Town Panchayat for non-compliance of Solid Waste Management Rules, 2016.

**Now therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, the Board hereby issues Show Cause Notice to the Executive Officer, Nandivaram Guduvancheri Town Panchayat as to why the Board shall not recover Interim Environmental Compensation of Rs. 11 Lakhs (from April 2020 to February 2021) for the non-compliance of Solid Waste Management Rules, 2016.**

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

**Sd/-xxxx  
Chairman**

**To**

The Executive Officer,  
Nandivaram Guduvancheri Town Panchayat.  
Chengalpattu District

**Copy submitted to**

1. The Chairman,  
State Monitoring Committee of NGT for Solid Waste Management in Tamil Nadu,  
183, EVR Periyar Road,  
Kilpauk,  
Chennai – 600 010
2. The Additional Chief Secretary to the Government,  
Environment & Forest Department,  
Secretariat,  
Chennai-600 009.
3. The Additional Chief Secretary to the Government,  
Municipal Administration & Water Supply Department,  
Secretariat,  
Chennai-600 009.
4. The Director of Town Panchayats,  
Urban Administrative Building Society,  
Raja Annamalaipuram, MRC Nagar  
Chennai – 600 028

**Copy to**

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

*day*  
22/3/20  
**For Chairman**  
*S. S. M.*  
22/3/24