

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

IN

ORIGINAL APPLICATION NO. 514 of 2019(PB)

RENUMBERED AS OA 77 of 2021 (SZ)

Applicant(s) : Suo Motu proceedings initiated based on letter received
from Justice A. V. Ramakrishna Pillai, Former Judge,
High Court of Kerala, Chairman, SLMC, Kerala

Versus

Respondent(s) : The Chief Secretary, Government of Kerala,
Thiruvananthapuram & Others

ORIGINAL APPLICATION No. OA 442/2013(SZ)

Applicant(s) : Jith Kumar, Muthedathu

Versus

Respondent(s) : The State of Kerala & Others

And

ORIGINAL APPLICATION No. OA 20/2017(SZ)

Applicant(s) : Abdul Basheer

Versus

Respondent(s) : Kochi Municipal Corporation & Others

And

ORIGINAL APPLICATION No. OA 276/2017(SZ)

Applicant(s) : Lawyers Environmental Awareness Forum

Versus

Respondent(s) : SEIAA, Thiruvananthapuram

VOLUME 1

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Dated this the 29th day of July 2021

Rema Smrithi, Advocate

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT

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**UPDATED STATUS REPORT FILED BY THE CHIEF ENVIRONMENTAL
ENGINEER, REGIONAL OFFICE, ERNAKULAM FOR AND ON BEHALF OF THE
KERALA STATE POLLUTION CONTROL BOARD AS PER THE ORDER DATED
21.06.2021**

Adv. Rema Smrithi

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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**UPDATED STATUS REPORT FILED BY THE CHIEF ENVIRONMENTAL
ENGINEER, REGIONAL OFFICE, ERNAKULAM FOR AND ON BEHALF OF
THE KERALA STATE POLLUTION CONTROL BOARD**

I, M.A Baiju, 55 years, S/o M.K Aravindakshan, now working as the Chief Environmental Engineer, Regional Office, Kerala State Pollution Control Board, Ernakulum. I am competent to and duly authorized to represent the Board. I know the facts and circumstances of the cases. The factual submissions made here under may be seen as an updated status report in continuation to the report submitted on 17.05.2021 in the above mentioned OAs and are true and correct to the best of my knowledge, information and belief. In these circumstances, it is just and necessary that this Hon'ble Tribunal may be pleased to accept the accompanying report on file and it is so humbly prayed in the interests of justice in this case.

1. I may humbly submit that this report is prepared after conducting an inspection on 23.07.2021 at Brahmapuram dumping yard. This may be read as a continuation of the report submitted on 17.05.2021 on which an order was delivered on 21.06.2021. During inspection no progress were seen in the management of solid waste at the plant where the same situation is existing as illustrated in the earlier report submitted on 17.05.2021. The commencement of south - west monsoon also made the management of solid waste impracticable. Dilapidated windrow sheds and unscientifically constructed drains causing unmanageable leachate flow.

2. It is respectfully submitted that the Hon'ble Tribunal as per the order dated 21.06.21 illustrated and directed as follows,

"It is also seen from the report submitted by the Pollution Control Board that the situation in other areas is also not better. The Chief Secretary has been called to the Principal Bench in O.A. No. 606/2018 and in fact in one of the occasions, Tribunal expressed its displeasure regarding the manner in which the issue is handled in State of Kerala. But in spite of that, no improvement has taken place in resolving the issue in an effective manner. However, we feel that one more opportunity can be given to Kochi Municipal Corporation and also to come with effective action taken plan for resolving the issue in an effective manner".

"The Chief Secretary and Principal Secretary for Environment and the Secretary for Local Administration are also directed to come with a proper and effective action plan to resolve the issue effectively, otherwise, this Tribunal will be compelled to take action against the persons, who are responsible to implement the directions issued by this Tribunal as contemplated under Section 25 and 28 of the National Green Tribunal Act, 2010. The Authorities have failed to note the fact any direction or an awarded or order passed by the Tribunal are having the character of the order passed by the civil court, which can be executed as though, it is an order of civil court. If that be the case, the procedure for execution as provided Order 21 can also be invoked by this Tribunal and necessary action




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can be taken against the officer, for non implementation of the direction issued by this Tribunal”

“As regards O.A. No.77/2021 is concerned, the local bodies who have been arrayed in the case are directed to submit their independent response regarding the manner in which the Solid Waste Management Rules, 2016 are being implemented in their respective jurisdiction including the disposal of the waste that is being generated and collected and dumped in the dump yards. They are also expected to dispose the waste that is being collected and dumped in a scientific manner as provided under the Solid Waste Management Rules, 2016 and if it is not done, they will also be liable to face the consequences for not complying with the statutory rules in accordance with law”.

“Pollution Control Board as well as State Level Monitoring Committee are directed to file further updated status report of implementation of Solid Waste Management Rules and disposal of legacy waste in Kochi Corporation as directed by this Tribunal and other local bodies in the District before the next hearing date, namely, 30.07.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules”.

“Chief Secretary is directed to look into the issue seriously as this issue is pending since long time without getting proper attention from the higher authorities, as a result of which such gross violations are taking place”

3. It is respectfully submitted that a meeting was convened by the District Collector on 20.07.2021. This was done since the Hon’ble Tribunal specifically mentioned as follows,

“The District Collector, Ernakulam is also directed to file a detailed report regarding the steps taken by them for resolving the issue, after they have been designated as a nodal officer to resolve the issue invoking the power vested under Disaster Management Act, 2005 by the Government”

In the meeting the Secretary, Kochi Corporation as well as this respondent were attended and discussed in detail about the actions already undertaken and proposed action plans by the Corporation. The Secretary had agreed to submit a report updating the status and proposed actions to be undertaken for effective solid waste management activities of Kochi Corporation. Accordingly a report was submitted by the Secretary, Kochi Corporation on 23.07.2021, important commitments are illustrated as follows,

1. Biomining of legacy waste

Reported Action - Vide G.O (Rt)No.1219/2021/LSGD dated 27/06/2021 Government have directed to issue work order to the agency (M/s Zonta) identified through the tender process. Based on the Council Resolution No.1 dated 22/07/2021 the work was awarded to M/s Zonta Infratech Pvt Limited the agency identified for the work of biomining vide LOA No. No.MOE2/3760/20 dated 23/07/2021.




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2. Solid waste management

Reported Action - M/s Zontainfratech has been selected as the successful bidder. Evaluation and finalization of the tender is being done at the Government level. It is learnt that the file is under the consideration of the cabinet and regarding the transfer of land to KSIDC for subleasing to the concessionaire of waste to energy project agenda is placed before Kochi Corporation Council for its approval.

For construction of collapsed roof and structure of the compost plant shed, an amount of Rs.1 Crore has been budgeted in the plan fund of 2020-21 for preparing the design and initial work. The work was tendered and an agency M/s Esteem Builders was selected. Agreement executed on 15/06/2021 with 4 months completion time. Work of preparing design is in progress. Preliminary survey has been completed. Tendering of the work will be initiated soon after completion of the design works.

3. Leachate Treatment

Reported Action - New Leachate Treatment construction will be taken up along with new compost plant. Till then the leachate shall be treated in the septage treatment plant. Accordingly 5 truck loads of leachate are taken to the septage treatment plant and treated there. Suchitwa mission had directed Kochi Corporation to take up construction of leachate treatment plant only after constructing the collapsed roof of the compost plant and assessing the actual quantity of leachate generated.

4. MRF s and MCFs

Reported Action - MCF will be constructed in each of the 21 Health Circles.

5. Authorization from SPCB

Reported Action - The Corporation had submitted application for Authorization.

Due to non-compliance and initiation of legal proceedings, authorization has not been issued. Corporation has to apply afresh and obtain authorization for solid waste management detailing all individual solid waste management facilities and after obtaining consents to every centralized facilities (Treatment of Bio degradable as well as leachate and non-biodegradable fractions of solid wastes). Specific intimation in this regard is already issued to Secretary, Corporation from concerned section of the Board.

Now they have also submitted application for Integrated Consent to operate the existing treatment facility which is under processing.




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4. It is respectfully submitted that the Hon'ble Tribunal also directed to report the actions proposed on other local bodies that are disposing its biodegradable fraction of solid waste to Brahmapuram dump yard. As a preliminary step details of actions initiated against Municipalities are as follows,

a. Aluva Municipality

The municipality is having 7.18 sqkm with a population of 22428 and the total no of households are 5372. Total bio degradable wastes generated are 8T/day. The biological wastes are disposed in the Brahmapuram. They have not submitted any application and not obtained the Board's authorization. Show Cause Notice was issued to the municipality vide PCB/HO/SEE2/Aluva Municipality/2019 dated 17.02.2021. Reply was received on 10.03.2021. The matter is being followed up. Direction was issued to the municipality to apply for authorization (Letter No. PCB/EKM/DO-1/GEN-14/11 dated 28.04.2021).

b. Angamaly Municipality

The municipality is having 28.24 sqkm with a population of 33465 and the total no of households are 12321. Total bio degradable wastes generated are 10 T/day. The biological wastes are disposed in the Brahmapuram. They have not obtained the Board's authorization. Direction was issued to the municipality to apply for authorization (Letter No. PCB/EKM/DO-1/GEN-14/11 dated 28.04.2021).

c. Kalamassery Municipality

The municipality is having area of 27 sqkm with a population of 70776 and total no of households are 30,000. The municipality is collecting bio degradable wastes about 17.25T which is disposed in Brahmapuram solid waste processing plant of Kochi Corporation. The non-biodegradable wastes 1-2 tons/day. Notice was issued to the municipality vide PCB/HO/SEE2/SLMC-Kalamassery/2019 dated 04.12.2019. Reply was received on 26/12/2019. The matter is being followed up. They have not obtained the Board's authorization. Direction was issued to the municipality to apply for authorization (Letter No. PCB/EKM/DO-1/GEN-14/11 dated 28.04.2021). The Board is receiving many complaints on dumping and open burning of solid wastes (non-bio degradable) in different places in the Municipal area. Directions were issued to the municipality in this regard.




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d. Thrippunithura Municipality

The Thrippunithura Municipality comprises of 49 wards with a population of 92522 and the total no of households are 25690. The total quantity of waste generated is about 28.5 tonnes. The biological waste collected per day is 4 tonnes/day. The municipality has no facility for treating biodegradable wastes. The municipality is disposing their biodegradable waste at Brahmapuram waste processing plant. The municipality has one MCF and disposing the plastic waste through M/s Eco green. The Board has given direction to the unit for submitting the application for authorization. The municipality has not submitted application for authorization till date. The Board had issued notice vide PCB/HO/RULES/ SWM-ERNAKULAM/ 2018 dated 08.02.2021 for levying the environmental compensation on noncompliance of solid waste management rules, 2016. But reply was not received till date. The matter is being followed up. Incidents are also noted on the illegal dumping of the solid wastes in the municipal premises and directions are being given to the Secretary in this regard. This office has issued letter on the illegal dumping of solid waste on 04.05.2021. The municipality is not having adequate facilities for the disposal of non-bio degradable solid wastes.

e. Thrikkakkara Municipality

The Municipality is having an area of 28.16 sqkm area with a population of 77319. The total waste generated is about 23.19Tons/day. The total no of households are 43,280. The municipality is disposing their biological waste at Brahmapuram solid waste plant. The Board had issued Show Cause Notice vide PCB/HO/SEE2/ThrirkakaraMunicipality/2019 dated 18.02.2021 for levying the environmental compensation on noncompliance of solid waste management rules, 2016. But reply was not received till date. The matter is being followed up. The Board had given directions to the municipality to submit application for authorization (Letter No. PCB/EKM/DO-1/GEN-14/11 dated 28.04.2021).

There are three panchayaths also transferring biodegradable fraction of waste at present. They are Vadavucode-Puthencruz, Cheranalloor and Kumbalangi. Though certain decentralized facilities and household waste management practices are there in three Panchayaths which are associated to Corporation for the disposal of biodegradable fraction of waste. Data collected by the Board showed that two Panchayaths, Cheranalloor and Vadavucode-Puthencruz had utilized Brahmapuram plant during 2019 and continuing disposal. Kumbalangi Panchayath started transferring of waste from 2020




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onwards. Details of Solid Waste Management facility at present provided by the Urban Local Bodies in Ernakulam District is attached as **Annexure**.

Frequent meetings have been conducted at Government level by the Chief Secretary, concerned Secretaries and Corporation Officials. The last meeting was conducted on 28.07.2021 and appropriate time bound action plan have been stipulated at Government level for resolving the issue. A time bound action plan is prepared for solving the current issues.

Dated this the 29th day of July 2021



CHIEF ENVIRONMENTAL ENGINEER

M. A. BAIJU

Chief Environmental Engineer