

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

Original Application No. 230 OF 2021

K.M. SanjeevVijayan

Applicant (s)

Versus

State of Kerala

Respondent(s)



REPORT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION
CONTROL BOARD, DISTRICT OFFICE, PALAKKAD FOR AND ON BEHALF OF THE
KERALA STATE POLLUTION CONTROL BOARD -R5

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**SOUTHERN ZONE, CHENNAI****Original Application No. 230/2021**

K.M. Sanjeev Vijayan : Applicant (s)

Versus

State of Kerala : Respondent(s)

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Dated this the 16th August 2023

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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REPORT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE
POLLUTION CONTROL BOARD, DISTRICT OFFICE, PALAKKAD FOR AND
ON BEHALF OF THE KERALA STATE POLLUTION CONTROL BOARD

I, Dinesh K. S., aged 53 years, S/o K.V. Sidharthan, residing at Kothakulangara House, Gandhigram, Irinjalakuda (Part), Thrissur, Kerala – 680121, I am duly authorized by Member Secretary of Kerala State Pollution Control Board to represent the Board in the O.A. I do hereby solemnly affirm and state as follows.

1. The Hon'ble Tribunal had vide order dated 18.07.2023 directed to file a status report regarding the action taken and the allegation made in application in compliance with the direction report the following. The main grievance in the application is as follows.

- 1) The dumping yard of the Ottapalam Municipality located in Panamanna ward is not complying with environmental laws and is a source of pollution.
- 2) Solid waste is not properly collected from the Panamanna ward and some other wards leading to burning as dumping of the waste by waste generators who are left with no other options.
- 3) The records of solid waste management submitted by the Municipality before statutory bodies are not reflecting the actual situation which is unsatisfactory as for as environmental laws are concerned.



DINESH. K. S.
Environmental Engineer
Kerala State Pollution Control Board
District Office, Palakkad

In continuation to the report filed on 21.03.2022, the progress on waste management in Ottappalam Municipality is submitted below.

2. The Board officers visited the processing plant and other location so as to verify the compliance. As reported by the municipal authorities, about 980 tonnes from 50 cent area was cleared. The clearing of the dumped waste was done manually without using any mechanical means like trammels or dusters etc. The separated plastic waste bailed and transported to cement kilns. It is informed by the Municipality that tender procedures of bio-mining of remaining waste around 20,000m³ is reported to be completed and bio mining activities will be commenced soon. Clearing of 5 littering spots are cleared by the Municipality.

3. The Municipality applied for authorization in Form No.1 under SWM Rules 2016 and enquiry conducted from this office on 16.03.2023 and verified. As the collection and treatment of the solid waste was not adequate refusal intention notice issued on 29/05/2023. Copy of the refusal intention notice is produced herewith and marked as Exhibit PCB-(a). The Board officers again inspected 02.08.2023. The Municipality is having one Material Collection Facility (MCF) and Resource Recovery Facility (RRF). At the time of inspection by the Board Officers, it was reported by the Municipal Authority that 20 sanitation workers and 39 Harithakarma sena members are engaged in waste collection and segregation. 13 workers engaged in waste segregation at the RRF. Out of 12484 residences, door to door collection is done in 8100 residences (64.88%) and out of 2030 commercial establishments, collection is done from 720 units (35.47%). The municipal authorities reported that renovation of another RRF is planned under Kerala State Waste Management Project (KSWMP) by providing sorting tables, weighing machine, fire extinguishers, de-duster and conveyer belt with plastic separator etc. The Local body reported that they have made some arrangements for the collection of waste.

4. Biodegradable waste generated in the Municipal area is treated in 1.5 TPD Organic Waste Converter (OWC) and 3 units of Thumboormoozhi units of 3TPD. In addition to this, 100 nos of bio bins are proposed to distribute at ward level for 36 wards. Municipality provided bio gas plants, bio bins, pipe composts, ring composts.




DINESH. K. S.
Environmental Engineer
Kerala State Pollution Control Board
District Office, Palakkad

5. Legal sample was collected from the natural stream flowing besides the dumping yard. No leachate flow from the dumping yard to the stream notice. Copy of the analysis report of the legal sample collected on 24.03.23 is produced herewith and marked as Exhibit PCB-(b). No parameters are found to be exceeding the limit.

It is humbly submitted that the Board is closely monitoring the management of solid waste in the Municipality.

Dated this the 16th of August, 2023.



A handwritten signature in blue ink, appearing to read "Dinesh K. S.", written over a horizontal line.

DEPONENT

DINESH. K. S.
Environmental Engineer
Kerala State Pollution Control Board
District Office, Palakkad

VERIFICATION

I, Dinesh K.S, aged 53 years S/o K.V. Sidharthan, now working as Environmental Engineer in the District Office - Palakkad of the Kerala State Pollution Control Board at Palakkad, duly authorized to file this reply on behalf of the Kerala State Pollution Control Board do hereby verify on this, the 16th day of August 2023, that all what is stated above is true and correct to the best of my knowledge, information and belief and is borne out from the records maintained in our office.

Dinesh K.S.

Environmental Engineer,

District Office -

Palakkad

Kerala State Pollution Control Board, Palakkad.

DINESH. K. S.
Environmental Engineer
Kerala State Pollution Control Board
District Office, Palakkad



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SOUTHERNZONE, CHENNAI**

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K.M. Sanjeev Vijayan

Applicant (s)

Versus

State of Kerala

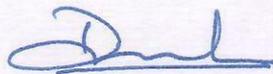
Respondent(s)

AFFIDAVIT

I, Dinesh K.S, aged 53 years S/o K.V. Sidharthan, residing at Irinjalakuda do hereby solemnly affirm and state as follows:

I am now working as the Environmental Engineer, District Office – Palakkad Kerala State Pollution Control Board at Palakkad. I am competent to and duly authorized to represent the Kerala State Pollution Control Board in the above case. I know the facts and circumstances of the case. The factual submissions made here under in paragraphs 1 to 5 of the reply are true and correct to the best of my knowledge, information and belief. The legal submissions made therein are made on advice received from Counsel. In these circumstances, it is just and necessary that this Hon'ble Tribunal may be pleased to accept the accompanying reply on file and it is so humbly prayed in the interests of justice in this case.

DINESH K.S., DEPONENT




DINESH. K. S.
Environmental Engineer
Kerala State Pollution Control Board
District Office, Palakkad

Solemnly affirmed and signed before me by the literate deponent personally known to me on this the 16th day of August 2023 at my office in Palakkad

**STANDING COUNSEL FOR THE KERALA STATE POLLUTION
CONTROL BOARD**



KERALA STATE⁸ POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

കോഴിക്കോട് റീജ്യണൽ ഓഫീസ്
REGIONAL OFFICE, KOZHIKODE



Phone: 2300744 (CEE);

kspcb.kerala.gov.in

3rd FLOOR, ZAMORIN'S SQUARE, LINK ROAD, KOZHIKODE - 673 002

PCB/PLKD/MSW-2/2001

DATE: 29.05.2023

Exhibit PCB-(b).

Authorisation Refusal Intention Notice



Sub: - Authorisation under the Solid Waste Management Rules, 2016-
Ottapalam Municipality-Reg.

- Ref: - 1) Application for authorisation under Solid Waste Management Rules, 2016 dated 30.07.2020.
 2) The Hon'ble NGT order in OA No.606/2018 dated 20/08/2018.
 3) Solid Waste Management Rules, 2016.
 4) Inspection conducted by Board officials on 17.05.2023.

WHEREAS the Central Government have notified the Environment (Protection) Act, 1986 for the protection and improvement of environment and for matters connected therewith;

WHEREAS as per section 3, 6 and 25 of Environment (Protection) Act, 1986, the Central Government have re-notified the Solid Waste Management Rules, 2016(here in after referred as SWM Rules) vide notification S.O 1357(E) dated 08.04.2016;

WHEREAS as per Rule 15 of the above said rule, the local bodies are entrusted with the management of the solid waste generated from their jurisdiction;

WHEREAS as per Rule 22(5) of the SWM Rules, door to door collection of segregated waste and its transportation in covered vehicles to processing or disposing facility shall be ensured by 08.04.2018;

WHEREAS as per Rule 22(7) of the SWM Rules, solid waste processing facilities for the complete quantity of waste generated from the local body shall be setup by 08.04.2018;

1142

76-298

AE4
DD
31/05/23

WHEREAS the Ottapalam municipality (hereinafter referred to as the municipality), comes under the purview of Environmental Protection Act, 1986 and Solid Waste Management Rules, 2016 and as per Rule 15(y) of SWM Rules, local body shall obtain authorisation from the State Pollution Control Board for setting up the waste processing facility and disposal of the treated waste;

WHEREAS you have applied for the authorisation vide ref (1);

WHEREAS as per your application, population in Ottapalam municipality is 53755 in 33 wards(as per census 2011); taking into consideration waste generation as 0.3kg/person/day, the total waste generated is 16.12 TPD, of which biodegradable waste comes to Approximately 10.47 TPD (65-70% of total waste) and non-biodegradable waste to approximately 5.65 TPD (30-35% of total waste);

WHEREAS as per the application, bio degradable and non-biodegradable wastes are generated from 14514 units (12484 houses and 2030 establishments);

WHEREAS as there is no centralised facility provided for the treatment & disposal of wastes in the municipality and the details of decentralised facilities provided are not furnished and adequate proposals are is not submitted;

WHEAREAS as per your application submitted wide ref (1) there is no centralised facility or door to door collection for wet waste and decentralized facilities (Thumboormuzhi of 150kg/day at 2 locations) provided by municipality is not sufficient for the wet waste generated.

WHEREAS the total non-bio degradable waste generated is 5.65TPD approximately and that furnished by municipality is 2 TPD; and there is a gap of 3.65 TPD.

WHEREAS there is a large gap in collection, management and disposal of biodegradable and non-biodegradable waste generated in the municipality as noted above;

WHEREAS you were given instructions to implement the SWM Rules by providing waste management facilities for collection, treatment and disposal, as per the judgment of the Hon'ble NGT in O.A-606/2018 ref(2) and ref (3);

WHEREAS the solid waste management in the municipality is inadequate and adequate proposal for the same has not been submitted;

WHEREAS as per ref (4), only 30% of the total legacy waste is bio mined and balance is yet to be done.

NOW THEREFORE, you are called upon to Show Cause, within 15 days of receipt of this notice, why your application vide ref (1) shall not be refused.

This is without any prejudice to initiate any legal action against the municipality.

Dated this 27th day of May, 2023



For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD


CHIEF ENVIRONMENTAL ENGINEER

To,

The Secretary,
Ottapalam Municipality.

Chief Environmental Engineer
Kerala State Pollution Control Board
Kozhikode

Copy to:

The Environmental Engineer,
Kerala State Pollution Control Board,
District Office, Palakkad.



**KERALA STATE POLLUTION CONTROL BOARD
CENTRAL LABORATORY**

കേരള സംസ്ഥാനമലിനീകരണ നിയന്ത്രണ ബോർഡ്

കേന്ദ്ര പരീക്ഷണശാല

An Environmental Laboratory recognised under E(P)A 1986



**Certificate No.
TC 8525**

Report No.PCB/CL/LEGAL/CES/2023

Dated 13.04.2023

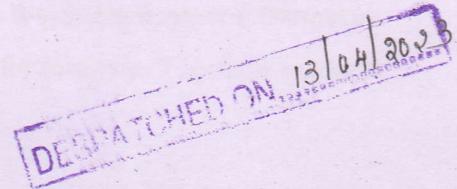
From

Exhibit PCB-(b).

V.T.Sajimon.
Chief Environmental Scientist & Govt.Analyst,
Central Laboratory
Kerala State Pollution Control Board
Gandhi Nagar, Kochi-20

To

The Member Secretary,
Kerala State Pollution Control Board,
Pattom Palace P.O.,
Thiruvananthapuram-695004.



Sub: Analysis of legal samples – forwarding analysis reports – reg
Ref: Letter No.PCB/PLKD/TG-435/2023 dated 25.03.2023 from the
Environmental Engineer, Kerala State Pollution Control Board, District Office,
Palakkad.

Madam,

I am forwarding herewith the analysis reports of the water samples collected from from the Kanniyampuram thodu near the leagacy Waste Dumpsite of Ottapalam Municipality at Panamanna collected legally on 24.03.2023 by Smt. Sruthi Chandran, Assistant Engineer, Kerala State Pollution Control Board, District Office, Palakkad.

This is for favour of further necessary action.

Yours faithfully,

V.T. Sajimon.

CHIEF ENVIRONMENTAL SCIENTIST & Govt. Analyst

Copy to: The Environmental Engineer
Kerala State Pollution Control Board,
District Office, Palakkad.



KERALA STATE POLLUTION CONTROL BOARD
CENTRAL LABORATORY, KOCHI-682020
FORM-XI
REPORT OF THE BOARD ANALYST
(See rule 27)

Report No.PCB/CL/LEGAL/CES/7/2023

Dated 13th April, 2023

I hereby certify that, I, V.T. Sajimon, Board analyst, duly appointed under subsection (3) of section 53 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) received samples at 2.30pm on 25.03.2023 from the Environmental Engineer, Kerala State Pollution Control Board, District Office, Palakkad. One number of sample (General, Heavy metals and Pesticides) from the Kanniyampuram thodu near the leagacy Waste Dumpsite of Ottapalam Municipality at Panamanna. Samples were in a condition fit for analysis. The final report is given below.

I further certify that I have analysed the aforementioned sample from 25.03.2023 to 10.04.2023 and declare the results of the analysis to be as follows:-

Sl. No	Parameters	Unit	Value		Test Method	Detection Limit
			OTP 1	OTP 2		
1	pH	---	7.3	-	APHA, 4500-H+B, 23 rd Ed., 2017	1
2	BOD (3 Days at 27°C)	mg/L	1.3	-	IS 3025 Part(44): 1993	0.10 mg/L
3	Free Ammonia	mg/L	BDL	-	GEMS OPERATIONAL GUIDE WHO	0.003mg/L
4	Alpha BHC	µg/L	BDL	-	In-house method as per PCB/CL/SOP/7.2.1.3/01	0.04 µg/L
5	Gamma BHC	µg/L	BDL	-	In-house method as per PCB/CL/SOP/7.2.1.3/01	0.04 µg/L
6	Delta BHC	µg/L	BDL	-	In-house method as per PCB/CL/SOP/7.2.1.3/01	0.04 µg/L

7	Aldrin	µg/L	BDL	-	In-house method as per PCB/CL/SOP/7.2.1.3/01	0.04 µg/L
8	Dicofol	µg/L	BDL	-	In-house method as per PCB/CL/SOP/7.2.1.3/01	0.04 µg/L
9	Alpha Endosulfan	µg/L	BDL	-	In-house method as per PCB/CL/SOP/7.2.1.3/01	0.04 µg/L
10	Dieldrin	µg/L	BDL	-	In-house method as per PCB/CL/SOP/7.2.1.3/01	0.04 µg/L
11	Beta Endosulfan	µg/L	BDL	-	In-house method as per PCB/CL/SOP/7.2.1.3/01	0.04 µg/L
12	OP-DDT	µg/L	BDL	-	In-house method as per PCB/CL/SOP/7.2.1.3/01	0.04 µg/L
13	PP-DDT	µg/L	BDL	-	In-house method as per PCB/CL/SOP/7.2.1.3/01	0.04 µg/L
15	Arsenic	mg/L	-	BDL	APHA 3114-B,23 rd Ed., 2017	0.01mg/L
16	Chromium	mg/L	-	BDL	APHA, 3111-B,23 rd Ed., 2017	0.03mg/L
17	Copper	mg/L	-	BDL	APHA 3111-B,23 rd Ed., 2017	0.02mg/L
18	Iron	mg/L	-	2.82	APHA 3111-B,3-20 to 3-21,23 rd Ed., 2017	0.05mg/L
19	Nickel	mg/L	-	BDL	APHA 3111-B,23 rd Ed., 2017	0.05mg/L
20	Zinc	mg/L	-	0.04	APHA 3111-B,23 rd Ed., 2017	0.02mg/L
21	Lead	mg/L	-	BDL	APHA 3111-B,23 rd Ed., 2017	0.05mg/L
22	Cadmium	mg/L	-	BDL	APHA 3111-B,23 rd Ed., 2017	0.01mg/L
23	Manganese	mg/L	-	0.08	APHA 3111-B,23 rd Ed., 2017	0.05mg/L

24	Mercury	mg/L	-	BDL	APHA 3112-B, 23 rd Ed., 2017	0.01mg/L
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BDL- Below Detection Limit

Note: The test results relate only to the sample submitted for analysis and it shouldn't be reproduced except in full without the written permission of the authorised signatory of the lab.

The condition of the seals, fastening and container on receipt was as follows:-

The sample was contained in amber coloured 2.5 litre bottle for general parameters and 1litre can for heavy metals securely sealed with sealing wax. No sample was provided for the analysis of DO (Dissolved Oxygen). There was no leak. The impression both on the seals and on the attached tags were representative of the Kerala State Pollution Control Board. The impression of each party on the seal and the tag were identical. The tag contained the signature of Sri. Rajesh Kumar. G, Health Inspector Grade II, Ottappalam Municipality and the occupier Smt. Sruthi Chandran, Assistant Engineer, Kerala State Pollution Control Board, District Office, Palakkad.

The seals were opened just before analysis.

Signed this on 13th April, 2023.

Board Analyst

V.T. SAJIMON
Chief Environmental Scientist & Govt Analyst

Address: V.T. Sajimon.
Chief Environmental Scientist & Govt. Analyst,
Central Laboratory
Kerala State Pollution control Board,
Gandhi Nagar, Kochi-20

To: The Member Secretary,
Kerala State Pollution Control Board,
Pattom Palace P.O.,
Thiruvananthapuram-695004.

Copy to: The Environmental Engineer,
Kerala State Pollution Control Board,
District Office,
Palakkad