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KERALASTATE POLLUTION CONTROL BOARD
കേരളസംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004
പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004

PCB/HO/RULES/SWM - ERNAKULAM/2018

Date: 12/10/2019

Regd. with A/D

NOTICE UNDER SECTION 5 OF THE ENVIRONMENTAL PROTECTION ACT, 1986

Sub: Non-compliance of Solid Waste Management Rules, 2016.

- Ref:
1. The Hon'ble NGT order dated 16/01/2019 in OA no. 606/2018.
 2. The Hon'ble NGT order dated 22/11/2018 in O.A. No. 353/2016.
 3. The Hon'ble NGT order dated 20/11/2018 in O.A No. 117/2014, 499/2014 and 102/2014.
 4. Letter No. PCB/HO/SEE2/RMC- Meeting/2018 dated 09/10/2018, 22/10/2018.
 5. Annual Report No.PCB/HO/SWM/AR/18/2019 dated 23/07/2019.
 6. This office letter No. PCB/HO/RULES/SWM-ERNAKULAM/2018 dated 13-02-2019.
 7. This office letter No. PCB/HO/RULES/SWM-ERNAKULAM/2018 dated 04-04-2019.
 8. Letter No. H 2-4958/18 dated 12-06-2019.
 9. Letter No. H I -3545/19 dated 28-02-2019.
 10. Report on Environmental Compensation in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules.

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

WHEREAS as per Section 3, 6, and 25 of the Environment (Protection) Act, 1986, the Central Government re-notified the Solid Wastes Management Rules, 2016 (herein after referred as SWM Rules) vide notification S.O. 1357(E) dated 8-4-2016;

WHEREAS as per Rule 22 (1) of the SWM Rules, suitable sites for setting up solid waste processing facilities are to be identified;

WHEREAS as per Rule 22(3) of the SWM Rules, suitable sites for setting up solid waste processing facility and sanitary landfill facilities are to be procured;

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 8-4-2019;

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 at 0.4 to 0.5 kg/person/day, shall be set up by 8-4-2019;

WHEREAS facilities with the technologies specified in CPHEEO manual and SWM Rules are to be in place for the effective treatment and disposal of the solid waste generated in the local body;

WHEREAS as per Rule 22 (6) of the SWM Rules, separate storage, collection and transportation of construction and demolition waste shall be provided;

WHEREAS as per Rule 22(11) of the SWM Rules, bio-remediation or capping of old and abandoned dump site shall be ensured;

WHEREAS repeated instructions were issued vide the communications read above, for the compliance of the SWM Rules;

WHEREAS the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the order dated 22/11/2018 in O.A. No. 353/2016 clarified that apart from prosecution, the statutory authorities under the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, must, in exercise of their incidental powers, prescribed scale of compensation to be collected from the polluters on the "Polluter Pay's Principle". Such scale which may be laid down at various levels, having regard to the local condition or as per direction in the hierarchy of the authorities. In various other application also, the Hon'ble NGT passed similar orders, for instance, in the Order dated 20/11/2018 in O.A No. 117/2014, 499/2014 and 102/2014 the Hon'ble NGT noted as; "Needless to say that statutory authorities under the Environment (Protection) Act, 1986, Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 are entitled to assess and recover damages as "Polluter Pay's Principle" in exercise of incidental powers to protect environment".

ANDWHEREAS it is noted that no treatment facility has been provided for the treatment of biodegradable waste generated in your jurisdiction and wastes were still seen accumulated on the road sides and on land and you have not fully complied with SWM Rules,2016;

NOW THEREFORE, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, you are directed to take steps to provide bio-methanation plant for the food wastes generated within Thrikkakara Municipality and to report compliance of all above directions within 15 days for avoiding any further action including recover Environmental Compensation for the noncompliance of the SWM Rules, 2016.



CHAIRMAN

To

The Secretary,
Thrikkakara Municipality

Copy to:

1. The Chairman
State Level Monitoring Committee.
2. The Additional Chief Secretary
Local Self Government Department.
3. The District Collector, Ernakulam.
4. The Director, Urban Directorate
5. The Chief Environmental Engineer, Regional Office, Ernakulam.
6. The Environmental Engineer, District Office, Ernakulam.