

**പതിനാലാം കേരള നിയമസഭ
പതിനാറാം സമ്മേളനം**

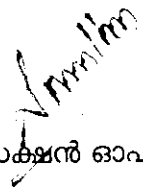
നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നം.1669

01.11.2019-ൽ മറുപടിയിൽ

മാലിന്യ സംസ്കരണത്തിൽ വീഴ്ചവരുത്തിയ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾ

ചോദ്യം		ഉത്തരം	
ശ്രീ.എ.പി. അനിൽ കുമാർ		എ.സി.മൊയ്തീൻ തദ്ദേശസ്വയംഭരണ വകുപ്പ് മന്ത്രി	
(എ)	ഖരമാലിന്യ സംസ്കരണത്തിൽ വീഴ്ചവരുത്തിയ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾക്ക് പിഴ ഈടാക്കിക്കൊണ്ട് സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ് നോട്ടീസ് നൽകിയിട്ടുണ്ടോ;	(എ), (ബി), (സി), & (ഡി)	<p>ഖരമാലിന്യ സംസ്കരണത്തിൽ വീഴ്ച വരുത്തിയ ചില തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾക്ക് പിഴ ഈടാക്കിക്കൊണ്ടും പിഴ ഈടാക്കാതിരിക്കാനുള്ള കാരണം കാണിക്കാൻ നിർദ്ദേശം നൽകിയും സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ് നോട്ടീസ് നൽകിയിട്ടുണ്ട്.</p> <p>ബഹു.ദേശീയ ഹരിത ട്രൈബ്യൂണലിന്റെ 25.04.2019-ലെ ഒ.എ.നം.606/2018 ഉത്തരവ് പ്രകാരം സംസ്ഥാനത്ത് മൂന്ന് മാതൃകാ നഗരങ്ങൾ, മൂന്ന് മാതൃകാ പട്ടണങ്ങൾ, ഓരോ ജില്ലയിലും മൂന്ന് മാതൃകാ പഞ്ചായത്തുകൾ വീതം തിരഞ്ഞെടുക്കുന്നതിനും അവ 6 മാസത്തിനകം എല്ലാ പരിസ്ഥിതി നിയമങ്ങളും പാലിക്കണമെന്നും നിർദ്ദേശിച്ചുകൊണ്ട് ഉത്തരവ് പുറപ്പെടുവിച്ചിരുന്നു. തുടർന്ന് തിരുവനന്തപുരം, തൃശ്ശൂർ, കോഴിക്കോട് എന്നിവയെ മാതൃകാ നഗരങ്ങളായി തിരഞ്ഞെടുക്കുകയുണ്ടായി. മേൽപ്പറഞ്ഞ 6 മാസം തീരുന്ന കാലയളവിൽ കാര്യമായ പുരോഗതിയില്ലാത്തതിനാൽ ചുവടെ ചേർക്കുന്ന നഗരസഭ/കോർപ്പറേഷനുകൾക്ക് നോട്ടീസ് നൽകുകയുണ്ടായി.</p> <p>a) തൃശ്ശൂർ കോർപ്പറേഷൻ</p> <p>എൺവയോൺമെന്റൽ കോമ്പൻസേഷൻ ഈടാക്കാതിരിക്കാനുള്ള കാരണം കാണിക്കൽ നിശ്ചയിച്ചുകൊണ്ട് തൃശ്ശൂർ കോർപ്പറേഷന് നോട്ടീസ് നൽകുകയുണ്ടായി. ആയത് പ്രകാരം നൽകിയ നോട്ടീസിന് തൃശ്ശൂർ നഗരസഭാ സെക്രട്ടറി മറുപടി നൽകിയിട്ടുണ്ട്.</p> <p>b) തിരുവനന്തപുരം കോർപ്പറേഷൻ</p> <p>ഖര മാലിന്യ സംസ്കരണത്തിൽ വീഴ്ച വരുത്തിയതായി കാണിച്ച് എൺവയോൺമെന്റൽ പ്രൊട്ടക്ഷൻ ആക്ട് 1986 സെക്ഷൻ 5 പ്രകാരമുള്ള ഷോക്കോസ് നോട്ടീസ് നൽകിയിട്ടുള്ളതാണ്. തിരുവനന്തപുരം കോർപ്പറേഷന്റെ മറുപടിയിൽ മലിനീകരണ നിയന്ത്രണ ബോർഡിന്റെ കണ്ടെത്തലുകൾ വസ്തുതാപരമല്ലെന്ന് അറിയിച്ചിട്ടുള്ളതിന്റെ വിശദവിവരങ്ങൾ കോർപ്പറേഷൻ സെക്രട്ടറി ലഭ്യമാക്കിയത് അനുബന്ധമായി ചേർത്തിരിക്കുന്നു.</p>
(ബി)	ഏതൊക്കെ തദ്ദേശസ്വയംഭരണ സ്ഥാപനങ്ങളാണ് ഇക്കാര്യത്തിൽ വീഴ്ച വരുത്തിയതെന്നും അവർ എത്ര രൂപ വീതം പിഴ അടയ്ക്കുവാനാണ് ആവശ്യപ്പെട്ടിട്ടുള്ളതെന്നും വ്യക്തമാക്കുമോ;		
(സി)	മലിനീകരണ നിയന്ത്രണ ബോർഡ് നൽകിയ നോട്ടീസിന് തദ്ദേശഭരണ സ്ഥാപനങ്ങൾ മറുപടി നൽകിയിട്ടുണ്ടോ;		
(ഡി)	പ്രസ്തുത മറുപടിയിൽ മലിനീകരണ നിയന്ത്രണ ബോർഡിന്റെ ഏതൊക്കെ കണ്ടെത്തലുകളാണ് വസ്തുതാപരമല്ലെന്ന് അറിയിച്ചിട്ടുള്ളത്; വിശദമാക്കുമോ?		

		<p>C) കളമശ്ശേരി നഗരസഭ</p> <p>എൺവയോൺമെന്റൽ കോമ്പൻസേഷൻ ഈടാക്കാതിരിക്കാനുള്ള കാരണം കാണിക്കൽ നോട്ടീസ് നൽകുകയുണ്ടായി. ആയത് പ്രകാരം നൽകിയ നോട്ടീസിന് കളമശ്ശേരി നഗരസഭാ സെക്രട്ടറി മറുപടി നൽകിയിട്ടുണ്ട്.</p> <p>ഇടുക്കി ജില്ലയിലെ നഗരസഭകൾക്ക് എൺവയോൺമെന്റൽ കോമ്പൻസേഷൻ ഈടാക്കാതിരിക്കാനുള്ള കാരണം കാണിക്കൽ നോട്ടീസ് നൽകിയതിന്മേലുള്ള നടപടികൾ സ്വീകരിച്ചു വരുന്നു.</p>
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 സെക്ഷൻ ഓഫീസർ

**Response to the Notice under Section 5 of the
Environmental Protection Act, 1986**

Ref: PCB/HO/RULES/SWM-TVM CORPN/2018 DL. 25/09/2019

Summary:

Out of 40 paragraphs in the notice including charges against Thiruvananthapuram Municipal Corporation only 5 are valid though they are very minor in nature. They are Para 8, 21, 22, 23 and 29. Para 8 is on setting up of construction and demolition waste management yard, 21, 22 and 23 regarding publishing the information in the official website and 29 is about non filing of annual report on time. Out of 38 charges on noncompliance 3 items repeats 4 times each and one item get repeated 3 times and 3 items repeat twice. The rest are not valid arguments and do not fall under noncompliance of Solid Waste Management Rules 2016.

The responses to each charges are given below;

Para 3. Whereas as per Rule 22(1) of the SWM Rules, suitable sites for setting up solid waste processing facilities are to be identified;

Para 4. 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.

Para 13 Whereas it is noted that you have not identified the land for the solid waste processing facility and sanitary landfill

Para 27 Whereas in violation of Rule 15(w) you have failed to establish sanitary landfill facility

Response: It is not practical to find land for centralized solid waste management in the city. Hence Thiruvananthapuram Municipal Corporation have set up decentralized solid waste management systems at 44 locations and set up resource recovery centre. The DPR approved by the State Government TMC is setting up additional 154 decentralized solid waste management systems. TMC have already requested to District Collector to identify land for landfill. TMC have already identified land for Construction and Demolition Waste and the paper work is in progress.

Please refer Rule 11(j) Duties of the Secretary-in-charge, Urban Development in the States and Union territories.- (1) The Secretary, Urban Development Department in the State or Union territory through the Commissioner or Director of Municipal Administration or Director of local bodies shall,- "Facilitate establishment of common regional sanitary landfill for a group of cities and towns falling within a distance of 50 km (or more) from the regional facility on a cost sharing basis and ensure professional management of such sanitary landfills

Para 5. 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 8-4-2018.

Response: Please refer Rule 4(6) "All resident welfare and market associations shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body." And

Please refer Rule 15 (q) "transport segregated bio-degradable waste to the processing facilities like compost plant, bio-methanation plant or any such facility. Preference shall be given for on site processing of such waste;" And

Please refer Rule 15 (t) "Involve communities in waste management and promotion of home composting, biogas generation, decentralized processing of waste at community level subject to control of odour and maintenance of hygienic conditions around the facility." And

Please refer Rule 15 (v) "facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on their own or with private sector participation or through any agency for optimum utilisation of various components of solid waste adoption suitable technology including the following technologies and adhering to the guidelines issued by the Ministry of Urban Development from time to time and standards prescribed by the Central Pollution Control Board. Preference shall be given to decentralized processing to minimize transportation cost and environmental impacts such as

A) Bio-methanation, microbial composting, vermi composting, anaerobic digestion or any other appropriate processing for bio-stabilisation of biodegradable wastes;" And

Please refer Rule 15 (ZG) (v) "Practice home composting, vermi-composting, biogas generation or community level composting;"

TMC adheres to the above rules and follows door to door collection of segregated non bio degradable discards only for household sector and segregated door to door

collection of wet and dry waste for commercial sector through engaging accredited service providers.

Para 7 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.

Response: TMC follows the technical guidelines and standards approved by Kerala Suchitwa Mission, who in turn abide by the CPHEEO manual.

Para 9 Whereas as per Rule 22(11) of the SWM Rules, Bio remediation or capping of old and abandoned dump site shall be ensured.

Response: Please refer Rule 22(11). "Bio remediation or capping of old and abandoned dump sites – 5 years." Which means TMC have time upto 7th March 2021 to complete this component.

Para 15 Whereas notice was issued to you vide the notice read Ref 2nd above as you have not complied with above provisions

Para 16 Whereas you have Failed to establish alternate modern treatment plant upon closure of the solid waste treatment facility at Vilappilsala in 2012

Para 17 Whereas You have stopped door to door collection of bio degradable organic waste on closure of the solid waste treatment facility at Vilappilsala

Para 18 Whereas You provided in some households in the Corporation, various devices for composting of organic waste known as pipe compost, kitchen bin, pot compost and 3 pot compost

Response: TMC as a local self Government reserves the right to prioritize on course of actions, strategies, selection of technologies, processes etc, while agreeing to the time frame provided by Solid Waste Management Rules 2016. Total quantity of waste generated in TMC is 353TPD. Of which 152.31 TPD of bio degradable waste and 54.2 TPD non bio degradable waste are managed with the assistance and facilitation of TMC. 52.79 TPD of bio degradable waste is managed by the producers with the supervision of TMC. 39.23TPD of bio degradables are managed at homestead in the rural and semi urban zones of the City which do not comes to the streets. About 39.51TPD of recyclable discards such as paper, metals and high value plastics are skimmed by the scrap dealers. Altogether about 338.04 TPD is managed. The existing capacity of infrastructure and systems created by TMC is more than that of Vilappilsala where only 100TPD of bio degradable waste was managed and there was no provision to manage non bio degradable waste. The methods and technologies used by TMC under its current decentralized solid waste management programme is more scientific and safer than that of Vilappilsala project and is approved by the State Government. Sanitary waste which forms about 14.96

TPD is left unmanaged. For which TMC is establishing 25 cluster facilities across the city. TMC is expanding its facilities to 154 sites to increase access to scientific solid waste management.

TMC stopped door to door collection of bio degradable waste from households as part of a strategy to promote home composting and source level treatment methods such as pipe compost, kitchen bin and 3 pot composting with the technical sanction of Kerala Suchitwa Mission which is in compliance with the Rules.

Please refer Rule 15 (t) "Involve communities in waste management and promotion of home composting, biogas generation, decentralized processing of waste at community level subject to control of odour and maintenance of hygienic conditions around the facility." And

Please refer Rule 15 (v) "facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on their own or with private sector participation or through any agency for optimum utilisation of various components of solid waste adoption suitable technology including the following technologies and adhering to the guidelines issued by the Ministry of Urban Development from time to time and standards prescribed by the Central Pollution Control Board. Preference shall be given to decentralized processing to minimize transportation cost and environmental impacts such as

B) Bio-methanation, microbial composting, vermi composting, anaerobic digestion or any other appropriate processing for bio-stabilisation of biodegradable wastes;" And

Please refer Rule 15 (ZG) (v) "Practice home composting, vermi-composting, biogas generation or community level composting;"

TMC adheres to the above rules and follows door to door collection of segregated non bio degradable discards only for household sector and segregated door to door collection of wet and dry waste for commercial sector through engaging accredited service providers.

Para 19 Whereas You have used promotion of various source level treatment schemes as convenient method of denying households, slums and informal settlements, commercial and other non-residential premises, door to door collection of organic waste in violation of Rule 15(b)

Response: Rule 15(b) reads as "arrange for door to door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other non residential premises. From multi-storage buildings, large commercial complexes, malls, housing complexes, etc., this may be collected from the entry gate or any other designated location"

TMC have implemented user fee as provided by Rule 15(f) which reads as "prescribe from time to time user fee as deemed appropriate and collect the fee from the waste generators on its own or through authorised agency;"

TMC provides for door to door collection of segregated solid waste on a daily basis commercial, institutional, large commercial complexes, malls and other non residential premises. TMC provides for door to door collection of non bio degradable discards for households, including slums and informal settlements and housing complexes.

TMC also provides free drop off facilities for bio degradable waste as well as non bio degradable waste for slums, informal settlements, households etc., who cannot afford paying user fee for door to door collection.

Please refer Rule 4(6) "All resident welfare and market associations shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body."

Please refer Rule 15 (q) "transport segregated bio-degradable waste to the processing facilities like compost plant, bio-methanation plant or any such facility. Preference shall be given for on site processing of such waste;" And

Please refer Rule 15 (t) "involve communities in waste management and promotion of home composting, biogas generation, decentralized processing of waste at community level subject to control of odour and maintenance of hygienic conditions around the facility." And

Please refer Rule 15 (v) "facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on their own or with private sector participation or through any agency for optimum utilisation of various components of solid waste adoption suitable technology including the following technologies and adhering to the guidelines issued by the Ministry of Urban Development from time to time and standards prescribed by the Central Pollution Control Board. Preference shall be given to decentralized processing to minimize transportation cost and environmental impacts such as

C) Bio-methanation, microbial composting, vermi composting, anaerobic digestion or any other appropriate processing for bio-stabilisation of biodegradable wastes;" And

Please refer Rule 15 (2G (v) "Practice home composting, vermi-composting, biogas generation or community level composting;"

The Rules quoted above reiterates the options of decentralized and source level solid waste management in cities. Hence it is in compliance with the MSW Rules

Para 20 Whereas the KSPCB District office has found that a number of composting devices have malfunctioned causing unhygienic conditions because of worm, fly and rodent nuisance in violation of Rule 15(t), leaving the waste generators to depend on private services to remove the waste from their premises;

Para 30 Whereas The KSPCB district office has found that pipe compost system has been supplied to most of the people with no technical guidance on how to use this system. The defects namely, lack of technical knowledge, unpleasant odour generation from the pipe the compost pipe, nuisance from rodents, fly and works difficulty of disposal of greasy and oily foods pointed out by beneficiaries has resulted in widespread failure

Para 31 Whereas for Kitchen bin It was reported that out of 116 beneficiaries contacted for which 46 are using kitchen bins, 53 are not using the system and 17 people are not even supplied with the system. The defects pointed out by beneficiaries are lack of technical knowledge, unpleasant odour generation, fly and work nuisance.

Response: Composting is a biological process to decompose bio degradable discards and larvae of black soldier flies, earth worms are part of the process. No composting process in the world is free from an odour and decomposing creatures except in lab experiments. Hence the observation is baseless. Malfunctioning is an evidence of people trying to operate composting at home. It is just a management issue and not non compliance. TMC has provided door to door technical training and distributed printed manuals to households. TMC distributed Aerobic bio composters (Kitchen bins) for those who signed up for paid technical support to approved service providers. It is not clear whether the KSPCB district office gathered this information through telephone call or site visits. It seems there is a communication gap between the interviewer and interviewee. TMC is already taking initiatives to troubleshoot such issues through providing door to door technical support.

Para 21 Whereas you have not published ward-wise list of concessionaires providing waste service.

Para 22 Whereas You have failed to provide public information on door to door waste collection on the official website of Corporation of Thiruvannathpauram and on the Smart Trivandrum Mobile application with waste management services.

Response: TMC identifies and empanels service providers and get it approved through the City Council. The service providers are allocated to each zone based on their capacity and the information is directly passed on to the beneficiaries through door to door campaign. For the time being TMC haven't given option for residents to choose their service provider, but TMC assigns a service provider for them. The information is passed on to people through resident welfare associations, health inspector offices and door to door campaigns. TMC will be publishing the list of service providers for better clarity, within 15 days from October 1st 2019.

TMC is working on additional mobile application and portal as part of expanding the door to door services in the city. Please visit <http://greentrivandrum.in/> which will be integrated to SmartTrivandrum mobile application and official website of the City within 15 days from October 1st 2019.

Para 23 Whereas the private services operating in the city have not obtained registration from the Board for treatment facilities for the disposal of wastes collected

Response: There are two kinds of approved service providers operating in the city. One set is exclusively for households and another set is exclusively for bulk waste generators. The service providers for households do not collect bio degradable waste. They collect non bio degradable waste and hands it over to MRFs/MCFs owned and operated by TMC. The service providers for bulk waste generators are collecting segregated bio degradable waste and non bio degradable waste. The bio degradable waste are used as feed for piggeries which have valid consent to operate from KSPCB and TNPCB and licence from the Local Self Government. These piggeries comes under animal husbandry and not under waste disposal. Moreover the daily intake of waste is well below STPD for each service provider hence they do not fall under the category of facilities for waste disposal to get registration from KSPCB. A part of the bio degradable waste is used as input for farm composting in rubber plantations by the farmers. Composting for agriculture activity in less than 5 TPD in a given point do not require consent of operate from KSPCB.

We invite KSPCB district office to verify the documents submitted by these service providers which is available with TMC.

Para 25 Whereas in violation of Rule 15(c), you have failed to establish a system for integration of informal waste pickers into the system of waste management

Response: The Rule 15(c) is not a mandatory but optional since presence of waste pickers change from place to place. TMC follows the guidelines by Haritha Kerala Mission under Department of Local Self Government who have laid down the priorities for selecting service providers for waste collection and management. The order of priority provided by HKM is waste pickers, Kudumbasree units, NGOs, social enterprises and Private agencies. Waste pickers are very hard to find in TMC area since the informal network of scrap cum recycling traders are very strong. They operate independently to skim through high value materials from residential and non residential sources and is paying for materials they collect. Only low value materials are left which is managed by MRFs and MCFs of TMC. But TMC have engaged large scale recyclers to haul segregated non bio degradable discards for recycling. We invite KSPCB district office to verify the contract documents available with TMC.

Para 28 Whereas in violation of Rule 15(x) you have allocated funds to discretionary welfare schemes without meeting the requirement of funds for obligatory functions under SWM Rules such as procurement of land for solid waste treatment plant and sanitary landfill, procurement of vehicles for solid waste collection and making provision for daily door to door collection and sweeping of roads in public and commercial areas twice daily and residential roads daily.

Response: TMC maintains the ratio of fund allocation for solid and liquid waste management as mandated by State Government. TMC already approved and allocated Rs.5 Crore to procure land for setting up sanitary landfill. A Detailed Project Report for expansion of solid waste management services worth Rs.51.3792 Crores of which about Rs.16 Crore is the share of TMC awaits approval of State Government. TMC budgeted 4.5 Crore for year 2019-20. We invite KSPCB district office to verify the approved budgets of TMC. The list of vehicles used for Solid and Liquid Waste Management is given below.

#	Type of Vehicle	Total Number	Remarks
1	Covered Tipper Lorry (5 Ton)	35	Used for transportation of Dry waste from MRFs to RRCs
2	Open Tipper Lorry (5 Ton)	6	
3	Mini Lorry and Pick up Vari Pick up Autorickshaw	4 25	
4	Tractor	2	In use
5	JCB Excavators	7	
6	Compactor	2	Not in use since no centralized solid waste management system
7	Tanker - Sucking vehicles	9	

8	Road Sweeping Machine	1	Not in use
9	Sheep foot compactor	1	

Para 32 Whereas For biogas the KSPCB district office has reported that 9 beneficiaries informed that the facility is working properly and one informed that the facility is not working properly after monsoon season

Response: Out of 10 biogas plants 9 are working shows the success of source level management of organic waste and TMC is happy about it.

Para 33 Whereas District office reported in community level decentralized systems, highly skilled operators are to be engaged for the proper maintenance and operation of the facility

Response: Neither the MSW Rules 2016, nor the CPHEEO manual provides for any specific criterion for operator of a composting facility. Kerala Suchitwa Mission too hasn't given any standard regarding the qualification of the operator. TMC is appointing operators after training them with the help of resource persons accredited by Kerala Suchitwa Mission. Health Inspectors and Junior Health Inspectors along with Green Army volunteers have been trained on operation of different types of composting equipments. So far TMC have not met with any issue of malfunctioning of compost units. TMC is taking efforts to improvise the process and programmes are on to update and upgrade the capacity of workers.

Para 35 Whereas You have continued to promote failed household treatment schemes such as pipe compost and kitchen bin as a cover to avoid obligatory functions in SWM 2016 that incur political costs such as procuring land and establishing a modern solid waste treatment plant and sanitary landfill

Response: Kerala Suchitwa Mission is the competent agency authorized by State Government of Kerala to list technologies, set standards and operating parameters. KSM haven't reported that pipe compost and kitchen bins are failed technology. No Government agency in Kerala or in India have reported so far.

Para 36 Whereas The rank of 365 out of 425 cities in 2019 Swachh Survekshan conducted by Ministry of Housing and Urban Affairs, Government of India is indicative of the poor quality of waste management service you have provided in the city and failure to implement a modern waste treatment facility

Response: The ranking of cities by Swachh Survekshan with a standard questionnaire is already being challenged at National level by cities and competent environmental organizations such as Centre for Science and Environment. The ranking process has no flexibility to record decentralized solid waste management systems, institutional mechanisms and hence it cannot compare cities following different methods for solid waste management. At the same time Thiruvananthapuram has been qualified to be in the list of Zero Waste Cities at the international level and the forum of Cities that Segregates by Centre for Science and Environment. Thiruvananthapuram has been a model for many cities including metro city like Chennai to opt for decentralized solid waste management.

Para 14 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 1974, must in exercise of their incidental powers, prescribe scale of compensation to be collected from the polluters on the "Polluter Pays 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 applications 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 1974 are entitled to assess and recover damage as "Pollution Pays Principle" in exercise of incidental powers to protect environment".

Para 38 Whereas The Board is constrained to assess the Environmental Compensation from 22/11/2018 to 31/07/2019 (Days = 252) as follows

Para 39 Whereas An amount of Rs.1459.112 lakhs (Rupees Fourteen Crore Fifty Nine Lakh Eleven Thousand Two hundred) is assessed as environmental compensation from 22/11/2018 to 31/07/2019 (Capital cost component (Rs.500 Lakhs)+O&M Component (Rs 946.512 Lakhs)+Environmental Externality (Rs. 12.6 Lakhs))

Para 40 Whereas continued failure to comply with SWM 2016 shall incur Environmental Compensation at rates that are multiples of the rates assessed above.

Response: The existing infrastructure and its capacity, is given below which proves that the allegations raised in this notice is untrue.

Infrastructure	Units	Capacity (TPD)
Kitchen Bins	19000	19.00
Bo Bins	109	2.72
Biogas Plants	3982	3.98
Pipe Compost units	87000	87.00
Organic Waste Converters	2	0.50
Aerobic Bins	383	11.49
Mobile Composting Units	154	4.62
Community Biogas Plants	23	23.00
Dry Waste Collection Bins	2	0.20
Dry leaves Collection bins	3	0.30
Material Recovery Facilities	44	44.00
Resource Recovery Centre	2	10.00
Facilities in Private Sector (Rendering Plants, Farms, Piggeries)	19	150.00
Total		356.8

The calculation is unrealistic and flawed. Primarily the figures used for calculation of waste management is not updated, despite of providing updated information to KSPCB. Environmental compensation is levied for environmental damage or pollution. As per the calculation of KSPCB, there should be about 97,000 Metric Tonnes of waste lying in the city unmanaged to create environmental damage. We request to provide physical proof of 97,000 metric tonnes of untreated waste in the city damaging the environment.

Please refer Environment Protection Act 1986 Sec 15. "Penalty for contravention of the provisions of the act and the rules, orders and directions - (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention. (2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years."

It is unfortunate to see such a notice from KSPCB an agency supposed to be a technical and scientific organization to assess environmental impact.

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