

**BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI**

Original Application No.161 of 2021 (SZ)

Tribunal on its own motion SUO -MOTU based on the News Item published in Deccan Chronicle newspaper, Chennai edition dated 24.04.2020, " Penalise Company for dumping toxic waste in Kodaikanal: Activists and the New Indian Express newspaper Chennai, Edition dated: 25.06.2021 , under the caption, " HUL Begins Solid- Remediation works in Kodaikanal"

...Applicant

Versus

The Chief Secretary to Government of Tamil Nadu,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu -600 009 and others

...Respondents

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Advocate for the Respondent: TNPCB

Tr. S. Sai Sathya Jith,

Advocate, Chennai

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...Applicant

Vs

1. The Chief Secretary to Government of Tamil Nadu,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu -600 009 and others.
2. The Chairman,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
New Delhi-110 032.
3. The Secretariat to Govt. of Tamil Nadu,
Department of Environment, Climate Change & Forests,
Govt. Secretariat, Fort George,
Chennai, Tamil Nadu-600 009.
4. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu-600 032.
5. Hindustan Unilever Limited (HUL),
Rep. by its Chairman & Managing Director,
Unilever House, B.D. Sawant Marg,
Chakla, Andher (E),
Mumbai-400 099.
6. The District Collector,
Dindigul district.


13/12/2024

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032

7. The Principal Chief Conservator of Forest and Head of Forest Force and Chief Wildlife Warden,
Panagal Maaaligai,
Saidapet, Chennai-15.
8. The District Forest Officer & Wildlife Sanctuary,
Kodaikanal Division, Muthaliyarpuram,
Kodaikanal.
9. Navroz Mody Roseneath,
Kodaikanal.

...Respondent(s)

**COMMENTS/ VIEWS FILED ON BEHALF OF THE TNPCB ON THE
NOTES OF SUBMISSIONS FILED BY THE 9th RESPONDENT**

I, R.Rajamanickam, S/o. P.M.Ramasamy , Hindu, aged about 57 years, having my office at No. 76, Mount Salai, Guindy, Chennai - 600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the Respondent Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the Hon'ble National Green Tribunal (Southern Zone) in its order dated 08.10.2021 has directed as follows :

“Para 07: The newly impleaded 9th respondent is directed to serve the notes of submission to the NEERI, Central Pollution Control Board as well as to the Tamil Nadu Pollution Control Board along


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with the documents produced, so that they can also come with their comments/ views on this, which will be helpful for this Tribunal to compare and understand the differences raised by the applicant and the reasons given by the NEERI for their conclusions in the report.

3. It is respectfully submitted that, Tamilnadu Pollution Control Board is following the standards prescribed by the Central Pollution Control Board in respect of discharge of sewage, trade effluent and soil etc., The legal background for fixing of standard for remediated soil is furnished as follows:

- (i). The NEERI evaluated different technologies for undertaking soil remediation and recommended that soil washing and vacuum retorting are the most appropriate technologies, which is suited for the site remediation. Further the IIT Delhi, Central Soil Water Conservation Research Training Institute (CSWCRTI), Ooty and National Botanical Research Institute (NBRI), Lucknow also carried out studies individually.
- (ii). Based on the above study reports the Scientific Expert Committee (SEC) recommended that the Site Specific Target Level (SSTL) as 20mg/Kg in the soil after remediation. Further, the Committee also recommended to proceed the cleanup of contaminated soil within the premises. The CPCB has agreed with SSTL of 20mg/Kg (total mercury) for Kodaikanal contaminated area.

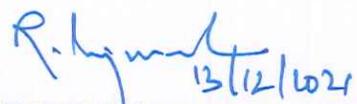

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(iii). The findings of trial run conducted by the unit was presented to the SEC meeting held on 21.11.2017 wherein the unit was asked to submit the upscaling plan for soil washings, improvement plan to retort pilot. Further to the submission of up scaling plan by the unit, the SEC meeting was conducted on 19.03.2018 and 17.05.2018 and committee recommended that the approval by Tamil Nadu Pollution Control Board be given and commence the soil remediation works. Then the TNPCB granted permission to the unit on 4th June 2018 to commence the soil remediation work on trial study with the remediation standard (SSTL) of 20 mg/kg.

4. It is respectfully submitted that an application was filed before the Principal Bench of the National Green Tribunal in O.A No.211/2018, challenging the TNPCB permission granted to the unit for soil remediation vide letter dated 04.06.2018. The applicant's main contention was on the remediation standard and prayed that the remediation standard to be fixed as 6.6 mg/kg instead of 20 mg/kg. The Hon'ble NGT in its order (O.A No.211/2018) dated 1st August 2018 directed the CPCB to secure an expert opinion whether the Site-Specific Target Level of 20 mg/kg is the right remediation standard, or the Screening level of 6.6 mg/kg is the right standard.

5. It is respectfully submitted that the CPCB formed an expert committee consisting of eight members from IIT Delhi, IIT Bombay , IIT Madras , IITR Lucknow, NEERI Nagpur , AIIMS Delhi and ICMR Delhi.


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The expert committee members met on 12th and 24th Sept 2018 and deliberated on the remediation standard. Based on the opinion of the expert committee, the CPCB has filed an affidavit before the Hon'ble NGT recommending 20mg/kg as the remediation standard for HUL Kodaikanal site.

6. It is respectfully submitted that when the case came up for hearing on 01.11.18 and the Honb'le NGT in O.A No.211/2018 has accepted opinion of CPCB and disposed the application, with the following directions:

- i. *"To permit remediation of mercury contaminated soil in the premises of closed thermometer factory and its adjoining areas to the recommended remediation target level of 20 mg/kg (total mercury) with valid authorization from Tamil Nadu Pollution Control Board.*
- ii. *Considering the reported environmental impacts in Pambar Shola river in down gradient of closed thermometer factory, it is proposed that a detailed site assessment be carried out to ascertain the extent of contamination and if required, an ecological risk assessment study may also be carried out".*

7. It is respectfully submitted that the unit of M/s. Hindustan Unilever Limited has engaged NEERI, Nagpur to conduct the detailed site assessment study in the Pambar Shola river area as per the orders of the Hon'ble National Green Tribunal. The NEERI has undertaken offsite

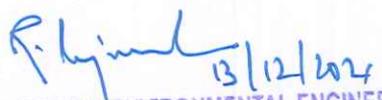

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assessment study in Pambar-Shola river and submitted the report in August 2021. The findings of the report was gone through the joint committee and submitted before this Hon'ble Tribunal in the report filed on September 2021.

8. It is respectfully submitted that the Hon'ble Supreme Court of India in Civil appeal No. 1666 of 2019 also dismissed the petition challenging the remediation standard of 20 mg/kg in its order dated 5th March 2019. After getting permission from the Tamil Nadu Pollution Control Board, the unit has obtained necessary statutory approvals from various departments including Hill Area Conservation Authority.

9. It is respectfully submitted that, regarding assessment of runoff and sediment from the HUL site, it will be carried out by the expert institute, M/s. Central Soil Water Conservation Research Training Institute (CSWCRTI). The recommendations of the institute will be discussed in the forth coming Scientific Expert Committee and will be implemented.

10. It is respectfully submitted that the unit of M/s. Hindustan Unilever Limited has engage NEERI to collect the samples of contaminated soil, washed soil, retorted soil, soil at silt trap and other water samples. The Tamilnadu Pollution Control Board is collecting the soil at silt trap, stream water before levenge path, washed / retorted soil ready for backfilling (daily) and being analysed from October 2021 onwards. The soil sediment at silt trap before joining levenge path are being collected and


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analysed. The unit is instructed to collect the soil sediment accumulated in all silt traps for treatment in soil washing & retort.

11. It is respectfully submitted that joint committee constituted by this Hon'ble Tribunal including officials from CPCB and official from TNPCB have collected sample in August 2021 and same was already submitted before this Hon'ble Tribunal in August 2021. It is further submitted that the Scientific Expert Committee has proposed to inspect the unit of M/S. Hindustan Unilever Limited, Kodaikanal on 20.12.2021 to review the progress of soil remediation works.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstance of this case and thus render justice.

R. Rajamanickam 13/12/2024
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

BEFORE ME

VERIFICATION

I, R.Rajamanickam, S/o. P.M.Ramasamy, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.

R. Rajamanickam 13/12/2024
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
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COMMENTS/VIEWS FILED ON BEHALF OF
THE RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD

Advocate for Respondent: TNPCB
Thiru:S.Sai Sathya Jith
Advocate, Chennai

Date: 13.12.2021

Next date of hearing: 14.12.2021

