

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

Original Application No. 19 of 2013 (SZ)

Original Application No. 224 of 2016 (SZ)

Original Application No. 248 of 2016 (SZ)

Meenavargal Membattu Sangam
Rep. K.R. Selvaraj Kumar
Meenavar Nala Sangam,
Chennai.

...Applicants

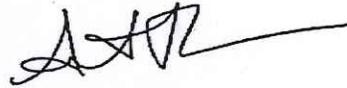
Versus

The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai and Others

..Respondent(s)

INDEX

S.No	Description	Page No.
1.	COMPLIANCE REPORT FILED ON BEHALF OF THE 4TH & 6TH RESPONDENTS - TAMIL NADU POLLUTION CONTROL BOARD.	1 -3
2	ANNEXURE - I & II	4 - 8



**Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

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

Original Application No. 19 of 2013 (SZ)

With

Original Application No. 224 of 2016 (SZ)

With

Original Application No. 248 of 2016 (SZ)

Meenavargal Membattu Sangam

...Applicant

Versus

The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai and Others

..Respondent(s)

With

Meenava Thanthai
K.R. Selvaraj Kumar

Versus

The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai and Others

With

Meenava Thanthai,
K.R Selvaraj Kumar,
Meenavar Nala Sangam

Versus

The State of Tamil Nadu,
Rep. by Secretary to Government,
Chennai and Others

...Respondent(s)

**COMPLIANCE REPORT FILED ON BEHALF OF THE
RESPONDENT -TAMIL NADU POLLUTION CONTROL BOARD.**

I, R. Rajamanickam, Son of P.M.Ramasamy, Hindu, aged about 58 years, having my office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely state as follows:


 31/7/2023
**ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.**

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

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, 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 the records.

2. It is respectfully submitted that, the Hon'ble NGT (SZ) in its orders dated 03.05.2023, has passed order inter alia that:

“Para 3. It is now known whether the environmental compensation collected from these companies is kept in any of the interest bearing deposits of either a nationalized bank or a public sector undertaking, till such time they are required for mitigation measures as per the CPCB Guidelines.

Para4: Let the Tamil Nadu Pollution Control Board get appropriate instructions on this, as to how they have been following till today and how they propose to follow the procedure in the future.

Para5: The Tamil Nadu Pollution Control Board may also file a report on utilization of the environmental compensation collected so far and nature of works taken up”

3. It is respectfully submitted that in pursuant to the said NGT order dated 03.05.2023, the respondent TNPC Board has collected the Environmental Compensation amount from the said units and kept in a interest bearing deposit in a Nationalized Bank in the name of “Tamil Nadu Pollution Control Board - Environmental Compensation Fund Account “.

4. It is further submitted that as per the CPCB guideline of ” Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund” the following schemes were identified which may be considered for utilization of Environmental Compensation Fund:

- a. Industrial inspection for compliance verification
- b. Installation of Continuous Water Quality Monitoring stations / Continuous Ambient Air Quality Monitoring Stations for strengthening of existing monitoring network.


31/7/2023
ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

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

- c. Preparation of Comprehensive industry documents on industrial sector / clean technology
- d. Investigations of environmental damages, preparation of DPRs.
- e. Remediation of contaminated sites.
- f. Infrastructure augmentation of Urban Local Bodies (ULBs) / capacity building of SPCBs/PCCs.

The above proposed list may include other schemes also, depending upon the requirement. Considering the availability of accumulated funds, CPCB will finalize the scheme, keeping in mind the priority, to utilize the funds of Environmental Compensation. The Copy of CPCB guidelines is enclosed herewith as Annexure - I

5. It is further submitted that the TNPCB has utilized Environmental Compensation fund as per the schemes mentioned in the guidelines. Details are given in Annexure-II.

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


31/7/23
ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

BEFORE ME

VERIFICATION

I, R. Rajamanickam, Son of P.M.Ramasamy, working as Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32 do hereby submit that the contents of the above report are true to the best of my knowledge through records.


31/7/23
ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

**Report of the CPCB In-house Committee on
Methodology for Assessing Environmental
Compensation and Action Plan to Utilize the Fund**


CENTRAL POLLUTION CONTROL BOARD
"Parivesh Bhawan", East Arjun Nagar,
Delhi-110032

Table of Contents

Chapter-I: Environment Compensation to be levied on Industrial Units	3
1.1 Background.....	3
1.2 Constitution of the Committee	3
1.3 Methodology for Assessing Environmental Compensation	3
1.4 Action Plan for Utilization of Environmental Compensation Fund	6
1.5 Recommendations.....	7
Chapter-II: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.	9
2.1 Background.....	9
2.2 Action Plan for Utilization of Environmental Compensation Fund	9
Chapter-III: Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules	10
3.1 Background.....	10
3.2 Ideology of Environmental Compensation Formula	10
3.3 Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority:.....	12
3.4 Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management:.....	14
3.3 Action Plan for Utilization of Environmental Compensation Fund	15
3.4 Recommendations.....	15
Chapter-IV: Environmental Compensation in Case of Illegal Extraction of Ground Water	17
4.1 Background.....	17
4.2 Constitution of the Committee	17
4.3 Methodology for Assessing Environmental Compensation	17
4.4 Ideology of Environmental Compensation w.r.to illegal extraction of ground water	17
4.5 Formula for Environmental Compensation for illegal extraction of ground water	18
4.6 Environmental Compensation Rate (ECR _{GW}) for illegal use of Ground Water	18
4.7 Relaxation.....	21
4.8 Recommendations.....	21
Annexure-I.....	22
Annexure-II.....	28
Annexure-III.....	31
Annexure-IV.....	34
Annexure-V.....	36
Annexure-VI.....	40
References.....	41

For notified Ecologically Sensitive areas, for beginning, LF may be assumed as 2.0. However, for critically Polluted Areas, LF may be explored in future.

- f. In any case, minimum Environmental Compensation shall be ₹ 5000/day.
- g. In order to include deterrent effect for repeated violations, EC may be increased on exponential basis, i.e. by 2 times on 1st repetition, 4 times on 2nd repetition and 8 times on further repetitions.
- h. If the operations of the industry are inevitable and violator continues its operations beyond 3 months then for deterrent compensation, EC may be increased by 2, 4 and 8 times for 2nd, 3rd and 4th quarter, respectively. Even if the operations are inevitable beyond 12 months, violator will not be allowed to operate.
- i. Besides EC, industry may be prosecuted or closure directions may be issued, whenever required.

A sample calculation for Environmental Compensation (without deterrent factor) is given at Table No. 1.2. It can be noticed that for all instances, EC for Red, Orange and Green category of industries varies from 3,750 to 60,000 ₹/day.

Table No. 1.2: A sample calculation for Environmental Compensation

Industrial Category	Red	Orange	Green
Pollution Index (PI)	60-100	41-59	21-40
Average PI	80	50	30
R-Factor	250		
S-Factor	0.5-1.5		
L-Factor	1.00-2.00		
Environmental Compensation (₹/day)	10,000-60,000	6,250-37,500	5,000-22,500

1.3.2 In other instances i.e. *d, e and f*, the environmental compensation may contain two parts – one requires providing immediate relief and other long-term measures such as remediation. In all these cases, detailed investigations are required from expert institutions/organizations based on which environmental compensation will be decided. CPCB shall list the expert institutions for this purpose.

In such cases, comprehensive plan for remediation of environmental pollution may be prepared and executed under the supervision of a committee with representatives of SPCB, CPCB and expert institutions/organizations.

1.4 Action Plan for Utilization of Environmental Compensation Fund

The Committee discussed about the utilization of funds, which will be received by imposing Environmental Compensation. The following Action Plan is proposed to utilize the fund for protection of the environment.

1.4.1. When Environmental Compensation is calculated through the Pollution Index:

The amount received by imposing the Environmental Compensation to the industries / organization non-complying with the environmental standards / violating any CPCB's directions shall be deposited in a separate bank account. The amount accumulated will be utilized for Protection of Environment. The following schemes were identified, which may be considered for utilization of Environmental Compensation Fund:

- a. Industrial Inspections for compliance verification
- b. Installation of Continuous water quality monitoring stations / Continuous ambient air quality monitoring stations for strengthening of existing monitoring network
- c. Preparation of Comprehensive Industry Documents on Industrial Sectors / clean technology
- d. Investigations of environmental damages, preparation of DPRs
- e. Remediation of contaminated sites
- f. Infrastructure augmentation of Urban Local Bodies (ULBs) /capacity building of SPCBs/PCCs

The above proposed list may include other schemes also, depending upon the requirement.

Considering the availability of accumulated funds, CPCB will finalize the scheme, keeping in mind the priority, to utilize the funds of Environmental Compensation.

1.4.2. When Environmental Compensation is assessed based on actual damage to the environment by Expert Organization/ Agency:

The amount of Environmental Compensation under this case will be remediation costs, measures requiring immediate and short-term actions, compensation towards loss of ecology, etc., and will be utilized exclusively for the purpose at specific site, based on the detailed investigations by the Expert Organizations/ agencies.

1.5 Recommendations

The Committee made following recommendations:

- 1.5.1 To begin with, Environmental Compensation may be levied by CPCB only when CPCB has issued the directions under the Environment (Protection) Act, 1986. In case of a, b and c, Environmental Compensation may be calculated based on the formula "EC = PI x N x R x S x LF", wherein, PI may be taken as 80, 50 and 30 for red, orange and green category of industries, respectively, and R may be taken as 250. S and LF may be taken as prescribed in the preceding paragraphs.

Sl No.	Description
1.	Remuneration paid to Justice Dr.P.Jyothimani, State Level Monitoring Committee of NGT for SWM of Tamil Nadu
2.	Payment for CEPI Pre monsoon 2019 report.
3.	Payment for CEPI Post monsoon 2019 reports.
4.	Payment for sitting charges, accommodation expenses report preparation for the NGT Court Cases on M/s.Alben Rubbers, Kanyakumari District.
5.	Payment for Project Assessment of Dust Emission from Stone Crushing Industries and Distant Criteria in the State of Tamil Nadu paid to Director, CSIR-NEERI, Nagpur
6.	Payment on vetting the design and guidelines prepared for charcoal units located in Tamil Nadu by TNPCB Joint Committee in compliance of orders to the Director Centre for Technology Development, Anna University.
7.	Analytical Charges for having conducted water and soil test connection with the Hon'ble NGT order Dt:16.04.2021 in OA No.100 of 2021.
8.	Payment made to the inspection team for compliance of the NGT Order Dt:07.01.2020 in O.A No.05 of 2016 i.e; Assessment of TDS Level in soil and Ground water due to pollution of Coir manufacturing unit.
9.	Sitting fees for expert committee meeting for implementation of remedial measures at chrome contaminated site at TCCL
10.	Payment made to the Director of Environment Account for preparation of DPR (Detailed Project Report by DoECC)
11.	Payment made to Director CSIR NEERI-NAGPUR for Project" Assessment of Dust Emission from Stone Crusher Industries and Distant Criteria in the State of Tamil Nadu
12.	Payment made to Stratus Environmental Private Limited for preparation of Technical and Tender document for remediation of Chrome Contaminated site at TCCL, Ranipet.
13.	Payment made IIT Madras for carrying out the study on "Assessment of Ground Water Contamination in and around M/s.Chemplast Sanmar Plants at Mettur)

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

**Original Application No. 19 of 2013 (SZ)
With
Original Application No. 224 of 2016 (SZ)
With
Original Application No. 248 of 2016 (SZ)**

Meenavargal Membattu Sangam

...Applicant

Versus

The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai and Others

..Respondent(s)

**COMPLIANCE REPORT FILED ON
BEHALF OF THE 4TH & 6TH
RESPONDENTS - TAMIL NADU
POLLUTION CONTROL BOARD**

**Advocate for Respondent: TNPCCB
Thiru.Sai Sathya Jith,
Advocate, Chennai.**

Date:31.07.2023.

Date of hearing on:31.08.2023.

