

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

IN

ORIGINAL APPLICATION NO. 265 of 2017

Petitioner : N.G. SOMAN

Versus

Respondents : The State of Kerala, Kerala
State Pollution Control Board

VOLUME 1

Index

Sl.No	Description	Pages
1	Report filed by the Chief Environmental Engineer as per the direction of the Hon'ble National Green Tribunal	1-3

Dated this the 16th day of September 2020

Rema Smrithi, Advocate
ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT

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**REPORT FILED BY THE CHIEF ENVIRONMENTAL ENGINEER AS
PER THE DIRECTION OF THE HON'BLE NATIONAL GREEN
TRIBUNAL**

Adv.Rema Smrithi.

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT:

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**REPORT FILED BY THE CHIEF ENVIRONMENTAL ENGINEER AS PER
THE DIRECTION OF THE HON'BLE NATIONAL GREEN TRIBUNAL**

I, M.A Baiju, 54 years, S/o M.K Aravindakshan, now working as the Chief Environmental Engineer, Regional Office, Kerala State Pollution Control Board, Ernakulum. I am competent to and duly authorized to represent the Board. I know the facts and circumstances of the case. The factual submissions made here under are true and correct to the best of my knowledge, information and belief. In these circumstances, it is just and necessary that this Hon'ble Tribunal may be pleased to accept the accompanying report on file and it is so humbly prayed in the interests of justice in this case.

1. I may respectfully submit that the order of the Hon'ble NGT dated 07.07.2020 specifically mentioned following points for further actions and is as follows

"We have received e-mail from counsel appearing for applicant dated 6.7.2020, directing Kerala Pollution Control Board to conduct the inspection while the units are in operation in its full capacity. We have also received an interim report dated 8.6.2020 and also a request dated 22.4.2020 seeking further time from the Pollution Control Board".

and The Hon'ble Tribunal further ordered as follows

"Considering the circumstances, we feel it appropriate to grant two months time to the committee to submit further report as directed by this Tribunal as per order dated 2.3.2020. The committee is directed to submit the report to this Tribunal through e-mail or e-filing at ngtszfiling@gmail.com on or before 18.9.2020".

2. It is respectfully submitted that in continuation to the report dated 08.06.2020 submitted as per the order dated 02.03.2020 of the Hon'ble




M. A. BAIJU
Chief Environmental Engineer

Tribunal I may report that a hearing through video conference was conducted to discuss about the future course of actions need to be taken on the petition filed by the Sri. N G Soman as well as other complainants who are residing nearby. In the hearing Sri. N G Soman (the petitioner), Smt. Girija Rajendran (Another Complainant), Officials of M/s BPCL Kochi Refinery and Regional Officer, KSPCB were attended through video conference. Copy of the minutes of the video conference is produced herewith and marked as **Annexure 1.**

3. It is respectfully submitted that the complainants once again raised their objection that the company is not running in its full capacity which was admitted by the company officials also who were present for the video conference. Though the company officials commented that only 60% operation will be there due to COVID-19 restrictions, it was decided to monitor air emissions and sound level in and around the factory as there are other complainants also still stick on their complaint that there is severe sound and other type of pollution.

4. It is also respectfully submitted that the Regional officer who has been allocated to carryout monitoring informed through a report that he had visited the plant on 05.09.2020 and conducted 24 Hour monitoring allocating sufficient staff in compliance with the above-mentioned order and as decided in the hearing. It may be pertinent to note that officials of the Board had inspected the factory on 20.03.2020, collected samples from the outlets of ETPs and STP and Verified data from all the Continuous Ambient Air Quality Monitoring stations (CAAQMS). Though the restrictions imposed due to lockdown in view of the COVID-19 pandemic severely delayed the air monitoring and was not able to complete the same at that instance, inspection was re started on 05.09.2020 and completed on 06.09.2020 as mentioned above. The working load of DHDS SRU plant (A part of IREP project of first respondent M/s BPCL Kochi Refinery) near the complainant's residence, is 46% and that of M/s Prodair Air Products, second respondent company is 52%. Copy of the analysis reports of the samples collected from the effluent treatment plant and sewage treatment plant are produced herewith and marked as **Annexure 2.**

5. It is respectfully submitted that the company also produced before this respondent a report specifically indicating the green belt details actually provided and list of trees planted inside their area and reported that they have provided approximately 37 % of land cover (243 Acres out of 1310 Acres where plant area cover is 655 Acres) for green belt whereas the relevant condition of the Environment Clearance (EC) stipulate that it should




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be 33% of total plant area. Copy of the letter submitted by the first respondent Company intimating the details of green belt is produced herewith and marked as **Annexure 3**.

6. It is humbly submitted that the water quality of the Chithrapuzha to where discharge of treated effluent take place is being monitored every month. A copy of the latest analysis reports of such monitoring is produced herewith and marked as **Annexure 4**.(It may be noted that during the months of March and April monitoring were not carried out due to lockdown).On verifying these results no significant pollution in the river were identified.

7. It is humbly prayed that the complainant is still opposing to any type of monitoring now since the factory is not commenced their full swing operation till date. In this regard the submission of the company also may be seen. A copy of the letter explaining such lean operation is produced herewith and marked as **Annexure 5**. In this circumstance, it is highlighted that the wide spreading of COVID-19 pandemic is showing an increasing trend in the State, especially the office of the Regional Officer where all the staffs are now under quarantine as one commercial apprentice got infected. Hence some more time may be given to carryout monitoring in and around the factory while the company is commenced its full swing operation/the complainant is agree to do such monitoring since it was the complainant who had requested to postpone the monitoring.

Dated this the 16th day of September 2020.



A handwritten signature in blue ink, appearing to be "M. A. Baiju".

DEPONENT

M. A. BAIJU
Chief Environmental Engineer