

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

**APPLICATION No. 231 of 2016 (SZ)**

Voice of Nature,  
Regn No.21/2014,  
Rep. by its Secretary  
Mr. M. Sathish Kumar,  
Thiruvallur District – 602002.

...Applicant

-Vs-

1. The Government of Tamil Nadu,  
Represented by the Secretary,  
Department of Environment & Forests, Fort St. George,  
Chennai-600009 & 12 others.

... Respondents

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**Filed by  
Thiru. C. Kasirajan,  
Advocate, Chennai.**

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Manavalanagar,  
Thiruvallur District – 602002..

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RESPONDENTS- TAMILNADU POLLUTION CONTROL BOARD.**

I, G. Gopalkrishnan, Son of Thiru.V. Gandhi, Hindu, aged about 58 years, having office at No. 76, Mount Salai, Guindy, Chennai-600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32 and I am filing this Reply Affidavit on behalf of the 2<sup>nd</sup> , 3<sup>rd</sup> and 11<sup>th</sup> to 13<sup>th</sup> respondents Board and as such I am well acquainted with the facts of the case from the records.

2. It is respectfully submitted that, the Hon'ble NGT (SZ) vide order dated 09.09.2020 and directed that:

"Para 6. It is not clear from the letter as to whether the quantum of silica waste kept namely, 48MT is within the permissible limit of stacking as per the earlier condition of consent to operate and what further action

*G. Gopalkrishnan 23/2/2021*  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.



complied with by the 4th respondent unit and there was no possibility of pollution being caused on the account of silica waste generated in the present condition and posted the case to today for filling further report specifying these aspects....”

4. It is respectfully submitted that the unit was issued CTO (Expansion) vide Board's proceedings No T7/TNPCB/F.0604TLR/RL/TLR/W&A/2017 dated: 01/06/2017 valid upto 31/03/2018 subject to certain conditions inter-alia,

Additional Condition No 2. The unit shall comply with all the conditions stipulated in the Environmental Clearance issued to the unit vide Letter No.: SEIAA-TN/F.No.2896/2015/EC-34/2015/dated 21/12/2015.

And as per EC condition: Specific Condition No xix) Tailings Residue or any type of solid waste rejects shall be taken back to Andhra Pradesh Mines (APM) for the landfill as committed with a Permission letter from APM and other requisite compliances."Additional condition 4: The unit shall dispose of the silica waste to be generated as solid waste from the process to the barite ore mining site as landfilling"

In this regard, the unit has furnished letter dated 23/10/2020 stating that the unit has cleared 48T of Silica Waste to the end-user M/s Jai Sai Traders, Manufacturers of cement and Ash Bricks located at Nagari, Andhra Pradesh. The unit has also furnished agreement dated 22/10/2020 executed with the said end-user and delivery challan. Based on the unit's letter dated 23/10/2020 regarding disposal of silica waste

*G. Govindarajan*  
 JOINT CHIEF ENVIRONMENTAL ENGINEER  
 TAMIL NADU POLLUTION CONTROL BOARD  
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sludge, the unit was inspected on 24/10/2020 and it was found that the unit has removed the dry sludge stored earlier.

As the unit has stored the dry sludge over impervious layer with tarpaulin cover and also it is non-hazardous silica solid waste, It is submitted that there is no environmental damage caused by the unit.

However, the Hon'ble NGT (SZ) vide order dated 09/09/2020 has stipulated to consider the imposing environmental compensation against the unit if any. As the unit has deposited sludge from trial production carried out during January 2018 and stored 48T of dry sludge (non-hazardous) without complying the consent condition stipulated.

5. It is respectfully submitted that the unit's non-compliance of CTO condition falls under the category 1.3 b) Not complying with the directions issued such as direction for closure due to non-installation of OCEMS, Non-adherence to the action plans submitted etc as per the report of the CPCB In-house committee on Methodology for Assessing Environmental compensation and Action Plan. Hence, Levying Environmental Compensation has considered to the unit is as follows:

Environmental Compensation (EC) is calculated as follows

The Environmental Compensation based on the following formula:

The Environmental Compensation  $EC = PI \times N \times R \times S \times LF$

Where,

EC is Environmental Compensation in Rs.

PI = Pollution Index of Industrial Cluster- 60 for Red category since the unit is not in operation)

*G. Gurusamy*  
 JOINT CHIEF ENVIRONMENTAL ENGINEER  
 TAMIL NADU POLLUTION CONTROL BOARD  
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production. In this regard, the unit was inspected again on 28/12/2020 and found that the unit was not in operation and assured to comply with the EC conditions. In this regard personal hearing was conducted with the unit's officials on 29.1.2021 at TNPCB , Corporate office and during the discussion on non remittance of Environmental Compensation and the unit representative informed that they had filed an appeal in Hon'ble NGT (SZ) against, the Hon'ble NGT (SZ) order dated 09/09/2020 in Original Application No. 231 of 2016(SZ). Copy of the minutes of the meeting is enclosed.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) 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.

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

BEFORE ME

**VERIFICATION**

I, G. Gopalakrishnan, Son of Thiru.V. Gandhi, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032 do hereby verify that the contents of above report are true to the best of my knowledge through records.

Verified at Chennai on this 23<sup>rd</sup> day of February, 2021.

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



## TAMIL NADU POLLUTION CONTROL BOARD

Minutes of personal hearing held on 29.1.2021 at 4.00pm with M/s.Oren Hydrocarbons Pvt Ltd (UNIT- II), S.F.No.383/1E,1F and 1G1, Getnamallee Village, Gummidipoondi Taluk, Tiruvallur District at TNPCB Corporate office, Guindy, Chennai.

### Present

#### TNPCB officials

1. Thiru. G. Gopalakrishnan, Joint Chief Environmental Engineer
2. Dr.M. Dhinakaran, Asst. Environmental Engineer

#### Representatives from the unit

Thiru. V. Balaji, Sr. Manager- Admin M/s Oren Hydrocarbons Pvt Ltd

The Joint Chief Environmental Engineer, TNPCB welcomed the officials from M/s.Oren Hydrocarbons Pvt Ltd and explained the purpose of conducting personal hearing and briefed the following.

- Earlier the unit had applied for Consent to Establish for manufacturing of Barite Powder- 8892 T/M. The activity is of only crushing of barite ore lumps and there is no mineral beneficiation, it does not attract EIA notification 2006. There is no trade effluent generation from its process.
- The unit has obtained Environmental Clearance vide Lr No. SEIAA-TN/F.No.2896/2015/EC-34/2015/dated 21/12/2015 and subsequently obtained CTO (Expansion) vide Board's proceedings No T7/TNPCB/F.0604TLR/RL/TLR/W&A/2017 Dt: 01/06/2017 valid upto 31/03/2018.
- The Hon'ble NGT (SZ) vide order dated 09/09/2020 in Original Application No. 231 of 2016(SZ) has state that "*we direct the Pollution control Board to file a further status - cum action taken report for non compliance of the conditions imposed in the consent to operate by the 4th respondent which includes consideration of imposing any environmental compensation for the violation committed by the 4th respondent unit, on or before 28.10.2020 by e-filing to this Tribunal along with necessary hard copies as per rules*". Hence a direction vide proc Dt. 3.12.2020 has issued to the unit to comply with the certain conditions.

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RESPONDENTS – TAMIL NADU  
POLLUTION CONTROL BOARD.**

**Advocate for Respondent No. TNPCB  
Thiru. C. Kasirajan  
Advocate, Chennai.**

**Date:03.03.2021.**

**Date of hearing on:09.03.2021**