

## BEFORE THE 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  
No.4, Adhigathur Road  
Vengathur Kandigal  
Manavalanagar, Tiruvallur-602002.

... Applicant

Vs.

The Government of Tamil Nadu,  
Rep. by its Secretary,  
Department of Environment and Forest,  
Fort.St.George,  
Chennai – 600 009 and 12 others.

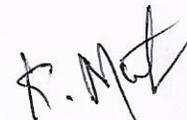
... Respondents

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1.	18.03.2021	Memo filed on behalf of the 4 <sup>th</sup> Respondent with Annexures	1

Certified that the above documents are the true copies of the respective original.

Dated at Chennai this 18<sup>th</sup> day of March 2021.

  
Counsel for the 4<sup>th</sup> Respondent

HEARING DATE 22.01.2021

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION NO. 231 OF 2016(SZ)

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Chennai – 600 009 and 12 others.

. . . Respondents

**MEMO FILED BY AND BEHALF OF THE 4<sup>TH</sup> RESPONDENT.**

1. It is submitted that the 4<sup>th</sup> respondent company cleared 48 MTs of silica waste stored in its factory premises on 23.10.2020 through M/s.Jai Sai Traders, Manufacturers of Cement & Ash Bricks, Near Indian Oil Petrol Bunk, Tirupati Bypass Road, Nagari-517590, Chittoor District, Andhra Pradesh, pursuant to the agreement entered with them on 22.10.2020. After the clearance of the silica waste, the 4<sup>th</sup> Respondent had duly intimated the same to the District Environmental Engineer (3<sup>th</sup> Respondent) by their letter dated 23.10.2020.Memo to that effect has already been filed before this Hon'ble Tribunal.

2. Even in the report dated 23.02.2021 filed on behalf of the 2<sup>nd</sup>, 3<sup>rd</sup> and 11<sup>th</sup> to 13<sup>th</sup> Respondent- Tamil Nadu Pollution Control Board, it is stated as below

“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”.

3. The Second Respondent, Chairman, Tamil Nadu Pollution Control Board levied Environmental Compensation against the 4<sup>th</sup> Respondent unit by Proceedings No.T2/TNPCB/F.F.0604GMP/A/2020 DATED: 03.12.2020. Against which, the 4<sup>th</sup> Respondent herein filed Appeal No.3/2021 before the Appellate Authority, Tamil Nadu Pollution Control Board. By order dated 03.02.2021, the Appellate Authority, Tamil Nadu Pollution Control Board granted interim stay of the order of the 2<sup>nd</sup> Respondent dated 03.12.2020 till 17.02.2021. The 2<sup>nd</sup> Respondent and 3<sup>rd</sup> Respondent herein are the Respondents 1 and 2 in the Appeal before the Appellate Authority, Tamil Nadu Pollution Control Board. The Respondents therein are represented by the Counsel. The Interim Order granted on 03.02.2021 is extended from time to time. Copy of the order of the 2<sup>nd</sup> Respondent dated 03.12.2020, which is the subject matter of the Appeal before the Appellate Authority, Tamil Nadu Pollution Control Board and the interim order dated 03.02.2021 passed by the Appellate Authority, Tamil Nadu Pollution Control Board is annexed.

Dated at Chennai this the 18<sup>th</sup> March, 2021.



(V.SANJEEVI & K.MUTHUKUMARSAMY)  
COUNSEL FOR THE 4<sup>th</sup> RESPONDENT


**TAMILNADU POLLUTION CONTROL BOARD**

by RPAD

**PROCEEDINGS NO.T2/TNPCB/F. F.0604GMP/A/2020 DATED: 03 .12.2020**

**SUB:** TNPCB - Industries - M/s. Oren Hydrocarbons Pvt Ltd ,  
S.F.No.383/[1E,1F and 1G1], Getnamallee Village, Gummidipoondi  
Taluk, Tiruvallur District- non compliance - consent condition- Certain  
directions under Section 31A of the Air (Prevention and Control of  
Pollution) act, 1987 as Amended - Issued - Regarding.

**REF:**

1. Proc. No. T7/TNPCB/F.0604TLR/RL/TLR/W&A/2017 Dt:  
01.06.2017
2. IR No. F.0203GMP/RL/AEE/GMP/2020 Dt. 19.11.2020

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Whereas the unit M/s. Oren Hydrocarbons Pvt Ltd is located at S.F.No.383/[1E,1F and 1G1], Getnamallee Village, Gummidipoondi Taluk, Tiruvallur District has obtained Consent to Establish for manufacturing of Barite Powder- 8892 T/M. The sequence of process are the raw material barite ore lumps is crushed by jaw crushers, crushed materials poured in elevated hopper and is transported through electromagnetic vibrating feeder to the grinding mills [Raymond Mill] for grinding. After grinding the same is collected and packed . Since 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. CTO for the same was issued vide Board Proc NO.F.0604TLR/RS/DEE/TNPCB/TLR/W/2016 DATED: 19/02/2016 valid upto 31.3.2017

Whereas the unit has obtained Environmental Clearance vide Lr No. SEIAA-TN/F.No.2896/2015/EC-34/2015/dated 21/12/2015 and obtained CTE (Expansion) vide Board's proceedings No.T11/TNPCB/F.0604TLR/RL/TLR/W/2016 Dt: 16/09/2016 for manufacturing the following products

- 1.Barite powder-8892 T/m
- 2.Enriched barite Powder-8075 T/m

Whereas the unit has 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 under Water and Air respectively for the following

Product Manufactured

1. ENRICHED BARITE POWDER [Beneficiated Barite]- 8075 T/month

Permitted effluent generation

1. Sewage- 2.4KLD to be disposed on "On Industry's own land"
2. Trade effluent 1803.0KLD for "Recycling to process"

Permitted sources of emission

- Stack 01 & 02 Jaw Crusher with GI sheet enclosure
- Stack 03 & 04 Roller Mill [ Two no.] with each having cyclone with bag filters
- Stack 05 & 06 Diesel Fired Dryer [Two no.] with each having cyclone with bag filters

Whereas application No.231 of 2016[SZ] filed by **Voice of Nature** before the Hon'ble National Green Tribunal[SZ],Chennai. The court case was listed during various occasions since 07-10-2016. Hon'ble NGT (SZ) vide order dated 22/01/2020 stated that "

1. *"When the matter came up for hearing today, learned counsel appearing for the Pollution Control Board submitted that "consent to operate" expired on 31.3.2018 and the unit applied for renewal during July, 2018 and it was returned for want of particulars. Thereafter, it was not resubmitted. Inspection was made on 21.1.2020 and for the time being the unit is not functioning. Learned counsel appearing for the unit has also not mentioned in the report that the unit was inspected but it is functioning without obtaining valid "consent" order from the Board. Learned counsel appearing for the unit submitted that according to his instruction, renewal was not granted to the unit and the matter is sub judice before the Tribunal.*

2. *We do not find any merit in the submission made by the learned counsel appearing for the unit. Since the matter is sub judice i.e., the Board cannot take any action and it is not mentioned in return order passed by the Board that renewal cannot be granted due to pendency of the case before Tribunal. The Board is at liberty to consider the application for renewal, if resubmitted and dispose of the same in accordance with law. They can also take action against the unit in accordance with law, if there is violation.*



# TAMILNADU POLLUTION CONTROL BOARD



Whereas the Hon'ble National Green Tribunal [SZ], Chennai vide order dated 11/05/2020 stated that "The Tamil Nadu Pollution Control Board as well as the project proponent is directed to file their statement regarding the present status of the unit through e-mail or e-filing before the time granted by this Tribunal and the next hearing for case is posted on 17/06/2020. Also the unit has resubmitted its application for consent renewal on 08/05/2020.

Whereas the unit was inspected by DEE/GMP on 12/06/2020. During an inspection, the following were observed,

1. The unit was not in operation. It has neither operated the ore grinding operation nor beneficiation plant.
2. The unit has erected the machineries like slurry preparation column, flotation cell, high rate clarifier, filter press, & rotary driers required for enrichment of barite
3. powder in the existing high grade barite powder grinding plant by providing additional shed
4. The unit has provided 2 set of collection cum settling tanks with three compartments each for collection & settling of tailing water. The same is proposed to be recycled in the process by closed circuit loop system. It was ensured that at any point of time no tailing water will be discharged either inside the premises or outside their premises.
5. The unit has additionally provided impervious concrete platform to hold and dry the sludge collected from the above collection cum settling tanks.
6. The settled and dried sludge is proposed to be sent back to the ore mines located in Andhra Pradesh after getting necessary permission from the mining Authority. For which the unit has been requested to furnish an agreement with the mining authorities to refill the mines with the sludge generated from the process before the operation of the plant.
7. The existing jaw crushers to crush the lumps have been provided with shed to control dust emission. The two roller mills are been provided with cyclone dust collectors followed by fabric filters separately for each roller mill.
8. The two rotary driers are been provided with cyclone dust collector with fabric filter as APC measures.
9. The filtrate from the filter press reported to be collected in a collection cum recycling tank and to be recycled in the process.
- The supernatant from high rate thickener is recycled back in to the process through collection cum recycling tank. It is under closed loop system.

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- The unit has furnished production statement from which is noted that the unit has stopped production since January 2018. During January 2018, it was reported that the unit has carried out trial production.
  - The unit has furnished report for AAQ and ANL survey conducted on 28/01/2020 by Private Laboratory from which it is reported that the observed values are within the standards prescribed by the Board.

Whereas during hearing on 17.6.2020 it was stated that

*"...the dry sludge was collected and deposited in a settling tank on the platform constructed it is not mentioned as to the extent of sludge available and whether the sludge is being removed as per the conditions of the consent to operate and whether it exceeds the limit provided as per the rules and if so, what is the action taken by the Pollution Control Board in this regard"*

The case was posted to next hearing on 09.09.2020.

Whereas it was reported 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 4: The unit shall dispose the silica waste to be generated as solid waste from the process to the barite ore mining site as land filling"*

Whereas the unit's authorities were called for discussion on 03/08/2020 so as to discuss the effort made by the unit to comply with the above said condition. Based on which the unit has furnished letter dated 07/08/2020 that the unit has undertaken trial production of 320MTs of Enriched Barite powder during the year 2017-18 and out of which 48MTs of silica waste has been generated and the same is proposed to dispose to local cement Bricks manufacturing unit M/s Amma Fly Ash Bricks & Co located at Survey No 212/19A ,SithirajaKandigai Village, GummidipoondiTaluk and sample bags for trial purpose.

Whereas the unit was again inspected by DEE on 06/08/2020 and the following were noticed

- The unit was not in operation.
- The unit has cleaned the impervious concrete platform to hold the dry the sludge (non hazardous silica Waste) collected from the above collection cum settling tanks.

## TAMILNADU POLLUTION CONTROL BOARD



- The unit has stored 48MT of dried sludge with tarpaulin coverage (Photographs enclosed)
- Based on the hearing on the said Court Case, the Hon'ble NGT (SZ) vide order dated 09.09.2020, it ordered 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 taken need to be by the Pollution Control Board, if there is any violation on the part of the unit, besides closure of the unit for non obtaining the renewal. Merely the unit is not functioning alone is not sufficient. The Pollution Control Board is expected to ascertain as to whether all the recommendations made by the Pollution Control Board have been fully complied with by the 4th respondent unit and there was no possibility of any pollution being caused on account of silica waste generated in the present condition. Unless these things are explained by the Board, it cannot be said that they have complied with the directions issued by this Tribunal.*

*Para 7. So, under such circumstances, 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"*

Whereas the Hon'ble NGT vide order dated 28/10/2020, has stated that

*..."We have also mentioned in the order that there is nothing mentioned about the outcome of the renewal application submitted by the 4th respondent and whether the quantum of silica waste kept there was within the permissible limit of stacking as per the earlier condition of consent to operate and what was the further action taken by the Board, if it was a violation on the part of the unit, besides closure of the unit for non obtaining the renewal and also ascertain as to whether all the recommendations made by the Pollution control have been fully 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 filing further report specifying these aspects....*

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Para 4. We have received a memo submitted on behalf of the 4th respondent reporting that the silica waste stacked there has been removed and this has been intimated to the pollution Control Board vide their letter dated 23/10/2020. It is also mentioned in the memo that they have complied with the conditions/directions issued by the Pollution Control Board in this regard.

...to submit the report as directed by this Tribunal as per order dated 09/09/2020"

Whereas It is was reported 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"

Whereas 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. Based on the unit's letter dated 23/10/2020 regarding disposal of silica waste sludge, the unit was inspected on 24/10/2020, it was found that the unit has removed the dry sludge stored earlier.

Whereas, the unit was issued show-cause notice under Air Act vide this office proceedings dated 28/10/2020 for the non-compliance of consent and EC conditions. The unit reply to the show cause notice vide letter dated 05/11/2020. It was further ascertained that the unit has carried out only the trial production during January 2018. Regular commissioning of the unit has not been carried out. On regular production, the unit has assured to comply with all the conditions stipulated the EC.

# TAMILNADU POLLUTION CONTROL BOARD

Whereas, the Hon'ble NGT (SZ) vide order dated 09/09/2020



Original Application No. 231 of 2016(SZ) has stipulated to consider the imposing environmental compensation is against the unit if any. As the unit has deposited sludge from trial production carried out during January 2018 and further stored 48T of dry sludge (non-hazardous) without using it for further beneficial use as per consent condition stipulated above. The unit's non-compliance of CTO condition which 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

Whereas the DEE has worked out the Environmental Compensation to the unit of M/s. Oren Hydrocarbons Pvt Ltd (UNIT- II) is follows.

The Environmental Compensation shall be based on the following formula:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC is Environmental Compensation in Rs.

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

N = Number of days of violation took place in the period between the day of violation observed and the day of compliance verified by TNPCB.-79 days (from 06/08/2020 to 24/10/2020)

R = A factor in Rupees (Rs.) for EC- 100 (Minimum is considered since the unit stored non-hazardous silica waste)

S = Factor for scale of operation -1.5 (large scale unit)

LF=Location factor-1(location factor-1, nearest village Getnamalli)

$$EC = 60 \times 79 \times 100 \times 1.5 \times 1 = \text{Rs. } 7,11,000/-$$

Therefore, in exercise of the powers conferred under Section 31A of the Air (Prevention and Control of Pollution) act, 1987 as amended, Board issues the following directions for compliance.

1. The unit shall remit the Environmental Compensation amount of Rs 7,11,000/- ( Rs Seven Lakhs Eleven Thousand only) to the Board **within a week.**

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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.

3. The unit shall not commence its operation without obtaining the consent of the Board.

Failure to comply with the above said directions, will lead to issue of further directions for closure and stoppage of power supply to your unit under Section 31A of the Air (Prevention and Control of Pollution) act, 1987 as amended.

The receipt of the proceeding shall be acknowledged.

--Sd/---

CHAIRMAN

  
For Chairman

**To :**

The Director,  
M/s . OREN HYDROCARBONS PVT LTD (UNIT II)  
S.F No.383/[1F, 1E, 1G1, 1D1,1D2 and 1C], 377/1A2, 378/[1 and 2],  
GETNAMALLI Village,  
Gummidipoondi Taluk,  
Tiruvallur Distric

**Copy to:**

1. The JCEE (M),  
Tamil Nadu Pollution Control Board,  
Chennai
2. The DEE,  
Tamil Nadu Pollution Control Board, Gummidipoondi
3. Technical file.



BEFORE THE APPELLATE AUTHORITY  
TAMIL NADU POLLUTION CONTROL BOARD

(Wednesday, Third day of February, Two thousand and twenty one)

HON'BLE JUSTICE K.B.K. VASUKI  
CHAIRMAN  
Thiru Jayakumar T.C. Ethiraju  
Member  
Thiru Dr. B. Jeyaraman  
Member

APPLICATION 7 / 2021  
IN  
APPEAL 3 / 2021

M/s. Oren Hydrocarbons Pvt. Ltd.,  
Rep. by its Manager-Admin and  
Authorised Signatory V Balaji,  
No 28/2B, Saravana Street,  
T. Nagar,  
Chennai – 600 017.

- Applicant/Appellant

Vs.

1. The Chairman,  
Tamil Nadu Pollution Control Board,  
No. 76, Mount Road,  
Guindy,  
Chennai – 600 032.  
Email: [tnpcb-chn@gov.in](mailto:tnpcb-chn@gov.in)  
Phone: 044 22353076

2. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
EPIC Building (OA Block),  
Gummidipoondi,  
Thiruvallur District  
Tamilnadu – 601 301

- Respondents

\*\*\*\*\*

Mr. C.K.M. Appaji - Counsel for the applicant/appellant  
Mr. Naveen Kumar Murthi - Counsel for the respondents

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Interim Order:

Notice is taken. The appellatant counsel is heard

Having regard to the nature of the order, interim stay is granted till  
17.2.2021.

Counter of the respondents - 17.2.2021

Sd/-\*\*\*  
MEMBER

Sd/-\*\*\*  
MEMBER

Sd/-\*\*\*  
CHAIRMAN.

To

✓ Mrs. Oren Hydrocarbons Pvt. Ltd.,  
Rep. by its Manager-Admin and  
Authorised Signatory V Balaji,  
No. 28/2B, Saravana Street,  
T. Nagar,  
Chennai - 600 017.

- Copy to: Member Secretary, TNPCB, Chennai
- Copy to: DEE, TNPCB, Gummidipoondi
- Copy to: Counsel for appellatant
- Copy to: Standing counsel of TNPCB
- Copy to: Law Section

// TRUE COPY //

  
DEPUTY MANAGER,  
APPELLATE AUTHORITY.

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

Original APPLICATION NO.231 OF 2016(SZ)

**Voice of Nature,  
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**MEMO FILED BY AND BEHALF OF  
THE 4<sup>TH</sup> RESPONDENT with  
Annexures**

*Listed on 22/03/2021*

**M/s. V. SANJEEVI &  
K. MUTHUKUMARASAMY**

**COUNSEL FOR THE 4<sup>th</sup> Respondent**

**Cell Nos. 94440 18188 / 98401 12307**