

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

Original Application No.256 of 2020 [SZ]

IN THE MATTER OF

Tribunal on its own motion-SUO MOTU Based on  
The News item in News Desk Magazine Dated  
11.11.2020 , Air Pollution and Industries, " These  
Six Industries in North Chennai are polluting the air  
For more than half the year, the North Chennai  
Thermal Power Station alone Ennore Port".

Vs

...Applicant(s)

Union of India and others.

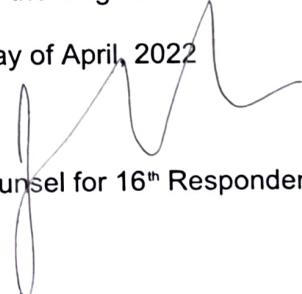
... Respondent(s)

*A Adit* INDEX TO TYPED SET

SL NO.	DATE	DESCRIPTION OF THE DOCUMENT	PAGE NOS.
1	25.08.2021	Notice by TNPCB to 16 <sup>th</sup> Defendant	01
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3	08.11.2019	Real time Data acquisition and monitoring	07

Certified to be true copies of the Original

Dated at Madras this the 11<sup>th</sup> day of April, 2022

  
Counsel for 16<sup>th</sup> Respondent



Recd 26/8/2021  
 → Dam (P&T) E/c 26/8/2021

## TAMIL NADU POLLUTION CONTROL BOARD

Proc. No: T1/TNPCB/F.214/ AMB/RL/17 Category/2021 Dated: 25.08.2021

**Sub:** TNPCB – Industries – M/s. Madras Fertilizers Limited, S.F. No. R.S. No.212 to 248, Manali Village, Thiruvottiyur Taluk, Chennai District - SUO MOTU case by Hon'ble NGT in O.A.No.256 of 2020 (SZ) – Non-compliance of emission norms- Levy of Environmental compensation under section 5 of the Environment (Protection) Act, 1986 as amended – Show cause notice - Issued - Regarding – Reg.

- Ref:**
1. SUO MOTU case filed by Hon'ble NGT in O.A.No.256 of 2020 (SZ) dated: 15.12.2020 & 15.04.2021
  2. Bd. Proc. No: T1/TNPCB/F.214/ AMB/17 Category/2021 dated: 11.03.2021
  3. CPCB Methodology for assessing Environmental Compensation
  4. JCEE(M), Lr. No. F.214/ JCEE(M)/ TNPCB/ CHN.ZONE/ Misc/ 2021, dt.16.08.2021

Whereas, a SUO MOTU case has been taken up by the Hon'ble NGT in O.A.No.256 of 2020 (SZ) based on the news item in News Desk Magazine Dated 11.11.2020, under the caption "These Six Industries in North Chennai are polluting the air for more than half the year" and also directed to form a Joint committee to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

Whereas, it is alleged in the news paper report that air quality in Ennore – Manali region has been seriously affected on account of the emission made by some of the industries which includes the unit of M/s. Madras Fertilizers Limited, Manali.

Whereas, the Board has issued directions under Section 33A of Water (Prevention and Control of Pollution) Act, 1974 as amendment & under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 as amended to the said unit to comply with certain conditions as stated therein vide reference 2<sup>nd</sup> cited

Whereas, Central Pollution Control Board has formulated the methodology to assess and recover compensation under "CPCB Methodology for assessing Environmental Compensation and Action Plan to utilize the fund" for the following cases as per the NGT(PB) order dated:03.08.2018 in OA No. 593/2017 :

- a) Discharges in violation of consent conditions, mainly prescribed standards/consent limits.

- 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.,
- c) Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission/Effluent Monitoring systems.
- d) Accidental discharges lasting for short durations resulting into damage to the environment.
- e) Intentional discharges to the environment – land, water and air resulting into acute injury or damage to the environment.
- f) Injection of treated/partially treated/untreated effluents to ground water.

Whereas, Joint Chief Environmental Engineer, Chennai vide reference 3<sup>rd</sup> cited has assessed the Environmental compensation based on the Online Continuous Emission Monitoring System (OCEMS) data, monitored during April 2019 to December 2020 obtained from the Care Air Centre (CAC), TNPC Board, Chennai for the exceedance of stack emission levels prescribed by the Board. It was found that the PM emission from the stack attached to NPK has exceeded once on 08/11/2019, thereby not complied with the emission norms as prescribed by the Board

Whereas, it is evident that the unit has caused environmental damage by not operating the Air pollution control measures properly and therefore, coming under the case (a) & (e) as per the CPCB Methodology for assessing Environmental Compensation.

Under these circumstances, as per the CPCB methodology for assessing Environmental Compensation, you are liable to pay the Environmental Compensation computed as follows:

As per the CPCB guidelines, the Environmental Compensation shall be calculated based on the following formula:

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

Where,

PI = Pollution index of industrial sector - 80

N = Number of days of violation took place = 1 (based on the available OCEMS data for the period from 1.4.2019 to 26.12.2020 for the exceedance.)

R = A factor in Rupees for EC - 250.

S = Factor for scale of operation -1.5

LF = Location factor - 1.5.

Now, therefore, in view of the above facts, you are hereby directed to show cause within 15 days from the date of receipt of this notice as to why Environmental Compensation computed as above should not be imposed against your unit under Section 5 of the Environmental Protection Act, 1986 as per the guidelines issued by the Hon'ble NGT & CPCB for the violations caused by the unit as mentioned above.



## TAMIL NADU POLLUTION CONTROL BOARD

It is informed that non receipt of any reply within 15 days from the date of receipt of this notice will be construed that you have no satisfactory explanation to offer for the above said contraventions and action will be initiated on merits in accordance with law.

The receipt of the proceedings shall be acknowledged.

*R. Jayaram*  
25/6/2014  
For Chairman

*A. Srinivasan*  
25/6/2014

To

The Director Technical,  
M/s. Madras Fertilizers Limited,  
Manali,  
Thiruvottiyur Taluk,  
Chennai - 600068

Copy to

1. The Joint Chief Environmental Engineer (M),  
Tamil Nadu Pollution Control Board,  
Chennai Region
2. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Ambattur.
3. Technical file.



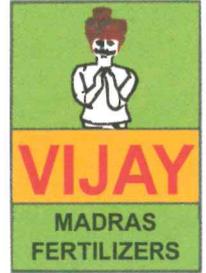
# मद्रास फ़र्टिलाइज़र्स लिमिटेड Madras Fertilizers Limited

(भारत सरकार का उपक्रम / A Government of India Undertaking)

पोस्ट बैग सं. 2, मणलि, चेन्नै - 600 068. भारत दूर : 2594 1001 / फ़ैक्स सं. 044-25941010  
Post Bag No. 2, Manali, Chennai - 600 068. INDIA. Tel: 2594 1001 / Fax No. 044 -25941010  
कार्मिक / Per 25945210 संयंत्र / Plant 25941133 विप. / Mktg 25941285 वित्त/Fin 25941072  
Website : www.madrasfert.nic.in email : gmpasec@madrasfert.co.in

CIN : L3220 1TN 1966 GO1005469

GSTIN - 33AAACM5198E1ZK



31 August 2021

Lr No. PG/TS/TNPCB/2021

## The Chairman

Tamil Nadu Pollution Control Board  
Board office  
Chennai 600 032.

Dear Sir,

**Sub :** TNPCB - Industries - M/s. Madras Fertilizers Limited, S.F. No. R.S. No.212 to 248, Manali Village, Thiruvottiyur Taluk, Chennai District - SUO MOTU case by Hon'ble NGT in O.A.No.256 of 2020 (SZ) - Non- compliance of emission norms- Levy of Environmental compensation under section 5 of the Environment (Protection) Act, 1986 as amended - Show cause notice - issued - Regarding - reg.

**Ref :** TNPCB letter Proc. No. T1/TNPCB/F.214/AMB/RL/17 Category /2021 Dated 25.08.2021

We are in receipt of the above referred notice from TNPCB on 26.08.2021 in connection with the SUO MOTO case filed by Hon'ble NGT in O.A. No 256/2020 (SZ) dated 15.12.2020 & 15.04.2021.

It is also mentioned in the letter that MFL has exceeded PM emission from NPK stack on 08.11.2019 based on Online Continuous Emission Monitoring System (OCEMS) values taken from Care Air Center for the period April 2019 to December 2020 and asked MFL as to why Environmental Compensation should not be imposed against your unit under Section 5 of the Environmental Protection Act, 1986 as per the guidelines issued by the Hon'ble NGT & CPCB for the violations caused by the unit as mentioned above.

In this regard we would like to offer our clarifications as explained below:

- Our NPK plant was running normal on a particular day (ie 08.11.2019) without any disturbances.
- MFL had installed and commissioned the PM analyser in the NPK C Train stack on 08.11.2019 and the exceeding value of Particulate Matter (PM) in the NPK stack was due to the un-stabilised values

*H. S. S. S.*

during the installation and commissioning of online PM analyser by M/s. Adler Instruments P Ltd and not actual from process.

- During the analyser stabilisation and calibration, it was observed that the values were above the standard of 150  $\mu\text{gms}/\text{M}^3$  for 18 minutes (from 14:18 to 14:36 on 08.11.2019) and the values had come back to normal levels after analyser stabilisation.
- TNPCB would appreciate MFL for achieving 100% compliance on NPK stack PM and operating the plants without exceeding the PM values beyond the limits for the entire period of 19 months starting from April 2019 to Dec 2020 except on 08.11.2019 that to during installation and stabilisation of online analyser and not due to process. (Values taken from Care Air Center attached.)

The above facts are submitted for your kind consideration and request not to levy environmental compensation as PM emission was within the limits as explained above.

Very truly yours,

*Harsh Malhotra 31/8/2021*

**Harsh Malhotra**  
**Director Technical**

Copy to:

1. Joint Chief Environmental Engineer(M), TNPCB
2. District Environmental Engineer, Ambattur, TNPCB.

Quick Range

1 3 7 30  
Day Days Days Days

From Date \*

11/8/2019, :

To Date \*

12/31/2020

Station

Stack\_NPK

Parameter Name

Stack\_NPK-PM

Frequency

15 Minutes

table View

Fetch

Exceedance Report

Print Excel Pdf

Raw	Non-obtained
Exceedance	

Time Stamp PM (mg/Nm3)

Search...

Time Stamp	PM (mg/Nm3)
2019-11-08 00:00	NA
2019-11-08 00:15	NA
2019-11-08 00:30	NA
2019-11-08 00:45	NA
2019-11-08 01:00	NA

Total Records : 5183

Stack\_NPK - 15 Min - Average Data



*Handwritten signature*



# Real Time Data Acquisition And Monitoring

Site Name: Madras Fertilizers Ltd

Report: Custom Report

From Date: 2019/11/08 00:00:00 To Date : 2019/11/08 23:59:00

Description	Stack_NPK-PM_U
Prescribed Standards	-
Maximum Data	265.92
Minimum Data	17.3
Geometric Mean	70.86
Median	26.31
Standard Deviation	92.92
Maximum Value At Time	2019-11-08 14:15
Minimum Value At Time	2019-11-08 23:30
Valid Data Points	7
Total Data Points	96
Data Availability %	7.29%

SI No	Time	Stack_NPK-PM_U
1	2019-11-08 00:00	NA
2	2019-11-08 00:15	NA
3	2019-11-08 00:30	NA
4	2019-11-08 00:45	NA
5	2019-11-08 01:00	NA
6	2019-11-08 01:15	NA
7	2019-11-08 01:30	NA
8	2019-11-08 01:45	NA
9	2019-11-08 02:00	NA
10	2019-11-08 02:15	NA
11	2019-11-08 02:30	NA
12	2019-11-08 02:45	NA
13	2019-11-08 03:00	NA
14	2019-11-08 03:15	NA
15	2019-11-08 03:30	NA
16	2019-11-08 03:45	NA
17	2019-11-08 04:00	NA
18	2019-11-08 04:15	NA
19	2019-11-08 04:30	NA
20	2019-11-08 04:45	NA
21	2019-11-08 05:00	NA
22	2019-11-08 05:15	NA
23	2019-11-08 05:30	NA
24	2019-11-08 05:45	NA
25	2019-11-08 06:00	NA
26	2019-11-08 06:15	NA

SI No	Time	Stack_NPK-PM_U
27	2019-11-08 06:30	NA
28	2019-11-08 06:45	NA
29	2019-11-08 07:00	NA
30	2019-11-08 07:15	NA
31	2019-11-08 07:30	NA
32	2019-11-08 07:45	NA
33	2019-11-08 08:00	NA
34	2019-11-08 08:15	NA
35	2019-11-08 08:30	NA
36	2019-11-08 08:45	NA
37	2019-11-08 09:00	NA
38	2019-11-08 09:15	NA
39	2019-11-08 09:30	NA
40	2019-11-08 09:45	NA
41	2019-11-08 10:00	NA
42	2019-11-08 10:15	NA
43	2019-11-08 10:30	NA
44	2019-11-08 10:45	NA
45	2019-11-08 11:00	NA
46	2019-11-08 11:15	NA
47	2019-11-08 11:30	NA
48	2019-11-08 11:45	NA
49	2019-11-08 12:00	NA
50	2019-11-08 12:15	NA
51	2019-11-08 12:30	NA
52	2019-11-08 12:45	NA
53	2019-11-08 13:00	NA
54	2019-11-08 13:15	NA
55	2019-11-08 13:30	NA
56	2019-11-08 13:45	NA
57	2019-11-08 14:00	NA
58	2019-11-08 14:15	265.92
59	2019-11-08 14:30	116.47
60	2019-11-08 14:45	25.89
61	2019-11-08 15:00	26.56
62	2019-11-08 15:15	26.31
63	2019-11-08 15:30	NA
64	2019-11-08 15:45	NA
65	2019-11-08 16:00	NA
66	2019-11-08 16:15	NA
67	2019-11-08 16:30	NA
68	2019-11-08 16:45	NA
69	2019-11-08 17:00	NA
70	2019-11-08 17:15	NA
71	2019-11-08 17:30	NA

SI No	Time	Stack_NPK-PM_U
72	2019-11-08 17:45	NA
73	2019-11-08 18:00	NA
74	2019-11-08 18:15	NA
75	2019-11-08 18:30	NA
76	2019-11-08 18:45	NA
77	2019-11-08 19:00	NA
78	2019-11-08 19:15	NA
79	2019-11-08 19:30	NA
80	2019-11-08 19:45	NA
81	2019-11-08 20:00	NA
82	2019-11-08 20:15	NA
83	2019-11-08 20:30	NA
84	2019-11-08 20:45	NA
85	2019-11-08 21:00	NA
86	2019-11-08 21:15	NA
87	2019-11-08 21:30	NA
88	2019-11-08 21:45	NA
89	2019-11-08 22:00	NA
90	2019-11-08 22:15	NA
91	2019-11-08 22:30	NA
92	2019-11-08 22:45	NA
93	2019-11-08 23:00	NA
94	2019-11-08 23:15	NA
95	2019-11-08 23:30	17.30
96	2019-11-08 23:45	17.59

Report Details: Mfl\_A | 2022-03-15 13:36:46 | Custom Report

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

**Original Application No.256 of 2020  
[SZ]**

**ADDITIONAL TYPED SET**

**M/S Aiyar and Dolia**

**Counsel for 16<sup>th</sup> Respondent**