

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION No. 33 OF 2016 (SZ)**

IN THE MATTER OF:

Vakkanti Koteswar Rao

....

Applicant(s)

Versus

Ministry of Environment Forest & Climate Change
Government of India, New Delhi
& 7 Others

....

Respondent(s)

JOINT COMMITTEE REPORT

RUNNING INDEX

Sl. No.	Particulars	Page Nos.
1.	Report of the Telangana State Pollution Control Board (TSPCB)	1 – 5
2.	Annexure-I – Ambient Air Quality and Stack Emission Monitoring Reports of TSPCB conducted on 13.07.2020 & 14.07.2020.	6-8
3.	Annexure-II – Directions issued by TSPCB to M/s. Deccan Cements Limited	9-16

Place: Hyderabad

Date: 05-11-2020.

①

**REPORT OF THE BOARD IN O.A NO. 33 OF 2016 IN HON'BLE NGT, CHENNAI
FILED BY SRI VAKKANTI KOTESWARA RAO, NEREDUCHERLA (M), SURYAPET
DISTRICT REGARDING M/S. DECCAN CEMENTS LTD., SURYAPET DISTRICT**

1. It is to submit that Sri Vakkanti Koteswara Rao, Nereducherla (M), Nalgonda District has filed an Application before the Hon'ble National Green Tribunal, Southern Zone, Chennai (Application No. 33 of 2016) against M/s. Deccan Cements Ltd (8th Respondent) and the main prayer of the applicant is as follows:

- a) To direct cancellation of mining operations granted to the 8th Respondent (M/s.Deccan Cements Ltd., Nalgonda District.) as the same is within the 10KMs radius of the Janpahad Darga at Nalgonda District, owing to the fact that the license/permission was granted based on the fraudulent declaration made by the 8th Respondent (M/s. Deccan Cements Ltd., Nalgonda District.) in their Pre-feasibility Report and for failure to adhere to pollution norms.
- b) Pass any such order or further order as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

2. The Board has submitted report to Hon'ble NGT in 2016.

3. The Hon'ble NGT, Chennai has heard the matter and passed orders dated 18.12.2019 constituting a Joint Committee consisting of District Collector, Nalgonda (now Suryapet District); Senior Official from Mining and Geology Department Government of Telangana; Senior Scientist from the Telangana State Pollution Control Board and Divisional Forest Officer Nalgonda Division (Now Suryapet District) to inspect the unit in question and submit the present status and compliance of Environmental norms and excess of quantity of mining being done or extension of the area for mining beyond the permitted area as per the lease and if so, any action has been taken against them and submit the factual and action taken report to the Tribunal within a period of two months. TSPCB will act as a nodal agency for consideration.

4. Accordingly, TSPCB vide letter dated 16.01.2020 has nominated Sri P. Sharath Kumar, Environmental Scientist, Central Laboratory, TSPCB, Hyderabad as a representative of the Joint Committee. Other Members of the Joint Committee are as follows:

- Shri S. Mohan Rao, RDO, Suryapet (Representative of District Collector, Suryapet).
- Shri G. Mukund Reddy, DFO, Suryapet.
- Shri S. Surender, Asst. Director of the Mines and Geology, Suryapet.

②
5. As per the instructions, the Joint Committee has conducted inspection of the unit on 18.02.2020. The Joint Committee had a meeting with petitioner Sri. Vakkanti Koteswara Rao at the industry to understand his grievances. The Joint Committee has conducted the inspection of the unit along with the petitioner and industry representatives.

6. The Joint committee submitted report to Hon'ble NGT, Chennai on 03-03.2020. The Hon'ble NGT heard the matter on 04.03.2020 and passed orders directing the Committee to revisit the issues mentioned and submit a detailed report regarding the things mentioned by NGT in the previous paragraphs of the order dt: 04-03-2020 and submit a comprehensive report to Tribunal. The committee was also directed to assess the Environmental Compensation for the violation found as directed by the Tribunal in several cases of this nature and incorporate the same in the report.

7. In this regard, it is submitted that the Committee has revisited the issues and the detailed report on the issues mentioned by Hon'ble NGT in the Order dated 04.03.2020 along with environmental compensation assessment and also the issues raised by the Applicant through additional written submissions was submitted to Hon'ble NGT on 13.08.2020.

8. The case came up for hearing before the Hon'ble NGT on 19.08.2020. The Hon'ble NGT, Chennai vide Order dated: 19.08.2020 stated the following:

"The Committee have assessed the environmental compensation and they want this Tribunal to approve the same and pass appropriate orders. It may be mentioned here that it is not for the Tribunal to pass any order in respect of environmental compensation. That is for the regulator to take appropriate action against the violators after giving an opportunity to the violating industry to be heard."

So under such circumstances, we direct the regulators to consider the report and take appropriate action against the alleged violating unit, after giving an opportunity to the unit and pass appropriate orders and submit a compliance report regarding the same to the Tribunal. We do not express any opinion regarding the report at this stage.

The regulating authorities namely the Pollution Control Board and Regional Office, Ministry of Forest & Climate Change (MoEF & CC) are also directed to consider the question of alleged violations mentioned in the report and the action taken on that basis before the next hearing date.

For consideration of further action taken report and objections, post the matter on 06.11.2020".

- ③
9. In compliance with the directions of the Hon'ble NGT, Chennai the report the Joint Committee was taken into consideration and reviewed before the Task Force Committee of the Board on 23.10.2020. The industry was given the opportunity of hearing to explain the methodology for assessment of Environmental Compensation
10. The Industry representative attended the meeting and was given opportunity of hearing to explain the methodology for assessment of Environmental Compensation and also to review the industry on the observations made by the Joint Committee in their report.

The Joint Committee made the following observations:

- 1) The industry is carrying out water spray on haul roads by using water tanker for suppression of the dust emissions. The industry has initiated installation of fixed water sprinklers at the haul roads.
- 2) Non-el Delay detonators used to minimize the impact of Blasting on the surroundings. The blasting is done at day time only and the time of blasting is between 1.00pm & 2.00pm as per IBM approval.
- 3) The industry has installed water meter to the tanker used for spraying of water and separate meter provided for domestic water consumption.
- 4) The industry is using 3 no's of Road Sweeping machines to sweep on the roads within the industry to control fugitive emissions.
- 5) The industry has provided Sewage Treatment Plant (STP) at colony for the treatment of domestic waste water generated from industry and colony. The samples were collected on 19.06.2020 from the STP Inlet and STP outlet. The Analysis results are within the prescribed standards. The Analysis report is enclosed.
- 6) The kilns 1 and 2 are provided with RABH & Pulse Jet Bag filters respectively. The industry has ESP's for cooler - 1 and cooler - 2.
- 7) The industry has provided dust collection and extraction systems with bag filters at various transfer points and the collected dust is recycled back in the process.
- 8) The industry has provided sheds for storage of coal and other raw materials.
- 9) The industry has provided online continuous stack monitoring system to the 10 stacks and 3 CAAQM Stations and connected the same to the TSPCB server. The same are monitored regularly for compliance.
- 10) The Mine-2 was not in operation.
- 11) Mine-III was in operation and wet drilling is being carried out.

4

12) The industry has developed greenbelt in an area of about 21.84 Ha in Mine Lease-2 Area, 5.49 Ha in Mine lease-3 area and 18.5 Ha in plant and colony area.

13) Stack and AAQ monitoring of the industry was conducted on 13.07.2020 and 14.07.2020. The monitoring values are within the standards. Copies of the Analysis reports are enclosed (Annexure -I). The monitoring results are as follows:

- i) AAQ Monitoring carried out at Periphery of the industry near main gate in down wind direction.

S.No.	Sampling Location	Timings	Results		
			RSPM µg/m3	SO2 µg/m3	NO2 µg/m3
1)	AAQ Monitoring carried out at Periphery of the industry near main gate in down wind direction	Conc. Value for 24 Hours	71	4	15
	Ambient Air Quality Standards as per CFO		100	80	80

Observations made during the Sampling:

- 1) During the monitoring, water sprinkling is being done manually by using water tankers.
- 2) Vehicular movement was observed during monitoring.
- ii) Stack attached to CPP Boiler of 70 TPH capacity

S.No.	Parameter	Result mg/Nm3	Standard mg/Nm3
1	SPM	38	50
2	SO2	267	600
3	NO2	85	300
4	Mercury(Hg)	BDL	0.03

Observations made during Sampling:

- 1) The industry was operating the Boiler at 60 TPH Capacity during the monitoring.
- 2) The industry provided Electrostatic Precipitators (ESP's) as Air Pollution Control Equipment so as to control stack emissions & it is in operation.
- 3) The Height of the stack attached to chimney is 75 meters.

- iii) ⁵ Stack attached to Kiln – II of 3650 TPD capacity.

S.No.	Parameter	Result mg/Nm ³	Standard mg/Nm ³
1	SPM	17	30
2	SO ₂	20	100
3	NO ₂	471	800

Observations made during Sampling:

1) During the monitoring the Kiln-II was operating at 3350 TPD capacity against installed capacity of 3650 TPD.

2) The industry provided Reverse Air Bag House (RABH) as Air Pollution Control Equipment to Kiln-II to control stack emissions & it is in operation.

11. The Committee noted that the industry is complying with the directions and Consent conditions issued by the Board and also observed that there are no incidences of exceedences of values through Online Continuous Emission Monitoring System (OCEMS) over the last six months.

12. Regarding assessment of Environmental Compensation, calculation of the assessment was explained to the industry. The factors considered and the number of days of violation taken into consider was in detailed explained to the industry before finalization of Assessment of EC and passing the orders. After detailed discussions, the Committee recommended to issue directions to the industry for payment of Environmental Compensation.

13. The Board issued directions dt: 04.11.20220 to the industry directing to pay the Environmental Compensation of Rs. 28,20,000/- and also issued other directions to the industry for compliance (Annexure-II).

Sd/-
MEMBER SECRETARY

// T.C.F.B.O //

Vesreddy

SENIOR ENVIRONMENTAL ENGINEER
LEGAL, TSPCB, HEAD OFFICE, HYD.



TELANGANA STATE POLLUTION CONTROL BOARD
ZONAL LABORATORY: R.C.PURAM
 25-35/11, Tulasi Reddy Complex, R.C.Puram, Sangareddy District.

ANALYSIS REPORT
(AMBIENT AIR)

Sample Nos. 2020 – 7198

1) Name & Address of the Industry : M/s. Deccan Cements Ltd., Bhavanipuram,
 Mahankaligudem, Ravipahad (V), Palakeedu (M),
 Suryapet District.

2) Date of Sampling : 13/07/2020

3) Sample Received on : 14/07/2020

4) Report issued on : 15/07/2020

5) Sample Collected by : AES, RO-Nalgonda

S. No.	Sampling Location	Timings	Results		
			RSPM $\mu\text{g}/\text{m}^3$	SO ₂ $\mu\text{g}/\text{m}^3$	NO ₂ $\mu\text{g}/\text{m}^3$
1)	AAQ Monitoring carried out at Periphery of the industry near main gate in down wind direction.	Conc. Value for 24 Hours	71	4	15
Ambient Air Quality Standards as per CFO			100	80	80

Observations of Sampling Incharge:

- 1) During the monitoring water sprinkling is being done manually by using water tankers.
- 2) Vehicular movement was observed during monitoring.

(Signature)
 15/7/20

SENIOR ENVIRONMENTAL SCIENTIST



TELANGANA STATE POLLUTION CONTROL BOARD
ZONAL LABORATORY: R.C.PURAM
25-35/11, Tulasi Reddy Complex, R.C.Puram, Sangareddy District.

REPORT BY THE STATE BOARD ANALYST
FORM IV

(See rule 14)

Report No. 2020 -- 7196

Date: 15/07/2020

I hereby certify that I, D. Nageswar Rao, State Board Analyst duly appointed under sub-section (3) of Section 26 of the Air (as Prevention and Control of Pollution) Act 1981, sample collected on 13/07/2020 and received on the day 14/07/2020 from Sri. T. Ravinder, AES, RO-Nalgonda, a sample of Stack attached to CPP Boiler 70 TPH capacity from M/s. Deccan Cements Ltd., Bhavanipuram, Mahankaligudem, Ravipahad (V), Palakeedu (M), Suryapet District for analysis. The sample was in a condition fit for analysis and reported below.

I further certify that I have analyzed the aforementioned sample on 14/07/2020 to 15/07/2020 and declare the results of the analysis to be as follows:

S. No.	Parameter	Result mg/Nm ³	Standard mg/ Nm ³
1.	SPM	38	50
2.	SO ₂	267	600
3.	NO _x	85	300
4.	Mercury(Hg)	BDL	0.03

The condition of the seals, fastening and container on receipt was as follows:

INTACT

Observations of Sampling Incharge:

- 1) The industry was operating the Boiler at 60 TPH Capacity during the monitoring. (The installed boiler capacity is 70 TPH)
- 2) The industry provided Electrostatic Precipitators (ESP's) as Air Pollution Control Equipment as to control stack emissions & it is in operation.
- 3) The Height of the stack attached to chimney is 75 meters.

Signed this: 15/07/2020

Address:

D. Nageswar Rao
Senior Environmental Scientist,
TSPCB, Zonal Laboratory, R.C.Puram,
Sangareddy District.

BOARD ANALYST


15/7/20



TELANGANA STATE POLLUTION CONTROL BOARD
ZONAL LABORATORY: R.C.PURAM
25-35/11, Tulasi Reddy Complex, R.C.Puram, Sangareddy District.

REPORT BY THE STATE BOARD ANALYST
FORM IV

(See rule 14)

Report No. 2020 – 7197

Date: 15/07/2020

I hereby certify that I, D. Nageswar Rao, State Board Analyst duly appointed under sub-section (3) of Section 26 of the Air (as Prevention and Control of Pollution) Act 1981, sample collected on 13/07/2020 and received on the day 14/07/2020 from Sri. T. Ravinder, AES, RO-Nalgonda, a sample of **Stack attached to Kiln – II of 3650 TPD capacity from M/s. Deccan Cements Ltd., Bhavanipuram, Mahankaligudem, Ravipahad (V), Palakeedu (M), Suryapet District for analysis.** The sample was in a condition fit for analysis and reported below.

I further certify that I have analyzed the aforementioned sample on 14/07/2020 to 15/07/2020 and declare the results of the analysis to be as follows:

S. No.	Parameter	Result mg/Nm ³	Standard mg/ Nm ³
1.	SPM	17	30
2.	SO ₂	20	100
3.	NO _x	471	800

The condition of the seals, fastening and container on receipt was as follows:

INTACT

Observations of Sampling Incharge:

- 1) During the monitoring the Kiln-II was operating at 3350 TPD capacity against installed capacity of 3650 TPD.
- 2) The industry provided Reverse Air Bag House (RABH) as Air Pollution Control Equipment to Kiln-II to control stack emissions & it is in operation.

Signed this: 15/07/2020

Address:

D. Nageswar Rao
Senior Environmental Scientist,
TSPCB, Zonal Laboratory, R.C.Puram,
Sangareddy District.

BOARD ANALYST

15/7/20



TELANGANA STATE POLLUTION CONTROL BOARD
Paryavarana Bhavan, A-III, Industrial Estate, Sanathnagar, Hyderabad-500 018
Phones : 040-23887500 Fax: 040 - 23887519

9

ANNEXURE-II

BY REGD. POST WITH ACK. DUE

Order No. NLG-144/TSPCB/UH-V/TF/2018- 1162

Dt:04.11.2020

Sub : TSPCB - M/s. Deccan Cements Ltd., (Unit-I, II & Captive Power Plant), Ravipahad (V), Palakeedu (M), Suryapet District - Water (Prevention and Control of Pollution) Amendment Act, 1988 - Air (Prevention and Control of Pollution) Amendment Act, 1987 - **DIRECTIONS** - Issued - Reg.

Ref :

1. CFO & HWA order dt.29.02.2016.
2. CFO&HWA order dt.07.12.2017 for a period upto 31.12.2022.
3. Directions order No. NLG-144/TSPCB/UH-V/TF/2018-, dt.05.11.2018.
4. O.A No. 33 of 2016 filed by Sri Vakkanti Koteswara Rao.
5. Report of RO-Nalgonda dated:21.03.2016.
6. Hon'ble NGT Order dated 18.12.2019.
7. Joint inspection conducted by the Committee on 18.02.2020.
8. Hon'ble NGT Order dated: 04.03.2020.
9. TSPCB, RO Nalgonda Notice No.10010/PCB/RO-NLG/2019 - 268, dated 20.05.2020.
- 10.TSPCB, RO Nalgonda Lr. No.10010/PCB/RO-NLG/2019 - 268, dated 20.05.2020.
11. M/s. Deccan Cements Ltd reply dated 28.05.2020.
12. Joint inspection report submitted to Hon'ble NGT on 13.08.2020.
13. Hon'ble NGT Order dated 19.08.2020.
14. TSPCB, Legal Cell letter dated 29.08.2020.
15. Hearing held on 23.10.2020.

* * * * *

1. **WHEREAS**, your industry is located at Ravipahad (V), Palakeedu (M), Suryapet District is involved in manufacturing Cement 1.50MTPA (including Clinker Production -1.2 MTPA) & Power -18MW.
2. **WHEREAS** vide reference 1st cited, your industry obtained CFO&HWA renewal vide order dt.07.12.2017 for a period upto 31.12.2022.
3. **WHEREAS**, vide reference 3rd cited, the Board issued directions to the industry on 05.11.2018 in connection with certain non compliances observed by the Board officials during computerized allocation of inspection.
4. **WHEREAS**, vide reference 4th cited, Sri Vakkanti Koteswara Rao, Nereducherla (M), Nalgonda District has filed an Application before the Hon'ble National Green Tribunal, Southern Zone, Chennai (Application No. 33 of 2016) against M/s. Deccan Cements Ltd (8th Respondent) and the main prayer of the applicant is as follows:
 - a) To direct cancellation of mining operations granted to the 8th Respondent (M/s.Deccan Cements Ltd., Nalgonda District.) as the same is within the 10KMs radius of the Janpahad Darga at Nalgonda District, owing to the fact that the license/permission was granted based on the fraudulent declaration made by the 8th Respondent (M/s. Deccan Cements Ltd., Nalgonda District.) in their Pre-feasibility Report and for failure to adhere to pollution norms.
 - b) Pass any such order or further order as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.
5. **WHEREAS**, vide reference 5th cited, the Board has submitted report to Hon'ble NGT in 2016.
6. **WHEREAS**, vide reference 6th cited, Hon'ble NGT, Chennai has heard the matter and passed orders dated 18.12.2019 constituting a Joint Committee consisting of District Collector, Nalgonda (now Suryapet District); Senior Official from Mining and Geology Department Government of Telangana; Senior Scientist from the Telangana State Pollution Control Board and Divisional Forest Officer Nalgonda Division (Now Suryapet District) to inspect the unit in question and submit the present status and compliance of Environmental norms and excess of quantity of mining being done or extension of the area

for mining beyond the permitted area as per the lease and if so, any action has been taken against them and submit the factual and action taken report to this Tribunal by e-mail at ngtszfiling@gmail.com within a period of two months. TSPCB will act as a nodal agency for consideration.

7. **WHEREAS**, accordingly, TSPCB vide letter dated 16.01.2020 has nominated Sri P. Sharath Kumar, Environmental Scientist, Central Laboratory, TSPCB, Hyderabad as a representative of the Joint Committee. Other Members of the Joint Committee are as follows:

- Shri S. Mohan Rao, RDO, Suryapet (Representative of District Collector, Suryapet).
- Shri G. Mukund Reddy, DFO, Suryapet.
- Shri S. Surender, Asst. Director of the Mines and Geology, Suryapet.

8. **WHEREAS**, vide reference 7th cited, as per the instructions, the Joint Committee has conducted inspection of the unit on 18.02.2020. The Joint Committee had a meeting with petitioner Sri. Vakkanti Koteswara Rao at the industry to understand his grievances. The Joint Committee has conducted the inspection of the unit along with the petitioner and industry representatives.

9. **WHEREAS**, vide reference 8th cited, the Joint committee report was submitted to Hon'ble NGT, Chennai. The Hon'ble NGT heard the matter on 04.03.2020 and passed orders directing the Committee to revisit the issues mentioned and submit a detailed report regarding the things mentioned by NGT in the previous paragraphs of the order dt: 04-03-2020 and submit a comprehensive report to Tribunal. The committee was also directed to assess the Environmental Compensation for the violation found as directed by this Tribunal in several cases of this nature and incorporate the same in the report.

10. **WHEREAS**, vide reference 9th & 10th cited, The RO, Nalgonda issued a notice to the industry dated 20.05.2020 and also submitted report along with the findings of the first joint committee report dated 03.03.2020 to Board Office for taking necessary action. The industry submitted its reply dated 28.05.2020 to the notice.

11. **WHEREAS**, vide reference 11th cited, the Hon'ble NGT directed the Committee to submit the report within a period of (2) months and the case was posted on 13.05.2020. Subsequently, the case was posted to 22.05.2020. The Hon'ble NGT heard the matter on 22.05.2020 and granted 2 more months time to the Committee to submit report on request made by the District Collector in view of the Covid-19 pandemic situation prevailing in the state of Telangana and posted the case on 19.08.2020.

12. **WHEREAS**, vide reference 12th cited, the Joint Committee Report was submitted to the Hon'ble NGT which consists of the RO inspection report. The industry was inspected by the RO officials on 19.06.2020 and 13.07.2020 to verify the remedial measures taken by the industry. During inspection, following observations were made:

- 1) The industry is carrying out water spray on haul roads by using water tanker for suppression of the dust emissions. The industry has initiated installation of fixed water sprinklers at the haul roads.
- 2) Non-el Delay detonators used to minimize the impact of Blasting on the surroundings. The blasting is done at day time only and the time of blasting is between 1.00pm & 2.00pm as per IBM approval.
- 3) The industry has installed water meter to the tanker used for spraying of water and separate meter provided for domestic water consumption.
- 4) The industry is using 3 no's of Road Sweeping machines to sweep on the roads within the industry to control fugitive emissions.
- 5) The industry has provided Sewage Treatment Plant (STP) at colony for the treatment of domestic waste water generated from industry and colony. The samples were collected on 19.06.2020 from the STP Inlet and STP outlet. The Analysis results are within the prescribed standards. The Analysis report is enclosed.
- 6) The kilns 1 and 2 are provided with RABH & Pulse Jet Bag filters respectively. The industry has ESP's for cooler - 1 and cooler -2.
- 7) The industry has provided dust collection and extraction systems with bag filters at various transfer points and the collected dust is recycled back in the process.
- 8) The industry has provided sheds for storage of coal and other raw materials.

9) The industry has provided online continuous stack monitoring system to the 10 stacks and 3 CAAQM Stations and connected the same to the TSPCB server. The same are monitored regularly for compliance.

10) The Mine-2 was not in operation.

11) Mine-III was in operation and wet drilling is being carried out.

12) The industry has developed greenbelt in an area of about 21.84 Ha in Mine Lease-2 Area, 5.49 Ha in Mine lease-3 area and 18.5 Ha in plant and colony area.

13) Stack and AAQ monitoring of the industry was conducted on 13.07.2020 and 14.07.2020. The monitoring values are within the standards. Copies of the Analysis reports are enclosed (Annexure -10). The monitoring results are as follows:

i) AAQ Monitoring carried out at Periphery of the industry near main gate in down wind direction.

S.No.	Sampling Location	Timings	Results		
			RSPM µg/m3	SO2 µg/m3	NO2 µg/m3
1)	AAQ Monitoring carried out at Periphery of the industry near main gate in down wind direction	Conc. Value for 24 Hours	71	4	15
	Ambient Air Quality Standards as per CFO		100	80	80

Observations made during the Sampling:

1) During the monitoring, water sprinkling is being done manually by using water tankers.

2) Vehicular movement was observed during monitoring.

ii) Stack attached to CPP Boiler of 70 TPH capacity

S.No.	Parameter	Result mg/Nm3	Standard mg/Nm3
1	SPM	38	50
2	SO2	267	600
3	NO2	85	300
4	Mercury(Hg)	BDL	0.03

Observations made during Sampling:

1) The industry was operating the Boiler at 60 TPH Capacity during the monitoring.

2) The industry provided Electrostatic Precipitators (ESP's) as Air Pollution Control Equipment so as to control stack emissions & it is in operation.

3) The Height of the stack attached to chimney is 75 meters.

iii) Stack attached to Kiln – II of 3650 TPD capacity.

S.No.	Parameter	Result mg/Nm3	Standard mg/Nm3
1	SPM	17	30
2	SO2	20	100
3	NO2	471	800

Observations made during Sampling:

1) During the monitoring the Kiln-II was operating at 3350 TPD capacity against installed capacity of 3650 TPD.

2) The industry provided Reverse Air Bag House (RABH) as Air Pollution Control Equipment to Kiln-II to control stack emissions & it is in operation.

13. WHEREAS, the Committee has revisited the issues and the detailed report on the things mentioned by Hon'ble NGT in the Order dated 04.03.2020 along with environmental compensation assessment and also the issues raised by the Applicant through additional written submissions was submitted to Hon'ble NGT on 13.08.2020.

14. **WHEREAS**, the assessment of Environmental Compensation done by Joint Committee is as follows:

S. No.	Date of Violation Observed	Date of order issued	Date of inspection for compliance verification	Number of days of violation	Remarks i.e., Non-compliance observations and action taken
1	17 th , 20 th , 21 st , 23 rd , 25 th , Feb, 2018 & 1 st , 2 nd , 5 th , 9 th , 10 th , 22 nd , 27 th , 28 th , 29 th and 30 th , march 2018	21.04.2018	31.03. 2018	15 days	➤ Online monitoring results indicated the Stack Emission Values exceeding the standards during the said 15 days. ➤ No of days exceeding the monitoring values is taken as violation.
2	18.02.2020	20.05.20 20	19.06. 2020 & 14.07. 2020	123 days	➤ AAQ Monitoring conducted at the main gate of the industry and the values exceeded the standards on 18.02.2020. ➤ Notice was issued to the industry on 20.05.2020 to take measures for compliance. ➤ Subsequently, the industry has taken measures such as 3 Nos. of road sweeping machines used, increased the water spraying with tanker on haul roads, initiated installation of fixed water sprinklers along the haul road, wet drilling being carried out. During the inspection on 19.06.2020 it was observed that the industry has taken the above measures for control of fugitive emissions. However, CAAQM values are within the limits during the above period. ➤ AAQM was conducted on 13.07.2020, and the values are within the stipulated standards.
a) Total				138	
b) No. of days not operated the Industry				44	➤ The unit was not in operation due to COVID-19 lockdown from 24.03.2020 to 06.05.2020.
Total days				94	

$$EC = PI \times N \times R \times S \times LF \quad EC = 80 \times 94 \times 250 \times 1.5 \times 1 = 28,20,000/-.$$

EC = Environmental Compensation in INR

PI = Pollution Index of industrial sector (red category)

N = Number of days of violation took place

R = A factor in Rupees for EC (avg 250)

13

S = Factor for scale of operation (large scale)

LF = Location factor (population less than 1 Million)

i. Pollution Index of industrial sector (PI):

The Board has categorized industry under Red category. For red category of industries, average pollution index is 80.

ii. Number of days of violation (N):

The number of days for which violation took place is considered as the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by the Board as mentioned

iii. Scale of operation (S):

The industry is considered as large scale as per consent issued by Board. The scale of operation (S) for EC estimation is considered as 1.5.

iv. Location factor (LF):

The industry is located at Ravipahad (V), Palakeedu (M), Suryapet District: and the nearest municipality is Miryalaguda which is located at about 21 Km. Thus location factor (LF) is considered as 1 for EC estimation.

v. Factor in Rupees (R) (Rs):

As per the environmental compensation estimation guidelines, factor of rupees may be considered as Rs 250/- for estimating environmental compensation.

Hence, the amount of compensation assessed is Rs. 28,20,000/-.

15. WHEREAS, vide reference 13th cited, the case came up for hearing before the Hon'ble NGT on 19.08.2020. The Hon'ble NGT, Chennai vide Order dated 19.08.2020 stated the following:

"The Committee has assessed the environmental compensation and they want this Tribunal to approve the same and pass appropriate orders. It may be mentioned here that it is not for the Tribunal to pass any order in respect of environmental compensation. That is for the regulator to take appropriate action against the violators after giving an opportunity to the violating industry to be heard."

So under such circumstances, we direct the regulators to consider the report and take appropriate action against the alleged violating unit, after giving an opportunity to the unit and pass appropriate orders and submit a compliance report regarding the same to the Tribunal. The Hon'ble NGT do not express any opinion regarding the report at this stage. The Hon'ble NGT directed the regulating authorities namely the Pollution Control Board and Regional Office, Ministry of Forest & Climate Change (MoEF & CC) to consider the question of alleged violations mentioned in the report and the action taken on that basis before the next hearing date."

The regulating authorities namely the Pollution Control Board and Regional Office, Ministry of Forest & Climate Change (MoEF & CC) are also directed to consider the question of alleged violations mentioned in the report and the action taken on that basis before the next hearing date."

For consideration of further action taken report and objections, post the matter on 06.11.2020".

16. WHEREAS, vide reference 14th cited, TSPCB, Legal Cell letter dated 29.08.2020 requested to review of the status of compliance and also to fix the environment compensation.

17. WHEREAS, vide reference 15th cited, you were given an opportunity for hearing before the Task Force Committee of the Board on 23.10.2020.

The industry representatives attended the virtual meeting.

The Committee noted that:

Sri Vakkanti Koteswara Rao, Nereducharla (M), Nalgonda District has filed an Application before the Hon'ble National Green Tribunal, Southern Zone, Chennai (Application No. 33 of 2016) against M/s. Deccan Cements Ltd. The Hon'ble NGT constituted Joint Committee to inspect the unit and submit the present status. Accordingly, the Joint Committee inspected the unit and submitted the report. As per the Ambient air quality monitoring report, PM₁₀ value at the periphery of the industry near main gate is exceeding the Board's standards. The Hon'ble NGT directed the committee to assess the Environmental Compensation for the violation found as directed by this Tribunal in several cases of this nature and incorporate the same in the report.

Subsequently, the Joint Committee revisited the issues and a detailed report on the things mentioned by Hon'ble NGT in the order dated 04.03.2020 was submitted on 13.08.2020 along with assessment of Environmental Compensation and also the issues raised by the Applicant.

As per the directions of Hon'ble NGT, the joint committee assessed the Environmental Compensation for various non-compliances observed in online monitoring and stack monitoring for 94 days which is Rs.28,20,000/-. The case came up for hearing before the Hon'ble NGT on 19.08.2020. The Hon'ble NGT directed the regulating authorities namely the Pollution Control Board and Regional Office, Ministry of Forest & Climate Change (MoEF & CC) to consider the question of alleged violations mentioned in the report and the action taken on that basis before the next hearing date.

The Committee noted that the Joint Committee visited the industry and noted compliances. The AAQM and stack monitoring was carried out and the values of AAQM carried out at Periphery of the industry near main gate in downwind direction shows RSPM value of 71 µg/m³ which is within the permitted standards (RSPM-100 µg/m³) and the stack monitoring values for 70 TPH CPP Boiler-SPM-30mg/Nm³ (Standard:50 mg/Nm³) and kiln-II SPM value-17 mg/Nm³ (Standard:30 mg/Nm³) are within the permitted standards.

The Committee further noted that the industry is complying with the directions and Consent conditions issued by the Board and also the OCEMS values over the last six months are meeting the standards.

The industry was given the opportunity of hearing to explain the methodology for assessment of Environmental Compensation. During the hearing, the methodology for calculation of Environmental Compensation was explained to the industry which is as follows:

S. No.	Date of Violation Observed	Date of order issued	Date of inspection for compliance verification	Numb er of days of violati on	Remarks i.e., Non-compliance observations and action taken
1	17 th , 20 th , 21 st , 23 rd , 25 th , Feb, 2018 & 1 st , 2 nd , 5 th , 9 th , 10 th , 22 nd , 27 th , 28 th , 29 th and 30 th , march 2018	21.04.2018	31.03. 2018	15 days	➤ Online monitoring results indicated the Stack Emission Values exceeding the standards during the said 15 days. ➤ No of days exceeding the monitoring values is taken as violation.
2	18.02.2020	20.05.20 20	19.06. 2020 & 14.07. 2020	123 days	➤ AAQ Monitoring conducted at the main gate of the industry and the values exceeded the standards on 18.02.2020. ➤ Notice was issued to the industry on 20.05.2020 to take measures for

(15)

				compliance. Subsequently, the industry has taken measures such as 3 Nos. of road sweeping machines used, increased the water spraying with tanker on haul roads, initiated installation of fixed water sprinklers along the haul road, wet drilling being carried out. During the inspection on 19.06.2020 it was observed that the industry has taken the above measures for control of fugitive emissions. However, CAAQM values are within the limits during the above period. > AAQM was conducted on 13.07.2020, and the values are within the stipulated standards.
			a) Total	138
			b) No. of days not operated the Industry	44
			Total days	94

$$EC = PI \times N \times R \times S \times LF \quad EC = 80 \times 94 \times 250 \times 1.5 \times 1 = 28,20,000/-.$$

EC = Environmental Compensation in INR

PI = Pollution Index of industrial sector (red category)

N = Number of days of violation took place

R = A factor in Rupees for EC (avg 250)

S = Factor for scale of operation (large scale)

LF = Location factor (population less than 1 Million)

vi. Pollution Index of industrial sector (PI):

The Board has categorized industry under Red category. For red category of industries, average pollution index is 80.

vii. Number of days of violation (N):

The number of days for which violation took place is considered as the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by the Board as mentioned

viii. Scale of operation (S):

The industry is considered as large scale as per consent issued by Board. The scale of operation (S) for EC estimation is considered as 1.5.

ix. Location factor (LF):

The industry is located at Ravipahad (V), Palakeedu (M), Suryapet District: and the nearest municipality is Miryalaguda which is located at about 21 Km. Thus location factor (LF) is considered as 1 for EC estimation.

x. Factor in Rupees (R) (Rs):

As per the environmental compensation estimation guidelines, factor of rupees may be considered as Rs 250/- for estimating environmental compensation.

Hence, the amount of compensation assessed is Rs. 28,20,000/-

The industry representative informed that they have taken all measures to comply with directions of the Board and requested that the factor "R" i.e, A factor in Rupees for EC which is taken as average Rs.250/- may be considered as Rs.100/- as the industry is complying with directions and Environmental standards.

The Committee opined that the value taken for factor R is average of minimum and maximum and the request of the industry may not be considered and recommended that the assessment arrived by the Joint Committee may be finalized and the industry shall pay the amount.

The industry representative agreed with the assessment carried out and informed that they will make payment after receiving of the intimation from the Board.

After detailed discussion, the Committee recommended to issue certain directions to the industry along with levy of Environmental Compensation.

18. **WHEREAS**, after careful consideration of the material facts of the case, the Board hereby **issues following directions to your industry** to comply with:-

1. The industry shall comply with CFO&HWA conditions issued by the Board scrupulously.
2. The industry shall continue to maintain the Online Continuous Emission Monitoring Systems (OCEMS) and ensure that they meet the standards continuously.
3. The industry shall deposit an amount of Rs. 28,20,000/- towards environmental compensation as assessed by the Board as per the directions of Hon'ble NGT for the non-compliance observed for 94 days period. The amount shall be deposited by way of D.D drawn in favour of "Member Secretary, T.S Pollution Control Board".

19. **WHEREAS**, these directions are issued under Sec.33 (A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Sec. 31 (A) of Air (Prevention and Control of Pollution) Amendment Act, 1987.

20. **WHEREAS**, the above mentioned directives shall be implemented by the industry, failing which legal action will be initiated against your industry under Sec.33 (A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Sec. 31 (A) of Air (Prevention and Control of Pollution) Amendment Act, 1987 directing closure of the industry in the interest of Public Health and Environment, without further notice.

Sd/-
MEMBER SECRETARY

To
M/s. Deccan Cements Ltd.
(Unit-I, II & Captive Power Plant),
Ravipahad (V), Palakeedu (M),
Suryapet District.

Copy to:

1. The JCEE, Z.O., R.C.Puram for information and necessary action.
2. The Environmental Engineer, Regional Office, Nalgonda for information and necessary action.
3. Concerned file.

// T.C.F.B.O //


Senior Environmental Engineer (FAC)
(UH-V)