

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

Original Application No. 37 of 2022 (SZ)

M. Padmavathi,
W/o. S.E.Muthu, No.14/37,
Avadi Srinivasan Street, Choolai,
Chennai – 600 112 & another.

...Applicants

Vs

1. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai – 600 032 & others

...Respondents

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Filed by
Tmt. Shanmugavalli Sekar
Advocate, Chennai.

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Vs

1. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai – 600 032.

2. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
950/1, 2nd Floor, Poonamle High Road,
Arumbakkam,
Chennai – 600 106.

3. M/s. Kumaran Metal Industries,
Rep. by its Proprietor,
N.Thangam, No.33,
Avadi Srinivasan Street, Choolai,
Chennai- 600 112.

...Respondents

REPORT FILED ON BEHALF OF THE 1ST & 2ND RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD.

I, R. Rajamanickam, Son of P.M.Ramasamy, Hindu, aged about 57 years, having my office at No. 76, Mount Salai, Guindy, Chennai – 32, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this report on behalf of the 1st & 2nd Respondents, TNPC Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that applicant M.Padmavathi & another filled this application before the Hon'ble NGT (SZ) with the following reliefs:


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“Para 8: to direct the 2nd respondent to take action against the 3rd respondent run hazardous Industrial Unit, which pollutes the air of the locality, causing health hazard to the applicants and other residents of the locality by closure of the same and to further direct the 3rd respondent to pay for the damages caused to the environment and to the health of the applicants and other residents of the locality, who are made to suffer due to reportorial and ailments”.

3. It is respectfully submitted that the Hon'ble NGT (SZ), in its order dated:28.03.2022 directed inter alia that:

“Para 8&9: In the mean time the respondent no.2 is directed to inspect the unit in question and submit a factual as well as action taken report if there is any violation found and directed to ascertain as to whether

i. The 3rd respondent is having all necessary permissions/clearances if any required, under the environmental laws to run the unit.

ii. Whether the conditions imposed in the conditions of directions earlier given to abate the air pollution has been carried out by them,

iii. They are also directed to conduct the Ambient Air Quality (AAQ) in that area to ascertain as to whether on account of the emission of smoke coming from the 3rd respondent unit any excess air pollution has been caused in that area, and if so, what are all the mechanism to be adopted by them for mitigating the compliant of air pollution made by the local people.

iv If there are any violations found, the 2nd respondent is also directed to assess the environmental compensation as directed by this Tribunal in several cases of this nature.”

4. It is respectfully submitted that, the 3rd respondent unit of M/s. Kumaran Metal Industries, S.F.No. Rs.No.1673/10,Vepery Village, Purasawalkam Taluk, Chennai District has obtained consent to operate vide


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Board Proc.No:T12/F-246/MDS/W&A/90 dated: 08.06.1991 for the product: Aluminium Circles – 8 Tonnes/Month and to discharge sewage:0.2 KLD, Trade effluent- Nil . Air emission: stack attached to the casting furnace and annealing furnace with height – 6.9 m.

5. It is respectfully submitted that, subsequently renewal of consent was issued to the unit by the DEE, TNPCB, Chennai vide Proc. No. F.1191CHN/OS/DEE/TNPCB/CHN/A/2018 DATED: 05/07/2018 for the product: Aluminium Circles – 8 Tonnes/Month and to discharge sewage:0.2 KLD, Trade effluent- Nil . Air emission: Casting Furnace and Annealing Furnace attached with Common wet scrubber followed by common stack height of 10.66 m with validity upto 31.03.2022.

6. It is further submitted that based on the complaints received from the public, show cause notice was issued to the 3rd respondent unit by the DEE, TNPCB, Chennai vide Proc. No. DEE/TNPCB/CHN/ F.0280/OS/W&A/2021 dated. 30.12.2021 for the reason that unit has not operated and maintained the common wet scrubber followed by stack (Air pollution control measures) provided to let out the emission from aluminium melting furnace using furnace oil as fuel and the emission from the melting of aluminium scraps causing health hazard to the public living nearby. Also, the unit has been instructed to increase the height of the chimney attached to the existing annealing furnace.

7. It is respectfully submitted that on expiring of show cause notice, the unit was requested by the DEE, TNPCB, Chennai to attend for personal hearing vide their letter dated 29.01.2022. The unit has attended personal hearing on 03.02.2022. After personal hearing, the proprietor has agreed to comply the following instructions;

- i. To complete the repair work on the wet scrubber and stack.
- ii. To increase the height of the chimney attached to the existing annealing furnace above the adjacent houses and also assured to operate the unit after completion of the same.

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8. It is respectfully submitted that the officials of the O/o. DEE, TNPCB, Chennai have inspected the said unit on 25.04.2022 and observed the following:

- i. During inspection, the unit was not under operation. The unit of M/s. Kumaran Metal Industries was engaged in production of Aluminum circles using aluminum scrap.
- ii. The unit was carrying out melting of aluminum scrap utensils and the molten aluminum is moulded into square bars and the bars are placed and pressed in the rolling mill to produce aluminum sheets. The said aluminum sheets are subjected to annealing by treating in the annealing furnace. After cooling the aluminum sheets are manually cut into circles. The aluminum cutting/trimming wastes generated during cutting activity are reused in the process. The unit uses furnace oil as fuel.
- iii. The sewage generated from the unit is disposed through CMWSSB sewer line.
- iv. No trade effluent generation from the unit.
- v. The unit has obtained license of Greater Chennai Corporation bearing license No 06-077-000126/2022-23 dated : 02.02.2022 valid up to 31.03.2023.
- vi. The unit has furnished land use classification certificate vide CMDA letter dated: 23.08.2006, as light industrial use zone.
- vii. As per the CMDA second master plan, land use classification of Rs.No.1673 / 10 falls under "Mixed residential zone".

9. It is further submitted that, during inspection it was noticed that the unit has not complied the instructions of the Board at the time of personal hearing (i) The unit shall increase the height of the chimney attached to the existing annealing furnace above the adjacent houses. (ii) Efficiency of the common wet scrubber for the casting furnace and annealing furnace shall be improved.

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10. It is respectfully submitted that, the Ambient Air Quality Survey (AAQ) and the Ambient Noise level survey (ANL) were conducted in the 3rd respondent unit premises and the complainant house on 26.04.2022 during the day time by Tamil Nadu Pollution Control Board Laboratory. The report of Ambient Air Quality (AAQ) survey and Ambient Noise Level (ANL) survey of M/s. Kumaran Metal Industries are tabulated as below:

Ambient Air Quality (AAQ) Survey										
S.No	Location	Direction	PM 2.5 $\mu\text{g}/\text{m}^3$	PM 10 $\mu\text{g}/\text{m}^3$	SO _x $\mu\text{g}/\text{m}^3$	NO _x $\mu\text{g}/\text{m}^3$	NAAQ Standards ($\mu\text{g}/\text{m}^3$)			
							PM 2.5	PM 10	SO _x	NO _x
1	On top of Platform on top of company terrace	NW	16	76	8	11	60	100	80	80
2	On top of Platform main gate of company	SW	-	92	9	14				
3.	On top of platform on top of complainant house - terrace	SE	12	68	6	10				

Ambient Noise Level (ANL) Survey				
S.No	Location	Noise Level dB(A)		Ambient Noise Level standards for Residential Use Zone
		Operation Leq	Not in Operation Leq	
1	Near Complainant terrace	50.3	48.4	Day time- 55 dB(A) (6.00 am-10.00 p.m)
2	Near company's terrace	54.2	50.4	
3	Near main gate of company	54.8	50.8	
4	Near complaint house second floor	47.3	45.6	Night time- 45 dB(A) (10.00 p.m.- 6.00 a.m)
5	Near company's first floor	50.7	47.3	

11. It is respectfully submitted that the report of analysis of Ambient Air Quality (AAQ) survey conducted in the vicinity of the above locations


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revealed that all the analysed parameters are within the NAAQ standards prescribed. The parameter (Particulate matter 10 – 92 $\mu\text{g}/\text{m}^3$) on top of Platform main gate of company reveals that, the parameter is marginally in the NAAQ standards.

12. It is respectfully submitted that the report of analysis of Ambient Noise Level survey conducted in the vicinity of the unit (Near complainant terrace, near company's terrace, near main gate of company and near company's first floor) revealed that the noise level (Leq) was within the Standards prescribed by the Board.

13. It is respectfully submitted that M/s. Kumaran Metal Industries, has applied for renewal of consent and the same was under process in the office of DEE, TNPCB, Chennai. The unit has not complied the following instructions issued during personnel hearing conducted on 03.02.2022:

- i. The unit shall increase the height of the chimney attached to the existing annealing furnace above the adjacent houses.
- ii. Efficiency of the common wet scrubber for the casting furnace and annealing furnace shall be improved.

In view of the above, the Board vide Proceeding No.T2/F.11585/2022 dated 17.05.2022 issued direction under section 31A of the Air (P&CP) Act, 1981 to carry out the above improvement works within one month.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (SZ) may pleased be to pass such further or other orders as it deem fit and proper in the facts and circumstances of this case and thus render justice.


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JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.
BEFORE ME

VERIFICATION

I, R. Rajamanickam, son of P.M.Ramasamy, 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.


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THE 1ST & 2ND RESPONDENTS -
TAMIL NADU POLLUTION
CONTROL BOARD.**

**Advocate for Respondent TNPCB:
Tmt. Shanmugavalli Sekar
Advocate, Chennai.**

Date:17.05.2022

Date of hearing on:18.05.2022

