

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE
BENCH, CHENNAI**

ORIGINAL APPLICATION NO. 62 of 2023

IN THE MATTER OF: -

M. Manickaraj

.... Applicant

Versus

**Tamilnadu State pollution control board
and anr**

.... Respondent

REPLY STATEMENT FILED ON BEHALF OF MOEF&Cc



Filed by:
G.M. SYED NURULLAH SHERIFF
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**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION NO. 62 OF 2023**

IN THE MATTER OF:

M. MANICKARAJ

.....PETITIONER

VERSUS

TAMIL NADU STATE POLLUTION

**CONTROL BOARD &
ANR.**

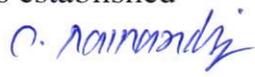
.....RESPONDENT(S)

**REPLY AFFIDAVIT ON BEHALF OF THE MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE (MoEF&CC),
RESPONDENT No. 2.**

I, Dr. C. Palpandi S/o Chendurpandi aged about 41 Years working as “Scientist D” having office in Regional Office, at Chennai Ministry of Environment, Forest and Climate Change (MoEF&CC) , I do hereby solemnly affirm and declare as under:

1. That I am duly authorized by the Ministry of Environment, Forest and Climate Change, respondent no.2 to swear this affidavit and I am conversant with the facts and circumstances of the present case and am thereby competent to depose as under:
2. That, the instant application has been filed aggrieved by Memo. no. T1/TNPCB/F,029331/Brick Kilns/2018 dated 14.02.2023 vide which TNPCB has directed that the siting criteria prescribed by the MoEF&CC vide notification dated 22.02.2022 applies only to brick kilns established

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after 22.02.2023 and not to brick kilns that were in existence earlier, in effect, exempting brick kilns illegally established and operated inter alia without Consent/permission from TNPCB, Local authority and the Hill Area Conservation Authority Regulations, 1990 (hereinafter referred to as HACA).

3. That, it is humbly submitted that the answering Respondent no.1 is primarily engaged in, *inter alia*, policy formulation for abatement, control and prevention of pollution, prescribing environmental standards which are implemented through the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs). The SPCBs/PCCs are required to enforce these standards and monitor the compliance by industries. Besides, the concerned State Pollution Control Boards/ Pollution Control Committees are empowered to take all such measures as are deemed necessary or expedient for the purpose of protection and improving the quality of environment as well as prevention, control and abatement of environmental pollution.
4. That in exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986, the Ministry of Environment, Forest and Climate Change has notified amendment on 'Brick Kilns Emission vide Gazette Notification G.S.R. 143 (E) dated 22nd February, 2022. The copy of notification dated 22.02.2022 is annexed as **Annexure- R2/1**.
5. That Section 2 of the Gazette Notification vide dated 22.02.2022 has mentioned that-

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- i. All new brick kilns shall be allowed only with zig-zag technology or vertical shaft or use of Piped Natural Gas as fuel in brick making and shall comply to these standards as stipulated in this notification.
- ii. The existing brick kilns which are not following zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making shall be converted to zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making within a period of (a) one year in case of kilns located within ten kilometre radius of non-attainment cities as defined by Central Pollution Control Board (b) two years for other areas. Further, in cases where Central Pollution Control Board/State Pollution Control Boards/Pollution Control Committees has separately laid down timelines for conversion, such orders shall prevail.
- iii. All brick kilns shall use only approved fuel such as Piped Natural Gas, coal, fire wood and/or agricultural residues. Use of pet coke, tyres, plastic, hazardous waste shall not be allowed in brick kilns.
- iv. Brick kilns shall construct permanent facility (port hole and platform) as per the norms or design laid down by the Central Pollution Control Board for monitoring of emissions.
- v. Particulate Matter (PM) results shall be normalized at 4% CO₂ as below: $PM \text{ (normalized)} = (PM \text{ (measured)} \times 4\%) / (\% \text{ of CO}_2 \text{ measured in stack})$, no normalization in case CO₂ measured $\geq 4\%$. Stack height (in metre) shall also be calculated by formula $H=14Q^{0.3}$ (where Q is SO₂ emission rate in kg/hr), and the maximum of two shall apply.

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- vi. Brick kilns should be established at a minimum distance of 0.8 kilometres from habitation and fruit orchards. State Pollution Control Boards/Pollution Control Committees may make siting criteria stringent considering proximity to habitation, population density, water bodies, sensitive receptors, etc.
 - vii. Brick kilns should be established at a minimum distance of one kilometre from an existing brick kiln to avoid clustering of kilns in an area.
 - viii. Brick kilns shall follow process emission/fugitive dust emission control guidelines as prescribed by concerned State Pollution Control Boards/Pollution Control Committees.
6. That, it is humbly submitted that brick kilns in Thadagam Valley, are now applying for Consent from TNPCB and as per impugned TNPCB Memo, they will be considered as existing units and exempted from the applicability of the siting guidelines.
7. It is humbly prayed that the Hon'ble Tribunal may kindly pass such order(s) as may deemed fit and proper in the facts and circumstances of this case.

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VERIFICATION:

Verified at Chennai on this the 27th day of September 2023 that the contents of this reply affidavit based on official record(s) maintained and information available in the office are correct to my knowledge and belief. No part of it is false and nothing has been concealed there from.

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DEPONENT

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