

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

Original Application No.70 of 2020 [SZ]

IN THE MATTER OF

Tribunal on its own SUO MOTO based on
the News item in The New Indian Express,
Chennai edition dated 16.05.2020,
"Ammonia leak from Madras Fertilizers Limited
Worries residents, in Chennai's Manali

...Applicant

-Vs-

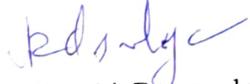
Union of India, rep. by its Environment and
Forests and Climate Change, New Delhi and
others

...Respondents

STATUS COMPLIANCE REPORT FILED BY 9TH RESPONDENT

10.08.2022

M/s Aiyar and Dolia
Counsel for 9th Respondent


Counsel for 9th Respondent

Compliance status of the directions given by TNPCB			
Sl. No.	Directions issued by the TNPCB vide Proc. dated 20.05.2020	Remarks of TNPCB on 09.04.2022	MFL's Status as on 21.07.2022
(i)	To restart the unit only after installation of at least two ammonia sensors at the rear end of the unit towards the village direction where complaint received.	Complied. The unit has installed eleven ammonia sensors within the unit premises in all directions to measure the real time value of ammonia in the ambient air which were in operation at the time of Inspection.	Complied.
(ii)	To restart the unit only after obtaining approval of updated safety audit report containing the information specified in Schedule-8 from the competent authority notified in Schedule-5 as per the rule 10 of the Manufacture, Storage and Import of Hazardous Chemical Rules 1989 as amended.	Complied. The unit has furnished the safety auditor report.	Complied.
(iii)	The unit shall comply with the all the directions issued by the TNPCB Proc. Dated 12.05.2020.		

1.	The unit shall operate and maintain the sewage treatment plant (CETP as stated by the unit) components efficiently and continuously so as to achieve the treated sewage standards prescribed by the board consistently and ensure that the treated sewage is completely utilized for gardening within the unit premises without any Stagnation.	<p>Complied.</p> <p>The unit is operating and maintaining the sewage treatment plant (CETP as stated by the unit) components continuously so as to achieve the treated sewage standards prescribed by the Board.</p> <p>The treated sewage is completely utilized for gardening within the unit premises without any stagnation.</p>	<p>Complied.</p>
2.	The unit shall provide RO plant for the entire quantity of trade effluent generated from cooling tower as Cooling Water Blow Down (4800KLD), Boiler Blow Down (30KLD) and DM plant regeneration (300KLD) as reported which is one of the CEPI long term action plan.	<p>Being Complied.</p> <p>The unit is having three RO systems for treatment of secondary treated sewage procured from Kodungaiyur STP. At present, the unit is partially procuring Tertiary Treated RO permeate (TTRO water) from Kodungaiyur STP, so one RO system (line A) is in standby, this line A was used to treat above said wastewater generated from the unit until commencement of new dedicated RO plant.</p> <p>Dedicated RO Plant for Cooling Water Blow Down Treatment equipment installation has been completed now & trail run is in progress at the time of Inspection.</p>	<p>Job completed.</p> <p>Details: One of the existing RO stream already has been dedicated to treat CWBD.</p> <p>New Plant: Erection and installation of equipment's were completed in Dec 2021. The Commissioning by the vendor M/s Davey products is pending. Due to delay in commissioning, LD was imposed on the vendor. Further, the vendor was informed vide e-mail dt 21.07.2022 that their contract will be terminated if commissioning activities are not started on or before 31.07.2022 and alternate arrangement will be made for completing the project invoking NIT terms (Annexure 1).</p> <p>Hence, we assure that new RO plant will be commissioned by Dec 2022.</p>

3.	The unit shall ensure zero liquid discharge of trade effluent, thereby no discharge of Untreated / treated trade effluent on land or into any water bodies either inside or outside the premises at any point of time.	<p>Complied.</p> <p>The unit has assured zero liquid discharge of trade effluent by adopting the following measures.</p> <ol style="list-style-type: none"> 1. Steam condensate and steam leakages are being attended as and when it occurs and not connected to storm water drain. 2. Dedicated lines erected to divert steam condensate to CT basin and process water back to the system. 3. Gutters have been constructed inside the plants to be used as storm water drain and under normal operating conditions no water will be discharged to the ground. 	<p>Complied.</p>
4.	The unit shall connect all EMFMs provided to Care Air Centre, TNPCB and CPCB.	<p>Being Complied.</p> <p>The unit has provided EMFMs (12Nos.) at appropriate locations and commissioned. Connectivity to WQW, TNPCB and CPCB being established.</p>	<p>Complied.</p> <p>Installation and Commissioning completed. Connectivity to TNPCB established.</p>
5.	The unit shall stop the discharge of underground pipe line leakages (Fire water) into old SEP's (lagoons) and to plant green belt by planting native & local specific species immediately	<p>Complied.</p> <p>The unit has provided collection tank for collection of process leakage water leading to old lagoon and send back to cooling water blow down treatment plant collection tank for further treatment.</p>	<p>Complied.</p>

6.	The unit shall replace the furnace oil usage with LNG for the boilers of capacity 55T/Hr each before June 2020, as reported.	<p>Not Complied.</p> <p>The unit committed to comply by July 2022.</p>	<p>Job in progress.</p> <p>Details: AOW issued on June 16, 2021 to M/s Thermax. All the materials have been supplied by the vendor and the construction of New control room also completed (Annexure 2). The installation of equipment's and commissioning requires stoppage of Boilers. This will lead to stoppage of Urea plant and fertilizer demand as per GoI directions cannot be met. Hence, to meet the fertilizers needs of farming community as committed to GoI, it is planned to take up the installation during the ensuing Annual Turnaround activities which is planned during Nov-Dec 2022. Due to the above constrains, the Boiler RLNG conversion couldn't be completed in July 2022 as committed by us. However, we assure that it will be completed by December, 2022.</p>
7.	The unit shall apply for renewal of authorisation under the provisions of Hazardous & Other Wastes (Management & Trans boundary Movement) Rules 2016.	<p>Complied.</p> <p>The unit has obtained Hazardous waste authorization from the Board on 19.11.2021 valid up to 31.03.2026..</p>	<p>Complied.</p>

8.	In order to prevent the formation and accumulation of toxic gases inside the tanks and to prevent the occurrence of fatal accidents, while cleaning the tanks, adequate ventilation arrangements should be provided in all the concealed tanks located both above and below ground level which are meant for storing/ holding the effluents, rejects, sludge, permeate water and raw water etc., The sludge accumulated in the ETP components should be cleaned mechanically only and manual cleaning of the sludge should not be carried out under any circumstances.	Complied. The unit is carrying out cleaning of ETP components through mechanical means.	Complied.
9.	The unit shall obtain & furnish certificate of stability from the competent authority as notified in sub rule (3) of rule 12 B of the Tamil Nadu Factories Rules, 1950 for the pollution abatement measures Provided in the unit.	Complied. The unit has obtained certificate of stability from the competent authority.	Complied.
10.	The unit shall complete the target of Action taken details are short term and long term Action plan in CEPI area as committed by the unit without fail.		
10(i) SHORT TERM ACTION PLAN			
Action plan	Completi on target	Remarks of TNPCB on 09.04.2022	MFL's Status as on 21.07.2022

Feed stock conversion form Naphtha to RLNG which will reduce energy consumption of ammonia and urea plants.	August 2019	Complied. Naphtha to RLNG implemented.	Complied.
110T/hr ATA and process condensate boiler fuel change from Furnace oil to RLNG.	August 2019	Complied. Fuel replaced with RLNG.	Complied.
Construction of a sump to recover all the water let out into the gutter which will be pumped to the cooling water blow down treatment plant where it will be treated and used for cooling water makeup.	December 2019	Complied. The unit has provided collection tank for collection of process leakage water leading to old lagoon and send back to cooling water blow down treatment plant collection tank for further treatment.	Complied.
Dedicated RO to treat cooling water blow down plant outlet.	June 30, 2020	Being Complied. The unit is having three RO system for treatment of secondary treated sewage Procured from Kodungaiyur STP. At present, the unit is partially procuring Tertiary Treated RO permeate (TTRO water) from Kodungaiyur STP, so one RO system (line A) is in standby, this line A was used to	Job completed. Details: One of the existing RO stream already has been dedicated to treat CWBD. New Plant: Erection and installation of equipment's were completed in Dec 2021. The Commissioning by the vendor M/s Davey products is pending. Due to delay in commissioning, LD was imposed on the vendor. Further, the vendor was informed vide e-mail dt 21.07.2022 that their contract will be terminated if commissioning activities are not started on or before 31.07.2022 and alternate

		<p>treat above said wastewater generated from the unit until commencement of new dedicated RO plant. Dedicated RO Plant for Cooling Water Blow Down Treatment equipment installation has been completed now & trail run is in progress at the time of inspection.</p>	<p>arrangement will be made for completing the project invoking NIT terms (Annexure 1).</p> <p>Hence, we assure that new RO plant will be commissioned by Dec 2022.</p>
10(ii) LONG TERM ACTION PLAN			
Action plan	Completi on target	Remarks of TNPCCB on 09.04.2022	MFL's Status as on 21.07.2022
Increasing Green Belt area	1 acre to be brought under green belt every year.	<p>Complied.</p> <p>However, the unit has to further develop green belt to attain 40% of the total area as the unit is located in CEPI area.</p>	Complied.
Change of fuel from furnace oil to RLNG for boiler 1 and 2 (55T/hr each)	July 31, 2020	Not Complied.	<p>Job in progress.</p> <p>Details: AOW issued on June 16, 2021 to M/s Thermax. All the materials have been supplied by the vendor and the construction of New control room also completed (Annexure -2). The installation of equipment's and commissioning requires stoppage of Boilers. This will lead to stoppage of Urea plant and fertilizer demand as per GoI directions cannot be met. Hence, to meet the fertilizers needs of farming community as committed to GoI, it is planned to take up the installation during the ensuing Annual Turnaround activities which is planned during Nov-Dec 2022. Due to the above constrains, the Boiler RLNG conversion couldn't be completed in July 2022 as committed by us. However, we assure that it will be</p>

			completed by December, 2022.
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11.	The unit shall continue develop green belt by identifying land through Revenue department and always the native species shall be planted.	<p>Not Complied.</p> <p>Total area of the plant 270 acres. Green belt area to be developed (40% of total area of the plant) 108 acres. Green belt area so far developed 55 acres. Balance green belt area to be developed 53 acres. In this regard, the unit has to furnish time bound action plan to complete the balance green belt development either within the premises or outside the premises.</p>	<p>Complied. Already developed 55 acres of Green Belt and this process of green belt development will be continued and increased in a phased manner as it involves huge investment to develop the Green belt area of balance 53 acres. Considering the financial requirements, we have planned to increase the Green Belt every year utilizing the available land inside MFL as given below:</p> <p>5 acres - Oct 2022 5 acres - Dec 2022 20 acres - Dec 2023 23 acres - Dec 2024</p>
12	The unit shall undertake CSR activities with priority to provide drinking water facility, computer facilities and adequate toilet facilities in girls' schools and colleges to encourage women education especially in rural and semi urban areas.	<p>Complied.</p> <p>The unit has been advised to undertake the CSR activities regularly to the surrounding public.</p>	<p>Complied.</p>

13.	The unit shall provide reverse plastic vending machines in prominent public places so as to collect waste plastic bottles so as to achieve the target of banning one time use and throw plastics in Tamil Nadu and encourage recycling options.	<p>Not Complied. The unit committed to comply by July 2022.</p>	<p>Complied. Reverse plastic vending machine was installed in DEE office, Ambattur on July 8, 2022 by the vendor M/s Aruvi Solar Enterprises (P) Ltd. It was inaugurated on July 18, 2022 and handed over to TNPCB DEE, Ambattur in the presence of officers from both MFL and TNPCB DEE Office (Annexure 3)</p>
14.	The unit shall operate and maintain the existing air pollution control measures provided to the emission sources efficiently and continuously so as to achieve the Ambient Air Quality/ Stack Emission standards prescribed by the board.	<p>Complied. The unit is operating and maintaining the existing air pollution control measures provided to the emission sources continuously so as to satisfy the Ambient Air Quality / Stack Emission standards prescribed by the Board.</p>	<p>Complied.</p>

15	<p>The unit shall ensure that the online stack sensors provided for the parameters NH3 in urea prill tower and HF & PM in NPK train care calibrated regularly & operated and ensure that the output of the sensors are connected to TNPCB & CPCB server all times.</p>	<p>Partially Complied. The unit has provided OCEMS for the emission parameters NH3 in Urea prill tower and HF, PM & NH3 in NPK train (C) and maintaining regularly & calibrated periodically to ensure that the output of the sensors are connected to TNPCB & CPCB server at all times. Connectivity to TNPCB & CPCB server for NH3 sensor provided at NPK train (C) to be completed.</p>	<p>Complied.</p>
16	<p>The unit shall re-commission the NPK train A & B only after installation of HF & PM online stack sensors in the stack attached to each train.</p>	<p>NPK train A&B are not in operation at present.</p>	<p>Complied. NPK trains A&B are not in operation at present.</p>

17	<p>The unit shall install PM analyser for the common stack attached with process condensate boiler 70T/hr & 110T/hr boiler and PM, SOx & NOx analyser for the common stack attached with boiler 1 & 2 (55T/ hr each) as reported.</p>	<p>Being Complied. The unit has installed PM analyser (OCEMS) for the common stack attached with process condensate boiler 70T/hr & 110T/hr boiler and connected to CAC, TNPCB & CPCB servers. Installation of OCEMS for the parameters PM, SOx & NOx analyser for the common stack attached with boiler 1 & 2 (55T/ hr each) are in progress and committed to comply by April 2022.</p>	<p>Complied Details: For Process Condensate and 110 ATA boilers stack PM data connected to care air centre and CPCB. For boiler 1 & 2 CEMS analyzer, Installation has been completed and data connected to TNPCB / CPCB.</p>
18	<p>The unit shall install 11 Nos. of new ammonia sensors in the ambient air on or before June 2020 as reported as the existing 10 ammonia sensors were not functioning since, 2015 due to Vardha Cyclone.</p>	<p>Complied. The unit has installed 11 Nos. of new ammonia sensors in the ambient air which were in operation at the time of inspection.</p>	<p>Complied.</p>

19.	<p>The unit shall restore the CAAQMS station with the sensor parameters such as PM10, PM2.5, SOx, NOx, CO, NH3 & O3 as the one station near North gate is in operation and connected to CAC, Chennai and the remaining four stations were not in operation since 2016 due to Vardha Cyclone.</p>	<p>Complied.</p> <p>All the 5 CAAQM stations are working fine. Data is continuously uploaded to CAC, TNPCB. One CAAQM station near North gate with the sensors parameters such as PM10, PM2.5, SOx, NOx, CO & O3 is in operation and connected to CAC, Chennai. Another CAAQM station near ETP in Southwest direction with sensors parameters (PM₁₀, PM_{2.5}, SO₂, NOx, CO and O₃) is In operation and connected to CAC, Chennai.</p> <p>Another CAAQM Station near work shop (North East) with sensor parameters (PM₁₀, PM_{2.5}, SO₂, NOx, CO, O₃ & NH3) is in operation since October 2021 and connected to CAC, Chennai.</p> <p>Another CAAQM Station near south gate (South East) with sensor parameters (PM₁₀, PM_{2.5}, SO₂, NOx, CO, O₃ & NH3) is in operation since October 2021 and connected to CAC, Chennai.</p> <p>Another CAAQM Station near ammonia watch tower (South West) with sensor parameters (PM₁₀, PM_{2.5}, SO₂, NOx, CO, O₃ & NH3) is in operation since October 2021 and connected to CAC, Chennai..</p>	<p>Complied.</p>
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20	The unit shall rectify the roof defects in the temporary Hazardous waste storage shed for the proper storage of hazardous waste till its disposal.	Complied. The unit has rectified the defects in the temporary Hazardous waste storage shed for the proper storage of hazardous waste.	Complied.
Compliance status on recommendations suggested by the committee for not complying with AAQ Standards and exceeding the discharge norms of sourceemission from utility boiler			
Sl. No	Committee recommendat ions	Remarks of TNPCB on 09.04.2022	MFL's Status as on 21.07.2022
(i)	On-line monitoring at critical emission points shall be installed to provide information about the effect of malfunctions in the process and consequently the process conditions can be corrected.	Being Complied. The unit has installed PM analyser (OCEMS) for the common stack attached with process condensate boiler 70T/hr & 110T/hr boiler and connected to CAC, TNPCB & CPCB Servers. Installation of OCEMS for the parameters PM, SOx & NOx analyser for the common stack attached with boiler 1 & 2 (55T/ hr each) are in progress and committed to comply by April 2022.	Complied For Process Condensate and 110 ATA boilers stack PM data connected to care air centre and CPCB. For boiler 1 & 2 CEMS analyzer, Installation has been completed and data is being uploaded to TNPCB / CPCB.
(ii)	Proper fuel to air combustion ratio should be maintained to keep down the NOx generation in the boiler.	Complied. The unit is maintaining the fuel to air combustion ratio to keep down the NOx generation in the boiler.	Complied.

(iii))	All liquid wastes (water in the gutter) should be properly treated and recycled into the process, so that stripping of ammonia from the process Water can be minimized.	Complied. The unit has provided ammonia stripper plant for the recovery of ammonia and reuse in the process.	Complied.
(iv))	The unit has provided collection tank for process water spillage/seepage and informed, the collected water is taken back for treatment. But during inspection, it is observed that the spillage water is collected through the storm water drain, so the unit shall provide separate drains for spillage & storm water.	Complied. The unit has provided collection tank for collection of process leakage water leading to old lagoon and send back to cooling water blow down treatment plant collection tank for further treatment.	Complied.
(v)	The unit must take continuous effort on monitoring the plant and carrying out periodical inspection of the valves, gaskets, and pipelines of the ammonia and urea plant to avoid ammonia leakages in the plant.	Complied.	Complied.

(vi)	The unit shall revamp the plant equipment and re-design the process to abate the pollution problem.	<p>Not Complied.</p> <p>It was reported that the unit has requested M/s. Haldor Topsoe, ammonia process licensor to study the status of plant equipment. Expected final report from the licensor within 3 months and it was reported that the recommendations will be carried out in a phased manner.</p>	<p>Job In Progress.</p> <p><i>Requested M/s Haldor Topsoe, Process Licensor to study and recommend schemes to reduce pollution abatements. As it involves detailed study and preparation of drawings, it takes more time than expected. Hence, we are also working on to line up with some other agency who are expertise in the design and installation of Ammonia flares. The entire process is expected to be completed by Dec 2023.</i></p>
(vii)	As the unit's NPK fertilizer manufacturing buildings and utilities including pipelines are in dilapidated condition and requires complete revamping.	<p>Not Complied.</p> <p>It was reported that the NPK Manufacturing A&B will be demolished in a phased manner.</p>	<p>Complied. NPK Manufacturing units A&B are not in use since 2005 and will be demolished in a phased manner.</p>
(viii)	The unit shall obtain authorization under the provisions of Hazardous & Other Wastes (Management, & Trans boundary Movement) Rules 2016.	<p>Complied.</p> <p>The unit has obtained Hazardous waste authorization from the Board on 19.11.2021 valid upto 31.03.2026.</p>	<p>Complied.</p>
(ix)	It was informed that validity of HW Authorization expired on 23.11.2014, since then the spent catalyst generated is stored in the unit premises.	<p>Complied.</p> <p>The unit has disposed the accumulated spent catalyst of 140T against 166T as authorized.</p>	<p>Complied.</p>

	The unit shall take necessary action for disposal of spent catalyst.		
(x)	The hazardous waste facility should be provided with leak/spill management systems to avoid any accidents that may occur due to spillage.	Complied.	Complied.
(xi)	The spacing between the containers can be increased as per the provision given by CPCB.	Complied.	Complied.
(xii)	Additional shed can be constructed to store the hazardous waste containers and spent catalyst accumulated in the hazardous waste shed so that storage of these wastes in open space can be avoided	Complied. The unit has adequate storage capacity of temporary hazardous waste shed for the storage of hazardous wastes.	Complied.

(xiii)	The waste containers must also be named along with the characteristics of the hazardous waste stored so that the safety protocols can be followed accordingly	Complied.	Complied.
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Conclusion:

The compliance status of TNPCB & Joint Committee directions as on July 21, 2022 are as follows:

TNPCB DIRECTIONS dt 20.05.2020 AND ITS STATUS- CONSOLIDATED

SI No.	Remarks by TNPCB as on 09.04.2022	MFL's Status as on 21.07.2022
(i)	Complied	Complied
(ii)	Complied	Complied
(iii)	1	Complied
	2	Being Complied
	3	Complied
	4	Not Complied
	5-9	Complied
10 (I) SHORT TERM ACTION PLAN		
Feed stock conversion from Naphtha to LNG	Complied	Complied
110T/hr ATA and process condensate boiler fuel change from Furnace oil to LNG.	Complied	Complied
Construction of a sump to recover all the water let out into the gutter	Complied	Complied
Dedicated RO to treat cooling water blow down plant outlet.	Being Complied	Complied
10(II) LONG TERM ACTION PLAN		
Increasing Green Belt area	Complied	Complied
Change of fuel from furnace oil to RLNG for boiler 1 and 2 (55T/hr each)	Not Complied	Job In Progress (Expected completion by Dec 2022)

11 & 12	Complied	Complied
13	Not complied	Complied
14	Complied	Complied
15	Partially complied	Complied
16	Complied	Complied
17	Being Complied	Complied
18, 19, 20	Complied	Complied
Out of 28 directions from TNPCB, 27 Nos completed and one job is in progress and will be completed by Dec 2022.		
<i>Compliance status on recommendations suggested by the committee for not complying with AAQ standards and exceeding the discharge norms of source emission from utility boiler.</i>		
Committee recommendations	Remarks of the TNPCB as on 09.04.2022	MFL's Status as on 21.07.2022
i	Being Complied	Complied
ii	Complied	Complied
iii	Complied	Complied
iv	Complied	Complied
v	Complied	Complied
vi	Not Complied	Job in progress
vii	Not Complied	Complied
viii	Complied	Complied
ix	Complied	Complied
x	Complied	Complied
xi	Complied	Complied
xii	Complied	Complied
Out of 12 directions, 11 Nos completed and 1 No. is in progress.		

Directions	Total	Completed	In Progress
TNPCB	28	27	1
Joint Committee	12	11	1
	40	38	2 (Expected to be completed by Dec 2022)

From the above, it is clear that MFL has taken serious and necessary steps to comply with the directions of TNPCB and Joint Committee. As on date, MFL has completed 95% of the directions (38 out of 40) and we assure that the remaining directions also are in progress and will be completed by Dec 2022.

In spite of various efforts taken by MFL to comply with TNPCB directions and regularly updating them about the progress, TNPCB vide Lr No. T1/TNPCB/LAW/LAIII/NGT/F.9329/2020/2021 dated 21.12.2021, issued a show cause notice to impose an environmental compensation of Rs 96, 30,000 stating that all the CAAQMS were not in line and CEMS were not installed in common stack of Boilers with a capacity of 55 Tons/hr and for the reasons of exceedance of Emission Norms during the period 26.08.2020 to 28.03.2021 (**Annexure 5, Page 3, marked as `A`**)

In reply, we have clarified TNPCB vide MFL Lr dt 04.01.2022 (**Annexure 4**) as follows:

- i) Though CAAQMS were not functioning fully during the said non-compliance period (18.11.2020 to 28.03.2021), the classical surveys by the third party external agencies were taken up for the same period (18.11.2020 to 28.03.2021) which shows that the norms were met
- ii) Similarly, though CEMS was not in place in Utility Boiler, the emission levels were classically monitored periodically. Emission Survey by external MoEF approved agency taken up for the period (18.11.2020 to 28.03.2021) was also within TNPCB norms.

From the above, it evident that though on line system were not in line fully, all the parameters were kept under control thru manual records prepared by the third party external agency. It is also clear that none of the parameters exceeded the norms and there is no detrimental impact to the environment.

It is pertinent to mention here that we have already made a payment of Rs 1 Crore towards interim compensation charges with a protest on Feb 17, 2020.

It is noteworthy to mention here that MFL has taken continuous efforts and spent about 10 Crores since 2018 towards implementing various directives of TNPCB either new installations or restoration of the existing ones amidst huge financial crisis and administrative constraints. This shows that MFL will always strives to comply with all the directions from TNPCB and we assure that we will take all steps to protect and preserve the Environment according to the Law of this Land.

In view of the above facts and figures, we humbly request the Hon1ble NGT that the proposed environmental compensation may please be dropped.

Annexure-1

Dgmprodn

From: "TAMILSELVAN_DGM" <dgmts@madrasfert.co.in>
Date: 21 July 2022 09:03
To: "VENKATESH DAVEY" <daveyproducts@gmail.com>
Cc: "cmd office" <cmdoffice3@gmail.com>
Subject: Delay in Commissioning of Dedicated RO Plant

M/s Davey products**Sub: Delay in Commissioning of Dedicated RO Plant**

There is no progress in the field for commissioning of the plant since Dec 2021 in spite of repeated reminder request from MFL. Hence, you were called for the discussions on 19.07.2022 wherein the decisions of MFL were clearly explained as detailed below:

M/s Davey Claim	M/s MFL Reply
Advance amount of Rs 30 Lacs (which was received from MFL prior to Bill submission) deducted in the latest bill (Dec 2021) to be returned.	Advance is given to you against the materials already supplied to MFL, as per your request to support you financially to continue the work, before the bill is submitted. Later the advance amount of Rs 30 Lacs was adjusted against the bill submitted per procedure, hence it cannot be returned.
The deducted SD Amount of ₹13,16,190/- from latest bill to be returned	You have to submit SD as per NIT (Annexure 7 Clause 1.1 to 1.7). The validity of BG submitted by you against SD is expired and not extended further. Hence, SD amount is deducted which cannot be returned. However, we assure that the withheld amount will be returned on submission of valid BG or after completing the project per NIT.
The deducted LD Amount of ₹21,93,650/- from latest bill to be returned	Since the project is delayed beyond the delivery schedule per NIT, the request of returning LD cannot be considered per NIT.

As on date, the pending amount of Rs 43 Lacs towards 10% of the supply cost and Rs 8.26 lacs towards commissioning charges are with MFL which will be paid to you on completion of the commissioning activities per NIT terms.

Due to delay in commissioning of Dedicated RO plant for CW Blow down Treatment, MFL is incurring the following losses and has encountered the following difficulties:

- 1 Defeating the purpose to maximize reuse of CWBD water which led to the water loss of 2400 KLPD (Loss to MFL @ Rs.57.60 Lacs/month)

- 2 Reduction in CW chloride content in cooling water could not be achieved leading to corrosion issues in heat exchangers
- 3 Increase of CW cycles of concentration and reduction of CW chemical cost could not be attained. Hence make up water cost and CW chemicals cost continue to remain very high (Loss to MFL @ Rs.31 Lacs/Month).
- 4 MFL is not able to abide by the statutory rules and regulations enforced by TNPCB. Noncompliance has led to payment of huge penalty imposed by National Green Tribunal to the tune of 1 Crore.

Hence, we request you to commence the commissioning activities on or before July 31, 2022 to avoid further delay.

If the commissioning activities are not taken up by M/s Davey on or before 31.07.2022, MFL will be forced to terminate your contract and to and get the work done with an alternate arrangement at the risk and cost of the M/s Davey Products and also to recover the losses, damages, expenses or costs that may be suffered or incurred by MFL, as per Annexure - 9 Clause -9 of NIT terms & conditions.

For Madras Fertilizers Limited

S THAMIL SELVAN

DGM-Technical Services (a/c)







Innovated by



ARUVI SOLAR
ENTERPRISES PVT LTD
8925052709 / 9962519709
GSTIN : 33AAVCA9684G1ZF

Organized By:



Tamilnadu Pollution Control Board

Sponsored By:



MADRAS
FERTILIZERS
LIMITED



SAY NO
TO PLASTIC

SAY NO TO SINGLE USE PLASTIC

website : www.aruvisolar.com



मद्रास फ़र्टिलाइज़र्स लिमिटेड Madras Fertilizers Limited

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

पोस्ट बैग सं. 2, मणालि, 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

Annexure - 4



04 January 2022

Lr No: MFL/ENV/TNPCB/2022-1

The Chairman

Tamil Nadu Pollution Control Board
Board office
Chennai 600 032

Sir,

Sub: Request for waiver of Environmental compensation

Ref: Your letter Proc. No. T1/TNPCB/LAW/LAIII/NGT/F.9329/2020/2021 dated 21.12.2021

We are in receipt of your notification referred above on 24.12.2021 in connection with the SUO MOTO case filed by Hon'ble NGT in O.A. No 70/2020 (SZ) dated 19.05.2020, 11.06.2021 & 08.07.2021 directing MFL to show cause within 15 days 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 letter.

Vide the above referred letter, environmental compensation was assessed for the period from 18.11.2020 to 28.03.2021.

In this regard, we are furnishing our clarifications as detailed below:

Though CAAQMS were not functioning fully during the said non-compliance period (18.11.2020 to 28.03.2021), the classical surveys by the third party external agencies were taken up for the same period (18.11.2020 to 28.03.2021) which shows that the norms were met (Annexure 1)

Similarly, though CEMS was not in place in Utility Boiler, the emission levels were classically monitored periodically. Emission Survey by external MoEF approved agency taken up for the period (18.11.2020 to 28.03.2021) was also within TNPCB norms (Annexure 2).

From the above, it is evident that though on line system were not in line fully, all the parameters were kept under control thru manual records prepared by the third party external agency. It is also clear that none of the parameters exceeded the norms and there is no detrimental impact to the environment.

It is pertinent to mention, we have already made a payment of Rs 1 Crore towards interim compensation charges with a protest on Feb 17, 2020 (Annexure 3)

It is noteworthy to mention here that MFL has taken continuous efforts and spent about Rs. 5 Crores since 2018 towards implementing various directives of TNPCB either new installations or restoration of the existing ones amidst huge financial crisis and administrative constraints.

H. S. S. S.

MFL always strives to comply with all the directions from TNPCB and we assure that we will take all steps to protect and preserve the Environment according to the Law of this Land.

In view of the above facts and figures established in this letter, we kindly implore that the proposed compensation may be dropped please.

Very truly yours,

Harsh Malhotra 4/1/2022
For Madras Fertilizers Limited

HARSH MALHOTRA
DIRECTOR-TECHNICAL
MADRAS FERTILIZERS LIMITED
MANALI, CHENNAI-600 068

Copy to:
Joint Chief Environmental Engineer (M), TNPCB
District Environmental Engineer, Ambattur, TNPCB.





TAMIL NADU POLLUTION CONTROL BOARD

Proc. No. T1/TNPCB/LAW/LAIII/NGT/F. 9329/2020/2021 Dated: 21.12.2021

Sub: TNPCB – M/s. Madras Fertilizers Limited, S.F.No.212 to 248, Manali Village, Thiruvottiyur Taluk, Chennai District – Hon'ble NGT order in O.A.No.70 of 2020 – 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.

- Ref:**
1. SUO MOTU case filed by Hon'ble NGT in O.A.No.70 of 2020
 2. Bd. Proc. No. T1/TNPCB/F.0214AMB/RLW&A/2019, dated 20.05.2020
 3. Hon'ble NGT order dated. 19.05.2020, 11.06.2021 & 08.07.2021 in O.A.No.70 of 2020.
 4. 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
 5. JCEE(M), Lr. No. F.217/NGT cases/JCEE(M)/TNPCB/CHN.ZONE/2021, Dated: 18.08.2021, 19.08.2021, 15.09.2021 & 22.11.2021

Whereas, the Hon'ble NGT on its own motion has taken up the case as Suo Motu in O.A.No.70 of 2020 based on the news published in the New Indian Express, Chennai Edition dated 16.05.2020 under the caption "Ammonia leak from Madras Fertilizers Limited Worries residents in Chennai's Manali".

Whereas, the Board had issued certain directions to the unit M/s. Madras Fertilizers Limited, S.F.No.212 to 248, Manali Village, Thiruvottiyur Taluk, Chennai District vide reference 2nd cited for strict compliance of conditions as stated therein.

Whereas, in due compliance of the Hon'ble NGT order dated. 19.05.2020 in O.A.No.70 of 2020, the joint committee has inspected the area in question on 17.11.2020 and furnished report dt. 24.11.2020 before Hon'ble NGT with one of the suggestions that 'TNPCB may also be asked to impose the interim environmental compensation of Rs.37,35,000/- calculated by the Committee for 83 days (from 26.08.2020 to 17.11.2020) and thereon, each day Rs.45,000/- until fully compliance of norms/closure direction.

Whereas, in compliance of the Hon'ble NGT order dated 08.07.2021, the area in question was inspected by the TNPCB officials on 03.08.2021 and observed that some of the conditions stipulated in the directions issued vide Board's Proc. dated 20.05.2020 and the Joint Committee recommendations are not complied by the unit.

Whereas, the unit has not furnished any AAQ/stack emission monitoring survey report conducted either through TNPCB Lab or any other approved labs till 28.03.2021 for verifying the compliance of emission norms. However, in the matter of O.A. No. 256/2020, the NGT (SZ), Chennai has directed the six industries in Manali area to verify the compliance of AAQ as well as source emission, in which the said unit is also one of the industry, where monitoring was carried out during 29.03.2021 to 31.03.2021 by the approved Laboratory as directed by the Joint Committee and the report of analysis shows that the source emission of utility boiler and the AAQ/Stack Emission Monitoring survey are meeting the prescribed standards.

Whereas, Environmental Compensation for further period from 18.11.2020 to 28.03.2021 was assessed for the following violations,

- The unit had installed 4 additional CAAQMS and connected to CAC only after 28.2.2021. Only one CAAQMS was under operation, that too in upwind direction.
- Though the unit has installed CEMS to the process/utility stacks such as NPK train, Ammonia prill tower and Boiler (110T/hr) and connected to Care Air Centre, CEMS were not installed for the common stack attached to the boilers (55 T/hr capacity each) and connected to Care Air Centre.

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.



TAMIL NADU POLLUTION CONTROL BOARD

Whereas, it is evident that the unit has caused environmental damages by not complying with the emission norms. Therefore, coming under the case (a) & (e) as per the CPCB Methodology for assessing Environmental Compensation.

Whereas, the unit has completed or taking continuous steps to complete the works for majority of the measures suggested for controlling water pollution and hence the environmental compensation was calculated for the exceedance of emission norms.

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 = 214 (from date of monitoring 26.08.2020 by IIT, Chennai till the prior date of the subsequent AAQ/Stack Emission Monitoring Survey conducted dt.28.03.2021 for the non-compliance of emission norms)

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.

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.

J. Srinivasan
21/12/24
For Chairman

R. Srinivasan
21/12/24

No. 76, MOUNT SALAI, GUINDY, CHENNAI - 600 032.

Telephone : 22353134 to 141, Fax : 044-22353068

Email : tnpcb-chn@gov.in Web : www.tnpcb.gov.in

To

Handwritten: 024/12/2024
The Director,
M/s. Madras Fertilizers Limited,
✓ S.F.No.212 to 248, Manali Village,
Thiruvottiyur Taluk,
Chennai District - 6000 68

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.