

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
AT CHENNAI

Appeal No. 77 OF 2022 (SZ)

M/s. Varalakshmi Starch Industries (P) Ltd.,

...Appellant

AND

Tamil Nadu Pollution Control Board
And others.

...Respondents

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Dated at Chennai on this the 1st day of February, 2023.



Counsel for Appellant

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
AT CHENNAI
Appeal No. 77 OF 2022

M/s. Varalakshmi Starch Industries (P) Ltd.,

Rep. by its Director A. Vinoth Kumar

Having its office at:

"Varalakshmi Tower"

No.127/1, 2nd floor,

Gandhi Road,

Salem- 636 007.

...Appellant

AND

Tamil Nadu Pollution Control Board

Rep. by its Chairperson

76, Anna Salai, Guindy Industrial Estate,

Guindy,

Chennai – 600032 & Ors.,

...Respondents

AFFIDAVIT ON BEHALF OF THE APPELLANT

I, A. Vinoth Kumar, Son of V.Anbalagan, Hindu, aged about 36years, having office at "Varalakshmi Tower", 2nd Floor, 127/1 Gandhi Road, Hasthampatty, Salem – 636 007, now temporarily come down to Chennai do hereby solemnly affirm and state as under: -

1. I am one of the Directors of the Appellant herein and as such fully acquainted with the facts and circumstances of the present case. I am filing this affidavit of the Appellant Company.
2. It is submitted that in the above Appeal, this Hon'ble Tribunal on 03.02.2023 ordered as follows:

" ...2. It appears that the issue can be resolved by complying with the directions issued by the Pollution Control Board. Wherever there is any difficulty, it is for the appellant to meet the Pollution Control Board and take appropriate instructions and file an affidavit stating the compliance

For Varalakshmi Starch Industries (P) Ltd


(A. VINOTHKUMAR)
Director

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to be complied with particulars and the time frame within which the same could be done. If the said affidavit is filed in compliance of the Pollution Control Board's requirements, the same would be recorded and closed. "

3. It is submitted that pursuant to the order of this Hon'ble Tribunal, the 1st respondent in its proceedings No. TNPCB/T2/F.025102/Directions/Water/2023 dated 16/02/2023 directed the Appellant herein to comply with certain requirements. It is submitted that the Appellant herein on 02.03.2023 submitted a reply to the 1st respondent herein on the directions issued on 16.02.2023.
4. It is submitted that the Appellant herein is submitting this affidavit in compliance/to comply with the directions of the 1st Respondent dated 16.02.2023 in the following manner:

	DIRECTIONS ISSUED	STAGE OF COMPLIANCE/TIME FRAME FOR COMPLIANCE
1.	The unit shall furnish a time bound action plan for completing the ETP revamping works, so as to satisfy the treated effluent standards as prescribed by the Board <u>within a month's time</u>	The appellant has revamped the ETP and enclosed photographs of the same from Pg.Nos.123 to 126 along with the rejoinder to the reply of the respondents dated 31.01.2023. The TNPCB's ROAs (test reports) of the last 3 samples drawn in the months of Aug 2022, Sep 2022 and Jan 2023 are "WITHIN THE STANDARDS PRESCRIBED FOR DISCHARGE IN OWN LAND FOR IRRIGATION" which reveals that our ETP is sufficient to satisfy the treated effluent Standards provided under TNPCB guidelines and The Environment

For Varalakshmi Starch Industries (P) Ltd

(A. VINOTHKUMAR)
Director

2.	<p>The unit shall furnish a time bound action plan to replace all the Seemai Karuvelam trees in the premises with the native plant species as recommended by the Agriculture Department along with the proposal for safe disposal of entire quantity of treated effluent with adequate green belt area <u>within 15 days</u>.</p>	<p>(Protection) Rules, 1986.</p> <p>TNPCB in its consent order dated 29.06.2007 imposed special conditions to discharge the trade effluents - 5,00,100 litres/day from gardening within the premises and for irrigation. Therefore, the appellant had planted Seemaikaruvelam trees in 38 Acres of its own land and the trees are around 15 years old well grown trees numbering around 500 trees per hectare which consumes the entire treated trade effluents being discharged as prescribed by the TNPCB. These trees are being used for completely consuming the treated wastewater discharged within the greenbelt area. These trees are also drought tolerant (required to survive during off-season period when water is not generated) which is a necessity as the Appellant being an agriculture based seasonal Industry does not operate throughout the Year.</p> <p>Further, if these trees are cut at a stretch, then the treated water will not get consumed leading to violation of the consent order. Hence, we, may be permitted to remove Seemaikaruvelam trees in a phased manner i.e., 5 acres</p>
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For Varalakshmi Starch Industries (P) Ltd

(A. VINOTHKUMAR)
Director

		per annum by planting native plant species recommended by the Agricultural Department which would withstand dry season/non-operation seasons in the mean time.
3.	The unit shall furnish the layout of the premises marking the green area that are being maintained for utilisation of treated effluent along with the plantation details such as number of plants, name of the plant species, plantation area etc., <u>within 15 days</u>	The layout of our entire premises with Green Belt area being maintained for the utilisation of treated effluent is enclosed herewith. Around 500 Seemaikaruvelam trees per hectare and out of which about 100 trees are with creepers. The total area in which Seemaikaruvelam trees and creepers are about 16 Hectares.
4.	The unit shall cover the storage area of wet Tapioca Thippi by providing a shed <u>within a month's time.</u>	As of now, the Tapioca crushing season has just finished. Wet Thippi stock is in the yard (storage area). It is now being gradually removed for sun drying and the Yard will become empty by June 2023. After that, we will commence and complete the roofing works before the next rainy season; i.e.. within 31/10/2023.
5.	The unit shall conduct Water and Wastewater audit through reputed institution like Anna University,	The project has been assigned to reputed Anna University, Chennai and their fees of Rs.8.18 lakhs has also been paid on 1 st October 2022 itself. Initially,

For Varalakshmi Starch Industries (P) Ltd

(A. VINOTHKUMAR)
Director

<p>Chennai/IIT Madras and furnish report to the Board. The time bound action plan for the same shall be furnished <u>within a month's time</u>, as the unit has made payments to The Anna University, Chennai to carry out ETP adequacy study only and not for the Water and Wastewater audit as directed by The Board vide proceeding dated 17.10.22.</p>	<p>until the latest board directions dated 16/02/23, we were under the impression that Adequacy report is comprised of Water & Wastewater report. Hence immediately on receipt of The Board Directions dated 16/02/2023, we have discussed with the Anna University and they too have obliged to include audit of Water & Wastewater with the already commenced study. A team consisting of four Technical persons from Anna University Centre for Environmental Studies Department visited our unit on 24/02/2023 and throughout the day conducted a detailed study including equipments and its measurements, mass balance etc., collected samples at all levels of Treatment and have also captured photos and videos, wherever necessary. Continuous work is in progress.</p> <p>Since the work involves Anna University too, we are unable to provide a time bound action plan for the completion of the work.</p>
<p>6. The unit shall conduct Groundwater quality study through reputed institution like Anna University, Chennai/ IIT Madras in the</p>	<p>Upon receipt of the Board directions dated 16/02/2023, we have requested Anna University to conduct ground water quality study and have vide our email and work order dated 27/02/2023, we</p>

For Varalakshmi Starch Industries (P) Ltd

(A. VINOTHKUMAR)
Director

	green belt areas that are being maintained utilizing the treated effluent and furnish the report to The Board <u>within a month's time.</u>	have asked them to provide us their offer. They have agreed to conduct the study and provide us the report on Ground Water quality. Upon receipt of the same, immediately we will furnish it to The Board.
7.	The unit shall provide adequate piezometric (monitoring) wells in the green belt area to monitor the groundwater quality and furnish the report to The TNPCB regularly in view of repeated complaint received. An action plan shall be submitted <u>within a month's time.</u>	As directed by The Board, we will provide the monitoring wells in our Green Belt area, within April 2023.
8.	The unit shall stop discharging treated /untreated trade effluent through the outfall located near ETP area into the Peeniyar canal immediately and shall ensure that there is no access for the treated /untreated trade effluent to nearby water bodies, outside the premises either directly and indirectly. The action	At no point of time, we are letting out our Raw Effluent and Treated effluent into any canal or water bodies. The outfall being pointed out is actually a Storm Water drain. Our Effluent is not a waste product. It is a valuable by-product for producing Bio-gas. It is 100% utilised and we will never release it in any canal or water bodies. During heavy rains, once our Rainwater Harvesting Pond gets completely filled, the excess rain water passes into the Jungle Stream as

For Varalakshmi Starch Industries (P) Ltd

(A. VINOTHKUMAR)
Director

	taken in this regard shall be reported to The Board <u>within a week's time.</u>	the rain water cannot be allowed to mix with waste water, as per the TNPCB norms.
9.	The unit shall dewater the stagnation of water in the pit provided for the proposed anaerobic reactors <u>immediately</u> and shall maintain the sludge drying beds properly and shall report to The Board <u>within a week's time.</u>	The rainwater stagnated in the pit of the proposed anaerobic reactors during the monsoon period is being continuously dewatered. The 5 nos. of sludge drying beds are also being properly maintained.
10.	The unit shall check the stability of the ETP, by engaging reputed institution like Anna University, Chennai / IIT Madras and furnish the report to the TNPCB <u>within a month's time.</u>	Upon receipt of the Board directions dated 16/02/23, for getting the report on the Stability of our ETP, we have approached the Anna University vide our email and work order dated 27/02/23 and have asked them to provide us their offer. They have agreed to conduct the study and provide us the ETP Stability report Upon receipt of the same, immediately we will furnish it to The Board. Since checking and reporting lies with Anna University, we are unable to confirm the duration.
11.	The unit shall install / maintain Electro Magnetic	Electro Magnetic Flow Meters, one in the Raw Effluent Feeding line and

	<p>Flow meter with computer recording arrangement at the inlet and outlet of the ETP <u>within a month's time</u> and shall furnish monthly report to The Board.</p>	<p>another one for outlet are already available. Manual recording is being done. Since this being a new direction, Installation works for enabling computer recording is on-going and will be commissioned in about a months' time.</p>
12.	<p>In order to ensure the compliance of the above directions 1 to 11, the unit shall furnish a Bank Guarantee for Rs.50 Lakhs valid for one year to the TNPCB within a month's time (Format enclosed)</p>	<p>The Board insisting the industry for Furnishing Bank Guarantee, is to ensure installation of Pollution control measures within the time schedule, as per the above.</p> <p>Since already, we ourselves have voluntarily invested a huge sum of around Rs.420 lakhs in setting up of Secondary Treatment Plant for ensuring zero defect treatment, which is up to date latest technology, from our own source from capital reserves, as we could not obtain financial assistance from our Bank due to non-holding of valid consent order. The basis for asking us to furnish Bank Guarantee is to ensure that we make timely necessary investments to ensure the treated effluents meet the PCB standards. The Board insists the industries to furnish bank guarantee to ensure that we will install pollution control measures within the time schedule as assured. But in our</p>

For Varalakshmi Starch Industries (P) Ltd

(A. VINOTHKUMAR)
Director

		<p>case, when we have already completed the investments, the need for Bank guarantee which is an additional burden on the industry as a tool to pressurize us is not required.</p> <p><i>We are submitting proof for payment of 420 Lakhs towards purchase of Secondary treatment Plant is enclosed herewith.</i></p> <p>Hence, this direction for furnishing Bank Guarantee may be waived.</p>
13.	<p>The unit shall ensure the Compliance of all the above said conditions and furnish the compliance report to The Board so as to examine the issue of renewal of consent to the unit.</p>	<p>We have already revamped our ETP and the same can be ascertained from the PCB Lab ROAs since August 2022 itself.</p> <p>We have never discharged trade effluents into the channel. Moreover the trade effluent is a valuable by-product for production of valuable Biogas.</p> <p>Now we had herewith has enclosed the layout of our entire premises marking the Green Belt area. We will complete construction of Thippi Shed roofing before 31/10/23.</p> <p>We will provide monitoring wells in a months' time. The present Electro Flow Meter readings will be computerised upon completion of the on-going process of Membrane reactors –operations.</p> <p>We will fully co-operate and get the audit</p>

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		<p>and study reports of 1. Water & Wastewater, 2. Ground Water Quality and 3. ETP Stability done through Anna University at the earliest.</p> <p>We request to waive the Bank Guarantee 'based on the' invested Rs.420 lakhs instead of this Rs.50 lakhs.</p> <p>Thus, we have ensured to comply by all the directions issued by The Board.</p>
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5. It is submitted that the Appellant unit which is in operation for the past over 25 years by strictly following the norms of the Pollution Control Board and without any kind of complaints against it. It is submitted that unfortunately when the appellant approached the respondents for renewal of consent, different kinds of directions are being issued from time to time.
6. It is submitted that standards for land irrigation prescribed for Discharge of Trade Effluent (TNPCB guidelines TNPCB B.P. Ms. No. 30 Dated: 21.02.1984) and The Environment (Protection) Rules, 1986, for Total Suspended Solid (TSS) is 200 mg/L, max, Biochemical Oxygen Demand (BOD) is 100 mg/L max, Chemical Oxygen Demand (COD) – Nil, Total Dissolved Solids (TDS) – 2100 mg/L, max. Whereas, whileso, the 1st respondent in its Consent Order No. 2005130094389 dated 02/03/2020 prescribed different standards for the appellant viz., Total Suspended Solid (TSS) is 100 mg/L, max, Biochemical Oxygen Demand (BOD) is 30 mg/L max, Chemical Oxygen Demand (COD) – 250. The appellant pray that the Hon'ble Tribunal, to direct the 1st respondent to prescribed standards by following its guidelines dated 21.02.1984 and Environmental (Protection) Rules, 1986 while issuing renewal of consent.

For Varalakshmi Starch Industries (P) Ltd

(A. VINOTHKUMAR)
Director

Therefore, it is humbly prayed that this Hon'ble Tribunal may be pleased to record this Affidavit and further direct the respondents to renew the order of consent by following its guidelines dated 21.02.1984 and Environmental (Protection) Rules, 1986 and thus render justice.

For Varalakshmi Starch Industries (P) Ltd

(A. VINOTHKUMAR)

Director

BEFORE ME

Solemnly affirmed at Chennai

On this the 9th day of March,

2023 and signed his name

In my presence.

P.S. Pradh
7/32/10

ADVOCATE, CHENNAI

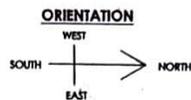
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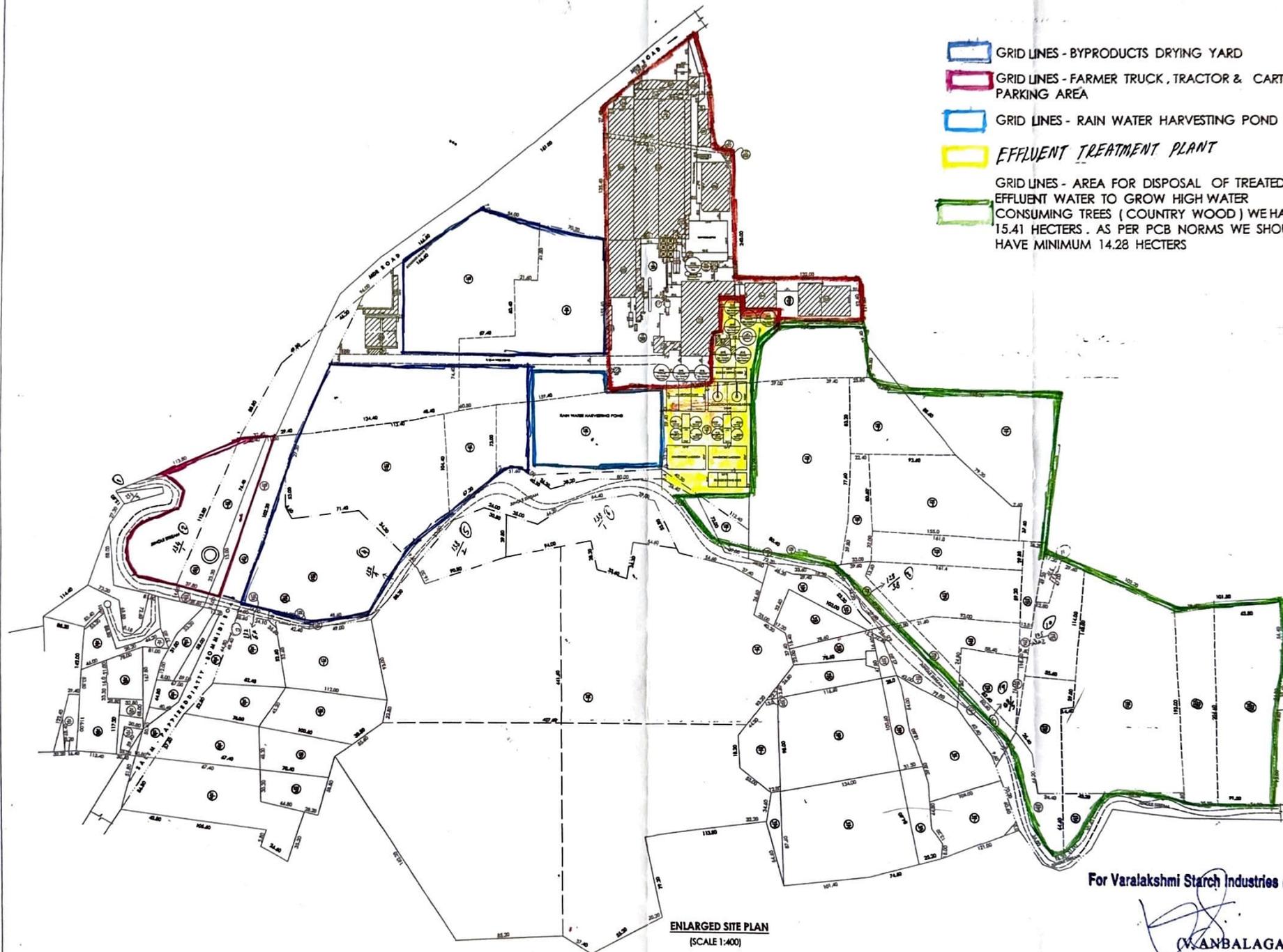
CH 104.

**VARALAKSHMI STARCH INDUSTRIES (P) LTD.,
PAPPIREDDIPATTY TALUK,
PAPPIREDDIPATTY VILLAGE & ALAMELUPURAM VILLAGE,
DHARMAPURI DISTRICT.**



LEGEND:

- BOUNDARY MARKED - ENTIRE INDUSTRY
- GRID LINES - BYPRODUCTS DRYING YARD
- GRID LINES - FARMER TRUCK, TRACTOR & CART PARKING AREA
- GRID LINES - RAIN WATER HARVESTING POND
- EFFLUENT TREATMENT PLANT
- GRID LINES - AREA FOR DISPOSAL OF TREATED EFFLUENT WATER TO GROW HIGH WATER CONSUMING TREES (COUNTRY WOOD) WE HAVE 15.41 HECTERS. AS PER PCB NORMS WE SHOULD HAVE MINIMUM 14.28 HECTERS



ENLARGED SITE PLAN
(SCALE 1:400)

For Varalakshmi Starch Industries (P) Ltd

(M. ANBALAGAN)
Managing Director



TAMILNADU POLLUTION CONTROL BOARD

Proceeding No.: TNPCB / T2 / F.025102 / Directions / Water / 2023 , dated:

16.02.2023

- Sub.** TNPCB – Industries – M/s. Varalakshmi Starch Industries Pvt. Ltd, S.F.No. 75 pt, 77 pt, 78 pt, 168 pt of Pappireddipatti & 121pt, 125pt, 128 -132 pt, 138 pt of Alamelupuram Village, Pappireddipatti Taluk, Dharmapuri District – Directions issued under Section 33A of the Water (P&CP) Act, 1974 as amended – Regarding.
- Ref.**
1. Proceeding No.: TNPCB / T2 / F.025102 / Directions / Water / 2022 , dated: 17.10.2022
 2. Proceeding No.: TNPCB / T2 / F.025102 / DMP / Closure / Water / 2022, dated: 08.11.2022
 3. The Hon'ble NGT order dated 09.12.2022 in Appeal No. 77 of 2022.
 4. Report of the Board Senior Officials committee, dated 03.01.2022.
 5. The Hon'ble NGT order dated 03.02.2023 in Appeal No. 77 of 2022.

Whereas, direction has been issued to the unit M/s. Varalakshmi Starch Industries Pvt. Ltd, S.F.No. 75 pt, 77 pt, 78 pt, 168 pt of Pappireddipatti & 121pt, 125pt, 128 -132 pt, 138 pt of Alamelupuram Village, Pappireddipatti Taluk, Dharmapuri District vide proceeding 1st cited to comply with certain conditions stipulated therein. Subsequently, direction for closure and disconnection of power supply was issued to the unit vide proceeding 2nd cited for not complying with any of the direction issued to the unit vide proceeding 1st cited.

Whereas, during the Hon'ble Legislative Assembly Petition Committee meeting held on 09.11.2022, complaint petition no. 6988 received against the unit was reviewed. In this regard based on the Hon'ble Legislative Assembly Petition Committee's direction, the District Collector, Dharmapuri vide proceeding dated 15.11.2022 formed a committee to inspect the unit under the Chairmanship of the District Revenue Officer and 11 other members comprising the officials of the Agriculture Department, Public Works Department, WRO Division and Ground Water Division, Survey department, Fisheries Department, Industry safety and Health, TWAD Board, Food Safety Department, Tamil Nadu Pollution Control Board and Department of Health and Welfare. The Petition Committee headed by the District Revenue Officer inspected the unit on 30.11.2022.

Whereas, the Petition Committee inspection report, dated 23.01.2023 states that, 7 out of 11 Departments inspected the unit confirms the violations in unit's operations.

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Whereas, the unit filed an Appeal before the Hon'ble National Green Tribunal, Southern Zone, vide Appeal No. 77 of 2022. The Hon'ble NGT vide order 3rd cited issued interim stay for the closure direction issued to the unit and directed the TANGEDCO to restore power supply to the unit immediately. Based on the same, the TANGEDCO has restored power supply to the unit on 12.12.2022.

Whereas, the Board formed a committee on 07.12.2022 comprising senior officials of the TNPCB to inspect the unit to ascertain the factual status of the unit. In this regard, the committee inspected the unit on 27.12.2022 and recommended to issue direction to the unit to comply with certain conditions vide reference 4th cited.

Whereas, the Hon'ble NGT vide order 5th cited stated that the issue can be resolved by complying with the directions issued by the Board. Further, the Hon'ble NGT directed the unit to take appropriate instructions from the Board and file an affidavit stating the compliance, to be complied with particulars and the time frame.

In the light of the above, the unit M/s. Varalakshmi Starch Industries, Alamelupuram Village, Pappireddipatti Taluk, Dharmapuri District is issued with the following directions under Section 33A of Water (Prevention and Control of Pollution) Act, 1974.

1. The unit shall furnish a time bound action plan for completing the ETP revamping works, so as to satisfy the treated effluent standards as prescribed by the Board within a month's time.
2. The unit shall furnish a time bound action plan to replace all the Seemai Karuvelam trees in the premises with the native plant species as recommended by the Agriculture Department along with the proposal for safe disposal of entire quantity of treated effluent with adequate green belt area within 15 days.
3. The unit shall furnish the layout of the premises marking the green belt area that are being maintained for utilization of treated effluent along the with plantation details such as number of plants, name of the plant species, plantation area etc., within 15 days.
4. The unit shall cover the storage area of wet Tapioca Thippi by providing a shed within a month's time.
5. The unit shall conduct Water and Wastewater audit through reputed institution like Anna University, Chennai / IIT Madras and furnish report to the Board. The time bound action plan for the same shall be furnished within a month's time, as the unit has made payments to the Anna University, Chennai to carry out ETP adequacy study only and not for the Water and Wastewater audit as directed by the Board vide proceeding dated 17.10.2022.



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TAMILNADU POLLUTION CONTROL BOARD

6. The unit shall conduct ground water quality study through reputed institution like Anna University, Chennai / IIT Madras in the green belt areas that are being maintained utilizing the treated effluent and furnish the report to the Board within a month's time.
7. The unit shall provide adequate piezometric (monitoring) wells in the green belt area to monitor the ground water quality and furnish the report to the TNPCB regularly in view of repeated complaint received. An action plan shall be submitted within a month's time.
8. The unit shall stop discharging treated / untreated trade effluent through the outfall located near ETP area into the Peeniar canal immediately and shall ensure that there is no access for the treated / untreated trade effluent to nearby water bodies, outside the premises either directly and indirectly. The action taken in this regard shall be reported to the Board within a week's time.
9. The unit shall dewater the stagnation of water in the pit provided for the proposed anaerobic reactors immediately and shall maintain the sludge drying beds properly and shall report to the Board within a week's time.
10. The unit shall check the stability of the ETP, by engaging reputed institution like Anna University, Chennai / IIT Madras and furnish the report to the TNPCB within a month's time.
11. The unit shall install / maintain Electro Magnetic Flow Meter with computer recording arrangement at the inlet and outlet of the ETP within a month's time and shall furnish monthly report to the Board.
12. In order to ensure the compliance of the above directions 1 to 11, the unit shall furnish a Bank Guarantee for Rs. 50 Lakhs valid for one year to the TNPCB within a month's time (Format enclosed).
13. The unit shall ensure the compliance of all the above said conditions and furnish the compliance report to the Board so as to examine the issue of renewal of consent to the unit.

Failing to comply with the above direction, further action will be initiated against the unit on merits in accordance with law without any prior intimation.

The receipt of this proceeding shall be acknowledged.

Enclosure: As above


16/02/23
For Chairperson


16/02/23

To
The Managing Director,
M/s. Varalakshmi Starch Industries Pvt. Ltd.,
Alamelupuram Village, Pappireddipatti Taluk,
Dharmapuri District
Pin: 636 905

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Copy To

1. The Joint Chief Environmental Engineer (M),
Tamil Nadu Pollution Control Board,
Vellore Zone.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Dharmapuri.

TO BE TYPED IN Rs.100/- NON JUDICIAL STAMP PAPER

THIS DEED OF GUARANTEE made on the _____ day of _____ Two Thousand Twenty One by _____ of the one part in favour of Tamil Nadu Pollution Control Board (TNPCB) of other part.

WHEREAS M/s. _____ running an industry at _____ has approached the TNPCB for the purpose of _____ and TNPCB having agreed to consider the request of the industry of M/s. _____ under the terms and conditions put forth in the schedule enclosed hereunder.

AND WHEREAS in accordance with clause _____ of the conditions put forth in the schedule enclosed hereunder the industry M/s. _____ is desirous of furnishing a Bank Guarantee from _____ for the sum of Rs. _____ towards security deposit valid for _____ months.

AND WHEREAS at the request of the industry holder the Bank has agreed to give its guarantee as hereinafter contained. Now this deed witnesses as follows:

We (Bank name and address is to be typed here) (Herein after referred to as the Bank) do hereby undertake to pay the Board an amount not exceeding Rs. _____ (amount to be typed in figures & words) against any non-fulfillment of the conditions contained in the schedule, wholly or partly by the said industry M/s. (full address of the unit is to be type here) and we, (Bank name and address is to be typed here) do hereby undertake to pay the amount due payable under this guarantee without any demur, merely on demand from the Board stating that the amount claimed is due by non-fulfillment of the conditions in the schedule wholly or partly by the said industry. Any such demand made on the Bank shall be conclusive as regards the amount due payable by the Bank under this guarantee. However our liability under this guarantee herein contained shall remain in full force and effect during the period that would be taken for the performance of the said schedule and that it shall continue to be enforceable till all dues of the Board under the schedule have been fully performed and its claim satisfied or discharged or till the Tamil Nadu Pollution Control Board (Office / Department) certifies that the terms and conditions of the said schedule have been fully and properly carried out by the said industry and accordingly discharges the guarantee. Unless a demand or claim under the guarantee is made on us in writing on or before (date of expiry of bank guarantee to be typed here) we shall be discharged from all liability under this guarantee thereafter.

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Board shall have full liberty without our concern and without affecting in any manner our obligation hereunder to every one of the terms and conditions of the said schedule or to the extent the time of performance by the said industry from time to time or to postpone for any time or from time to time any of the powers exercised by the Board against the said industry and forbear and enforce any of the terms and conditions relating to the said schedule and we shall not be relieved of our liability by reason of any such variation, or extension being granted to the said industry or for any forbearance, act or omission on the part of the Board or any indulgence by the Board.

We (Bank name and address is to be typed here) lastly undertake not to revoke this guarantee during its currency except with the previous consent of the Board in writing.

(Banker Signature with Seal)

SCHEDULE TO THE BANK GUARANTEE NO.

M/s. Varalakshmi Starch Industries Pvt. Ltd, S.F.No. 75 pt, 77 pt, 78 pt, 168 pt of Pappireddipatti & 121pt, 125pt, 128 -132 pt, 138 pt of Alamelupuram Village, Pappireddipatti Taluk, Dharmapuri District

Name of the Industry which applied for the consent of the Board	Bank guarantee Rupees	Terms and conditions
(full address of the unit is to be typed here)	Rs.50 Lakhs.	<ol style="list-style-type: none"> 1. The unit shall furnish a time bound action plan for completing the ETP revamping works, so as to satisfy the treated effluent standards as prescribed by the Board <u>within a month's time.</u> 2. The unit shall furnish a time bound action plan to replace all the Seemai Karuvelam trees in the premises with the native plant species as recommended by the Agriculture Department along with the proposal for safe disposal of entire quantity of treated effluent with adequate green belt area <u>within 15 days.</u> 3. The unit shall furnish the layout of the premises marking the green belt area that are being maintained for utilization of treated effluent along the with plantation details such as number of plants, name of the plant species, plantation area etc., <u>within 15 days.</u> 4. The unit shall cover the storage area of wet Tapioca Thippi by providing a shed <u>within a month's time.</u> 5. The unit shall conduct Water and Wastewater audit through reputed institution like Anna University, Chennai / IIT Madras and furnish report to the Board. The time bound action plan for the same shall be furnished <u>within a month's time,</u> as the unit has made payments to the Anna University, Chennai to carry out ETP adequacy study only and not for the Water and Wastewater audit as directed by the Board vide proceeding dated 17.10.2022. 6. The unit shall conduct ground water quality study through reputed institution like Anna University, Chennai / IIT Madras in the green belt areas that are being maintained utilizing the treated effluent and furnish the report to the Board <u>within a month's time.</u> 7. The unit shall provide adequate piezometric (monitoring) wells in the green belt area to monitor the ground water quality and furnish the report to the TNPCB regularly in view of repeated compliant received. An action plan shall be

untreated trade effluent through the outfall located near ETP area into the Peeniar canal immediately and shall ensure that there is no access for the treated / untreated trade effluent to nearby water bodies, outside the premises either directly and indirectly. The action taken in this regard shall be reported to the Board within a week's time.

9. The unit shall dewater the stagnation of water in the pit provided for the proposed anaerobic reactors immediately and shall maintain the sludge drying beds properly and shall report to the Board within a week's time.
10. The unit shall check the stability of the ETP, by engaging reputed institution like Anna University, Chennai / IIT Madras and furnish the report to the TNPCB within a month's time.
11. The unit shall install / maintain Electro Magnetic Flow Meter with computer recording arrangement at the inlet and outlet of the ETP within a month's time and shall furnish monthly report to the Board.
12. In order to ensure the compliance of the above directions 1 to 11, the unit shall furnish a Bank Guarantee for Rs. 50 Lakhs valid for one year to the TNPCB. (Format enclosed)
13. The unit shall ensure the compliance of all the above said conditions and furnish the compliance report to the Board so as to examine the issue of renewal of consent to the unit.

(Banker Seal with Signature)

(Banker Name and Code Number)



VARALAKSHMI STARCH INDUSTRIES (P) LTD.

An ISO 9001 : 2008, 14001 : 2004, BS OHSAS 18001 : 2007 Certified Company



MRFS. & EXPORTERS : SUPER HIGH GRADE TAPIOCA SAGO, TAPIOCA STARCH, MAIZE STARCH & MODIFIED STARCHES

VS IPL/PCB/2022-23/498/RPAD

02/03/2023

To
The Chairperson
Tamilnadu Pollution Control Board
Chennai

Respected Madam,

Sub: Board Proceedings dated 16/02/23 received through email from The DEE, Dharmapuri- reg.,

Ref:

1. Proceeding No. TNPCB/T2/F.025102/Directions/Water/2023 dtd. 16/02/2023 received on 18/02/2023
2. Proceeding No. TNPCB/T2/F.025102/Directions/Water/2022 dtd. 17/10/2022
3. Clarification from The DEE, vide letter No.F.DMP0013/DEE/TNPCB/DMP/OL/2021 dated 22/10/2022
4. Our reply vide No.VS IPL/PCB/2022-23/343/RPAD dated 28/10/2022 for your Proceedings dated 17/10/22 sent by Registered Post and email on 29/10/2022
5. Proceeding No. TNPCB/T2/F.025102/DMP/Closure/Water/2022 dtd. 08/11/2022
6. The Hon'ble NGT order dated 03/02/2023 for our Appeal No.77 of 2022
7. and all the earlier correspondences

With reference to the above, we are in receipt of your Board Proceedings, cited in 1st reference above by email on 18/02/2023 through The DEE (A/C), Dharmapuri and would like to bring to your kind attention the following.

The Directions issued to us vide The Board proceedings dated 16/02/2023, 1st cited in our above reference, is almost the same as that of the directions, issued to us vide the Board proceedings dated 17/10/2022, 2nd cited in our above reference to which we had made our detailed point by point submissions on the slew of directions with evidence of the compliances already completed, the ongoing works for completion of some directions and submitted perfect reasons for some delays in completion of certain directions. It was submitted that in compliance with the directions for improving the performance of the current ETP that was already performing at 99% efficiency we had already voluntarily commenced installation of a Secondary Treatment Plant as an extension to the existing ETP by installing Membrane Bioreactor Plant to ensure zero-defect operation at a Project cost of around Rs.420 Lakhs, the details such as Purchase Orders (Imported & Indigenous), GST invoices, Payment transaction details, Civil construction photos etc evidencing the commencement of works 4 months prior to the proceedings dated 17/10/2022, all of which was shared vide our letter No. VS IPL/ PCB/2022-23/343/RPAD dated 28/10/2022, cited in 3rd reference, sent by

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IS : 899

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CML/-6299891



Registered Post and email through which, we had also requested the Chairperson to kindly provide us a Personal Hearing before initiating any further action.

If at all the ROAs of treated wastewater samples dated 28/10/2022 for the months of August 2022 and September 2022 stating all the Standards are within the limits and our representation along with all the relevant enclosures, photos evidencing the compliances made (which were all minor improvement measures and not serious violations) to those directions of The Board Proceedings (dated 17/10/2022), made vide our letter No. VSIPL/PCB/2022-23/343/RPAD dated 28/10/2022, cited in 4th reference, sent to The Chairperson and requesting the Chairperson to kindly provide us a Personal Hearing (PH), before taking any further decision. If at all that letter had been considered, we would have been provided with a PH wherein, we could have presented ourselves in person with all the relevant documents and shown the Photos, Videos etc., evidencing our compliances and made you recognise the facts thereby avoiding the issuance of closure order to our factory and the resulting multi-crore losses to us and our farmers supplying our raw materials (Tapioca Tubers and Maize kernels).

Though our letter 4th cited above, along with its all enclosures complying your directions dated 17/10/2022 sent by registered post and email, it has been not taken into consideration. Even in the now received proceedings of the Board dated 16/02/2023 in accordance with The Honourable NGT Order referred 5th above also, the submissions made by us vide our letter (3rd cited) has not taken onto record. Kindly now take that letter onto record. Only if that letter is being taken onto record, an amicable conclusion without damaging the industry and farmers to the issue could be obtained, without any damage to our Factory and our Farmers, to The Government Revenue, Export Business and Foreign Exchange Earnings.

Initially, it all started with TWO directions vide 1st query dated 18/10/2022 and gradually the directions had kept on increasing vide repeated queries and Board Directions. Now, in the latest Board directions dated 16/02/2023, the number of directions demanded to be complied with is 13 nos. With the hope that with this, the issue will get resolved, now, we are submitting our detailed point wise reply to the Board Directions dated 16/02/2023 as below.

1. The Board, vide Consent Order No. 2005130094389 through Proceedings No.F.0022DMP/OL/DEE/TNPCB/DMP/W/2020 dated 02/03/2020, has mandated us to discharge treated trade effluents on only own land for irrigation, but whereas the tolerance limits fixed in the latest Consent Order is for the treated trade effluent to satisfy the Standards meant for discharge in inland surface water bodies. On this, we had raised a detailed clarification citing examples of standards fixed for other similar Sago industries vide letter dated 12.12.2022 to the DEE, Dharmapuri to which a clarification is still awaited. For eg., COD is not supposed to be taken at all when wastewater is discharged in own land for irrigation. Without COD, even then also, majority reports are within the standards and only in one or two samples, with very meagre excess of less than 0.5% only is reported and that too is because of the variance in calculation methods and rounding off as per IS Standards (BIS method of testing).



Asides, The ROAs (test reports) from PCB of the last samples drawn in the months of Aug 2022 and Sep 2022 were already "WITHIN THE STANDARDS" prescribed for surface water body discharge, which reveals the fact that our ETP has improved to well satisfy The Treated Effluent Standards.

Our ETP are perfectly working to satisfy the treated effluent standards.

2. The Seema karuvelam trees in our factory are around 15 years old well grown trees. The whole grown seema karuvelam trees are consuming the entire treated wastewater, being discharged. We have planted this seema karuvelam trees, only in line with following The TNPCB's consent order issued to us in 2007 -as follows:-

The Board vide 2007 consent order No. DEE/ HSR/2555/W/DMP/2007 dt 29/06/2007, under special conditions, para no.16 has stipulated and stated that "The industry has to ensure that minimum of three varieties of trees (EUCALYPTUS, SUBABUL AND ANY OTHER SUITABLE VARIETY) are planted at the density not less than 1,000 trees per acre of land. The trees may be planted along the boundaries of the industry or industrial premises. This plantation is stipulated over and above the bulk plantation of trees in that area and maintain them."

We have planted this seema karuvelam trees, in line with the TNPCB's third option (any other suitable variety, of the above referred consent order) considering its ability to absorb more treated wastewater and drought resistant, since our Industry being a predominantly seasonally operated in which from April to August there is almost nil production and hence no water discharge. From then onwards, in the last 15 years to till date, the Seema karuvelam trees planted completely consumes the treated wastewater being discharged within our own greenbelt area of an extent of 15.41 hectares. Accordingly, this has been perfectly followed as per the relevant Acts and there is no violation of the Water Act 1974, in discharging treated wastewater which has been confirmed by your good selves (TNPCB) through your counter reply to Honourable NGT in Para No.14.

In our Unit, we have planted Seema Karuvelam trees of around 500 trees per hectare. In addition, creepers are also planted which are not countable.

Now, you are directing us to replace the entire Seema Karuvelam Trees and to plant native species as recommended by The Agriculture department and along with submit our proposal for "Safe disposal of entire quantity of treated effluent" within 15 days.

We would like to state that the new trees whatsoever species, upon immediate plantation, the baby plants would not be able to observe the entire treated wastewater load, in line with the Hydraulic load of 35 kl per hectare (500 Trees) as prescribed by The Board vide consent order. Because it takes a minimum of 5 years of growth for each plant to grow and get strengthened to observe the water load, prescribed by the Board, leading to violation of the Water Act as the 1st important compliance is to get the entire treated water consumed; without allowing to pass to Land/Ground and Public Land.

Hence considering these facts, little by little only, in a phased manner, the fully grown 15 years old Seema Karuvelam trees could be replaced. One more constrain is, now a days availability of labours/



workers for cutting the Trees with full of thorns is very difficult. Otherwise if you insist on us to remove it immediately, then where we would be able to dispose the more than 400 KL per day of treated water. We would not be able to run our Industry for 4-5 years until the new plants grow to that capacity of observing. Not running our Industry for a year, will make us lose our domestic and international customers and kill the industry permanently. So, we will take this condition to The Honourable NGT, in next hearing.

Asides, despite requesting for a copy of The Agriculture Department report earlier to the DEE of Dharmapuri, it has been denied and till date we have not been provided stating it is an internal record. Hence, kindly provide us with a copy of the Agriculture Department recommendations so that we will go through it and let you know the feasibility in planting the same and we will start the plantation without disturbing the current and regular plant operations.

3. We will furnish the layout of the premises marking the Green Belt area being maintained by us for discharging our totally Treated Effluent with extent of planting, as stipulated by the Board within the stipulated time of 15 days.
4. Tapioca Thippi is not a waste but a valuable by-product that arises during the manufacture of Tapioca Starch from Tapioca tubers. In all Sago Industries, Tapioca Thippi is generally sold in wet form to Cattle rearing farmers for use as Cattle feed or sun-dried and sold to Cattle feed manufacturers for use as ingredient in their packaged cattle feed products. Since this Tapioca thippi is sold in wet form or sun dried for sales in dry form, we have not felt the need to provide roofing in the storage shed (also it was not insisted by TNPCB in all these Years) though walls on all sides have been provided. As the period between November to March is the peak Tapioca crushing season as well as the monsoon period, August, September, March, April are lean season. Now is season ending and hence Wet Thippi gotten from the Tubers crushed since November, is in the yard. In the months of May, June & July (Summertime) it will get sun dried and sold off and thus the yard will get emptied. The fabrication work of MS Truss for roof has already started. Civil work is also completed. Only erection of Truss and roof sheet alone is pending. Due to the insistence of TNPCB, we will start laying the Roofing works from April 2023 and complete on or before 31/10/2023, before the commencement of the next Tapioca crushing season.
5. We were under the impression that conducting a study of Adequacy report will result in reporting of Water and Waste Water audit, Ground Water Quality and Stability of ETP. Only upon receipt of the Board Directions dated 16/02/2023, we came to know that both Study of Adequacy report, Water & Waste Water study report and Stability of ETP varies. Hence, upon receipt of the Board Directions dated 16/02/2023, we have sent our requisition again to Anna University vide our email and letter dated 27/02/2023 for conducting an audit of Water and Waste Water, the Ground Water Quality study and Stability of ETP etc and have requested them to send their quote/offer. Once upon receipt of the same from them in a day or two, we will make the due payments and commence the studies and submit the reports to the Board as soon as it is received from the university. (Copy of the email sent, is enclosed herewith for your ready reference)
6. As we have already mentioned in the above paragraph No.5, we have asked The Anna University to also conduct Study of Ground water quality of our green belt area and they will



simultaneously conduct the study for same along with the water and wastewater study and provide their report, for which according to their demands/charges, payments will also be done, upon receiving their demand. Once we obtain Ground Water Level Study report from The Anna University, we will furnish the same to The Board. (mail copy enclosed)

7. We will provide monitoring wells in our Green Belt area, within April 2023.
8. We would like to state that at no point of time trade effluent or even treated effluent reaches the stream as the greenbelt area has been provided with strong bunds to ensure that even during heavy non-stop monsoon rains, no flow reaches the stream from the greenbelt area. Moreover, we have sufficient greenbelt of 15.41 Hectares for disposal of treated effluent and during the various inspections conducted in our Unit and surrounding areas prior to the closure order, we have never been found or alleged to have disposed their effluents either untreated or treated into any water bodies. Even in the Board's counter reply submitted to the Honourable NGT, in Para no. 14 it is mentioned as *"The Unit was inspected by the officials of The DEE, TNPCB on 16/03/2022 and during inspection, it was observed that there was no flow of water in river Peeniyaru. Also, the Trade Effluent generated from the unit's activity was treated in the effluent treatment plant and the treated effluent was utilised for the development of Seemaikaruvelam trees. There is no direct discharge of Trade Effluent into the river"* (Copy of the Page with para14, of The PCB Counter reply is enclosed)

But nevertheless, we have further strengthened measures to ensure that there will be no flow of either treated or untreated effluent outside the Unit's premises.
9. The rainwater stagnated in the pit of the proposed anaerobic reactors during the monsoon period is being continuously dewatered. The 5 nos. of sludge drying beds are also being properly maintained.
10. Stability of ETP Study report - Subsequent to the already issued Work order to Anna University, we have placed our request vide of email and letter dated 27/02/2023, asked them to study and provide a Stability study of the ETP too. Upon receipt of their report, we will submit the same to the Board. (mail copy enclosed)
11. Electro Magnetic Flow Meters are already available and manual recording is being done. Installation works for enabling computer recording is ongoing and will be commissioned in about a months' time.
12. Bank Guarantee of Rs.50.00 lakhs - We had already completed the investment of Rs.420 lakhs for setting up the Secondary Treatment Plant consisting of Membrane Bioreactor (MBR) and have already incurred expenditures of about Rs.420 lakhs and the expenditure details with bills have been earlier submitted to TNPCB vide our letter dated 21/11/2022 and your officials have also taken photos & videos and inspected the records pertaining to the investment and confirmed the investments made. We have made such no-profit making investment of Rs.420 lakhs, as capital investment for Secondary Treatment MBR Plant for strictly adhering to the TNPCB Consent Order Conditions and Acts. This expenditure for all these is borne out of the funds arranged by the



Company without financial assistance from Scheduled Banks as Banks are not forthcoming to provide financial assistance or Bank guarantees or any form of assistance to industries without valid consent orders from TNPCB.

We ourselves have already voluntarily made Rs.420 lakhs investment towards our new Secondary Treatment Plant, which is 8 times of the Bank Guarantee of Rs.0.50 Crore, being demanded from the Board, for revamping our ETP. Hence, we request you to kindly waive of the Bank Guarantee clause that was requested from us without being aware of the investments that we have already made as it will be a huge additional burden in addition to Rs.420 lakhs and end up in additional financial crux and burden for running the industry due to loss of working capital. The basis for asking us to furnish Bank Guarantee is to ensure that we make timely necessary investments to ensure the treated effluents meets the PCB standards. The Board insists the industries to furnish bank guarantee to ensure that we will install pollution control measures within the time schedule as assured. But in our case, when we have already completed the investments, the need for Bank guarantee which is an additional burden on the industry as a tool to pressurize us is not required and therefore request you to kindly waive off this condition based on our above submissions.

All the above directions are given as for more improvement measures of our Unit. These suggestions are being given to better The Management and Hygiene conditions of the plant only and not on any violation of the any act. Most of these conditions are already complied with, and the rest smaller things too will get complied within a short span of duration.

Post issuance of the closure order dated 08/11/2022, total power supply was abruptly disconnected when the unit was in operation and consequently our ETP operation was also abruptly stopped disturbing the biologically treatment and loss of Bacteria in our ETP. After, Interim Stay was granted by this Hon'ble Tribunal, the Power was reconnected to the Unit on 12/12/2022. As the Effluent Treatment Plant in our unit is completely a Biological process comprising of Anaerobic Digesters and Lagoons (a process through which bacteria break down organic matter in the trade effluent in the absence of oxygen to produce Biogas) and Aeration (a process of adding air into wastewater to allow aerobic biodegradation of the organic materials using activated sludge process), both of which requires for growth and multiplication of bacteria to treat the trade effluent. As the Unit was put back into operation after 35 days due to the Closure order of TNPCB, the old stagnant treated effluent in the ETP were removed and fresh trade effluent from the production unit which acts as a food to Anaerobic and Aerobic bacteria were gradually fed, filled up and treated in the ETP taking number of days for the ETP to startup and reach stability. As such during the inspection of the committee of TNPCB on 27/12/2022, the plant was in operation only for the then past 13 days and the Effluent was being progressively treated in each process of the ETP and had not reached its final disposal point which has been observed and reported by the Committee. Now our ETP has completely stabilized, so we request you to now make an inspection of the ETP.

Taking the above on record and by going through the ROAs of August 2022, September 2022 in which it is stated as "Well within Standards of all parameters", we request the Board to kindly issue us the Consent Renewal Orders, as all these directions are already complied by us. Last two months test reports (ROAs) are confirming the standards as per TNPCB.



Now, we are in a position to apply for the subsequent renewals too as we are supposed to apply for renewals of Consent Orders ONE MONTH prior to the validity. We are ready to pay and apply for the subsequent renewals of The Consent Orders for further 10 years.

Please give a Personal hearing before taking any decision against our factory in this regard and give us the Date of PH before the next NGT hearing date.

Kindly acknowledge receipt of this letter.

Thanking you

Yours Faithfully,
For VARALAKSHMI STARCH INDUSTRIES (P) LTD.,

(A. Vinothkumar)
Director

Enclosures:

1. Copy of the Letter sent to Anna University by mail and RPAD on 27/02/2023
2. Copy of Para no.14 of The TNPCB Counter Reply to The Honourable NGT

Copy To : 1) The Member Secretary, TNPCB, Chennai
2) The JCEE (Ms.Sarasavani), TNPCB, Chennai
3) The DEE, TNPCB, Dharmapuri

Effluent Treatment Plant (As per TNPCB Consent Order)

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ETP – HUSMAR Anaerobic Digesters- 6 Nos.with Biogas Holder



ETP – Aeration Systems - Diffuser – 4 Nos.



ETP – Surface Aeration – 4 Nos.



ETP – Clarifier for Sludge Remover (Separator)



ETP – Sludge Drying Beds



ETP – Anaerobic Lagoons – 2 Nos.

Even in the partial process, the waste water contains organic waste, cows are able to drink the water

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Being a green belt area, cows are grazing. Due to perfect treatment grasses are grown well and cows desire to eat. If not treated properly then the grasses get dry up.





THIS IS THIPPI YARD. WET THIPPI WILL BE DRIED IN ANOTHER TWO MONTHS. BEFORE THAT ERECTION OF ROOF TRUS & ROOF SHEET IS NOT POSSIBLE. SO, BEFORE THE FORTHCOMING RAINY SEASON, ROOF WORK WILL BE COMPLETED

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

Appeal No. 77 of 2022 (SZ)

M/s. Varalakshmi Starch Industries (P) Ltd.,
Rep. by its Director A. Vinoth Kumar
Having its office at:
"Varalakshmi Tower"
No.127/1, 2nd floor,
Gandhi Road,
Salem- 636 007.

...Appellant

AND

Tamil Nadu Pollution Control Board
Rep. by its Chairperson
76, Anna Salai, Guindy Industrial Estate,
Guindy,
Chennai – 600032.
And 3 others.

...Respondents

AFFIDAVIT ALONG WITH ANNEXURES

M/s. K.INDU PRIYA (E.No.1385/13)
K.R.NISHANTH (E.No.708/14)
S.SATCHITHANANTHAM(E.No.7267/21)
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