BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONAL BENCH, CHENNAI

Appeal No.01 of 2024 (SZ)

Appellant	:::	Prathapan K.R., Alappuzha
	Vs.	
Respondents	:::	Kerala State Pollution Control Board Through the Member Secretary Kerala and Others.

ADDITIONAL REPORT FILED ON BEHALF OF THE 1st RESPONDENT, ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD

STANDING COUNSEL FOR THE 1st RESPONDENT

Rema Smrithi V.K.,
Additional Standing Counsel,
National Green Tribunal, CHENNAI

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONAL BENCH, CHENNAI

Appeal No.01 of 2024 (SZ)

Petitioner	:::	Prathapan K.R., Alappuzha
	Vs.	
Respondents	:::	Kerala State Pollution Control Board Through the Member Secretary Kerala and Others.

TABLE OF CONTENTS

Sl.No.	Description	Pages
1.	Additional report filed on behalf of the 1st respondent.	1-3
2.	Annexure R1(a) – True Copy of the photograph showing the aerial distance from the unit to Vembanad lake and Pathiramanal Bird sanctuary in google map	
3.	Annexure R1(b) – True Copy of the relevant pages of Wetlands (Conservation and Management) Rules, 2017	
4.	Annexure R1(c) – True copy of the letter issued to the unit on 26.09.2024	

Dated this the 10th day of October 2024.

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONAL BENCH, CHENNAI

Appeal No.01 of 2024 (SZ)

Petitioner	:::	Prathapan K.R., Alappuzha
	Vs.	
Respondents	:::	Kerala State Pollution Control Board Through the Member Secretary Kerala and Others.

ADDITIONAL REPORT FILED ON BEHALF OF THE 1st RESPONDENT

1. I, Smitha C.V, aged 44 years, D/o. Sri.C.I.Vishwanathan, residing at Chakkalaparambil House, Poovathur P.O., Thrissur, Environmental Engineer, Kerala State Pollution Control Board (hereinafter referred to as Board), District Office, Alappuzha, hereby submit the additional report in Appeal no.01/2024, on behalf of the first respondent, in compliance with the direction of Honourable National Green Tribunal, during the hearing on 31.07.2024.
2. It is humbly submitted that there is no specific guideline for lime kilns where the raw material is organic in nature.
3. It is further respectfully submitted that, as per the circular no. PCB/T4/115/97(3) dated 31.08.2016, lime kilns come under ORANGE category. According to the circular no. PCB/TAC/18/2004 dated 09/08/2004, the minimum distance to be maintained by small scale orange category units to the nearest residence is 10 m from the unit. However there is no specific guideline clarifying whether the activity is allowed in residential area. It is also submitted that consents have been issued to similar lime kilns situated in residential areas.
4. It is most respectfully submitted that, a small pond exists in the project site. At present there is no distance criteria to be maintained by lime kiln units to the nearest pond.

ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, ALAPPUZHA

5. It is further submitted that, the nearest Ramsar site is Vembanad lake which is situated at an aerial distance of about 610 m from the unit and Pathiramanal Bird sanctuary is situated at a distance of about 1.74 km from the unit. The photograph showing the aerial distance from the unit to Vembanad lake and Pathiramanal Bird sanctuary in google map is attached herewith and marked as **Annexure R1(a).** According to the item no (vi) of the Rule 4(2) of the Wetlands (Conservation and Management) Rules, 2017, construction of a permanent nature except for boat jetties are restricted within fifty metres from the mean high flood level observed in the past ten years. True copy of the relevant pages of the rule is attached herewith and marked as **Annexure R1(b).** As the ramsar site Vembanad lake is a wetland this rule is applicable. As the unit is situated at an aerial distance of about 610 m from the Vembanad lake, the unit complies with this rule.

6. It is most respectfully submitted that, Consent to Establish can be issued to the unit which comes under the purview of Coastal Regulation Zones (CRZ) with a condition that "Necessary Coastal Regulation Zone (CRZ) clearance and Environmental Clearances (EC) from the concerned authorities shall be obtained prior to commencement of construction activities" according to the Board circular No. PCB/HO/CIRCULAR/51/2019 dated 21.01.2021. The unit has to submit the CRZ clearance for obtaining the Consent to Operate from the Board. However, according to the annexure-C of the circular No. PCB/HO/SEE3/TECH/122/2021 dated 01.09.2021, Muhamma Grama Panchayat in which the unit is situated is not included in the list of local bodies falling under CRZ. Even though a letter was issued to the unit to submit a copy of the CRZ clearance along with the application for consent to operate, if the unit comes under purview of the coastal regulation zone on 26.09.2024. True copy of the letter issued to the unit is attached herewith and marked as **Annexure R1(c).**

ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, ALAPPUZHA

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the 10th day of October 2024.

Environmental Engineer
Kerala State Pollution Control Board
District Office, Alappuzha.

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KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, ALAPPUZHA

Solemnly affirmed and signed by the Deponent before me on this 10th day of October 2024.

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്
ജില്ലാ ആഫീസ്
ആലപ്പുഴ

Annexure R1(a)

ജില്ലാ ആഫീസ്
ആലപ്പുഴ

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DISTRICT OFFICE, ALAPPUZHA

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DISTRICT OFFICE, ALAPPUZHA

Annexure R1(b)

रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 26 सितम्बर, 2017

सा.का.नि. 1203(अ).—आर्द्रभूमि, जो जलीय चक्र का अत्यावश्यक भाग हैं, उच्चतर उत्पादक पारिस्थितिकी प्रणालियां हैं जो समृद्ध जैवविविधता का आधार हैं तथा हमारी समृद्ध सांस्कृतिक विरासत का भाग होने के कारण कई महत्वपूर्ण मनोरंजक, सामाजिक और सांस्कृतिक कार्यकलापों का समर्थन करते हुए जल भंडारण, जल शुद्धिकरण, बाढ़ अल्पीकरण, अपरदन नियंत्रण, भूजल का पुन:भरण, सूक्ष्म जलवायु का विनियमन, दृश्यभूमि के सौन्दर्य बोध को बढ़ाना जैसी पारिस्थितिकी प्रणाली सेवाओं की व्यापक रेंज प्रदान करता है।

और, अधिकतर आर्द्रभूमि, अपवहन और भरणस्थान, प्रदूषण (घरेलू और औद्योगिक बहि:स्राव का निस्सारण, ठोस अपशिष्टों का निपटान), जल विज्ञान संबंधी परिवर्तन (जल अपनयन और अंतर्वाह तथा बहिर्वाह परिवर्तन) के माध्यम से भूमि सुधार और अवक्रमण के कारण गंभीर रूप से संकटस्थ स्थिति में हैं और उनके प्राकृतिक संसाधनों के अत्यधिक दोहन के परिणामस्वरूप जैव विविधता की हानि और आर्द्रभूमि द्वारा उपलब्ध पारिस्थितिकी प्रणाली सेवाओं में विघटन हुआ है;

और, संविधान के अनुच्छेद 51क के खंड (छ) में यह बताया गया है कि भारत के प्रत्येक नागरिक का यह कर्तव्य होगा कि वह प्राकृतिक पर्यावरण की, जिसके अंतर्गत वन, झील, नदी और वन्यजीव हैं, रक्षा करे और उसका संवर्धन करे तथा प्राणिमात्र के प्रति दयाभाव रखे;

और पर्यावरण (संरक्षण) अधिनियम, 1986 पर्यावरण को संरक्षण प्रदान करने तथा उसमें सुधार लाने के लिए एक व्यापक विधान है, जिसमें अन्य बातों के साथ-साथ आर्द्रभूमि और उससे जुड़े मामले भी सम्मिलित हैं।

और, राष्ट्रीय पर्यावरण नीति, 2006 में आर्द्रभूमि द्वारा उपलब्ध पारिस्थितिकी सेवा को मान्यता दी गई है और सभी आर्द्रभूमि के लिए एक विनियामक तंत्र स्थापित करने की आवश्यकता पर बल दिया गया है, जिससे उनकी ऐसी पारिस्थितिकी स्थिति को बनाए रखा जा सके, जो अंततोगत्वा उनके एकीकृत प्रबंध में सहायक हो;

और, भारत, आर्द्रभूमि संबंधी रामसर अभिसमय का हस्ताक्षरकर्ता है, तथा अपने अधिकार क्षेत्र के भीतर सभी आर्द्रभूमियों के संरक्षण और बुद्धिमतापूर्ण उपयोग के लिए प्रतिबद्ध है।

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ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, ALAPPUZHA

(4) समिति के गैर-सरकारी सदस्यों को कार्यकाल तीन वर्ष से अनधिक का नहीं होगा।

(5) समिति प्रत्येक छह मास में कम से कम एक बार बैठक करेगी।

7. **राज्य सरकारों और संघ राज्य क्षेत्र प्रशासनों को शक्तियों और कार्यों का प्रत्यायोजन.**—(1) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन का सम्बद्ध विभाग इन नियमों के प्रकाशन की तारीख से एक वर्ष की अवधि के भीतर अधिसूचित किये जाने हेतु अभिज्ञात प्रत्येक आर्द्रभूमि के लिए एक संक्षिप्त दस्तावेज तैयार करेगा, जिसमें निम्नलिखित का उपबंध होगा:—

(क) निर्देशांकों सहित यथार्थ डिजिटल मानचित्रों द्वारा समर्थित और जमीनी सत्यापन द्वारा विधिमान्य आर्द्रभूमि का सीमांकन;

(ख) इसके प्रभाव क्षेत्र का सीमांकन और डिजिटल मानचित्र में संकेतित उसका भूमि उपयोग और आच्छादित भूमि क्षेत्र;

(ग) पारिस्थितिक-स्वरूप का विवरण;

(घ) पूर्वत: विद्यमान अधिकारों तथा विशेषाधिकारों का लेखा;

(ड.) आर्द्रभूमि तथा इसके प्रभाव क्षेत्र के भीतर अनुज्ञप्त स्थल-विशिष्ट क्रियाकलाप की सूची;

(च) आर्द्रभूमि और उसके प्रभाव क्षेत्र के भीतर विनियमित किये जाने वाले स्थल-विशिष्ट क्रियाकलापों की सूची; और

(छ) विनियमों के प्रवर्तन की रीति;

(2) प्राधिकरण, संक्षिप्त दस्तावेज के आधार पर, आर्द्रभूमियों को अधिसूचित किये जाने के लिए राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को सिफारिश करेगा।

(3) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन संबंधित और प्रभावित व्यक्तियों से प्राप्त आक्षेपों, यदि कोई हों, पर विचार करने के पश्चात् प्राधिकरण द्वारा की गयी सिफारिश की तारीख से दो सौ चालीस दिन से अनधिक की अवधि के भीतर राजपत्र में आर्द्रभूमियों को अधिसूचित करेगी।

(4) (क) केन्द्रीय सरकार सीमा-पार आर्द्रभूमियों के मामले में, संक्षिप्त दस्तावेज, जिसमें उप-नियम (1) में यथा सूचीबद्ध सूचना दी गई हो, को तैयार करने में संबद्ध राज्य सरकार और संघ राज्यक्षेत्र प्रशासनों के साथ समन्वय करेगी।

(ख) संक्षिप्त दस्तावेज के आधार पर, राष्ट्रीय आर्द्रभूमि समिति आर्द्रभूमि को अधिसूचित किये जाने के लिए केन्द्रीय सरकार को सिफारिशें करेगी।

(ग) केन्द्रीय सरकार संबद्ध और प्रभावित व्यक्तियों से प्राप्त आक्षेपों, यदि कोई हों, पर विचार करने के पश्चात् समिति द्वारा की गई सिफारिश की तारीख से दो सौ चालीस दिन से अनधिक की अवधि के भीतर आर्द्रभूमियों को राजपत्र में अधिसूचित करेगी।

(5) (क) केंद्रीय सरकार आर्द्रभूमियों से संबंधित सूचना के लिए एक समर्पित वेब पोर्टल का सृजन करेगी।

(ख) केंद्रीय सरकार, राज्य सरकार और संघ राज्य क्षेत्र प्रशासन अपनी अधिकारिता में की आर्द्रभूमियों के विषय में, सभी संबंधित सूचना अपलोड करेगी।

[फा. सं. जे-22012/78/2003-सीएस(डब्ल्यू) पार्ट.V]

डॉ. ए. दुरैसामी, वैज्ञानिक 'जी'

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 26th September, 2017

G.S.R. 1203(E).—Whereas the wetlands, vital parts of the hydrological cycle, are highly productive ecosystems which support rich biodiversity and provide a wide range of ecosystem services such as water storage, water purification, flood mitigation, erosion control, aquifer recharge, microclimate regulation, aesthetic enhancement of landscapes while simultaneously supporting many significant recreational, social and cultural activities, being part of our rich cultural heritage;

And whereas many wetlands are threatened by reclamation and degradation through drainage and landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alteration (water withdrawal and changes in inflow and outflow), over-exploitation of their natural resources resulting in loss of biodiversity and disruption in ecosystem services provided by wetlands;

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ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, ALAPPUZHA

(c) "Committee" means the National Wetlands Committee referred to in rule 6;

(d) "ecological character" means the sum of ecosystem components, processes and services that characterise the wetlands;

(e) "integrated management plan" means a document which describes strategies and actions for achieving wise use of the wetland and the plan shall include objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation;

(f) "Ramsar Convention" means the Convention on Wetlands signed at Ramsar, Iran in 1971;

(g) "wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes;

(h) "wetlands complexes" means two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels/ducts;

(i) "wise use of wetlands" means maintenance of their ecological character, achieved through implementation of ecosystem approach within the context of sustainable development;

(j) "zone of influence" means that part of the catchment area of the wetland or wetland complex, developmental activities in which induce adverse changes in ecosystem structure, and ecosystem services.

(2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings assigned to them in the Act.

3. **Applicability of rules.**—These rules shall apply to the following wetlands or wetlands complexes, namely:—

(a) wetlands categorised as 'wetlands of international importance' under the Ramsar Convention;

(b) wetlands as notified by the Central Government, State Government and Union Territory Administration:

Provided that these rules shall not apply to the wetlands falling in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.

4. **Restrictions of activities in wetlands.**—(1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.

(2) The following activities shall be prohibited within the wetlands, namely,-

(i) conversion for non-wetland uses including encroachment of any kind;

(ii) setting up of any industry and expansion of existing industries;

(iii) manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;

(iv) solid waste dumping;

(v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;

(vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,

(vii) poaching.

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ENVIRONMENTAL ENGINEER
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DISTRICT OFFICE, ALAPPUZHA

ജില്ലാ ഓഫീസ്, ആലപ്പുഴ

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

KERALA STATE POLLUTION CONTROL BOARD

DISTRICT OFFICE, ALAPPUZHA

SNV Sadhanam, New Chathanad, Head Post Office, Alappuzha - 688001

E-mail: aloy.pcb@gmail.com Telephone : 0477 - 2235384 web: www.keralapcb.nic.in

ഓൺലൈനിൽ അപേക്ഷകൾ സമർപ്പിക്കുന്നതിന് keralapcbonline.com എന്ന വെബ്സൈറ്റ് ഉപയോഗിക്കുക

"ഭരണഭാഷ - മാതൃഭാഷ"

In reply please refer to:- PCBDAL/60/2024-AE4 26.09.2024

From,

Environmental Engineer,
District Office, Alappuzha
Kerala State Pollution Control Board

To

Mr. Jibin G.
Proprietor M/s. GRB Lime Industries
Kudilveli, Kayippuram
Muhamma P.O
Alappuzha - 688525

Sub:- Construction of M/s. GRB Lime Industries in Muhamma Grama Panchayat, Cherthala Taluk, Alappuzha - reg.

Ref : Consent to establish No. PCB/ALP/ICE-1826/15714321/21 valid upto 31.03.2026 issued to M/s. GRB Lime Industries on 11.06.2021.

Sir,

Please refer to the above. M/s. GRB lime Lime industries, kayippuram, Muhamma P.O, Alappuzha has granted with consent to establish valid upto 31.03.2026 from this office on 11.06.2021. The unit is located in Muhamma Grama Panchayat, Cherthala Taluk, Alappuzha district. If the construction of the unit comes under the purview of Coastal Regulation Zone (CRZ), a copy of CRZ clearance obtained for the unit should be submitted along with the application to obtain Consent to Operate from the Board.

Your's faithfully,

Environmental Engineer

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ് ★ ജില്ലാ ആഫീസ് ആലപ്പുഴ

ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
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