

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

APPEAL No. 28 of 2023

M/s. Remmy Substrates India (P))Ltd.,
Rep by its Executive Director, Mr. Ramprakash
No. 299/2, Kattampatti Post,
Tirpur- Polalchi Highway 725/1,
Coimbatore 642 202.

....APPELLANT

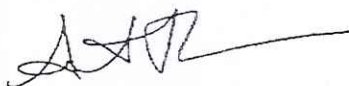
VERSUS

The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai - 600 032 & ors

.... RESPONDENTS

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Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.

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Rep by its Executive Director, Mr. Ramprakash
No. 299/2, Kattampatti Post,
Tirpur- Polalchi Highway 725/1,
Coimbatore 642 202.
Email: ram@remmy.in
Mobile No. 9842104599

....APPELLANT

VERSUS

1. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai - 600 032.
Email :tnpcb-chen@gmail.com
Mob:-044-22353134.
2. The Joint Chief Environment Engineer (M),
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai - 600 032.
Email :tnpcb-chn@gmail.com
Mob:-044-22353134.
3. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore – South
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Pollachi Main Road, Kuruchi,
Coimbatore – 641 021
Email: tnpcbcs@gmail.com
Phone No: 8056042218

.....Respondents

**REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENTS –
TAMIL NADU POLLUTION CONTROL BOARD**

I, R. Sarasavani, Daughter of Thiru.J.Raghavan, aged about 59 years, having my office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely states as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this reply on behalf of the

R. Sarasavani

**JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.**

respondents and as such I am well acquainted with the facts of the case from the records and authorized to file this report on behalf of the respondents.

2. The respondents deny all the averments contained in the appeal except those that are specifically admitted hereinafter. None of the allegations contained in the said appeal shall be deemed to be admitted merely for want of a specific denial/traverse.
3. Before responding to the averments contained in the appeal, the answering respondents submit the brief facts of the case for appreciation of this Hon'ble Tribunal.
4. It is respectfully submitted that the unit M/s Remmy Substrates India Pvt Ltd is an existing unit since 01.06.2018, manufacturing Coir Fibre and Coir Pith from coconut husk located at S.F No. 294/1B1, 295/1, 295/2A, 295/3, etc., Kattampatti Village & Post, Kinathukadavu Taluk, Coimbatore District.
5. It is respectfully submitted that the Central Pollution Control Board by exercising their powers under Water (Prevention and Control of Pollution) Act, 1974 as amended and Air (Prevention and Control of Pollution) Act, 1981 as amended, vide letter dated 07.03.2016 has issued directions to all the State Pollution Control Board to adopt the revised criteria of categorization of the industrial sectors under (Red/Orange/Green/ White) category for uniform harmonization of industrial sectors. Based on the same, the Tamil Nadu Pollution Control Board had passed an order vide B.P. No 06 dated 02.08.2016. In the said categorization by the TNPCB, the industries carrying out -manufacturing of coir items from the coconut husks was classified under "White category" under Type Code 4023. As per the Central Pollution Control Board classification and the categorization of the TNPCB vide B.P. No 06 dated 02.08.2016, the appellant unit falls under White category. Hence, the unit has not applied for the consent of the Board.
6. It is respectfully submitted that several complaints were received against the appellant unit from the local public. In this regard an inspection was conducted on 18.09.2020 and a show cause notice (SCN) vide

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proceedings dated 01.12.2020 under the Water & Air Act, was issued to the appellant unit for storing the untreated effluent in open lagoon for open percolation and for other violations stated therein (Copy enclosed vide Annexure I) under both-Water and Air Acts.

7. It is respectfully submitted that the report of analysis of the effluent samples collected from the unit dated 22.10.2020, received from Advanced Environmental Laboratory, Coimbatore reveals that the parameters such as TSS (194 & 234 mg/l), TDS (4710 & 5856 mg/l), Chlorides (1237 & 1435 mg/l), BOD (255 & 248 mg/l), COD (960 & 1056 mg/l), Total Hardness (1500 & 1720 mg/l), Calcium (529 & 641.3 mg/l), Colour (150 & 350 Hazen), Nitrate Nitrogen (60.9 & 75.9 mg/l), Turbidity (212 & 220 NTU), Zinc (1.0311 & 2.3411 mg/l) exceeds the standards prescribed by the Board.
8. It is respectfully submitted that the appellant unit vide letter dated 24.12.2020 furnished reply to the 2nd respondent office which was not satisfactory. Hence, a personal hearing was conducted with the appellant unit on 19.01.2021 and the unit-informed that they are in the process of constructing the ETP.
9. It is respectfully submitted that, subsequently, the unit was inspected by the officials of the 2nd respondent office on 13.07.2021 and the following were observed;
 - a) The unit was in operation without obtaining consent of the Board.
 - b) The unit is storing the coir piths in a total of ten bays which can accommodate approximately 150 tons of pith in this area. Five bays where in operation.
 - c) The unit was using sprinklers for spraying fresh water in the pith storage area.
 - d) The waste water generated from the process is collected in the nearby gutter and is directly disposed in a storage lagoon for open percolation within the unit's premises and also outside the premises, without treatment. Untreated trade effluent is discharged into adjacent agricultural land for irrigation

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- e) From the color inference and higher concentration of the effluent values of the RoA dated 22.10.2020, it is ascertained that Total Hardness, Calcium, Nitrate Nitrogen, Turbidity, Zinc are at very high levels.
- f) The processed pith is dried in the open concrete area and the particles are easily carried away by wind and were creating nuisance and dust pollution.
- g) The unit has installed coal fired boiler of 2.0 Tons/hr capacity for drying wet pith and has also installed tray drier for the coir pith.
- h) The unit has installed another boiler of 2.0 Tons/hr capacity and drier system in the same premises.
- i) The unit has not provided adequate air pollution control measures for open drying area.
- j) The unit has not complied with the Hon'ble High Court order dated 11.02.2016 in W.P No. 21327 of 2015 and the Hon'ble NGT order dated 03.02.2016 in Application No. 114 of 2015 and TNPCB guidelines regarding Coir & Coir Pith industries.
10. It is respectfully submitted that in view of the above, direction for Closure and disconnection of power supply vide proc. dated 23.09.2021, was issued to the appellant unit and the appellant unit's power supply was disconnected on 24.09.2021 by the concerned TANGEDCO officials.
11. It is respectfully submitted that the appellant unit, challenging the closure order of the 1st respondent, preferred two appeals viz., Appeal No 90 of 2021 before the Hon'ble Appellate Authority of the Tamil Nadu Pollution Control Board under the Air Act and Appeal No 72 of 2021 before the Hon'ble NGT (SZ) under the Water Act. It is submitted that the Hon'ble Appellate authority vide order dated 29.09.2021 disposed of with a direction to consider the application filed by the appellant unit.
12. It is respectfully submitted that in the meantime, based on the various court cases and in view of the repeated complaints received against the coir industries, the TNPCB constituted a committee and the committee worked out the Pollution Index Score for the coir industries and the TNPCB vide Proceeding dated 10.11.2021 categorized the 'Coconut husk

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retting/de-fibreing/pith processing industry' under Orange Category as follows:

Type Code	Category	Industry Sector
2100	Orange	Coconut husk retting/ de-fibreing/ pith processing

Further, it was stated that the said industrial sector shall obtain consent of the Tamil Nadu Pollution Control Board under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 and also to comply with certain conditions. (Copy enclosed vide Annexure II)

13. It is respectfully submitted that based on the orders of the Hon'ble Appellate Authority dated 08.10.2021 the respondent has issued Consent to Operate – Direct vide proceeding dated 16.11.2021 under the Water and Air Acts to the appellant unit, for manufacturing 24 T/Day of Coir Fibre (Dry process) and 33 T/Day of Coir Pith Block (Dry process).
14. It is respectfully submitted that as per the “Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund” inter alia the following cases are considered for levying Environmental Compensation
- Discharges in violation of consent conditions, mainly prescribed standards / consent limits.
 - Intentional discharges to the environment - land, water and air resulting into acute injury or damage to the environment.
 - Injection of treated/partially treated/ untreated effluents to ground water.
15. It is respectfully submitted that the Environmental Compensation has been calculated for causing damage to the environment for discharging untreated effluent onto land and for not providing APC measures, for the period from the **date of violation observed on 18.09.2020 (date of inspection for show cause notice) and power supply disconnected on 24.09.2021**. So, number days of violation took place is considered as **372 days**.

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Environmental Compensation formulae = PI x N x R x S x LF

PI – Pollution index for Orange category unit – 50 (Range from 41 to 59).

N – Number of days for which violation took place is the period between the day of violation observed and the day of power supply disconnection – 372 days.

R – Factor in Rupees – Rs. 250/- (R is a factor in Rupees, It is suggested to consider R as 250/-).

S- Scale of operation - 1.5 for large scale unit.

LF – Kattampatti Village Population is 2,827 as per the 2011 census which is less than one million, Hence Location Factor – 1.

$$\text{Hence, EC} = 50 \times 372 \times 250 \times 1.5 \times 1$$

$$= \underline{\text{Rs. 69.75 Lakhs}}$$

Hence, the Environmental Compensation calculated for 372 days is Rs. 69.75 Lakhs.

16. It is respectfully submitted that subsequently the unit has submitted application for CTO-Direct in the name of M/s Remmy Substrates India Pvt Ltd. Unit-I, for coir pith washing in addition to the existing consented activities and the same was issued to the unit vide proceeding dated 28.04.2022 wherein consent was issued to the unit inter alia to discharge trade effluent of 750 KI./Day and the appellant unit has provided the effluent treatment plant followed by Zero liquid Discharge System, which reveals the quantum of trade effluent generated and disposed on land without any treatment till the closure direction was issued to the unit.
17. It is respectfully submitted that the appellant unit has discharged untreated trade effluent into a storage lagoon for open percolation and the same has led to environmental degradation. From the report of analysis, it is evident that the appellant unit has not satisfied the discharge standards for the trade effluent. The same was mentioned in the show cause notice dated 01.12.2020 for levying environmental compensation.

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18. It is respectfully submitted that the appellant unit has submitted their application for consent to operate for the following:

Effluent Generation:

S. No	Nature of the Effluent	Quantity in KLD	Mode of Disposal
1	Trade Effluent-I (RO-I&II Permeate and MEE Condensate)	727.5	Recycling to Process
2	Trade Effluent-II (MEE Concentrate)	22.5	ATFD (Salt)

Emission Sources:

Sl. No.	Source	Control Measures
1.	Boiler -I (20 Lakhs KCAL)-(Fibre Section)	Cyclone Separator followed by Dust Collector with Stack
2.	Boiler -II (20 Lakhs KCAL)- (Pith Section)	Cyclone Separator followed by Dust Collector with common Stack
3.	Boiler -III (4Tons/Hr)- (MEE & ATFD)	Cyclone Separator followed by Dust Collector with common Stack
4.	Coal Handling System (Coir Fibre Section)	Dust Collector with stack
5.	Coal Handling System (Coir Pith Section)	Dust Collector with stack
6.	Mechanical Drier (Coir Fibre Section)	Hot Air Exhauster - 3 Nos (Each)
7.	Mechanical Drier (Coir Pith Section)	Hot Air Exhauster - 2 Nos (Each)
8.	DG -Set 125 KVA - 2Nos.,	Acoustic Enclosures with Stack
9.	DG-Set 180 KVA	Acoustic enclosures with stack
10.	DG-Set 250 KVA	Acoustic enclosures with stack
11.	DG-Set 320 KVA	Acoustic enclosures with stack

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12	Coir Fibre Bale Reopener Machine 150 Kg – 2 Nos.	Cyclone Separator with Dust Collector
13	Conveyors (Decorticating Section)	Closed Conveyor System
14	Conveyors (Coir Fibre Section)	Closed Conveyor System
15	Conveyors (Coir Pith Section)	Closed Conveyor System

19. It is respectfully submitted that the above details shows that the appellant unit was generating effluent and letting out emission which led to the environmental degradation. As per sub-section (1a) of section 24 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 **“No person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any [stream or well or sewer or on land]”**. As per the Section 22 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 **“No person operating any industrial plant, in any air pollution control area shall discharge or cause or permit to be discharged the emission of any air pollutant in excess of the standards laid down by the State Board under clause (g) of sub-section (1) of section 17”**.
20. It is respectfully submitted that the appellant unit admits that the unit is having trade effluent generation more than 100 KLD. And the RoA dated 22.10.2020 reveals that the parameters such as TSS, TDS, Chlorides, BOD, COD, Total Hardness, Calcium, Colour, Nitrate Nitrogen, Turbidity, Zinc exceeds the standards prescribed by the Board. Therefore it is evident that the unit has generated an huge amount of trade effluent and discharged the same on land for open percolation, without meeting the standards prescribed by the Board, thereby causing environmental damage.

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21. It is respectfully submitted that in the said Central Pollution Control Board report Section 1.3.1 (Note) states the following:

- f. In any case, minimum Environmental Compensation shall be ₹ 5000/day.
 - g. In order to include deterrent effect for repeated violations, Environmental Compensation may be increased on exponential basis, i.e. by 2 times on 1st repetition, 4 times on 2nd repetition and 8 times on further repetitions.
 - h. If the operations of the industry are inevitable and violator continues its operations beyond 3 months then for deterrent compensation, Environmental Compensation may be increased by 2, 4 and 8 times for 2nd, 3rd and 4th quarter, respectively. Even if the operations are inevitable beyond 12 months, violator will not be allowed to operate.
 - i. Besides Environmental Compensation, industry may be prosecuted or closure directions may be issued, whenever required.
22. It is respectfully submitted that the environmental compensation was imposed for the period from the date of violation observed on 18.09.2020 (date of inspection of show cause notice) and power supply disconnected on 24.09.2021. Hence the period of environmental compensation calculated is based on the said violations and the period cannot be reduced. As per the application, it is evident that the unit falls under Large scale hence, the scale of operation score could not be considered as "1"
23. It is further respectfully submitted that the environmental compensation was levied as the appellant unit did not rectify the defects even after the issue of show cause notice and as the appellant unit damaged the environment by discharging untreated trade effluent and air emissions.
24. It is respectfully submitted that it is evident from the facts above that there is no cause of action for filing an appeal. The appellant is not entitled to any relief in this Appeal.

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In the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to dismiss the above appeal, as devoid of merits and with exemplary costs and thus render justice.

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JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

BEFORE ME

VERIFICATION

I, R. Sarasavani, Daughter of Thiru.J.Raghavan, working as Joint Chief Environmental Engineer, having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby verify that the contents of above are true to the best of my knowledge through records.

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JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.



By RPAD:

O/o, District Environmental Engineer
Tamilnadu Pollution Control Board,
Coimbatore (South)
Plot No. E-55A, SIDCO Industrial Estate,
Pollachi Main Road, Kurichi,
Coimbatore - 641021.

TAMILNADU POLLUTION CONTROL BOARD

Proc No. F.CBS-NA/DEE/TNPCB/CBS/W/2020 dated 01.12.2020

- Sub: TNPCBD - Industries - M/s REMMY SUBSTRATES INDIA PVT LTD & M/s SRIRAM FIBRES., S.F No: 295/2A, Palladam Main Road, Kattampatti Post, Jakkarpalayam (Via), Kinathukadavu Taluk, Coimbatore District - Environmental Violations Noticed - Show Cause Notice - Issued - Reg.
- Ref: 1. CPCB Letter dt.17.08.2020 and Govt.of India (I-petition) dt. 15.07.2020 received by this office through e-mail on 23.07.2020 filed by Mr. A Thiyagaraj, Malaipalayam Village, Sullur Taluk.
2. Complaint against the establishment of the coir industry in Thimmanguthu village dated 20.08.2020, 24.08.2020, 26.08.2020 and OLGPRS complaint no. 31270018 dated 23.08.2020 & MOEF petition no. MOEF/A/2020/08348 received through OLGPRS complaints no. 011652175 & 087657468 on 01.09.2020 & 07.09.2020 and MOEF petition Lr. No. 10440/E.1/2020-1 dated 02.09.2020 received through corporate office filed by Thiru Nagaraj of Thimmanguthu Village, Pollachi Taluk.
3. MOEF petition no. MOEF/E/2020/01069 dated 15.07.2020 received through corporate office filed by Thiru Manthirammoorthy, Malaipalayam Village, Sullur Taluk
4. OLGPRS complaints dated 08.07.2020 & 28.07.2020 filed by Thiru. Uvaraj, Malaipalayam Village, Sullur Taluk
5. Cri.R.C.No.1307 of 2015 and M.P.No.1 of 2015 and Cri. M.P.No.1771 of 2017 filed before the Hon'ble High Court of Madras order dated 14.07.2017
6. Hon'ble High Court in W.P.No.21327 of 2015, and in the Hon'ble NGT (Southern Bench), Chennai in Application No.114 of 2015 order dated 11.02.2016 & 03.02.2016
7. Hon'ble NGT application no. 199 of 2016 (SZ) in the matter of N.Muthukumar, Kinathukadavu Taluk, Coimbatore District
8. Inspection of the unit and its surrounding areas at Kattampatti Village, Pollachi Taluk by TNPCB officials on 18.09.2020

The Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 is in force in Tamilnadu. The Tamilnadu Pollution Control Board enforces the above Act. Tamilnadu Pollution Control Board serves this notice as per the sub-section (1a) of section 24 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 (hereinafter referred to as the Act) "No person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any [stream or well or sewer or on land]"


Whereas in the revised categorisation of Industries vide TNPC Board BP No.06 dt. 02.08.2016, the coir units are comes under the White Category (4023 – Manufacturing of coir items from coconut husk).

Whereas in the Criminal Revision case Crl.R.C.No.1307 of 2015 and M.P.No.1 of 2015 and Crl. M.P.No.1771 of 2017 filed before the Hon'ble High Court of Madras issued an order dated 14.07.2017 inter alia as follows:

- i) The impugned order is sustainable;
- ii) Since the petitioner industry, being a coir industry, has been categorized and declared to be a White industry as per the second respondent Board proceeding in B.P No.06 dated 02.08.2016, it does not require to get any consent from the second respondent Board;
- iii) However, the petitioner industry shall submit to the second respondent Board for all other monitoring purpose and in this regard, it is open to the second respondent to impose any conditions, which are imposable to any such category of industry, as that the petitioner industry;
- iv) Once such conditions are imposed, it is for the petitioner industry to comply with the same in toto;
- v) After verification of such compliance, by having an on the spot inspection to be conducted by the Board of the second respondent, it is open to them to clear the petitioner industry to commence their production or business.
- vi) Once the second respondent Board clears the petitioner industry in the manner indicated above, the impugned order shall not stand in the way, it gets vanished, the moment the second respondent Board clears the petitioner industry to run.

Whereas in the Hon'ble High Court in W.P.No.21327 of 2015, and in the Hon'ble NG (Southern Bench), Chennai in Application No.114 of 2015 the TNPC Board has recommended the following which is also mentioned in the Hon'ble Court and the Hon'ble Tribunal order dated 11.02.2016 & 03.02.2016 as follows:

- i) The unit shall not commission the unit without consent to operate from the Board.
- ii) The unit shall not use water in the process at any stage as assured.
- iii) The unit shall cover the drying of coir pith with adequate tarpaulins during raining and shall provide adequate collection tank for the open concrete yard if any water collected in the drying yard during raining and shall be used for gardening after satisfying the standards prescribed by the Board.
- iv) The unit shall comply the emission and ambient air quality standards prescribed by the Board.
- v) The unit shall cover all the conveyors at top and provide closed collection system with impervious floor for the final coir pith reject from the screener so as to avoid dust emission.
- vi) The Unit shall use the open concrete yard only for the drying of coir pith block manufacturing process without water spraying method.

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- vii) The unit shall ensure that approach road within the premises shall be of either concreted or with bitumen road.
- viii) The unit shall not dry coconut fibre on the roads and along the banks of LBP canal.
- ix) The unit shall obtain all statutory clearances from competent authorities.

Whereas in the Hon'ble NGT application no. 199 of 2016 (SZ) in the matter of N.Muthukumar, Kinathukadavu Taluk, Coimbatore District Vs The Chairman and The Member Secretary, TNPC Board Chennai in the order dated 01.09.2016 directed the TNPC Board to frame the guidelines by the Board and the same shall widely be published throughout the State. Accordingly the committee was constituted by the Board and the guidelines were issued

Water Pollution :

- a) Generally optimum utilization of water for retting activity does not generate any trade effluent. The optimum quantity of water depends on various factors like nature of pith, rainfall and methodological conditions etc. Hence, the unit shall utilise only optimum quantity of water so as to avoid wastewater generation according to the local conditions.
- b) As coir pith is water absorbent, drying yard shall have a bedding (platform) of coir pith of adequate depth to retain excess water if any.
- c) Around the drying yard, drains with collecting basin shall be provided to collect any runoff/wastewater generated from the retting activity.
- d) The unit shall recycle the collected water (if any) for retting activity with due makeup of fresh water.
- e) The unit ensure that the wastewater shall not be discharge into any water bodies/ nearby lands under any circumstances.

Whereas during inspection of M/s REMMY SUBSTRATES INDIA PVT LTD & M/s SRIRAM FIBRES., S.F No. 295/2A, Palladam Main Road, Kattampatti Post, Jakkarpalayam (Via), Kinathukadavu Taluk, Coimbatore District by TNPCB Officials on 18.09.2020 it was observed that,

1. The unit was in operation.
2. The unit has informed that the water required for the process is obtained from NTADCL water supply project in the area. However the unit has not furnished any documents in this regard at the time of inspection.
3. The unit is storing the coir piths in the total of ten bays which can accommodate approximately 150 tons of pith in this area. All bays were in operation.
4. The unit was using sprinklers for the spraying of the fresh water in the pith storage area.
5. The waste water generated from the process is collected in the nearby gutter and is directly disposed in storage lagoon for open percolation within the unit's premises.
6. Raw untreated effluent samples were collected from the effluent flow in drain from the pith process area to open storage lagoon and stagnated effluent in open lagoon in the unit's premises and sent to Advanced Environmental Laboratory, TNPCB, Coimbatore for analysis.



- 7. ROA dated 22.10.2020 of the effluent shows exceeding the standards for the parameters such as TSS (194 & 234 mg/l), TDS (4710 & 5856 mg/l), Chlorides (1237 & 1435 mg/l), BCD (255 & 248 mg/l), COD (960 & 1056 mg/l), Total Hardness (1500 & 1720 mg/l), Calcium (529 & 641.3 mg/l), Colour (150 & 350 Hazen), Nitrate Nitrogen (60.9 & 75.9 mg/l), Turbidity (212 & 220 NTU), Zinc (1.0311 & 2.3411 mg/l)



TRADE EFFLUENT STORAGE IN LAGOON FOR OPEN PERCOLATION



TRADE EFFLUENT STORAGE IN LAGOON FOR OPEN PERCOLATION



TRADE EFFLUENT STORAGE IN LAGOON FOR OPEN PERCOLATION

As per the CPCB final document on revised Classification dated 29.02.2016, The unit is manufacturing of coir items (Fibre & Pith) from coconut husk comes under white category 4023 - Manufacturing of coir items, from coconut husks vide TNPC Board proceeding No.06, dated 02.08.2016. On calculating the pollution index,

Air Pollution Score (A1) for the A1D is 15

Water pollution score (W1) for the W14 is 15

Water pollution score (W2) is 10

Hazardous Score (HW4) is 10

Water Pollution Score = $W1+W2 = 15 + 10 = 25$

Air Pollution Score = $A1+A2 = 15 + 0 = 15$

Hazardous Waste = 10

Pollution Index score = $(W + A + HW)$

= $(25 + 15 + 10)$

= 50

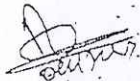
The pollution index is 50, Hence it is Orange Category.

Since, the unit falls under Orange Category as per the pollution index scoring pattern the unit has to apply for the consent of the TNPC Board.

And as such the provisions of Section 24 of the Act have been contravened which is punishable under Section 44 of Act with imprisonment for a term which shall not be less than one year and Six months, but which may extend to six years and with fine.

Hence, you are directed to show cause within 7 days from the date of receipt of this notice as to why penal action should not be initiated against you for operating the unit without any water pollution control measures under Section 24 of the said Act and to issue directions under Section 33A of the Act for closure of the unit and for the stoppage of electricity etc.,

It is informed that non-receipt of reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above contravention and action will be taken accordingly.


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore South

To,
Thiru C. Leelakrishnan,
Managing Director
M/s REMMY SUBSTRATES INDIA PVT LTD & M/s SRIRAM FIBRES.,
S.F No. 295/2A, Palladam Main Road, Kattampatti Post,
Jakkarpalayam (Via), Kinathukadavu Taluk,
Coimbatore District

True copy
Sd/-
S.A.Sayed Shuhaibb



By RPAD:

O/o, District Environmental Engineer
Tamilnadu Pollution Control Board,
Coimbatore (South)
Plot No. E-55A, SIDCO Industrial Estate,
Pollachi Main Road, Kurichi,
Coimbatore – 641021.

TAMILNADU POLLUTION CONTROL BOARD

Proc No. F.CBS-NA/DEE/TNPCB/CBS/A/2020 dated 01.12.2020

Sub: TNPCBD – Industries – M/s REMMY SUBSTRATES INDIA PVT LTD & M/s SRIRAM FIBRES., S.F No. 295/2A, Palladam Main Road, Kattampatti Post, Jakkarpalayam (Via), Kinathukadavu Taluk, Coimbatore District – Environmental Violations Noticed – Show Cause Notice - Issued – Reg.

- Ref: 1. CPCB Letter dt.17.08.2020 and Govt.of India (I-petition) dt. 15.07.2020 received by this office through e-mail on 23.07.2020 filed by Mr. A Thiyagaraj, Malaipalayam Village, Sulur Taluk.
2. Complaint against the establishment of the coir industry in Thimmanguthu village dated 20.08.2020, 24.08.2020, 26.08.2020 and OLGPRS complaint no. 31270018 dated 23.08.2020 & MOEF petition no. MOEF/A/2020/08348 received through OLGPRS complaints no. 011652175 & 087657488 on 01.09.2020 & 07.09.2020 and MOEF petition Lr. No. 10440/E.1/2020-1 dated 02.09.2020 received through corporate office filed by Thiru Nagaraj of Thimmanguthu Village, Pollachi Taluk.
3. MOEF petition no. MOEF/E/2020/01069, dated 15.07.2020 received through corporate office filed by Thiru Manthiramorthy, Malaipalayam Village, Sulur-Taluk
4. OLGPRS complaints dated 08.07.2020 & 28.07.2020 filed by Thiru. Uvaraj, Malaipalayam Village, Sulur Taluk
5. CrI.R.C.No.1307 of 2015 and M.P.No.1 of 2015 and CrI. M.P.No.1771 of 2017 filed before the Hon'ble High Court of Madras order dated 14.07.2017
6. Hon'ble High Court in W.P.No.21327 of 2015, and in the Hon'ble NGT (Southern Bench), Chennai in Application No.114 of 2015 order dated 11.02.2016 & 03.02.2016
7. Hon'ble NGT application no. 199 of 2016 (SZ) in the matter of N.Muthukumar, Kinathukadavu Taluk, Coimbatore District
8. Inspection of the unit and its surrounding areas at Kattampatti Village, Kinathukadavu Taluk by TNPCB officials on 18.09.2020

The Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 is in force in Tamil Nadu. Tamil Nadu Pollution Control Board enforces the above central Act. The TNPCB is implementing the Air (P & CP) Act, 1974, as amended thereon. As per Section 22 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 (hereinafter referred to as the Act) "No person operating any industrial plant, in any air pollution control area shall discharge or cause or permit to be discharged the emission of any air pollutant in excess of the standards laid down by the State Board under clause (g) of sub-section (1) of section 17"

Whereas in the revised categorisation of Industries vide TNPC Board BP No.06 dt. 02.08.2016, the coir units are comes under the White Category (4023 – Manufacturing of coir items from coconut husk).

Whereas in the Criminal Revision case Crl.R.C.No.1307 of 2015 and M.P.No.1 of 2015 and Crl. M.P.No.1771 of 2017 filed before the Hon'ble High Court of Madras issued an order dated 14.07.2017 inter alia as follows:

- i) The impugned order is sustainable;
- ii) Since the petitioner industry, being a coir industry, has been categorized and declared to be a White industry as per the second respondent Board proceeding in B.P No.06 dated 02.08.2016, it does not require to get any consent from the second respondent Board;
- iii) However, the petitioner industry shall submit to the second respondent Board for all other monitoring purpose and in this regard, it is open to the second respondent to impose any conditions, which are imposable to any such category of industry, as that o. the petitioner industry;
- iv) Once such conditions are imposed, it is for the petitioner industry to comply with the same in toto;
- v) After verification of such compliance, by having an on the spot inspection to be conducted by the Board of the second respondent, it is open to them to clear the petitioner industry to commence their production or business.
- vi) Once the second respondent Board clears the petitioner industry in the manner indicated above, the impugned order shall not stand in the way, it gets vanished, the moment the second respondent Board clears the petitioner industry to run.

Whereas in the Hon'ble High Court in W.P.No.21327 of 2015, and in the Hon'ble NGT (Southern Bench), Chennai in Application No.114 of 2015 the TNPC Board has recommended the following which is also mentioned in the Hon'ble Court and the Hon'ble Tribunal order dated 11.02.2016 & 03.02.2016 as follows:

- i) The unit shall not commission the unit without consent to operate from the Board.
- ii) The unit shall not use water in the process at any stage as assured.
- iii) The unit shall cover the drying of coir pith with adequate tarpaulins during raining and shall provide adequate collection tank for the open concrete year if any water collected in the drying year during raining and shall be used for gardening after satisfying the standards prescribed by the Board.
- iv) The unit shall comply the emission and ambient air quality standards prescribed by the Board.
- v) The unit shall cover all the conveyors at top and provide closed collection system with impervious floor for the final coir pith reject from the screener so as to avoid dust emission.
- vi) The Unit shall use the open concrete yard only for the drying of coir pith block manufacturing process without water spraying method.



vii) The unit shall ensure that approach road within the premises shall be of either concreted or with bitumen road.

viii) The unit shall not dry coconut fibre on the roads and along the banks of LBP canal.

ix) The unit shall obtain all statutory clearances from competent authorities.

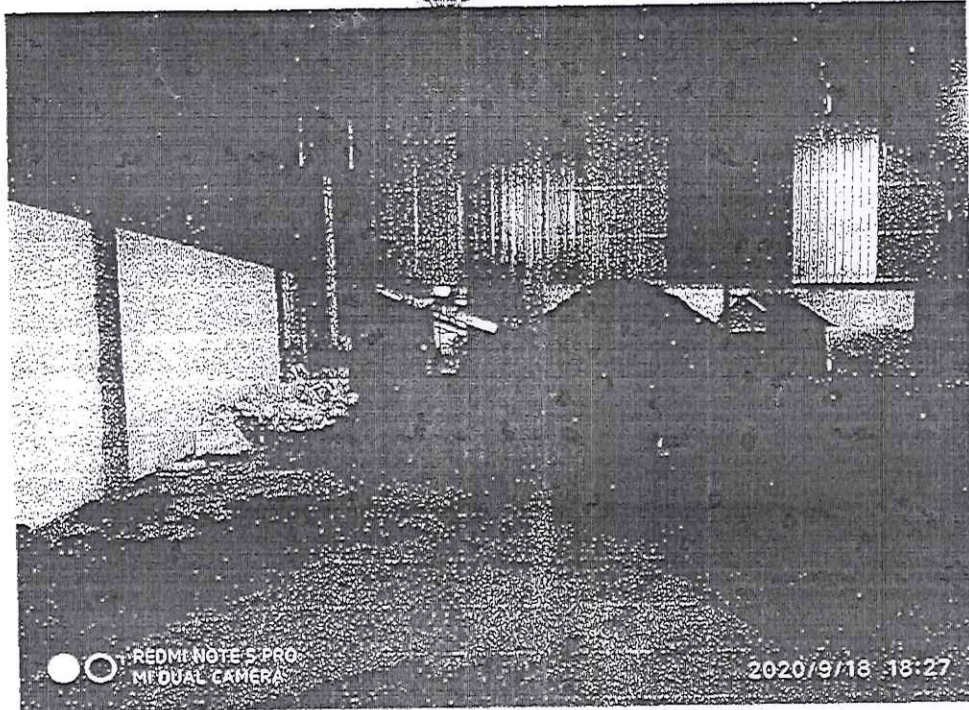
Whereas in the Hon'ble NGT application no. 199 of 2016 (SZ) in the matter of N.Muthukumar, Kinathukadavu Taluk, Coimbatore District Vs The Chairman and The Member Secretary, TNPC Board Chennai in the order dated 01.09.2016 directed the TNPC Board to frame the guidelines by the Board and the same shall widely be published throughout the State. Accordingly the committee was constituted by the Board and the guidelines were issued

Air Pollution:

- a) Usage of wet husk shall reduce the dust emission during disintegration and decortications.
- b) The disintegration and decortications shall be carried out in a closed shed so as to avoid dust emission.
- c) Tin sheet cover shall be provided to the rotary sieve and conveyors to minimize the dust emission.
- d) Green belt of adequate depth shall be developed to avoid dust emission.
- e) If the provision of compound wall and green belt development is not feasible then the unit shall provide wind net arrestor of adequate height all along the boundary of the unit especially in drying area so as to mitigate dust emission.

Whereas during inspection of M/s REMMY SUBSTRATES INDIA PVT LTD & M/s SRIRAM FIBRES., S.F No. 295/2A, Palladam Main Road, Kattampatti Post, Jakkarpalayam (Via), Kinathukadavu Taluk, Coimbatore District by TNPCB Officials on 18.09.2020 it was observed that,

1. The unit was in operation.
2. The unit has informed that the water required for the process is obtained from NTADCL water supply project in the area. However the unit has not furnished any documents in this regard at the time of inspection.
3. The unit is storing the coir piths in the total of ten bays which can accommodate approximately 150 tons of pith in this area. All bays were in operation.
4. The unit was using sprinklers for the spraying of the fresh water in the pith storage area.
5. The waste water generated from the process is collected in the nearby gutter and is directly disposed in storage lagoon for open percolation within the unit's premises.
6. The processed pith is dried in the open concrete area. The unit has provided wind nest arrestors and compound wall around the premises. However, during inspection it was noticed that the particles are easily carried away due to heavy wind and creates a nuisance and dust pollution since the location of the unit is in wind prone area.
7. Further the unit has installed the coal fired boiler with dust collectors cum stack for drying the wet pith. ✓
8. The unit has installed the tray drier for the coir pith. ✓
9. The unit has not provided the adequate APC measures for the open drying area.



COAL STORAGE YARD

As per the CPCB final document on revised Classification dated 29.02.2016, The unit is manufacturing of coir items (Fibre & Pith) from coconut husk comes under white category 4023 - Manufacturing of coir items from coconut husks vide TNPC Board proceeding No.06, dated 02.08.2016. On calculating the pollution index,

Air Pollution Score (A1) for the A1D is 15

Water pollution score (W1) for the W14 is 15

Water pollution score (W2) is 10

Hazardous Score (HW4) is 10

Water Pollution Score = $W1+W2 = 15 + 10 = 25$

Air Pollution Score = $A1+A2 = 15 + 0 = 15$

Hazardous Waste = 10

Pollution Index score = $(W + A + HW)$
 $= (25 + 15 + 10)$
 $= 50$

The pollution index is 50, Hence it is Orange Category.


Since, the unit falls under Orange Category as per the pollution index scoring pattern the unit has to apply for the consent of the TNPC Board.

And as such the provisions of Section 22 of the Act have been contravened which is punishable under Section 37 of Act with imprisonment for a term which shall not be less than one year and Six months, but which may extend to six years and with fine.



Hence, you are directed to show cause within 7 days from the date of receipt of this notice as to why penal action should not be initiated against you for operating the unit without any air pollution control measures under Section 22 of the said Act and to issue directions under Section 31A of the Act for closure of the unit and for the stoppage of electricity etc.,

It is informed that non-receipt of reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above contravention and action will be taken accordingly.


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore South

11/4/2014

To,
Thiru C. Leelakrishnan,
Managing Director
M/s REMMY SUBSTRATES INDIA PVT LTD & M/s SRIRAM FIBRES,
S.F No. 295/2A, Palladam Main Road, Kattampatti Post,
Jakkarpalayam (Via), Kinathukadavu Taluk,
Coimbatore District

True copy
Sd/-
S.A.Sayed Shuhaibb



TAMIL NADU POLLUTION CONTROL BOARD

Proceeding No. T2 / TNPCB / F.13367 / 2021, dated: 10.11.2021

Sub.: TNPCB – Categorization of Coconut husk processing industry and bring under consent mechanism – Guidelines – Issued – Regarding.

- Ref.: 1. CPCB Letter No. B-29012 / ESS (CPA) / 2015-1, dated 7.3.2016
 2. TNPCB B.P. No. 06, dated 02.08.2016
 3. Hon'ble NGT (SZ) order dated 03.02.2016 in O.A. No. 114 of 2015
 4. Hon'ble High Court of Madras order dated 11.02.2016 in W.P.No. 21327 of 2015
 5. Hon'ble NGT (SZ) order dated 28.10.2020 in O.A. No. 5 of 2016
 6. Hon'ble NGT (PB) order dated 25.08.2021 in O.A. No. 216 of 2020
 7. Hon'ble NGT (SZ) order dated 08.10.2021 in Appeal No. 70, 71 & 72 of 2021
 8. Letter No. JCEE(M) / TNPCB / CBE / F.No.1-Tech / CBS / 21, dated 05.07.2021

The Central Pollution Control Board (CPCB) vide letter No.B-29012 / ESS (CPA) / 2015-1, dated: 07.03.2016 has issued direction to all the Chairman, State Pollution Control Boards / Pollution Control Committees under the section 18(1) (b) of the Water (P&CP) Act, 1974 and under the Air (P&CP) Act, 1981 regarding harmonization of classification of industrial sectors under Red / Orange / Green / White Categories. The CPCB has directed that all the SPCBs and PCCs shall adopt the Revised Criteria of categorization of industrial sectors based on Pollution Index and issued the lists of Red, Orange, Green and White categories of industrial sectors. As per the CPCB directions, the TNPCB vide B.P. No.6, dated 02.08.2016 has adopted the CPCB re-categorization.

The CPCB has further mentioned that any further addition of any new or left-over industrial sector and their categorization which is not in the revised list of Red, Orange, Green and White industrial sectors, shall be done at the level of concerned SPCB / PCC following revised criteria & guidelines and no concurrence of CPCB shall normally be required.

It is brought to the notice of the Board by the Joint Chief Environmental Engineer (Monitoring), Coimbatore that the Coconut husk retting / de-fibreing / pith processing industry needs to be categorized and included in the categorization list. Further, the Hon'ble High Court of Madras and Hon'ble National Green Tribunal have issued various orders on coir industries.

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

In view of the above, the Committee headed by the Member Secretary have worked out Pollution Index Score based on the guidelines issued by the CPCB and recommended to categorize 'Coconut husk retting/de-fibreing/pith processing industry under Orange Category – Code No. 2100'. Further the Committee has recommended certain guidelines to the said industry.

The Board in B.P. No. 6, dated 02.08.2016 has authorized the Chairman, TNPCB to issue orders for addition of any new or left-over industrial sector and their categorization which is not in the revised list after getting the recommendation from the Committee headed by the Member Secretary.

In view of the above, the following industrial sector is added in the list mentioned in B.P. No. 6, dated 02.08.2016 as given below:

Type Code	Category	Industry Sector
2100	Orange	Coconut husk retting/de-fibreing/pith processing

Further, the said industrial sector shall get consent of the TNPCB under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 and also to comply with the following conditions.

Water Pollution Control

1. The unit shall store the raw material (coconut husk) in a platform under a closed shed so as to prevent entry of rain water and thus avoid leaching.
2. The retting, fibre / pith processing shall be done in impervious platform.
3. The unit shall utilize optimum quantity of water for retting, fibre / pith processing activity so as to reduce waste water generation.
4. The unit shall collect the wastewater generation from retting, fibre / pith processing and treat in the Effluent Treatment Plant to achieve the discharge standards prescribed by the Board and recycle the same.
5. The unit shall provide concrete platform for drying of coir fibre / coir pith.
6. The unit shall cover the drying of coir fibre / pith with adequate tarpaulins during rains. The rain water collected from the yard shall be recycled for industrial purpose.
7. The unit shall ensure that the wastewater shall not be discharged into any water bodies / nearby lands under any circumstances. It shall be treated and completely recycled.



TAMIL NADU POLLUTION CONTROL BOARD

Air Pollution Control

1. The disintegration and decortications shall be carried out in a closed shed so as to avoid dust emission.
2. Tin sheet cover shall be provided to the rotary sieve and conveyors to minimize the dust emission.
3. Under any circumstances the coir fibre/coir pith shall not be processed/dried in open barren lands, agriculture fields and adjacent to any water bodies.
4. The possibility of mechanical drying of coir pith may be adopted on a large scale to minimize dust emissions.
5. The unit shall provide wind-net arrestor of adequate height all along the boundary of the unit especially in drying area so as to mitigate dust emission.
6. The unit shall provide adequate depth of green belt along the boundary so as to control dust emission.
7. The unit shall adhere to the Ambient Air Quality/Emission standards prescribed by the Tamil Nadu Pollution Control Board.
8. The unit shall comply with the directions / guidelines issued by the TNPCB, CPCB from time to time.

The receipt of the proceedings shall be acknowledged.

Sd/-
Chairman

To

1. All Joint Chief Environmental Engineers (Monitoring),
Tamil Nadu Pollution Control Board
2. All District Environmental Engineers,
Tamil Nadu Pollution Control Board
3. All HODs in Board Office
4. OCMMS Team

Copy to

1. PS to Chairman
2. PS to Member Secretary

True copy
Sd/-
S.A.Sayed Shuhaibb

R. Jindal
10/11/2021
For Chairman
2.00 -
10.11.2021

**BEFORE THE NATIONAL
GREEN TRIBUNAL,
SOUTHERN ZONE AT
CHENNAI
APPEAL No. 28 of 2023**

M/s. Remmy Substrates India (P))Ltd.,
Rep by its Executive Director, Mr.
Ramprakash No. 299/2, Kattampatti Post,
Tirpur- Polalchi Highway 725/1,
Coimbatore 642 202.

....APPELLANT

VERSUS

The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai - 600 032 & ors

...Respondents

**REPLY AFFIDAVIT FILED ON
BEHALF OF RESPONDENTS –
TAMIL NADU POLLUTION
CONTROL BOARD.**

**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date: 08.10.2024

Date of hearing on: 18.10.2024

