

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, AT CHENNAI.

Original Application No.138 of 2024 (SZ)

IN THE MATTER OF:

Tribunal on its own motion SUOMOTU
Based on the News Item in the
Hindu Chennai edition Newspaper
dated:02.05.2024 Under the caption,
"3 Killed in Explosion in Virudhunagar".

Versus

Central Pollution Control Board and Others.

...Respondents

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

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

Original Application No.138 of 2024

Tribunal on its own motion **SUO MOTU**
Based on the News Item in The Hindu
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And

Central Pollution Control Board and Ors.

..... Respondents

**REPLY AFFIDAVIT FILED ON BEHALF OF THE SECOND
RESPONDENT – TAMIL NADU POLLUTION CONTROL BOARD.**

I, S.Palanisamy, S/o. Thiru.S.Santhappan, aged 58 years, having office at No.76, Mount Salai, Guindy, Chennai-600 032, do hereby solemnly affirm and sincerely stated as follows:-

I submit that I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai – 600 032 and I am authorized to file this reply affidavit on behalf of the second respondent (TNPCB) and as such I am well acquainted with the facts of the case as per the records available in our office.

2. It is respectfully submitted that on 14.5.2024, the Hon'ble National Green Tribunal (SZ), Chennai has taken the OA No.138 of 2024 as a Suo Motu based on the News Item in The Hindu Chennai edition, Newspaper dt: 02.05.2024, under the caption, **"3 Killed in explosion in Virudhunagar"**.
3. It is respectfully submitted that on 11.7.2024, the Hon'ble Tribunal has directed the 2nd respondent (TNPCB) to file a detailed report and the operative portion of the NGT order is as follows:

" Para 6. It would be appropriate for the Tamil Nadu Pollution Control Board (TNPCB) to file a detailed report, as the Sl. No.3 in Schedule – 5 of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 empowers the Central Pollution Control Board

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**JOINT CHIEF ENVIRONMENTAL ENGINEER
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No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.**

(CPCB) or the State Pollution Control Board (SPCB) for the enforcement of directions and procedures in respect of isolated storage of hazardous chemicals.

7. As the TNPCB is the enforceable authority, let an inspection be caused to find out whether the unit had appropriate licenses and followed all the safety measures and the directions and the procedures mentioned in the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989”.

4. It is respectfully submitted that the M/s SSPR Traders, S.F.No. 100/2A of T.Kadapankulam Village, Kariapatti Taluk, Virudhunagar District is an explosive magazine i.e. explosive storage unit, has obtained a license from “Petroleum and Explosives Safety Organization (PESO)” vide license No. E/SC/TN/22/709(E95179) with validity upto 31.03.2027 for carrying out activities such as storing of explosives and items as listed below –
 - i. Nitrate Mixture – Slurry and Emulsion Explosives
 - ii. Safety Fuse
 - iii. Detonating Fuse
 - iv. Electric and/or Ordinary Detonators.
5. It is respectfully submitted that as the process of the firm is storing the explosives only, it does not come under the purview of the consent mechanism and hence no consent of the Pollution Control Board was obtained by the firm.
6. It is respectfully submitted that on 01.05.2024, all of sudden a news item telecasted on television regarding an explosive accident that occurred in the said firm, M/s SSPR Traders, T. Kadampankulam caused the death of three persons and subsequently, it was ascertained that the license obtained from PESO was temporarily suspended vide Order dated 02.05.2024.
7. It is further submitted that adjacent to the said M/s SSPR Traders, a stone crusher unit in the name and style of M/s RSR Blue Metals and a rough stone and gravel quarry unit in the name and style of M/s RSR Blue Metals Rough Stone and Gravel Quarry are located.
8. It is respectfully submitted that the M/s RSR Blue Metals, S.F.No. 115/7B of T.Kadapankulam Village, Kariapatti Taluk, Virudhunagar District has


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obtained the latest consent of TNPCB vide Proceedings dated 24/05/2020 for manufacturing of i) Blue Metal Jellies of various sizes – 9500 T/month and ii) M-Sand – 9500 T/month, which validity upto 31/03/2030.

9. It is respectfully submitted that the M/s RSR Blue Metals Rough Stone and Gravel Quarry, S.F.Nos. 114/1D1, 114/1D2, 116/1A, 116/1B, 116/1C, 116/2D, 116/3, 116/4, 116/5, 116/6, 116/7 and 116/8 of T.Kadapankulam Village, Kariapatti Taluk, Virudhunagar District has obtained Environmental Clearance issued by Tamil Nadu – State Environmental Impact Assessment Authority vide its letter Lr.No. SEIAA-TN/F.No.7027/1(a)/ EC.No.4224/2020 dated 16.06.2020 for quarrying of Rough Stone – 3,03,345 m³ and Gravel – 42,680 m³ over a period of 5 years and subsequently obtained Consent of TNPCB vide Proceedings dated 12/08/2020 for the above said quantities with validity upto 31/03/2025.
10. It is respectfully submitted that both the Stone crusher, M/s R.S.R Blue Metals, and Stone Quarry, M/s R.S.R Blue Metals Rough Stone and Gravel Quarry were inspected on 06/05/2024 and found not under operation. A Show Cause Notice was also issued to the stone crusher for not providing adequate Air Pollution Control Measures as consented. The unit in its letter dated 08/05/2024 has informed that they have stopped their operation from 28/04/2024 for maintenance activities and hence removed certain Air Pollution Control Measures to carry out the maintenance activities and assured to resume its operations only after providing all the Air Pollution Control Measures.
11. It is respectfully submitted that both the Stone Crusher and Stone Quarry were again inspected on 18.06.2024 and found still not under operation and the installation of Air Pollution Control measures in the stone crusher were found almost completed.
12. It is respectfully submitted that as per Section 4 of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, the rules apply to the following activities –


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- a. an industrial activity in which a hazardous chemical, which satisfies any of the criteria laid down in Part I of Schedule I or listed in Column 2 of Part II of this Schedule, is or may be, involved; and
- b. isolated storage of hazardous chemicals listed in Schedule 2 in a quantity equal to or more than the threshold quantity specified in Column 3, thereof.

13. It is respectfully submitted that the firm, M/s SSPR Traders is only carrying out storing and trading of the following explosive items and not carrying out any industrial activities.

- i. Nitrate Mixture – Slurry and Emulsion Explosives
- ii. Safety Fuse
- iii. Detonating Fuse
- iv. Electric and/or Ordinary Detonators.

14. It is respectfully submitted that the above-mentioned are explosive materials, which are classified as hazardous by nature. However, these materials are not listed in Schedule 2 of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.

Hence, these rules may not be applicable to this establishment of M/s SSPR Traders, T.Kadampankulam.

15. It is respectfully submitted that the “Material Safety Data Sheets” for the above said items are attached herewith for kind reference and from the Material Safety Data Sheets, it can be ascertained that the main chemical composition of the above items along with the allowed storage quantity by the ‘Petroleum & Explosive Safety Organization’ are furnished as follows:

S. No	Item Name	Approved Storage Quantity	Chemical Composition	Proportion (in %)
1.	Nitrate Mixture – Slurry and Emulsion Explosive	1500 Kgs	Aluminum Nitrate	< 60 %
			Calcium Nitrate	< 15 %
			Mineral Oil	< 10 %
			Vegetable Oil	< 10 %
2.	Safety/Detonating Fuse	1. Safety Fuse - 5000 Meters 2. Detonating Fuse – 10000 Meters (with approximately	Pentaerythritol tetra nitrate (PETN)	10 – 80 %
			Trinitrotoluene (TNT)	90 – 20 %


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		10 g of explosives per meter)		
3.	Electric Detonators	44000 Nos. (approximate weight of a detonator – 10 g)	Aluminium Powder (Stabilized)	< 1 %
			Pentaerythritol tetra nitrate (PETN)	< 1 %
			Lead Azide	< 1 %
			Cyclotetramethylenetetranitramine (HMX)	< 0.3 %
4.	Non-Electric Detonators		Tetryl (N-Methyl-N, 2, 4, 6-Tetranitroaniline	< 1 %
			Aluminium Powder (Stabilized)	< 1 %
			Pentaerythritol tetra nitrate (PETN)	< 1 %
			Lead Azide	< 0.3 %
			Cyclotetramethylenetetranitramine (HMX)	< 0.3 %

It is further submitted that the threshold quantity of above said chemicals as per the Schedule 2 and Schedule 3 of the said rules are furnished as below –

S. No	Chemical Name	Threshold Quantity
1.	Aluminum Nitrate	Not listed
2.	Calcium Nitrate	Not listed
3.	Pentaerythritol tetra nitrate (PETN)	50 Tons
4.	Trinitrotoluene (TNT)	50 Tons
5.	Aluminium Powder (Stabilized)	Not Listed
6.	Lead Azide	100 Kgs
7.	Cyclotetramethylenetetranitramine (HMX)	50 Tons
8.	Tetryl (N-Methyl-N, 2, 4, 6-Tetranitroaniline	50 Tons

16. It is respectfully submitted that even though the stored explosive materials are not covered under the Manufacture, Storage and import of Hazardous Chemical Rules, 1989, the possible quantity of chemicals stored in the said firm based on the chemical composition are calculated as follows :-

S. No	Hazardous Chemical Name	Total weight of fuse/detonator	Percentage of chemical based on MSDS	Weight of chemical
1.	Pentaerythritol tetra nitrate (PETN)	Fuses – 15,000 meters x 10 g = 150 Kgs	80 % (Max)	120 Kgs
		Detonators – 44000 Nos. x 10 g = 440 Kgs	1 % (Max)	4.4 Kgs
		Total	124.4 Kgs	
2.	Trinitrotoluene	Fuses – 15,000 meters x 10 g = 150	90 % (Max)	135 Kgs

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	(TNT)	Kgs		
3.	Lead Azide	Detonators – 44000 Nos. x 10 g = 440 Kgs	1 % (Max)	4.4 Kgs
4.	Cyclotetramethyle netetranitramine (HMX)	Detonators – 44000 Nos. x 10 g = 440 Kgs	0.3 % (Max)	1.32 Kgs
5.	Tetryl (N-Methyl- N,2,4,6- Tetranitroaniline	Detonators – 44000 Nos. x 10 g = 440 Kgs	1 % (Max)	4.4 Kgs

17. It is respectfully submitted that by comparing the values, the quantities of chemicals are lesser than the threshold values mentioned in the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.

18. It is respectfully submitted that as the firm involves only storing and handling explosive materials, there is no usage of water inside its premises and the employees will not wash hands or any other vessels. Hence, there is no trade effluent generation from the firm's activities.

19. It is further submitted that there is no process emissions were let out from the unit's activities. Further, it is submitted that the provisions of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 are not applicable to this firm.

Therefore, it is humbly prayed that this Hon'ble National Green Tribunal, (SZ), may be pleased to pass such order or further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

S. S. Palanisamy
4/9/24
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

VERIFICATION

I, S.Palanisamy, S/o. Thiru.S.Santhappan, 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 reply are true to the best of my knowledge through records.

S. S. Palanisamy
4/9/24
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Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date:05.09.2024

Date of hearing on:30.09.2024