

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

**Original Application No. 66 of 2024 (SZ)
[Earlier O.A. No. 757 of 2023(PB)]**

Gunashekar

... Applicant

Vs

Tamil Nadu Pollution Control Board and Anr.

... Respondents

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

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**REPORT FILED ON BEHALF OF THE FIRST RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R.Sarasavani, Daughter of Thiru. J. Raghavan, aged about 59 years, having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I submit that I am working as a Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am authorised to file this report on behalf of the first respondent, TNPCB and as such I am well acquainted with the facts of the case from the records available in our office.
2. It is submitted that on 19.01.2024, the Hon'ble NGT, (PB), New Delhi has registered the O.A No. 757 of 2023 based on the petition of the applicant and transferred the OA to the Hon'ble NGT(SZ), Chennai by constituting the Joint Committee to verify the factual position and suggest appropriate remedial action and to file the report before the NGT(SZ), Chennai. The order passed by the Hon'ble NGT, (PB), New Delhi, dated 19.01.2024 is as follows:-

“Para 4: In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Tamil Nadu Pollution Control Board (TNPCB), CPCB and District Collector, Tirunelveli and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and

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representative of the concerned project proponent, verify the factual position and take appropriate remedial action. The TNPCB will be the nodal agency for coordination and compliance.

Para 7: Factual and Action taken Report may be submitted before the Southern Zone Bench of this Tribunal at Chennai within two months preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF”

3. It is submitted that a complaint dated Nil was directly received by the TNPCB on 10.07.2023 from the applicant against the unit, M/s. Subam Papers Private Ltd, with a copy marked to many Departments such as National Human Rights Commission, Hon'ble NGT etc., alleging the following:
 - a. Combustion of plastic wastes in all of the 4 boilers instead of PCB approved fuels, which releases toxic gases.
 - b. M/s. Subam Papers (P) Ltd is illegally operating a De-inking plant without Environmental Clearance and requested to stop the pollution immediately.
4. It is submitted that M/s. Subam Papers Private Ltd., was inspected by the DEE, TNPCB, Tirunelveli on 18.07.2023 & 28.07.2023 and the following were observed.
 - a. M/s. Subam Papers Private Limited, S.F.No. 144, 145, 146, 151/1, 2, 152/1, 2, Vadugampatti Village, Tirunelveli Taluk, Tirunelveli District is involved in the production of Kraft Paper & Packaging Board from waste paper. The industry has obtained consent under Water Act & Air Act vide proceeding dated 20.03.2024 for the production of 9000 TPM of Kraft Paper & Packaging Board valid up to 31.03.2025 and Hazardous Waste Authorization valid up to 31.03.2026 for the generation, storage and disposal of the following hazardous wastes and other wastes.

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HW category	Quantity	Mode of disposal
5.1. Used or Spent Oil	0.6 TPA	Disposed to Authorized Recycler
35.3 Chemical sludge from waste water treatment	30 TPA	Disposed to sundry board paper industries for reuse

and passbook for the following:

Other wastes	Quantity	Uses
Schedule III - Part D: B3020- Paper, paperboard and paper product wastes, provided they are not mixed with hazardous-Waste and scrap of paper or paperboard of other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass	1188000 TPA	Captive Consumption

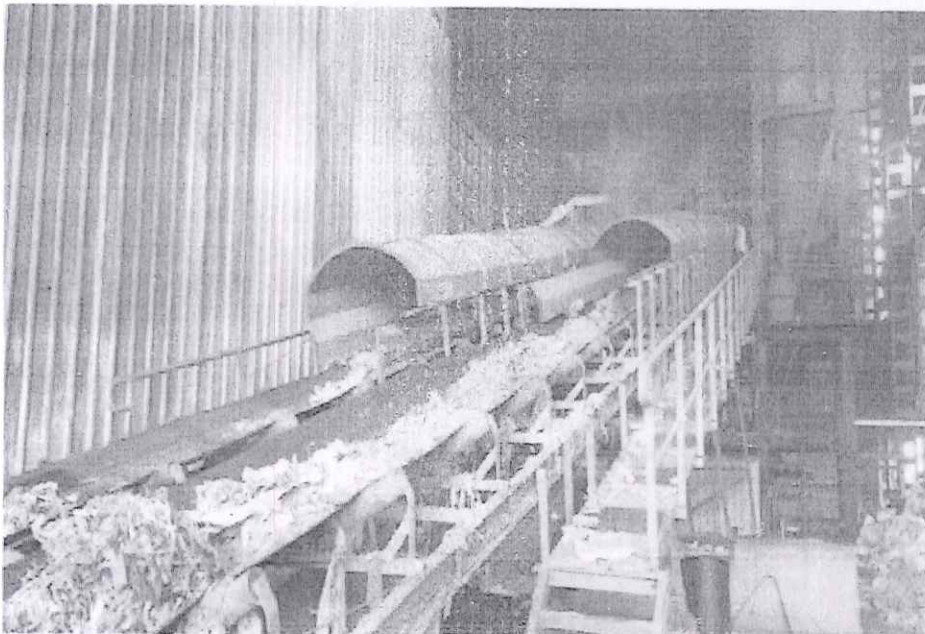
The plastic wastes segregated from mixed raw materials of imported/local waste papers are being disposed to cement factories namely M/s. Ultratech and M/s. Dalmia for co-incineration in the cement kiln for which the unit has executed valid agreement with the two cement factories. M/s. Ultratech Cements Ltd., Ariyalur during April 2017 valid for 10 years. M/s. Dalmia Cement (Bharat) Ltd., Tiruchirapalli during 16.08.2020 valid for 2 years and further extended the same on 14.08.2022 valid for 10 years.

- b. No plastic wastes were found to be used as fuel in the boilers.
- c. The unit has not carried out any de-inking process as reported in the complaint
- d. Also, there is a sister concern unit namely M/s. Subam Paper and Boards (P) Ltd, S.F. No.128, 129, 140, 141, 142, Vadugampatti Village, Tirunelveli Taluk, Tirunelveli District which was under establishment adjoining the unit, was also inspected by the Assistant Environmental Engineer, of O/o. the DEE, TNPCB, Tirunelveli on 09.08.2023 and found that the unit is yet to be commissioned. The unit M/s. Subam Paper and Boards (P) limited vide proceeding dated 18.09.2020 has obtained CTE valid up to 31.03.2025 for carrying out

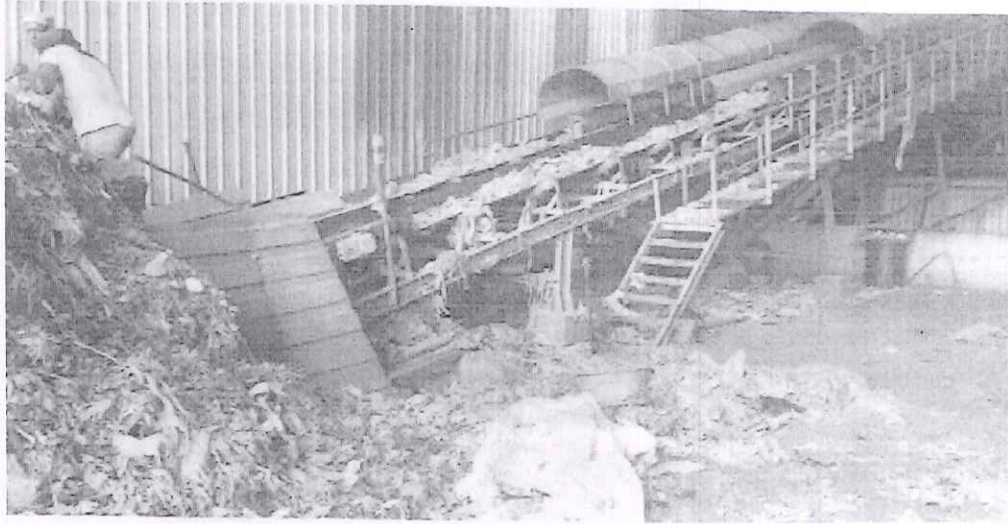

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 TAMIL NADU POLLUTION CONTROL BOARD
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establishment activity for the production of Packaging Kraft Paper and Board (15000 TPM).

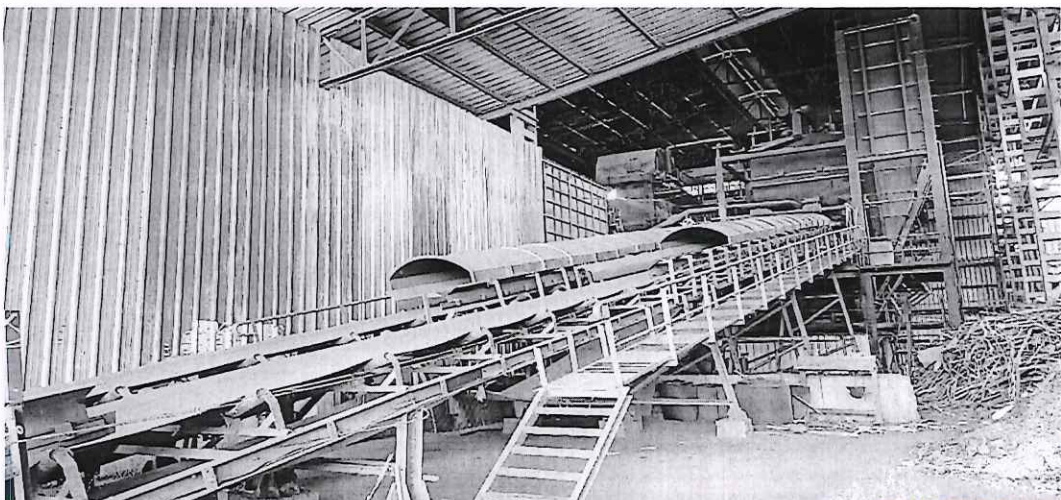
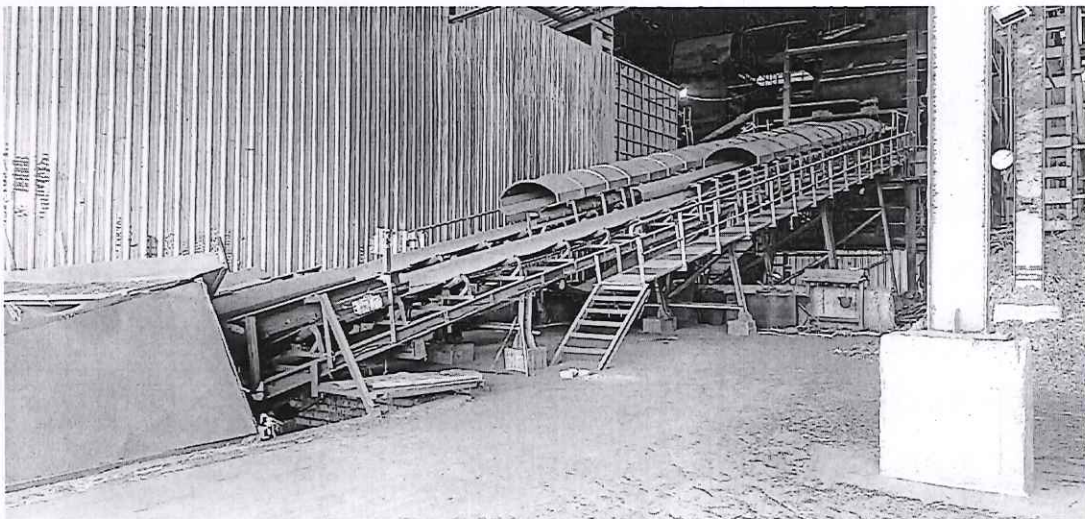
5. It is respectfully submitted that, vide letter dated 12.09.2023 the DEE, TNPCB, Tirunelveli sent a reply to the petitioner Thiru. Gunasekar and the same was undelivered and returned on 20.09.2023. Further, the DEE/TNPCB/Tirunelveli has sent a letter dated 21.03.2024 to the applicant, Thiru. Gunasekar, requesting to appear before the Joint Committee constituted by the Hon'ble NGT on 10.04.2024 in the office of the Sub-Collector, Cheranmahadevi to express his grievances, if any, on the allegations raised by the petitioner and to associate with the committee. The letter was undelivered and returned on 27.03.2024 due to insufficient address. During the committee inspection of the unit on 19.03.2024, Shri. T.Balakumar, Managing Director representative of M/s. Subam Papers Private Limited was also present. Sampling of -trade effluent from ETP and source emission from boiler (15 TPH) was also carried out by the Advanced Environmental Laboratory, TNPCB, Tirunelveli on 18.07.2024
6. It is submitted that the observations of the Joint Committee based on the grievance raised in the complaint and other short comings noticed during the inspection are detailed below;
- The complainant in his grievance application stated that combustion/usage of highly polluting plastic waste as hazardous fuel in all of the 4 boilers instead of the PCB approved fuels and produced the photograph of one boiler using plastic, which are given below



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TAMIL NADU POLLUTION CONTROL BOARD
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- The photographs provided by the complainant purportedly depict the utilization of plastic waste as fuel in one of the boilers. However, during inspection of the committee it was confirmed that the location shown in the photographs matched the site inspected. But, the boiler (15 TPH) was not in operation during the committee's inspection and as per the information of the unit's representative, the boiler was not in operation since Feb, 2023.



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- During inspection, only one 15 TPH boiler was in operation in which coal & agro waste (saw dust, wood chips) were used as fuel. No plastic waste was used as fuel in the boiler.
- As per the industry record, the segregated plastic wastes mixed in the raw materials of imported/local waste papers are being disposed to cement factories namely M/s. Ultratech and M/s. Dalmia for co-incineration in the cement kiln.
- Details of quantity of plastic wastes that has been sent to the cement industries by the unit are given below:-

QUANTITY OF PLASTIC WASTE SUPPLIED / DISPOSED TO CEMENT INDUSTRIES IN TONS				
Year	Ultratech Cements Ltd, Ariyalur	Dalmia (Bharat) Tiruchirapalli	Cement Ltd,	Total quantity in Tons
2018-2019	89.81		0	89.81
2019-2020	105.50		0	105.50
2020-2021	288.58		133.27	421.85
2021-2022	6.79		344.78	351.57
2022-2023	23.87		175.94	199.81
2023-2024	0		263.03	263.03

- During inspection conducted on 18.07.2023 and 28.07.2023 by the DEE/TNPCB/ Tirunelveli no plastic waste was found used as fuel in the boiler. However, the generation of plastic waste is not a fixed quantity; rather, it fluctuates depending on the quality of the waste paper obtained as raw material. This variability poses a challenge for the committee to conduct an exact mass balance in order to cross-verify and ensure whether the plastic waste indeed was utilized as raw material in the boiler.
7. With respect to the allegation made by the applicant that the unit is illegally operating a De-inking plant without environmental clearance, the committee reported that the M/s. Subam Papers (P) Ltd is involved in the production of kraft paper in which de-inking process is not involved. A new unit M/s.Subam Paper and Boards Private limited (sister concern unit of

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JOINT CHIEF ENVIRONMENTAL ENGINEER
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M/s.Subam Papers (P) Ltd) vide proceeding dated 18.09.2020 has obtained CTE from TNPCB for carrying out establishment activity for the production of Packaging Kraft Paper and Board (15000 TPM). Establishment work is under progress and no machinery has been erected for production. Since it is a waste paper based production, the unit's activity does not attract environmental clearance. De-inking process is involved in the production of white/ writing paper etc. Since the unit is involved only in the production of Kraft Paper & Packaging Boards, de-inking process is not carried out.

Report of analysis of the Stack emission monitoring survey conducted by the AEL, TNPCB, Tirunelveli on 19.03.2024 is given below:

Stack Attached to	Pollutants (mg/m ³)		
	PM	SO ₂	NO _x
Boiler 15 TPH	94	75	68
TNPCB Standard	150	200	200

Report of analysis of the trade effluent samples collected at the ETP inlet & outlet and analysed by the AEL, TNPCB, Tirunelveli on 19.03.2024 is given below:

Sl. No.	Parameter	Unit	Inlet of ETP	Outlet of ETP	Standards (mg/L)
1	pH @ 25°C		6.2	7.65	5.5 to 9
2	Total suspended Solids	mg/l	280	54	100
3	Total Dissolved Solids	mg/l	4784	2428	2100
4	Chlorides (as Cl)	mg/l	2298	975	1000
5	Sulphate (as SO ₄)	mg/l	285	273	1000
6	BOD for 3 days @ 27 °C	mg/l	361	29	30
7	COD	mg/l	2800	248	250
8	Hexavalent Chromium	mg/l	<0.01	<0.01	0.1
9	Manganese (as Mn)	mg/l	0.292	0.076	--
10	Copper	mg/l	0.120	0.076	3


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11	Cadmium (as Cd)	mg/l	0.076	0.032	2
12	Lead	mg/l	0.043	0.024	0.1
13	Nickel	mg/l	0.094	0.041	3
14	Zinc	mg/l	0.656	0.290	1

The treated effluent quality achieved is suitable for re using in the process.

8. It is submitted that during inspection, open dumping of plastic waste and ETP sludge was observed at the back side of the unit's premises.



9. It is submitted that the unit uses agro waste & coal as fuel in the boiler, no plastic waste usage as fuel is observed by the committee. According to industry records, plastic wastes mixed in raw materials such as imported or

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local waste papers are segregated and disposed to cement factories like M/s. Ultratech and M/s. Dalmia for co-incineration in the cement kiln.

10. It is submitted that M/s. Subam Papers (P) Ltd (operational) and M/s. Subam Paper and Boards Private limited (obtained CTE) are based on waste paper as raw material and does not involve in the process of deinking process, so the unit's activity does not attract Environmental Clearance. Further, Joint Committee report was submitted before the Hon'ble NGT, (SZ) on 03.05.2024.

11. It is submitted that the unit, M/s. Subam Papers Private Ltd, vide letter dated 29.04.2024 has been instructed to carry out the following corrective measures as suggested by the Joint Committee.

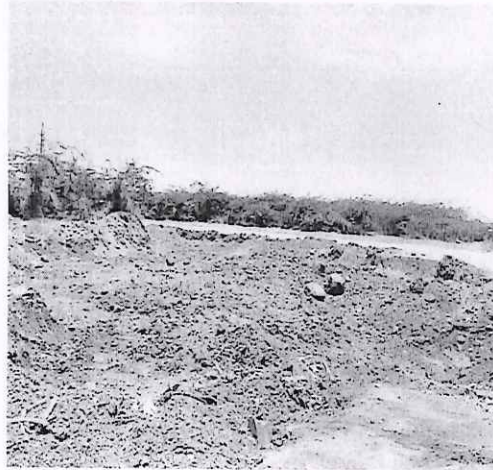
- a. The unit shall remove the ETP sludge from the open land and provide appropriate/adequate closed storage facility.
- b. The unit shall ensure proper disposal of ETP sludge to sundry board paper industries as per consent order condition and maintain proper records for generation, storage and disposal of ETP sludge.
- c. The plastic waste dumped shall be removed by the unit and dispose it to cement industry properly. Proper storage facility shall be provided by the unit.

12. It is submitted that the unit has replied vide letter dated 27.05.2024, stating that it has already carried out the improvement measures as suggested with photographs substantiating the same. In this regard, the unit was inspected by the officials of the O/o.DEE, TNPCB, Tirunelveli on 03.06.2024 and it was observed that

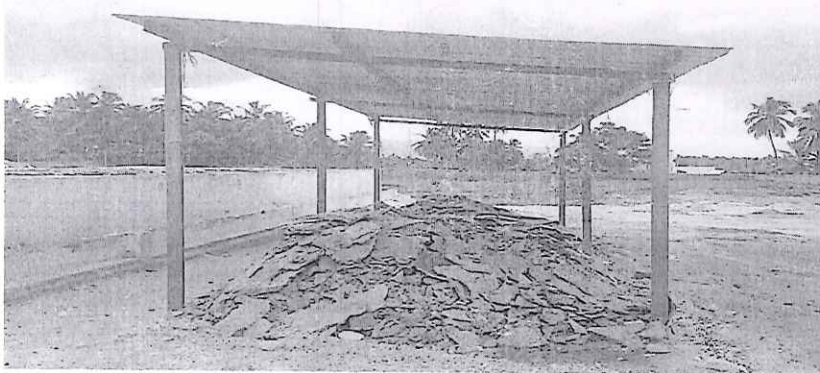
- a. ETP sludge and plastic waste spread on open land were removed.



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TAMIL NADU POLLUTION CONTROL BOARD
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b. ETP sludge and plastic waste were stored in storage shed



c. An agreement was executed with a Sundry Board industry namely M/s.D.R.Paper and Boards, Tiruppur District and 1.475 Tonnes of ETP sludge was disposed on 27.05.2024.

d. Plastic wastes were disposed to M/s.Dalmia Cement (Bharat) Ltd, Tiruchirapalli for co-processing.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to pass such order or other orders as this Hon'ble Tribunal may deem fit and necessary in the circumstances of the case and thus render justice.

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 TAMIL NADU POLLUTION CONTROL BOARD
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 CHENNAI-600 032.

VERIFICATION

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

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 JOINT CHIEF ENVIRONMENTAL ENGINEER
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BOARD.**

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

Date:11.09.2024

Date of hearing on:17.10.2024.

