

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

Original Application No.08 of 2024 (SZ)

Meenava Thanthai K.R.Selvaraj Kumar,
Meenavar Nala Sangam,
(Registered under Section 10 of the Tamil Nadu
Societies Act, in SI No.205 of 2015 dated:26.06.2015)
Represented by its President, M.R.Thiyagarajan,
S/o.Late C.Rajalingam, Office at No.15/8, A.J.Colony,
Royapuram, Chennai – 600 013 Mob: 99401 78702

...Applicant

Vs

The State of Tamil Nadu,
Through the Chief Secretary,
Government of Tamil Nadu, Secretariat,
Chennai – 600 009 and Others.

...Respondents

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

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

Original Application No.08 of 2024

Meenava Thanthai K.R.Selvaraj Kumar,
Meenavar Nala Sangam
(Registered under section 10 of the Tamil Nadu
Societies Act, in SI.No. 205 of 2015 dated 26.06.2015)
Represented by its President, M.R. Thiyagarajan,
S/o Late C. Rajalingam, Office at No.15/8, A.J. Colony,
Royapuram, Chennai-600 013. Mob. 9940178702
stanly.lawyer@gmail.com

...Applicant

AND

1. State of Tamil Nadu
Through the Chief Secretary,
Government of Tamil Nadu, Secretariat
Chennai 600 009 Ph.25671555, email:- cs@tn.gov.in
2. Tamil Nadu State Environment Impact Assessment Authority
Through the Chairman
Ground Floor, Panagal Maligai,
No.1 Jeenis Road, Saidapet,
Chennai-600 015, Tamil Nadu.
mstnseiaa@yahoo.com
3. Tamil Nadu State Expert Appraisal Committee
Through the Chairman
3rd Floor, Pangal Maligai,
No.1 Jeenis Road, Saidapet, Chennai-600 015,
Tamil Nadu.
mstnseiaa@yahoo.com
4. Tamil Nadu Pollution Control Board,
Through the Chairman,
76, Mount Salai, Guindy,
Chennai - 600 032
Tel: 044-22353134-139
Email-ID: tnpcb-chn@gov.in
5. Tamil Nadu State Coastal Zone Management Authority,
Through the Member Secretary,
Panagal Building, Saidapet
Chennai - 600032
044-24336421
tndoe@tn.nic.in

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6. Department of Fisheries,
Government of Tamil Nadu,
Through the Director, 3rd Floor,
Integrated Animal Husbandry and Fisheries Building,
Nandanam, Chennai - 600 035
Ph No: 044-24320791
tnfisheries@nic.in

...Respondents

REPLY FILED ON BEHALF OF FOURTH RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD

I, J. Josephine Sahaya Rani, Daughter of Thiru. M. Jesu Rajan, aged about 57 years having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby solemnly affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am authorized to file this reply on behalf of the 4th respondent and as such I am well acquainted with the facts of the case from the office records.
2. It is respectfully submitted that the applicant has filed seeking a prayer that:

A. Interim Relief:

- i. *Restrain the 6th Respondent from carrying out any activities which includes construction, reclamation and dredging in respect of its project named Tuna Fishing Harbour at S.F.No.7/4,39,40,41,42 & 49, Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu for the non-compliance of the conditions of the Environmental Clearance.*
- ii. *Pass any such order or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

a) Prayer:

- i. *Issue directions to Respondent No. 2 to 5 to initiate appropriate action against the 6th*

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Respondent for the violations of the Environmental Clearance dated 05.08.2020 accorded for the establishment of Tuna Fishing Harbour in CRZ Zone at S.F.No.7/4,39,40,41,42 & 49, Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu.

- ii. *Direct penal action and impose environmental compensation including restitution of environment on the Project Proponent for violating the conditions of the Environmental Clearance granted on 05.08.2020 by the State Environment Impact Assessment Authority, Tamil Nadu, breach of statutory provisions and inter-alla for loss of ecological services foregone and costs to restore the damage done to the environment and ecology.*
- iii. *Fix the responsibly on the officials who have turned blind eye to the violations committed by the Respondent No.6 in so far as the conditions were imposed specifically for the protection and conservation of marine ecology.*
- iv. *Pass any such order or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case*

3. It is respectfully submitted that before responding to the averments contained in the application, the answering respondents submit the brief facts of the case for appreciation of this Tribunal.

4. It is respectfully submitted that the unit of M/s. Tuna Fishing Harbour Fisheries Department located at S.F. No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur Kuppam Village, Thiruvottiyur Taluk, Chennai District has obtained the Environmental Clearance (EC) from State Level Environmental Impact Assessment Authority - Namakkal (SEIAA) vide Letter No. SEIAA-TN/F.No.6440/EC/7(e)/75/2020, dated:

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05.08.2020 for the proposed construction of Tuna Fishing Harbour with net fish handling capacity of 69,000TPA at S.F. No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu by Department of Fisheries, Government of Tamil Nadu, Fishing Harbour Project Division with validity for 7 years from the date of issue of EC i.e. valid up to 04.08.2027 subject to the certain conditions and for the following:

a. The main facilities proposed in the Fishery harbour layout are in an Extent of the land - Reclaimed area-15.63 Ha, Ware spread Area - 30.87 Ha and the details are as follows:

- i. Northern Breakwater 852 m,
- ii. Southern Breakwater 1088 m,
- iii. Quays (RCC bored pile) for MFVs 730m,
- iv. Quays (RCC bored pile) for FRPs 110 m,
- v. Fish Handling and Auction Hall for MFVs (1273Sqm),
- vi. Fish Handling and Auction Hall for FRP boats (258Sqm) etc.,

b. The water spread areas and the proposed wharf facilities are envisaged with elaborate planning and engineering design to facilitate fishing activities and boat or vessel management for about 300 numbers of FRP boats(10m), 300 numbers of Trawlers (18m) and 200 numbers of Tuna boats(20m). Ensure-4m draft in the water spread area of the Harbor to facilitate the navigation of boats and vessels.

c. Proposed to dredge 1,75,240 cum of sand mud from off shore area to reclaim land of 15.46 Ha for establishing the land side infrastructures. Total water Requirement - Fresh water - 250 KLD from RO plant, 500 KLD of sea water for fish washing and cleanings. Effluent generation and treatment - ETP - 30 KLD (disposed into sea). Solid Waste Management - 4-5TPD through local body.

5. It is respectfully submitted that the unit has applied for the CTE-New through OCMMS vide Application No. 35838010 Dated: 22.04.2021 under Water (Prevention and Control of Pollution) Act, 1974 as amended and Air (P&CP) Act, 1981 as amended for the product of Proposed construction of Tuna Fishing Harbour with net fish handling capacity -

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69,000TPA. The application was returned to the unit for correction on 14.05.2021 for the following reasons.

"The unit has submitted application for the establishment of Tuna Fishing Harbour, whereas the product is mentioned as "Fish – 69000TPA". This to be changed as per the product mentioned in the Environmental Clearance. The unit has mentioned the sewage generation as 567.80KLD whereas water consumption for domestic use mentioned as 26 KLD and mentioned as from fresh water source and sea water source. This has to be removed.

Description of outlet as mentioned as 80%, 90%. This has to be removed.

Hence the application is returned to the unit and the unit is requested to submit the corrected application."

6. It is respectfully submitted that subsequently, the application was deleted due to the reason that the returned application being pending with the unit for more than 60 days and consent fee paid was forfeited. The unit has not re-submitted the application for obtaining Consent to Establish even after several instruction from the TNPCB.

7. It is respectfully submitted that the above said site was inspected on 13.02.2023 and found that the establishment activity was under progress without obtaining consent to establishment from the Board. Hence, a show cause notice was issued to the unit under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Air (P&CP) Act, 1981 as amended for the said violations vide Proc.dated:13.02.2023. However, no reply was received from the unit.

8. It is respectfully submitted that, Meenava thanthai K. R. Selvaraj Kumar, Meenavanala Sangam filed an Original Application No.28/2020 in Hon'ble NGT (SZ), Chennai and Appeal No. 28/2020 (SZ) against the 1st Respondent - State of Tamil Nadu, 2nd Respondent - Tamil Nadu State Environmental Impact Assessment Authority, 3rd Respondent - Tamil Nadu State Expert Appraisal Committee, 4th Respondent - Tamil Nadu Pollution Control Board, 5th Respondent - Tamil Nadu State Coastal Management

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Authority and 6th Respondent - Department of Fisheries, Government of Tamil Nadu for seeking following relief

“(i) Issue directions to Respondent No. 2 to 5 to initiate appropriate action against the 6th Respondent for their illegal and unauthorized constructions, reclamation and dredging activities of Tuna Fishing Harbor In CRZ Zone at S.F.No.7/4, 39, 40, 41, 42 & 49, ThiruvottriyurKuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu without obtaining the prior Environmental clearance as laid down under the Category "B" of Item.7 (e) "Port, Harbour, Fishing Harbour" of the Schedule to the EIA Notification, 2006 and CRZ Clearance under CRZ Notification 2011.

(ii) Restrain the 6th respondent from permitting further construction and other related activities in the CRZ zone with respect to their project named Tuna Fishing Harbour.

(iii) Direct the 6th respondent to remove the entire unauthorized construction including road, buildings and other structures in the CRZ zone without obtaining any permissions under EIA Notification, 2006 and CRZ Notification, 2011 and to restore the area to its original condition.

(iv) Impose environmental Compensation upon the 6th respondent who has intentionally damaged the environment as well as marine eco system in Thiruvottriyurkuppam Village, Ennoru Taluk, Thiruvallur District.

(v) Direct the regulatory authorities to initiate penal proceedings against the officials of the 6th respondent in so far as they have critically damaged the environment.

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(vi) Pass any order or orders as this Hon'ble Tribunal may deem fit, and appropriate in the facts and the circumstances of the present Application."

9. It is respectfully submitted that the Hon'ble NGT (SZ) appointed the Joint Committee comprising of 1. Dr. R. Sivacoumar - Member, State Environment Appraisal Committee (SEAC), Tamil Nadu, 2. Shri. M. Malaiyandi - Joint Chief Environmental Engineer (Monitoring), Tamil Nadu Pollution Control Board, Chennai Zone, 3. Shri. D. Eswaran - Assistant Conservator of Forests, Department of Environment, Chennai and 4. Shri. M Muthukaluvan - Revenue Divisional Officer, Chennai North to inspect the area and submit a factual as well as action taken report.

10. It is respectfully submitted that the joint inspection committee has inspected the project site on 17.03.2020. During the time of inspection, the committee observed the following:

a. The Fishing Harbour (Fish handling capacity - 69,000TPA) and its components such as Breakwaters, Quays, Internal roads, Fish Handling and Auction Hall Packing Hall etc. are proposed in CRZ IV (towards sea side), CRZ I (B) (between LTL & HTL- inter tidal zone) and CRZ II (towards landside) at new town survey number. 2712 (old SF.No.7/4, 39, 40, 41, 42 & 49), ThiruvottriyurKuppam Village, Ennore Taluk, Thiruvallur District.

b. The Fisheries Department, Government of Tamil Nadu obtained CRZ clearance from the Tamil Nadu State Coastal Zone Management Authority vide Proceeding.No.Pl/220412016 dated 10/03/2017 for the construction of Tuna Fishing Harbour of fish handling capacity of 69000 TPA at ThiruvottriyurKuppam Village, Ennore Taluk, Thiruvallur District under CRZ Notification 2011 and the same is attached as Annexure.

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c. As the project falls under the Category "B" of Item. 7(e) "Port, Harbour, Fishing Harbour" of the Schedule to the EIA Notification, 2006, the public hearing was conducted on 25/07/2019 by the TNPCB and Executive Engineer, Fisheries Department informed, application filed to the SEIAA for Environmental Clearance under the EIA Notification 2006 is in progress.

d. Two approach roads of roughly 17.2m of width are existing at the north and south directions of the project site as shown in Plate 2.

e. A temporary office shed (with air conditioning) measuring approximately 3m x 10m was built inside the project site as shown in Plate 3.

f. During the time of inspection by the Joint Committee, one silo made up of Mild Steel (MS) with capacity of 100 MT for storing the cement, blue metal jelly of size 1/4" & 1/2" and mixer machine for the preparation of mortar for making gryones are present inside the project site as shown in Plate 4.

g. Three break water structures of 150m each existing at the site, of which 2 were extended from the initial existing projection of 150m. The break water structure in the southern direction of the project site is extended up to 400m (proposed is 1088m) from the initial projection of 150m and another existing break water structure of 150m was extended up to 320m (proposed is 852m) in the northern direction as shown in Plate 5.

h. During the time of inspection, no open and bore wells are existing inside the project site.

i. There is one sewage carrying open drain (nullah) flowing through the project site and untreated sewage is mixing with the sea inside the project site as shown in Plate 6.

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J. There are no permanent stones available for showing the high tide and low tide line within the project site erected by the Director of Environment, Government of Tamil Nadu.

K. At the time of inspection, no construction/dredging/reclamation activities related to fishing harbour were carried out within the project site. Also, the 6th respondent Fisheries Department, Government of Tamil Nadu has not constructed any permanent structures pertaining to fishing harbour except the extension of break water as stated above."

11. it is respectfully submitted that the Hon'ble National Green Tribunal order dated 21/07/2020 has directed that "On going through the report, we find that no environment compensation has been assessed, and whether any damage has been caused to the environment / coastal area has not been mentioned. So, we feel it appropriate to direct the committee to assess the environment compensation as well and the question as to whether it has to be awarded or not can be considered by this Tribunal after hearing both sides on that aspect later. The committee is directed to submit further report as directed within a period of one month from today to this Tribunal i.e, on or before 14.09.2020 through email or by e-filing at ngtszfilling@gmail.com."

12. It is respectfully submitted that the Joint Committee again inspected the project site on 09.09.2020 and provided the following conclusion and recommendation of the Joint committee

"In order to assess the damage caused by the Department of Fisheries, Government of Tamil Nadu to the environment / coastal area before obtaining Environmental Clearance (EC) from the SEIAA of Tamil Nadu and its consequent compensation resulting from the damages caused, the Joint committee is of the opinion that, it needs to be carried out by reputed institute/organizations working in these field."

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13. It is respectfully submitted that the Hon'ble NGT (SZ) pronounced the common judgment for OA No. 28/2020 and Appeal No. 28/2020 on 28.09.2022 and disposed both the application with following directions

“(I) O.A. No.28 of 2020 (SZ):

a. The Project Proponent/6th respondent in O.A. No.28 of 2020 (SZ) had committed some violation of proceeding with the project though not having much impact and gravity without obtaining necessary Environmental Clearance (EC) though they obtained CRZ Clearance in the year 2017 and the application for Environmental Clearance (EC) was pending from 2015.

b. Considering the nature of violation, the 6th respondent in O.A. No.28 of 2020 is directed to pay the environmental compensation of Rs.12,00,000/- (Rupees Twelve Lakhs only) to the SCZMA – Tamil Nadu within a period of 3 (Three) months and if the amount is paid, they are directed to utilize the amount for the purpose of improving the shoreline management and also for improving the coastal marine protection/conservation, after preparing a plan in consultation with the Department of Environment, Climate Change and Forest, State of Tamil Nadu and an Expert Agency in this regard and utilize the amount for this purpose in a scientific manner.

c. If the amount is not paid within time specified, then the SCZMA – Tamil Nadu is directed to recover the amount from the 6th respondent in accordance with law.

d. The 6th respondent is directed to strictly comply with the condition imposed in the CRZ Clearance and the Environmental Clearance (EC) granted while proceeding with the work subject to the further orders to be passed by the Tribunal in Appeal No.28 of 2020 (SZ).

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(II) Appeal No.28 of 2020 (SZ):

a. The claim of the appellant that the baseline data collected prior to the ToR and the consideration of the project after three years of the collection of baseline data which will vitiate and not conducting the public hearing after further details submitted by the project proponent as directed by the SEAC – Tamil Nadu in its 141st meeting will vitiate the issuance of Environmental Clearance (EC) are rejected for the reasons discussed above in the Judgment.

b. There is no necessity to set aside the Environmental Clearance (EC) as claimed by the appellant, but suspending the Environmental Clearance (EC) to the extent of directing the project proponent not to commission the project but permitting to undertake the project work in onshore area only till such time further studies are completed and further conditions are to be imposed, if any, by the SEIAA – Tamil Nadu will be sufficient and for that purpose, following directions are issued:

i. The project proponent is directed to conduct a study of sediment deposit and sediment erosion including predicting the locations and suitable environment management plan for reducing the same on the basis of the ToR issued and the directions issued by the SEAC – Tamil Nadu in their 141st meeting.

ii. The project proponent is also directed to conduct a study on impact of spillage of fuel or engine oil, lubricant from the construction site and source of other pollution and impacts and suitable precautionary methods to be taken to avoid pollution and trap the spillage should be conducted.

iii. A detailed marine biodiversity management plan prepared through NIOT or any other institute of repute on marine

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brackish water and freshwater ecologically and biodiversity and must be submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority. The report shall be based on the study of the impact of the project activities on intertidal biotopes, corals and coral communities (if any) in the area, molluscs, sea grasses, sea weeds, sub-tidal habitats, fishes and other marine and aquatic micro, macro and mega flora and fauna including benthos, planktons, turtles, birds, etc. as also the productivity. The data collection and impact assessment shall be as per standards survey methods and include underwater photography in tune with the recommendations made by the SEAC – Tamil Nadu while recommending the project.

iv. The study must be conducted by the project proponent and prepare a biodiversity management plan and in consultation with biodiversity board and the CRZ authority.

v. After conducting studies and getting report through accredited agency, then the same shall be placed before the SEAC – Tamil Nadu for consideration and on receipt of the same, the SEIAA – Tamil Nadu shall place the same before the SEAC – Tamil Nadu and they shall consider the sufficiency or otherwise of the same and on that basis, if any, further conditions are to be imposed to protect the marine environment then they shall impose the same and recommend the project or pass appropriate findings and forward the same with recommendation / findings to the SEIAA – Tamil Nadu and on receipt of the same, the SEIAA – Tamil Nadu shall appraise the same and take appropriate decision imposing additional conditions or otherwise on the basis of the findings of the SEAC – Tamil Nadu and incorporate the same in the Environmental Clearance (EC) granted.

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c. The project proponent is directed to complete the studies within a period of 6 (Six) months and on submission of the report by the project proponent, the SEAC / SEIAA – Tamil Nadu are directed to complete the process of further appraisal as directed by this Tribunal within a further period of 3 (Three) months and issue necessary further conditions or modifications or findings in accordance with law.

d. Once the SEIAA – Tamil Nadu imposed further conditions, then the project proponent is directed to carry out those conditions as well while proceeding with the project.

e. The Environmental Clearance (EC) granted will be subject to the further orders to be passed by the SEAC and SEIAA – Tamil Nadu as directed by this Tribunal”.

14. It is respectfully submitted that again the Tuna Fishing Harbour was inspected on 03.04.2024 by the TNPCB officials and issued the following directions under section 33A of the Water (Prevention & Control of pollution) Act, 1974 as amended to the unit of M/s. Tuna Fishing Harbour Fisheries Department located at S.F. No. 7/4, 39, 40, 41, 42 & 49, ThiruvottiyurKuppam Village, Thiruvottiyur Taluk, Chennai District vide Proc. No.T6/TNPCB/F.008648 AMB/W/2024 Dated: 18.04.2024 .

- a. The unit shall stop all the establishment activities immediately and commence their activities only after obtaining the consent of the Board under Water & Air Acts.
- b. The unit shall take immediate action to apply and obtain Consent to Establishment under the Water (Prevention & Control of pollution) Act, 1974 as amended and Air (P&CP) Act, 1981 as amended.

15. It is respectfully submitted that the unit has stopped the establishment activity in the unit premises and assured to commence only after obtaining the consent of the Board under Water & Air Acts.

16. It is respectfully submitted that the unit has re-submitted the application for obtaining CTE-new on 11.06.2024.

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17. It is respectfully submitted that the project Tuna Fishing Harbour attracts EIA notification 2006 and CRZ Notification 2011. Since the unit has obtained EC clearance vide Letter No. SEIAA-TN/F.No.6440/EC/7 (e)/75/2020, dated: 05.08.2020 from SEIAA, TN and CRZ Clearance vide Proc. No. P1/2204/2016, Dated: 10.03.2017, the subject was placed before TSC held on 20.06.2024 as per B.P. Ms. No. 19 Dated 03.04.2023.

The Technical Sub Committee vide item no 229-4 dated 20.06.2024 has decided to grant of CTE-New to the unit of M/s. Tuna Fishing Harbour Fisheries Department, SF. No. 7/4,39,40,41,42 & 49, Thiruvottiyur Village, Thiruvottiyur Taluk, Chennai District under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 with validity up to **31.03.2028**.

Based on that, Consent to Establishment was issued to the unit vide reference Proceedings No.T6/ TNPCB/ F.2797AMB/ RI/ AMB/ A&W/ 2024 dated 27.06.2024 under Section 21 of the Air (Prevention and control of Pollution) Act,1981, as amended in 1987(Central Act. 14 of 1981) and under Section 25 of the Water (Prevention and control of Pollution)Act,1974, as amended in 1988(Central Act 6 of 1974) subject to comply with following conditions valid up to March 31, 2028.

Under Water (P&CP) Act

1. The unit shall not carry out fish processing / descaling activity within the harbour premises.
2. The Consent to Establish is issued subject to the outcome of the Hon'ble National Green Tribunal (Southern Zone), Chennai order as against the case filed in OA No. 08/2024.
3. The unit shall comply with the recommendation/additional conditions of SEIAA, TN based on the based on the biodiversity management plan study report.
4. The unit shall commission its activity only after obtaining the Consent to Operate of the Board under Water and Air Acts.

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5. The unit shall comply with the conditions stipulated in the Environmental Clearance of State Level Environment Impact Assessment Authority – Tamil Nadu vide Letter No. SEIAATN/F.No.6440/EC/7(e)/75/2020, dated: 05.08.2020.
6. The unit shall comply with the conditions stipulated in the Coastal Regulation Zone Clearance of Tamil Nadu State Coastal Zone Management Authority vide Proc. No. P1/2204/2016, Dated: 10.03.2017.
7. The unit shall strictly and comply with all the direction of the Hon'ble National Green Tribunal (Southern Zone), Chennai in OA. No. 28/2020 and Appeal No. 28/2020 dated: 28.09.2022 at all times.
8. The unit shall provide Sewage Treatment Plant for the sewage generated from the fishing harbour as reported.
9. The unit shall provide necessary arrangements to utilize the treated sewage on land for gardening.
10. No ground water shall be withdrawn from the unit premises under any circumstances.
11. The unit shall not use 'use and throw away plastics' such as plastic sheets used for food wrapping, spreading on dining table etc., plastic plates, plastic coated tea cups, plastic tumblers, water pouches and packets, plastic straw, plastic carry bags and plastic flags irrespective of thickness, within the industry premises. Instead unit shall encourage use of eco-friendly alternative such as banana leaf, arecanut palm plate, stainless steel, glass, porcelain plates/cups, cloth bag, jute bag etc.,
12. The unit shall develop and maintain a Green Corridor all around the boundary, with compatible costal species of trees and shrubs, all along their inner roads, road junctions and open spaces.
13. This consent order does not absolve this unit from obtaining necessary permission / Clearance from other Authority or under other statutes as applicable.


Under Air (P&CP) Act

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1. The Consent to Establish is issued subject to the outcome of the Hon'ble National Green Tribunal (Southern Zone), Chennai order as against the case filed in OA No. 08/2024.
2. The unit shall comply with the recommendation/additional conditions of SEIAA, TN based on the based on the biodiversity management plan study report.
3. The unit shall commission its activity only after obtaining the Consent to Operate of the Board under Water and Air Acts.
4. The unit shall comply with the conditions stipulated in the Environmental Clearance of State Level Environment Impact Assessment Authority – Tamil Nadu vide Letter No. SEIAATN/F.No.6440/EC/7(e)/75/2020, dated: 05.08.2020.
5. The unit shall comply with the conditions stipulated in the Coastal Regulation Zone Clearance of Tamil Nadu State Coastal Zone Management Authority vide Proc. No. P1/2204/2016, Dated: 10.03.2017.
6. The unit shall strictly and comply with all the direction of the Hon'ble National Green Tribunal (Southern Zone), Chennai in OA. No. 28/2020 and Appeal No. 28/2020 dated: 28.09.2022 at all times.
7. The unit shall adhere to the Ambient Air Quality/Ambient Noise Level standards prescribed by the Board.
8. The unit shall develop and maintain a Green Corridor all around the boundary, with compatible costal species of trees and shrubs, all along their inner roads, road junctions and open spaces.
9. This consent order does not absolve this unit from obtaining necessary permission / Clearance from other Authority or under other statutes as applicable.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to consider the submissions made by 4th respondent and 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.


 27/8/2024

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

VERIFICATION

I, J. Josephine Sahaya Rani, Daughter of M. Jesu Rajan, working as Joint Chief Environmental Engineer, office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records.

J. Josephine Sahaya Rani
27/8/2024

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

C97 g h:-

PROCEEDINGS OF THE DIRECTOR OF ENVIRONMENT &
MEMBER SECRETARY, TAMIL NADU STATE COASTAL ZONE
MANAGEMENT AUTHORITY, CHENNAI - 15

Present Dr. H. Malleshappa., I.F.S.,

Proc. No.P1 / 2204 / 2016 dated 10.03.2017

Sub.: CRZ - Proposed construction of Tuna Fishing Harbour of fish handling capacity of 69000 TPA at Thiruvottiyur Kuppam, Ennore, Tiruvallur District proposed by Fisheries Department - Clearance requested under CRZ Notification 2011 - Orders issued.

Read: 1) Letter from District Environmental Engineer, TNPCB, Chennai.106 in letter No.CRZ-29/DEE/TNPCB/CHN/DCZMA/2016 dated 27.10.2016

2) Asst. Director of Fisheries letter No.207/A2/2015 dated 20.12.2016 and 02.02.2017

ORDER :

The Assistant Director of Fisheries, Tiruvallur at Ponneri, Tiruvallur District has submitted a proposal seeking Clearance under CRZ Notification 2011, for the construction of Tuna Fishing Harbour of fish handling capacity of 69000 TPA at Thiruvottiyur Kuppam, Ennore, Tiruvallur District.

2) The following are the main facilities proposed in the fishing Harbour as per the EIA Report.

- i) Breakwaters - Northern break water 852 m and Southern Break water 1088 m.
- ii) Dredging and disposal (2,00,000 cum)
- iii) Reclamation and leveling
- iv) Quays (RCC bored pile) for MFVs 730 m
- v) Quays (RCC bored pile) for FRPs 110 m
- vi) Internal road within the harbor complex

.2.

- vii) Fish Handling and auction hall for MFVs (1273 sq.m)
- viii) Tuna Fish Handling and Packing Hall (1200 sq.m)
- ix) Fish Handling and auction hall for FRP boats (258 sq.m)
- x) Fishery Administrative office 163 sq.mt.

3) Further the following allied facilities such as fishermen gear sheds, mending sheds, rest sheds, boat repair shop, restaurant, dormitory, security/guard house, radio communication tower, public toilet, water supply facilities, pump house, drainage and sewerage including effluent treatment plant, storm water drains, etc., are proposed.

4) The DCZMA for CMDA areas resolved to recommend the above project to the Tamil Nadu State Coastal Zone Management Authority subject to the following conditions:

- a) The unit shall comply with the recommendation as stated in the Marine Impact Study Report and Disaster Management Report as conducted by Centre for Environment, Health and Safety, Faculty of Engineering & Technology, Annamalai University.
- b) Evidence, based on the erosion study conducted by the National Centre for Sustainable Coastal Management (NCSCM) should be produced, confirming that the project site is not falling in the High Eroding Coast. (the applicant furnished the information)
- c) The unit shall ensure that adequate safety precautions are provided for the ammonia storage / handling area in the proposed ice plant. Also, automatic water sprinkler arrangement shall be installed to ensure water spraying in the event when the concentration of ammonia exceeds work place environment.
- d) The unit shall utilize the dredged sand to reclaim land for establishing the landside infrastructure.

3.

- e) The unit shall not generate trade effluent at any stage of the fish packing facility.
- f) The unit shall provide ETP of adequate capacity for the combined treatment of sewage and effluent proposed from vessel washing from dining hall, fish box cleaning, etc. and the treated effluent shall be utilized for gardening.
- g) The unit shall ensure that the R.O. rejects generated from desalination plant is let into sea at a distance recommended from competent authority to ensure no marine impact is created due to discharge of R.O. rejects.
- h) The solid waste generated in the premises shall be disposed scientifically.
- i) The unit shall establish the facility only after obtaining CRZ clearance and Consent to Establish of the Board.

5) As per CRZ Notification 2011, the site is falling in CRZ-II, CRZ-I (B)(inter-tidal zone), CRZ-IV. The total project cost is Rs.240 crores.

6) As per CRZ Notification 2011, vide para 4 (i) (a) Clearance shall be given for any activity within the CRZ only if it requires waterfront and foreshore facilities. Further construction of harbor is permissible activity vide para 4 (i) (f) of the said notification 2011. However, the said activities require clearance from the SEIAA vide para 4.2 (ii) (a) of CRZ Notification 2011.

7) The proposal was placed before 93rd meeting of the Tamil Nadu State Coastal Zone Management Authority held on 27.02.2017 and the Authority has resolved to clear the proposal.

8) Accordingly, as resolved in the 93rd meeting of the State Coastal Zone Management Authority, Clearance is hereby issued for the above project in CRZ under para 4 (i) (a) and 4 (i) (f) of the said CRZ Notification 2011, subject to the following conditions in addition to the conditions imposed by the District Coastal Zone Management Authority for CMDA areas.

4.

- a) It should be ensured that there should not be any adverse impact on coastal ecosystem due to the dredging activity and the dumping of dredged materials and proper mitigation measures should be evolved.
- b) The design of breakwaters should be based on the bathymetry and modeling studies.
- c) Shoreline evolution should be monitored periodically through reputed institutions and remedial measures need to be planned to prevent further erosion, if any, on the adjacent coastal areas due to the construction of breakwaters. Only those facilities which are integral to the Fishing Harbour shall be provided in CRZ areas and those which are not integral to may be located outside the CRZ areas.
- d) A detailed report on the details of solid waste (Bio-degradable / non- degradable etc.) generated and a proper plan for segregation at source shall be formulated. Organic Waste Converter (OWC) of adequate capacity shall be provided to dispose the biodegradable waste. Further other solid waste such as plastics may be collected and disposed for re-use. The local body may also be involved in the above task.
- e) The Fishermen community shall be adequately educated on the segregation of solid waste for proper management of the solid waste.
- f) Hygiene should be given priority and well maintained toilets should be provided.
- g) Specific areas for Office buildings and Fishermen Associations should be earmarked and no encroachments should be allowed in future for outsiders/ associations.
- h) Action shall be taken for the setting up of a Police Station, well in advance.
- i) Adequate parking facilities shall be provided.
- j) Adequate mitigation measures to be taken to prevent the Oil spillage and its adverse impact.
- k) Proper monitoring and management system to be prepared for handling Ammonia in the Ice Plants.

.5.

- l) The activity should not have any adverse impact on the marine organisms. The impact on the corals, marine organisms, Turtle nesting etc., due to the above constructions, in long run, should be evaluated and monitored through a panel of experts, in which, ecologists should be included.
- m) Afforestation - garden to the fishermen in the Harbour area shall be taken in consultation with the Forests Department.
- n) No drawal of ground water in CRZ areas is permitted.
- o) The proposed activity shall not cause hindrance to the nearby human settlements/ authorized structures and fishing activities.
- p) Clearance under EIA Notification 2006 should be obtained from the SEIAA.

Sd./- H. Malleshappa,
Member Secretary,

Tamil Nadu State Coastal Zone Management Authority
& Director of Environment

To


The Asst. Director of Fisheries, Fisheries Department, No.11, T.H. Road,
Ponneri, Tiruvallur district - 601 204

Copy to

1. The Principal Secretary to Government, Environment and Forests Department,
Secretariat, Chennai - 600 009.
2. The Member-Secretary, Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building, No.1, Gandhi Irwin Road, Egmore, Chennai 600 008.
3. The District Environmental Engineer, TNPCB / Convener, District Coastal Zone
Management Authority (CMDA Area), Tamil Nadu Pollution Control Board, No.6/1,
Murugesan Street, Bala Vinayagar Nagar, Arumbakkam, Chennai - 600 106.

/ copy

/ Forwarded by order /


For Director of Environment

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

Original Application No.08 of 2024 (SZ)

Meenava Thanthai K.R.Selvaraj Kumar,
Meenavar Nala Sangam,
(Registered under Section 10 of the Tamil Nadu
Societies Act, in S1 No.205 of 2015 dated:26.06.2015)
Represented by its President,
M.R.Thiyagarajan, S/o.Late C.Rajalingam,
Office at No.15/8, A.J.Colony,
Royapuram, Chennai – 600 013

...Applicant

Vs

The State of Tamil Nadu,
Through the Chief Secretary,
Government of Tamil Nadu, Secretariat,
Chennai – 600 009 and Others.

...Respondents

**REPORT FILED ON BEHALF OF THE
FOURTH RESPONDENT – TAMIL NADU
POLLUTION CONTROL BOARD**

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

Date: 29.08.2024

Date of hearing on: 11.09.2024