

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

ORIGINAL APPLICATION No. 159 of 2020 (SZ)

Applicant :::: K.K. Muhammed Iqbal

Vs

Respondents :::: Kerala Coastal Zone Management
Authorities & Others

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Dated this the 12th day of April, 2021

**T.NAVEEN (N-230) (SC-2136), Advocate
Standing Counsel for the 3rd respondent**

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Applicant :: K.K. Muhammed Iqbal

Vs

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**REPORT FILED BY THE SENIOR ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD, ENVIRONMENTAL
SURVEILLANCE CENTRE, ELOOR, ON BEHALF OF THE 3RD
RESPONDENT IN THE ABOVE APPLICATION, AS DIRECTED
BY THIS HON'BLE TRIBUNAL.**

T.NAVEEN (N-230) (SC-2136)

Standing Counsel for the Kerala State Pollution Control Board.

2. It is respectfully submitted that the above O.A. is filed against the Consent to establish issued to a Chicken meal/fish oil extraction Unit, namely, M/s. Allaince Marine, situated in Sy. No. 57/2, 57/3, 57/4 of Kadungalloor Village, Kadungalloor Panchayat. The main allegation of the applicant is that this respondent had issued Consent to establish to the Unit in violation of the CRZ Notification.

3. It is respectfully submitted that Consent to Establish was already issued to the 9th respondent unit M/s. Alliance Marine Products on 26.07.2019 with specific conditions. But they have not yet submitted application for Consent to Operate.

4. It is humbly submitted that in the Hon'ble NGT Order dated 27.01.2021, it was directed the Pollution Control Board to file a further report as to whether any environmental compensation has been assessed for the violation conducted by the 9th respondent. It is respectfully submitted that the Board is following the methodology prepared by the Central Pollution Control Board for calculating the environmental compensation. As per that environmental compensation shall be based on the following formula:

$$EC = PL \times N \times R \times S \times LF$$

EC - the environmental compensation

PI - is the pollution index of industrial sector

N - Number of days of violation took place



Vinaya
VINAYA K S.
Senior Environmental Engineer

R – A factor in Rupees for EC

S – Factor for scale of operation

LF –Location Facts

The formula incorporates the anticipated severity of environmental pollution in terms of Pollution Index duration of violation in terms of number of days, Scale of operation in terms of micro, small, medium, large industry and location in terms of proximity to large habitations.

5. As per the Methodology made by CPCB, the effluent that is disposed to Periyar river from a tanker lorry from the premises of the 9th respondent comes under 'e' category, i.e. intentional discharge to the environment, land, water and air resulting into acute injury or damage to the environment. It is submitted that Environmental Compensation can be decided based on a detailed investigation by Expert institutions/ organizations.

6. It is respectfully submitted that as per the analysis report of the legal sample collected on 17/06/2020 from the tanker lorry from the premises of the 9th respondent unit, it was noticed that the sample is the untreated effluent from bone meal units. Hence, a direction was issued by the Board Chairman to take legal action against the unit and to calculate environmental compensation. Since a detailed study is required prior to the imposition of environmental compensation, a letter was sent to Head Office of the Board seeking clarification regarding the EC calculation. A true copy




VINAYA K.S.
Senior Environmental Engineer

of the said Letter dated 07/12/2020 is enclosed herewith and marked as **Annexure R3(a)**.

7. It is submitted that environmental compensation contain two parts - One requires providing immediate relief and other long term measures such as remediation. A detailed investigation is required from expert institutions/organizations based on which environmental compensation can be decided.

8. It is submitted that the unauthorized discharge from the unit was identified only once. But it is not evident whether the unit have discharged multiple times. So the Board has taken steps to get clarification from the CPCB for calculation of the Environmental Compensation in such instances. The Board will take immediate steps for fixing the Environmental Compensation on getting the clarification from the CPCB.

All that is stated above are true to the best of my knowledge information and belief.

Dated this the 12th day of April, 2021.



Vinaya
 Vinaya K.S.
 Senior Environmental Engineer,
 Kerala State Pollution Control Board
 Environmental Surveillance Centre,
 Eloor.

VINAYA K.S.
 Senior Environmental Engineer

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1.	Annexure R3(a) - Copy of the letter No. PCB/HO/EE1/EKM/ESC/GEN/11/2020 dated 07.12.2021 from Board Chairman.	1

Dated this the 12th day of April, 2021

**T.NAVEEN (N-230) (SC-2136), Advocate
Standing Counsel for the 3rd respondent**



KERALA STATE POLLUTION CONTROL BOARD

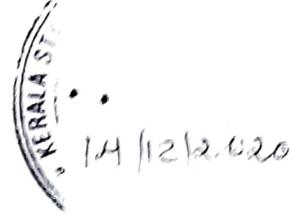
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്
Pattom P.O., Thiruvananthapuram - 695 004
പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004

പിസിബി/എച്ച്ഒ/ഇഇ1/ഇകെഎം/ഇഎസ്സി/ജിഇഎൻ/11/2020

തീയതി: 07/12/2020

“ഭരണ ഭാഷ- മാതൃഭാഷ”

പ്രേഷിതൻ
ചെയർമാൻ



സ്വീകർത്താവ്

സീനിയർ എൻവയോൺമെന്റൽ എഞ്ചിനീയർ
എൻവയോൺമെന്റൽ സർവൈലൻസ് സെന്റർ
ഏലൂർ, എറണാകുളം

വിഷയം:- അലയൻസ് മറൈൻ പ്രൊഡക്ട്സ് എന്ന യൂണിറ്റിൽ നിന്നുള്ള
മലിനീകരണം -സംബന്ധിച്ച്.

സൂചന:- 15/09/2020-ലെ കത്ത് നം.പിസിബി/ആർഒ-ഇകെഎം/ജെൻ-149/18.

മാധ്യം,

മേൽ സൂചനയിലേയ്ക്ക് ശ്രദ്ധക്ഷണിക്കുന്നു. യൂണിറ്റിൽ നിന്നും
മലിനജലം പെരിയാർ പുഴയിലേയ്ക്ക് ഒഴുക്കിയതുമായി ബന്ധപ്പെട്ട്
സ്ഥാപനത്തിനെതിരെ നിയമ നടപടികൾ സ്വീകരിക്കേണ്ടതാണ്. കൂടാതെ
Environmental Compensation കണക്കാക്കി തുടർനടപടികൾക്ക് ഈ
ഓഫീസിലേയ്ക്ക് ലഭ്യമാക്കുവാൻ താല്പര്യപ്പെടുന്നു.

Handwritten signature/initials

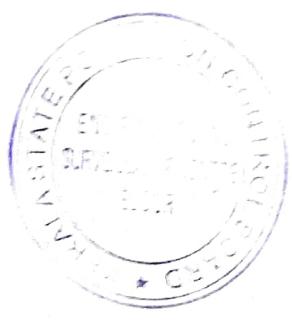
വിശ്വസ്തതയോടെ

Handwritten signature

ചെയർമാൻ

പകർപ്പ്

✓ ചീഫ് എൻവയോൺമെന്റൽ എഞ്ചിനീയർ
മേഖല ഓഫീസ്
എറണാകുളം



PCB/HO/EE1/EKM/ESC/GEN/11/2020

Date: 07.12.2020

From

The Chairman

To

The Senior Environmental Engineer
Environmental Surveillance Centre
Eloor.

Sub:- M/s. Alliance Marine Products -- Pollution – reg.
Ref:- Letter No.PCB/RO-EKM/GEN-149/16 dated 15.09.2020

Madam,

It is directed to take legal action against the unit as they have discharged untreated effluent to river Periyar. Also please calculate Environmental Compensation and report to this office for further action.

Yours faithfully,

Chairman

Copy to : The Chief Environmental Engineer
Regional Office, Ernakulam.

