

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONAL BENCH

CHENNAI

Application No. 366 of 2013 (SZ)

The President

Karur Maavata Nilathadi Neer Pathugapu Matrum

Saayakazhival pathikapatta Vivasayigal Sangam

Karur

Represented by its President Mr. K. Ramasamy

.....Applicant

Vs.

1. The Union of India

Represented by Secretary of Government

Ministry of Environment Forest and Climate Change

6th Floor, CGO Complex

Paryavaran Bhavan

Lodhi Road, Delhi-16

2. The State of Tamil Nadu

Represented by its Principal Secretary

Environment & Forest

Fort St. George

Chennai- 09

3. The member Secretary

Tamil Nadu Pollution Control Board

100, Annasalai

Guindy, Chennai-32

4. The District Environmental Engineer

Tamil Nadu Pollution Control Board

Karur

5. Tamil Nadu News Print & Papers Ltd
Represented by its Managing Director
No. 67, Mount Road
Giundy, Chennai

6. The District Collector
Karur District
Karur

7. M/s. Sri Anjaneya & Co
S.F. No. 176/1 & 177/2, 3
Karupampalayam Village
Karur District

.....Respondents

Counsel for the Applicant

Mr. A. Yogeshwaran

Counsel for the Respondents

1. Mrs. C. Sangamithirai - Counsel for Respondent No.1
2. M/s M.K. Subramanian &
Mr. Gokul Krishnan - Counsel for Respondent No. 2 & 6
3. Smt. Yasmeen Ali - Counsel for respondent No. 3 & 4
4. Mr. Siva Kumar &
Mr. Suresh - Counsel for Respondent No.5
5. M/s. N. Damodaran &
M/s. M. Sudharsan - Counsel for Respondent No.7

ORDER

QUORAM

Hon'ble Justice Dr. P. Jyothimani (Judicial member)

Hon'ble Professor Dr. R. Nagendran (Expert member)

Delivered by Justice Dr. P. Jyothimani dated 20th November 2015

1) Whether the judgement is allowed to be published on the internet ----- yes
/ no

2) Whether the judgement is to be published in the All India NGT Report ----- yes
/ no

1. This application is preferred against 7th respondent to stop dumping/storing of lime sludge and other industrial wastes in S. F. No. 176/1 and 177/ 2 & 3, Karupampalayam Village, Karur District and also for a direction against Respondent Nos. 1 to 4 to take action against 5th respondent for violation of the Water (Prevention And Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act, 1981 apart from direction to the respondents to carry out suitable remedial measures and 5th and 7th respondents to pay compensation for damage caused to the environment.

2. The 7th respondent has obtained a contract from 5th respondent for disposal of lime sludge and consent was obtained from the Tamil Nadu State Pollution Control Board (TNPCCB) for dumping waste to the tune of 10,000 T/m since 02-03-2012 and it is stated that the consent has expired on 30-09-2012 and the applicant is not aware as to whether consent was renewed or not. It is the further case of the applicant that the site in question has been used by the 7th respondent without taking any precautionary measures for storing lime sludge. No step has been taken to prevent leaching or air pollution or spread of lime powder. Therefore, the activities of 7th respondent have caused both water and air

pollution and surrounding lands under cultivation are covered with the lime dust carried from the factory of the 7th respondent.

3. According to the applicant, the area is predominantly consisting of farming lands apart from residential buildings and the lime sludge has contaminated the water used for irrigation and the said water ultimately joins Thirumanalyur Rajavaikal. The air contamination causes damage to National Highway 7 located 500 m away from the place. The applicant has made representation to 3rd respondent who has not taken any action. Similar petitions were sent to the 2nd and 5th respondents as well. When a large number of farmers met the District Environment Engineer, he orally informed that the regulations of the Pollution Control Board has not been followed and appropriate action will be taken against 7th respondent. It is also stated that the 7th respondent has not followed any of the conditions of consent order which has expired and 5th respondent whose sludge is being stored by 7th respondent by contract for disposal has not taken any steps to avoid environmental damage. In a similar circumstance, the High Court of Madras at Madurai Bench has directed the Tamil Nadu News Prints and Papers Ltd (hereinafter TNPL) to construct a compound wall around the lime sludge site, install water sprinklers and develop thick green belt and the contractor shall not operate without the consent of TNPCB.
4. It is stated that the 5th respondent has issued a tender on 01-11-2013 for disposal of 30,000 MT of lime sludge per month with a moisture content of 45% on a “as it is” condition. The conditions of tender have made clear that the contractor should ensure that no spillage of substance occurs. However, the 5th respondent who is only interested in disposing the lime sludge has not verified compliance of any condition for storage and precautionary measures to be taken by the 7th respondent to prevent pollution. The 7th respondent has not taken proper safety measures for the disposal

of lime sludge which creates pollution of ground water due to leachate generation and also the surface water. The 7th respondent has not taken any action in accordance with the direction given by the Hon'ble High Court. The runoff from the 7th respondent factory drains directly into Amaravati River which is already under threat of effluents discharged from the dyeing units. It is stated that in Survey. No. 177 where the 7th respondent is operating, a tank is situated and it is a source of drinking water for the surrounding villages. Therefore, the application has been filed for the prayer stated above, on various legal grounds including that it is the duty of official respondents to take steps against 7th respondent for contaminating ground water and dumping of lime sludge without authority or permission from competent authority which is illegal.

5. The 1st respondent in its reply has stated that the issue relates to pollution stated to have been caused by the 7th respondent by the storage of lime sludge generated by 5th respondent and the same relates to the measure to be taken by TNPCB and not by the 1st respondent. The 3rd and 4th respondents Pollution Control Board in their reply have stated that the 7th respondent has applied for Consent for Establishment for storage of 10,000 MT of TNPL lime sludge and such Consent to Establish was granted on 22-02-2012 and Consent to Operate was granted on 02-03-2012 with a validity period up to 30-09-2012. The unit has applied for expansion and obtained Consent to Establish on 26-07-2012 for storage of TNPL lime sludge – 40000 T/m, storage of wet fly ash- 2500 T/m, storage of Coal ash waste- 2500 T/m, storage of conditioned ash- 2500 T/m with a condition that unit shall ensure that the lime sludge received from 5th respondent shall be disposed only for beneficial use such as cement plant, the unit shall store the lime sludge on an impervious platform, the unit shall store wet fly ash, coal ash and waste conditioned ash in an inbuilt shed and the unit shall provide wind net arrester and water sprinklers to mitigate dust

emission. Based on a compliant received from the applicant on 05-09-2012, an inspection was conducted in 7th respondent's unit on 28-09-2012 and found that unit was not in operation and TNPL lime sludge was stored in their premises, and it was intimated to the complainant on 28-09-2012. It is also stated that the 7th respondent was intimated by a letter dated 28-09 -2012 that renewal of consent will be issued only after compliance of conditions imposed in the consent order issued earlier. The 7th respondent unit has informed by a letter dated on 28-09 -2012 that it has increased the height of the compound wall and completed the maintenance work of concrete platform and increased the provision of air pollution control measures to prevent the dust emission from the storage yard and requested for renewal of consent.

6. The unit was inspected on 01-10- 2012 and on satisfying the compliance, the consent order was issued on 01-10- 2012. The applicant made another complaint on 05-10-2012 against the storage of lime sludge stating that it is likely to have effect on water, soil and environment. It is stated by the Board that the 7th respondent has provided concrete platform, wind net arrester, compound wall, water sprinklers and therefore renewal of consent was issued to the 7th respondent under both Air and Water Acts, valid up to 30-09- 2013. Based on further complaint dated 25-03-2013 and forwarded from the Hon'ble Chief Minister's Cell, the unit was again inspected on 08-04-2013 and it was found that the unit had stored the lime sludge over the ground in addition to the concrete platform provided. The lime sludge was stored inside the premises above the level of compound wall. It was informed by a letter addressed to 7th respondent on 19-04-2013 to provide more pavement for storage and to provide more water sprinklers for controlling dust emission and to provide wind net barriers above the compound. The 7th respondent unit was again inspected on 13-05-2013 and found that the unit had installed more water sprinklers to

suppress dust emission and provided wind net arrester above the compound wall and additional concrete platform for storage of lime sludge. During another inspection on 10-09-2013 it was found that the unit had installed water sprinklers at the dust emanating areas, stored the lime sludge over the concrete platforms and constructed additional concrete platform and erected wind net arrester which were above the compound wall. On a further inspection on 24-09-2013, it was found that the air pollution control measures were in place and hence order of renewal of consent was issued on 25-09-2013 valid up to 30-09-2014. On a subsequent inspection on 22-01-2014 it was found that water sprinklers were in operation and no dust was spreading outside the premises. It is further stated that the unit is surrounded by vacant lands with some trees on the eastern and vacant plots on the western sides. On the northern side, there are dry vacant lands with some trees and on the southern side there are vacant plots. It is stated that the boundary is surrounded by compound wall with wind net arrester on northern, eastern and western sides. On the southern side the unit has erected metallic sheets. There is no cultivation on all four sides. The consent under both Acts which expired on 30-09-2014 was renewed by the Board up to 30-09-2015.

7. On behalf of the 2nd and 6th respondents a memo dated 01-12-2014 was filed in the line of the reply filed by the TNPCB.
8. The 5th respondent in its reply while stating that the application is not maintainable, has stated that the allegations are made in a vague manner and the 7th respondent has complied with all statutory provisions and operating with Consent to Operate. In so far as the prayer of the applicant against the 5th respondent it is stated that the 5th respondent is not guilty of violations of any of the enactments. The 5th respondent has stated that in effect the applicant is challenging the validity of the consent order issued by the Board and that cannot

be entertained by this Tribunal. It is stated that the 5th respondent is a public limited company incorporated in 1979 and was promoted by the Government of Tamil Nadu for manufacturing and selling of news print, printing and writing paper and other allied products and is one of the leading manufacturing units in India. The unique feature of the project is to manufacture paper from bagasse which is a waste material from sugar cane crushing for the production of sugar, while the traditional paper industries depend on wood which ultimately results in deforestation. Therefore, environment protection and management are the integral parts of the activities of 5th respondent. The 5th respondent has taken several measures for protecting the environment in line with its commitment for sustainable development. It is submitted that the 5th respondent issued a tender on 01-11-2013 for disposal of 30,000 MT of lime sludge for the period from 19-11-2013 to 30-06-2014. The conditions of the tender clearly stipulate that a valid consent order to operate issued by the TNPCB under both Water and Air Acts for storing and handling lime sludge should stand in tenderer's name and it should be submitted along with the commercial bid. The contract was awarded to the 7th respondent and issued sale order on 20-11-2013, as it was the highest bidder in the tender process and also possessed a valid consent order from the TNPCB which was valid till 30-09-2014. The sale order for the disposal of lime sludge was for a period from 19-11-2013 to 30-06-2014. Therefore, it is submitted that the 5th respondent has duly complied with the necessary statutory conditions. It is further stated that the 7th respondent is the buyer of the lime sludge generated in the 5th respondent's company and it becomes the absolute owner of the lime sludge and as a purchaser, it has complied with the orders of Hon'ble High Court of Madras. It is submitted that the 5th respondent has high regard for the environment and this is evident from the fact that the said

respondent is one of the chief manufacturers of eco-friendly paper and the disposal of lime sludge has become a problem in view of the interse disputes between the lime sludge contractors and there are very few lime sludge contractors in the market. The 5th respondent had commissioned a cement manufacturing unit with an installed capacity of 600T/day adjoining the paper mill premises in order to minimise the disposal of the residual lime sludge. The main intention of establishing this cement factory is to put to use the waste that the paper factory generates as raw material and ever since the cement manufacturing unit started its operations, the residual lime sludge is first utilized by the unit and almost 50% of the lime sludge generated is utilized by the cement factory. Only the excess of lime sludge over and above the quantity made use of by the cement unit is disposed of by inviting tenders from interested persons.

9. The 7th respondent in its reply has stated that the present proceedings have been initiated against the 7th respondent with ulterior motives and the 7th respondent has been carrying on the business in strict compliance of law as well as the conditions of the contract which has been entered into with the 5th respondent. It is stated that the 7th respondent has been running the business by securing necessary consent from the TNPCB and the same has been renewed till date. The consent renewed on 25-09-2013 and was valid up to 30-09-2014. It is stated that the TNPCB authorities have been periodically inspecting the place of business so as to ascertain whether the said respondent has been strictly complying with various provisions of the environmental laws. It is stated that the applicant is neither the owner of the nearby dry land nor the resident. Therefore, it is stated that if the applicant has any grievance regarding the non- compliance of any of the conditions of consent order or violation of any environmental laws he ought

to have approached the Appellate Authority. While denying the averments made by the applicant regarding the pollution caused due to the storage and transporting of lime sludge, it is stated that the 7th respondent has taken all necessary measures to prevent any kind of pollution and the applicant has made false and incorrect submission.

10. It is stated that the lime sludge is discharged from lime mud filters in SRP and brought from 5th respondent and there is no chemical content in the lime sludge except Calcium which exists up to 10%. The 5th respondent supplies the lime sludge to the cement factories on contract basis which is used as a basic component for cement manufacturing and the 5th respondent issued sale order to private industries for disposing the lime sludge for the use of weathering course, white washing, manufacturing lime stone etc., apart from use by the corporations and Municipalities for disinfection. It is also stated that the surrounding area is covered by dry lands only and there are no agricultural activities. It is stated that the 7th respondent has put up a compound wall covered by metallic sheets and net cover. On the southern side it has put up a metallic sheet and on all other sides compound wall with wind net arrester with sufficient height so as to prevent any form of air pollution being caused to nearby lands due to the storage of lime sludge. It is stated that the 7th respondent is cultivating plants and herbs in its land and therefore the allegation of water contamination is false. It is further stated that the 4th respondent has conducted an inspection on 13-05-2013 and found that the unit has enough water sprinklers to suppress dust emission and wind net arrester above the compound wall and additional concrete platform has been put up to store the lime sludge. The 7th respondent has emphatically denied the allegation made by the applicant that the contaminated water from the 7th respondent's unit reaches

the Thirumanalyur Rajavaikkal and states that the Rajavaikkal is situated more than 2 km from the storage point and there is no chance of threat to the Amaravati river. It is also stated that the 7th respondent has been carrying on the business strictly in compliance with the order issued by the Hon'ble High Court of Madras and it has been storing the lime sludge within its premises and in the platform laid for the said purpose, constructed compound wall on all sides, installed water sprinklers and also developed thick green belt by planting necessary plants and trees around the dumping yard apart from securing the valid consent from the Board.

11. It is submitted that the tender dated 01-11-2013 was issued by the 5th respondent for the disposal of 30,000 MT of lime sludge per month spread over for a period of 6 months from the date of sale and the 7th respondent has been continuously disposing of lime sludge. Therefore, the present application filed by the applicant is not maintainable and liable to be dismissed.

12. It is the contention of the learned counsel for the applicant who is the President of the Farmers Association that by virtue of storage of lime sludge by the 7th respondent and disposal of the same without adequate care in preserving pollution free atmosphere, dust has formed in the farm lands surrounding the unit depriving the farmers from having their agricultural operations efficiently. That apart, by the improper storage of lime sludge the underground water is polluted due to seepage of leachate. The learned Counsel has made it clear that the Consent to Operate granted by the TNPCB is not in existence as on date. The compound walls have not been constructed on all the four sides to meet the standards and in fact the lime sludge is being kept in large quantity which is above the level of existing compound wall. The leachate generated by the sludge dump causes pollution to Amaravati

river and therefore the dumping of lime sludge should be directed to be stopped.

13. On the other hand, it is the contention of the learned Counsel appearing for the 7th respondent that it has obtained valid contract from the 5th respondent for the effective disposal of the lime sludge and in fact the consent from the Board has also been obtained which is renewed up to Sep 2014. In order to avoid leachate percolation into the ground an elevated concrete platform has been constructed and adequate water sprinklers have been installed for minimizing dust emission. He has also submitted that there are no agricultural lands nearby and the surrounding vacant area is dry land. He would also rely upon the report of the Pollution Control Board that compound walls have been erected on all the four sides. Therefore, the 7th respondent has adhered to all standards and directions given by the Board from time to time. According to him absolutely no environmental hazard is caused by the 7th respondent unit and the lime sludge is not stored in the unit for a long time as the same is sold at short time interval. He has also stated that the supply of lime sludge by the 5th respondent has been reduced by 50 % as the 5th respondent itself has started using it in a cement factory in its premises.

14. The learned Counsel appearing for the TNPCB has relied upon the reply as well as the subsequent Status Report filed by the Central Pollution Control Board (CPCB) along with it to substantiate its contention that by the 7th respondent is taking steps to prevent the leachate and air pollution. The learned Counsel appearing for the TNPCB has also submitted that the Consent to Operate has been renewed till September 2015 and further action has not been taken due to the pendency of the case before this Tribunal.

15. We have heard the learned Counsel appearing for the applicant as well respondents, referred to the contents of the pleadings apart from the documents including the report of the Central Pollution Control Board filed as per the direction given in our order dated 20-04-2015 and given our anxious thought to the issues involved in this case.
16. On an analysis of the entire factual matrix, we have to consider in this case whether the 7th respondent should be stopped from dumping of lime sludge and other industrial wastes in S. F. No. 176/1 and 176/2 & 3 Karupampalayam, Karur District and direct the official respondents to take appropriate action against the 5th respondent apart from suitable remedial measures.
17. On the factual matrix, it is clear that the 7th respondent which is a successful bidder in the tender floated by the 5th respondent, who in the course of its business is generating lime sludge, for storage and disposal of the same has been using the disputed premises in which admittedly the 7th respondent has got such right for storage. Even as per the admission of the applicant, the 7th respondent was having Consent to Operate up to 30th September 2012. However, it is the case of the 7th respondent that the consent was renewed by the TNPCB after making necessary inspection and reporting compliance up to 30-09-2013 and thereafter again on an application for renewal of consent the same was considered by the TNPCB with a direction to the 7th respondent not to store lime sludge over the ground and also to provide more water sprinklers to control dust emission and after that the unit was inspected by the TNPCB on 13-05-2013 and subsequently on 10-09-2013 and 24-09-2013, the consent was renewed up to 30-09-2013. It is stated by the 7th respondent that subsequently renewal

was granted by the TNPCB up to 30-09-2015 after inspection on 22-01-2014. This fact is also substantiated by the TNPCB in its reply and therefore on the basis of the above stand by the TNPCB and also substantiated by the record produced by the 7th respondent that the consent has been renewed up to 30th September 2015, we have to brush aside the contention of the applicant that the consent was valid only up to 30-09-2012.

18. The next question which has to be decided is as to whether the lime sludge purchased from the 5th respondent by the 7th respondent is properly stored and disposed of in accordance with the environmental norms. In fact, the TNPCB has stated in the reply that some steps have been taken for compliance of some of its directions. When we found that there has been some discrepancies in the reply filed by the TNPCB apart from the reply filed by the 5th respondent who has granted contract to the 7th respondent, we directed the CPCB, Southern Zone being a totally independent authority to nominate a Zonal Officer /Scientist who is looking after TNPL to conduct inspection, take samples, analyse the same and file a report before the Tribunal. Accordingly, the CPCB along with the officials of TNPCB has filed an Inspection Report on 28-05-2015.

19. In the report, the CPCB has considered two issues: (1) whether the storage of lime sludge has been done in a proper manner without affecting environment including air and water and (2) whether proper measures have been taken in putting up the compound wall and its efficiency, apart from the measures taken for the purpose of transportation of the sludge. The report has stated that the unit of the 7th respondent has a total area of 2.41 ha and is surrounded by vacant lands with some trees on eastern and

northern sides, while vacant plots are present on the eastern and western sides. It is stated that adjacent to the unit, though a residential layout has been developed, only a few houses are constructed in the vicinity of the downstream of the unit and in agricultural lands of situated around 10 acres actual cultivation is being carried on in 2.5 acres. It is seen in the report of the CPCB that 7th respondent was involved in stone quarrying activity in the same plot till 2012 and the said stone quarry site is still in existence. It is seen that the TNPCB has issued a Consent to Establish order for storing 10000 T/m of lime sludge produced by the 5th respondent and subsequently the unit has obtained Consent to Operate on 02-03-2012 and later the consent capacity was increased by the 7th respondent by applying for expansion. It is stated that the lime sludge produced from pulp and paper is a very fine powder with moisture content varying from 40-60 % and CaCO₃ from 70-90%. As the 7th respondent is involved in collection, storage and transfer of lime sludge it acts only as intermediate storage point without any processing. As per the record of the 5th respondent, the 7th respondent unit has received 1,27,330.5 MT of lime sludge during October 2012 to March 2015 and that it is being sold for the manufacturing of cement, white washing etc., and it is observed that the 7th respondent was not maintaining proper log book . It is stated that at present 20-25 MT of lime sludge has been stored in the unit. It is also stated that the 5th respondent is utilising the lime sludge in its own cement plant having capacity of 600 TPD and when the said plant is not in operation the lime sludge is disposed to the 7th respondent unit.

20. It is further observed that the lime sludge is not listed as hazardous chemical in Manufacture, Storage and Import of Hazardous Chemicals

Rules, 1989. The unloaded lime sludge is compacted using JCB and water is sprinkled using sprinklers to arrest emission. It is stated that only two sprinklers are provided which are not adequate to control the emission. It is also observed that the stored lime sludge which is stated to be 7 ft underground and 7 ft above is like a hillock and the height of stacking is equal to the height of wind barriers and the sprinklers are inadequate to suppress the dust emission. It is also stated that there are no wind barriers provided at the back side of storage yard and those on other sides are inadequate. It is further observed that the lime sludge is stored in the open area without shelter and the storm water runoff from the storage flows over the ground and directly discharged into the stone quarry without passing through settling tank to remove the lime. The water from stone quarry is reused for sprinkling. On an analysis it is found that the lime sludge mainly contains CaCO_3 , the ground water in the downstream is rich in alkalinity, total hardness and TDS. The analysis shows that the alkalinity range is same in all the ground water samples both upstream and downstream, which is due to the presence of natural calcite rock. It is also stated that the chloride and sulphate dominate in 5 locations as sodium Chloride and Sodium Sulphate respectively indicating that the contamination is due to the effluents from the textile dyeing units situated in the nearby areas which are closed by the TNPCB two years back. It is stated that as per the analysis report no contamination is observed in ground water due to lime storage.

21. The report of CPCB while answering the point "Whether the storage of sludge has been done in proper manner without affecting environment including air and water" listed the following observations:

- A. Lime is stored in an open area without shelter/shed to avoid carryover of lime by rain and wind.
- B. Around 0.1 ha only is concreted for storage of lime sludge and remaining is being stored in the closed stone mining area.
- C. Proper collection drain/channel and settling tank are not provided to collect the storm water seepage carrying lime sludge. Presently, it is being discharge directly into an abandoned quarry and reused for sprinkling.
- D. Adequate sprinkler system is not provided to control the dust emission, so chance of dust emission during windy period is possible.
- E. As per the analysis report no contamination of ground water is observed due to storage of lime sludge.

22. It is also relevant to note at this stage that subsequent to the filing of report by the CPCB, the 7th respondent through its Counsel has made a statement that it would not purchase lime sludge or any other material from the 5th respondent or operate the unit without obtaining appropriate direction from this Tribunal except for carrying out the works to comply with the conditions imposed by the CPCB. An affidavit of the 7th respondent dated 21-07-2013 filed with the following undertakings which are also extracted in our order dated 23rd July 2015 is follows:

“I submit that I will comply with the conditions that are yet to be complied as imposed by the Pollution Control Board and the conditions pointed out in the Committee report, on or before 31-08-2015 other than that which are mentioned above as complied with.

I submit that, I undertake that from the date of filing of this affidavit, I will not purchase lime sludge or any other material from TNPL the 5th respondent herein and any purchase of lime sludge or any other material from the 5th respondent will be taken by me only after obtaining the appropriate order/orders from this Hon'ble Tribunal.

I submit that, the Hon'ble Tribunal may permit me to sell the lime sludge presently in storage in my unit which is around 3500-4000 MT till the construction of the shed with concrete platform as mentioned above. After the construction of the shed, in the event of any unsold quantity available will be stored in the said shed complying all the conditions. It is prayed that this Hon'ble Tribunal may direct the Inspection Committee to inspect the premises once again in the first week of September and submit a report before this Hon'ble tribunal.

I submit that, I undertake not to purchase lime sludge or any other material or operate the unit without obtaining the appropriate orders from this Hon'ble tribunal except for carrying out the works to comply with the conditions imposed by the Inspection Committee as well as the pollution Control Board and also to sell the lime sludge stored in the unit which is approximately 3500-4000 MT.”

The 7th respondent has also filed various photographs in October 2015 to show that compliance has been made by covering the lime sludge without exposing to the air.

23. On an analysis of the entire issue one thing is clear that as per the Inspection Authority Report the ground water is not polluted by the storage of lime sludge. In so far as it relates to the dust emission, even though it is

stated that during inspection it was raining and therefore monitoring was not conducted properly, the result shown is not of alarming nature. It is on record to show that the 7th respondent has raised compound wall adequately on all the sides and there are not much crops being cultivated in the nearby area. In these circumstances, we are of the considered view that by applying the principles of Sustainable Development it is not proper to close the unit at this stage and it must be given an opportunity to comply with all the recommendations of the CPCB. This in our view will serve the purpose at present, when it is not in dispute that the 5th respondent has reduced the quantity of lime sludge sold to 7th respondent due to the reason that the 5th respondent itself has started its own cement plant and utilizing the lime sludge by itself except the residue which is transferred to 7th respondent.

24. Due to the reasons stated above the application stands disposed with the following directions:

1. There is no necessity to close down the unit at this point of time.
2. The 7th respondent shall comply with all the required directions given by the CPCB in its report and findings to the satisfaction of the TNPCB particularly:
 - a. The 7th respondent shall provide adequate number of sprinklers to the satisfaction of TNPCB.
 - b. The 7th respondent shall not accumulate the lime sludge at any point of time to a height more than the height of walls.
 - c. The 7th respondent shall make adequate cover of lime sludge apart from keeping the lime sludge on the elevated

impervious platform and we make it clear that the lime sludge shall not be kept in the open without any covering.

- d. The 7th respondent shall provide adequate wind barriers on all sides including on the back side of storage yard within a period of 4 weeks from today and the same shall be done in accordance with the directions of the CPCB and the TNPCB.
- e. The 7th respondent shall take all adequate steps to dispose of the existing storage of lime sludge by transporting the same stored within its premises without any spillage or causing any environmental harm.
- f. The 7th respondent shall provide adequate storage facilities by providing settling tanks to collect storm water carrying lime sludge without abandoning lime sludge in the quarry site, for reusing for sprinkling purpose.
- g. The 7th respondent shall maintain proper log book showing the exact quantity of lime sludge stored and disposed of, to be kept for inspection by the officials of TNPCB at any point of time.
- h. The 7th respondent shall not proceed to purchase lime sludge until and unless TNPCB grants renewal of its consent that expired on 30-09-2015. The TNPCB is directed to conduct inspection and on having satisfied thoroughly on the compliance of all recommendations of the Committee, shall pass necessary orders of renewal.

- i. In the event of failure of following any of the above said conditions as per the Status Report of the CPCB dated 28-05-2015, the TNPCB shall pass appropriate orders including closing of the unit.

With above direction the application stands closed.

There shall be no order as to cost.

Dated 20th November 2015

Chennai

सत्यमेव जयते

Justice Dr. P. Jyothimani
Judicial Member

Prof. Dr. R. Nagendran
Expert Member

NGT