

BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION, THIRUVANANTHAPURAM

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 23rd September, 2008.

H.R.M.P.No.215/2007

Petitioner : The Secretary,
Janada Dal (Secular),
Titanium Mekhala Committee,
Madhavapuram, Titanium.P.O,
Thiruvananthapuram. 695021.

Respondent :

ORDER

The above complaint was received from the petitioner alleging that English Indian Clays, a company functioning at Madhavapuram, Veli, for the past 45 years is causing pollution in the area and people are affected on account of discharge of polluted water and that discharge of waste from the company is affecting the ecological system and the complaints given to the Kerala State Pollution Control Board and other Departments are ineffective.

In the report submitted by the Environmental Engineer, Kerala State Pollution Control Board, Thiruvananthapuram, it is stated that on complaints received from several persons the factory was inspected on 16-12-2006 and during the inspection the following defects were noticed:

1. Huge quantity of raw clay was kept open in the factory premises.
2. A portion of the rejects was dumped within the factory premises and the road side and empty plots out side the factory premises.
3. ETP sludge was dumped in the open space within the factory premises.

4. Water leaching from the open dumps of raw clay rejects and ETP sludge was flowing out through storm water drains into the backwaters.
5. The Sewage Treatment Plant was not running properly and the overflow there from was flowing via, storm water drains into the backwaters.
6. The wetting of the roads within the factory premises to control dust was found to be done only in a namesake manner and wash water there from was being let out without any retention and treatment into the storm water drains and thereby into the backwaters.
7. The product of processed china clay was found spilled and strewn around in the packing area.
8. The processing area and packing area were not covered fully and fugitive emission of dust was abundant from those areas.
9. The wind blown dust from the large accumulation of raw clay rejects and sludge and from the open loading and unloading operations and transportation was spreading around the area.
10. The road, houses, structures, trees and plants out side the factory premises were coated with white clay powder.
11. The boundary wall was not existing at many stretches resulting in direct carry over of suspended matter from the factory premises into the adjoining land and water body.
12. The operation of the plant is in violation of the consent conditions particularly condition No.14 of the consent under the Air Act.

According to the report, a show cause notice was issued to the company under section 33 A of the Air (Prevention & Control of Pollution) Act, 1981 and 31 A of the Water (Prevention & Control of Pollution) Act, 1974 on 26-12-2006 and in the reply to the said notice the company has agreed to take all steps to control the pollution related problems. In the report it was further stated that the factory was once again inspected on 17-2-2007 and it was found that the management had taken the following steps to minimize the pollution problems:

1. Increased the frequency of wetting the roads so as to reduce the emission of dust due to vehicular movement.
2. The sludge from the ETP is disposed by blending with sand rejects as landfill in their own land.
3. They have made arrangements for the continuous operation of the STP and provided automatic pumping facility to prevent over flow. During the inspection it was noticed that the overflows from the septic tank is stopped.
4. To prevent the spillage of china clay near packing area they have changed the quality of bags used from woven type to laminated.
5. To prevent storm water from the stocking yard, trench is provided on the lakeside and connected to the delay pond.
6. Compound wall is also provided on the eastern side and lake side.
7. They also propose to improve the powder packing section by replacing with new packing machines, which is expected to be completed within September 2007.

8. Effluent Treatment Plant consisting settling tank, aerator, flash mixer, 2 nos reactivator, clarifier, ultra filtration and reverse osmosis is working satisfactory except RO rejects 100% treated water is reused in the process.
9. To reduce the air pollution through chimneys wet scrubbers and bag filters are provided. This is found to be adequate to control air pollution from the stacks.

According to the report, the company has informed the Pollution Control Board (PCB) that M/s Tafecon was appointed to study and suggest solution to reduce fugitive emission from the material handling system within the factory. According to the PCB, the implementation of measures taken by the company was reviewed on 2-3-2007 and that the company was directed to submit detailed proposal with time schedule and accordingly they submitted the proposal on 23-4-2007 along with expenditure estimate for Rs.127.7 lakhs. According to the report, they also submitted that they have already taken pollution control measures and that the Board has verified the following measures taken by the company and found them to be satisfactory:

1. All plant area and packing area are enclosed.
2. Automation is provided in Sewage Treatment Plant and additional aeration is also provided.
3. New soak pit for Sewage Treatment Plant is constructed.
4. Compound wall is completed behind raw clay storage by Lake front.
5. Collection tank of 10 KL for collecting filtered water for road washing is constructed.
6. Sand manufacturing started from the process waste.

7. Powder packing system modification in plant by changing the packing spouts, increasing the length and height of conveyors to drop height.

According to the report, the company has already provided air pollution control measures in the chimneys and improved the Effluent Treatment System by incorporating Reverse Osmosis System and are reusing the major portion of the treated waste for the process again. According to the report, for controlling the fugitive emission they have submitted proposal and certain defects are now rectified and the remaining work will be carried out by 30-9-2007 and as per instructions of Board the company is submitting periodical progress reports showing the implementation of control measures and that the Board is closely watching the progress of implementation of the measures to control defects noted by the officers and issuing necessary directions.

Though the District Collector, Thiruvananthapuram was also asked to file a report he did not file any report though by his letter dated 19-3-2008 he informed that he will file the report immediately.

In view of the report filed by the Kerala State Pollution Control Board the petition is closed with a direction to the PCB to monitor the progress of the measures taken by the company to control pollution, air and water and also see that all the defects noticed at the factory are rectified without any delay.

Justice N. Dhinakar,
Chairperson