

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION NO.180 of 2023 (SZ)**

IN THE MATTER OF

Tribunal on its own motion SUOMOTU
based on the Visual media titled
Chennai Rains MakkalaiVathaikkum Oil
Companies- Shocking Story - Michaung
Ground Report covered by on VIKATAN TV
Chennai dt.06.12.2023.

Vs.

The District Collector Chennai District
And Ors.

...Respondents

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Filed by
Thiru.Sai Sathya Jith
Advocate, Chennai.

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with

The District Collector Chennai District
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...Respondents

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

I, J. Josephine Sahayarani, D/o. Jesu Rajan, Christian, aged about 57 years, having my office at 76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board (TNPCB), Chennai -600 032, and I am authorized to file this Report on behalf of the Respondent Tamil Nadu Pollution Control Board (TNPCB) and as such I am well acquainted with the facts of the case from the records.
2. It is respectfully submitted that as per the Order dated 9.12.2023 passed by the Hon'ble Tribunal in O.A No:180 of 2023(SZ), I am filing this report as follows:
3. It is respectfully submitted that in a private television News channel, it was telecasted about heavy traces of oil being found in Buckingham Canal consequently reaching the Ennore Creek, which stick on the vessels/ boats used by the fishermen thereby affecting their activities, causing financial loss to the fishermen community.

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4. It is respectfully submitted that based on the above, a team of officials of Tamil Nadu Pollution Control Board has initially inspected the said area on 07.12.2023. The team initially visited the Buckingham Canal stretch from Kargil Nagar bridge to Kodungaiyur. During the inspection, the team observed stagnation of oil in the Buckingham Canal, mainly on the banks. It was observed that the ingress of oil mainly occurred from the storm water drain from the Manali industrial area confluence with Buckingham canal.
5. It is respectfully submitted that the team has noticed that there was some stagnant storm water mixed with oil, adjoining the storm outlet near South Gate of Chennai Petroleum Corporation Limited, which slowly contributed to oil mixing in the canal.
6. It is respectfully submitted that the CPCL authorities were immediately instructed to provide boomer arrangement at the location where the storm water is reaching the drain, leading to Buckingham canal. It is submitted that the action of removal of stagnated water containing oil, through Gully Sucker near the South gate, would eliminate the oil reaching Buckingham Canal, thereby makes the water in Buckingham canal, free of oil.
7. It is respectfully submitted that the inspecting team found that oil is also found coming from the upstream of the Chennai Petroleum Corporation Limited from Kodungaiyur / Tondiarpet areas, Indian Oil Corporation Limited, Tondiarpet Terminal and container Terminal located along the Buckingham Canal at Korrukupet and Kodungaiyur areas. Samples of water from the Buckingham canal at various points were collected and sent for analysis.
8. It is respectfully submitted that a meeting was convened by TNPCB to expeditiously address the issue on 08.12.2023 at the TNPCB, Corporate Office with oil industries located at Manali, Kodungaiyur, Tondiarpet areas to arrive at a solution for the removal of oil in the canal. The removal of oil at the earliest was the primary and immediate objective with which the issue has been addressed so far by the TNPCB.

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9. It is respectfully submitted that the representatives of CPCL made an explanation that due to heavy rainfall occurred on 3rd & 4th December, 2023 and the release of excess water from Poondi & Puzhal reservoirs resulted in heavy floods in and around Manali Industrial Area including CPCL Campus, the rainwater level in the premises was about one meter which is higher than previous floods, and they pumped the stagnated water to save the installation, and in the process, the oily matter sticking on the ground could have found its way to the water body. Further, they informed that there was no leakage from the tank farm area, process area including pipelines carrying raw material & product. The representatives from other industrial establishments also concurred with the views expressed by the CPCL representatives and adopted the same explanation to the query raised by the officials of the TNPCB.
10. It is respectfully submitted that from 07.12.2023 onwards, CPCL has started to remove the oil in the storm water outlet using gully sucker & boomer. They also informed that, as of 08.12.2023, they have curtailed the oil reaching the Buckingham Canal.
11. It is respectfully submitted that the Secretary, the Manali Industrial Association made an explanation that all the industries in Manali area are not in operation till date due to water stagnation. The other oil industries located at Tondiarpet & Kodungaiyur made an explanation that there is no leakage from the tank farm area, process area including pipelines carrying raw material & product and however, there could have been oil carried away with heavy storm. After hearing the explanations of the industries, with a view to attend to the problem as a first priority pending further investigation and action, the TNPCB issued the following instructions to CPCL & other oil industries located in Manali area:
- a. Considering CPCL is the major establishment in Manali Area, it is instructed to identify the hotspots in Buckingham Canal where oil or oily matter is stagnated and take necessary steps as informed to remove the same using oil absorbent pads/pillows, gully suckers and other possible means. This exercise shall be completed before

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20.12.2023. However the TNPCB also made clear during the discussions to expedite the same and conclude at the earliest.

- b. CPCL, other oil industries and terminals are instructed to ensure that all pipelines and tanks are intact to ensure that no leakage shall occur.
- c. All industries were instructed to carry out a pre-monsoon Leak Detection & Repair Study (LDAR) every year and furnish report to the Board.

12. It is respectfully submitted that a team of officials of Tamil Nadu Pollution Control Board has inspected the said area on 09/12/2023 and the following were noticed

- a. The Team initially visited the stretch from Ennore Creek up to the Buckingham Canal stretch of Kathivakkam (behind ETPS) by Motor Boat. Due to heavy flooding, this area could not be accessed earlier.
- b. During the inspection, the team observed a thick oil slick near the South side of the bunds of the aforesaid stretch.
- c. It was noticed that oil mixed and oil slick stretches were found spread from the unit M/s. CPCL to Ennore creek upto a distance of 11km.
- d. Samples were collected in the creek area of Nettukuppam and bunds of the Thazhankuppam Villages.

13. It is respectfully submitted that Oil affected areas were continuously monitored on 10/12/2023 & 11/12/2023 by the officials from TNPCB and it was noticed that M/s CPCL is in the process of utilizing oil absorbent pads for the removal of oil patches by deploying motor boats near South bank of Ennore creek which was found inadequate comparing to the extent of oil and oil slick existing in affected areas. The unit has removed only a small quantity through oil absorbent pads for which the unit has not furnished any manifest also. Further it is submitted that M/s CPCL has not made adequate progress to the satisfaction of the TNPCB and as directed


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in the work of removal and cleaning up activities at oil and oil slick affected areas.

14. It is respectfully submitted that seven teams comprising of Engineers from TNPCB has also inspected the remaining industries in Manali area on 11.12.2023 to ascertain the discharge of oil or oily substances, during the heavy rains, into Buckingham canal.
15. It is respectfully submitted that one Engineering Industry by Name Toshiba – JSW was found to have not properly handled the waste oil/used oil which could have also caused discharge into Buckingham Canal. This unit is now being thoroughly investigated by the TNPCB to initiate action against the unit if it is proved that there are violations.
16. It is respectfully submitted that there are no other instances of discharge of oil mixed effluent into Buckingham canal by the other industries, in the investigations conducted so far
17. It is respectfully submitted that the Report of Analysis (ROA) of the water samples by the Board collected at Kosasthalayar River (Ennore creek) reveals that the parameter phenolic compounds is 48.4 mg/L as against the standard of 1 mg/L and oil and grease in the order of 828 mg/L as against the standard of 10 mg/L.
18. It is respectfully submitted that the ROA of the water sample collected at Storm water drains near South gate of CPCL reveals that phenolic compounds in the range of 10.2 mg/L to 18.6 mg/L as against the standard of 1 mg/L and oil & grease in the range of 42 mg/L and 230 mg/L as against the standard of 10 mg/L
19. It is respectfully submitted that the ROA of the water sample collected at Ennore creek reveals that phenolic compounds in the range of 22.3 mg/L to 28.3 mg/L as against the standard of 1 mg/L and oil & grease in the range of 86 mg/L and 158 mg/L as against the standard of 10 mg/L.
20. It is respectfully submitted that the higher levels of phenolic compounds and oil & grease indicates the presence of crude/processed petroleum products.

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21. It is respectfully submitted that the Environment, Climate Change and Forests (EC3) Department, Government of Tamil Nadu constituted a Technical team vide G.O.(Ms) No.178 dated 10.12.2023 so as to ascertain the cause of the recent oil leak in the Ennore Creek area. The following experts/officers are part of said technical team

1. Thiru R. Kannan, Member Secretary, TNPCB - Chairman
2. Dr. G. Saravanan, Principal Scientist, Chennai Zonal Centre, CSIR NEERI - Member.
3. Ms. H. D. Varalaxmi, Scientist -E & Regional Director, Regional Directorate, Central Pollution Control Board, Chennai – Member
4. Thiru V. Kumar, Commandant, Indian Coast Guard – Member
5. Prof V. T. Perarasu, Department of Chemical Engineering, Anna University Chennai – Member.

22. It is respectfully submitted that the above said committee inspected the entire premises of M/s CPCL, in particular, the storm water drainage system & its storage ponds, Petcoke processing area, sludge storage tanks, sludge bioremediation process area and crude storage area on 11/12/2023 and the report submitted to the Government of Tamil Nadu.

23. The committee concluded that because of the huge quantity of oil used and the inadequate storm water management and storm water storage ponds, there is a clear evidence that the oil has leaked from CPCL into the Buckingham Canal reaching the Ennore Creek.

24. It is respectfully submitted that based on the above said committee report and recommendations from the field officials of TNPCB, direction was issued under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 to M/s. Chennai Petroleum Corporation Limited, Refinery I, II and III, Manali Village, Thiruvottiyur Taluk, Chennai District to comply with following conditions

- a) M/s. CPCL shall identify hotspots in Buckingham Canal, Ennore Creek and adjoining area where the oil deposits /oil slick are stagnated and take necessary remedial measures on war footing basis.
- b) M/s. CPCL and its secondary units and terminals shall ensure that all pipelines (raw materials and products) and tanks are intact with no leakage. If CPCL is found to discharge oil containing water/polluted


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water against the norms set out for industries under provisions of the Water (Prevention and Control of Pollution) Act, 1974, their operations are liable to be suspended.

- c) M/s. CPCL shall also be liable to pay environmental compensation for any damages caused in contravention of the extant provisions under the Water (Prevention and Control of Pollution) Act, 1974.
- d) M/s. CPCL shall also be liable to pay compensation to the families adversely impacted due to the oil spillage including the loss of livelihood.
- e) M/s. CPCL shall carry out a Leak Detection & Repair Study (LDAR) with the help of a reputed technical institution and furnish the same to the Board immediately.
- f) M/s. CPCL shall undertake a comprehensive mapping study with a reputed technical institution to identify oil spread areas and furnish the report with Action Plan to the Board immediately.
- g) M/s. CPCL is directed to ensure that no such occurrence happens in future

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts of this case and thus render justice.

J. Josephine Sahayarani
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VERIFICATION

I, J. Josephine Sahayarani, D/o. Jesu Rajan, working as Joint Chief Environmental Engineer, having office at No. 76, Anna Salai, Guindy, Chennai – 32, do hereby submit that the above contents are true to the best of my knowledge and belief through records.

J. Josephine Sahayarani
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**Advocate for Respondents:
Thiru.Sai Sathyajith,
Chennai**

Dated: 11.12.2023

Date of hearing:12.12.2023