

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 205/2023

In re: News item published in Newspaper The Times of India dated 07.03.2023 titled **“Oil leaked in Tamil Nadu’s Nagai spreading along coast, say experts”**

Date of hearing: 28.03.2023

**CORAM: HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondents: Mr. Rajeev Sharma, Senior Advocate with Mr. Abhishek Birthray & Ms. Shruti Sharma, Advocates for Chennai Petroleum Corporation Limited

Mr. Gigi. C. George, Advocate with Dy. Commandant Hansraj Bhagat for Indian Coast Guard

ORDER

1. Proceedings have been initiated in this matter suo motu in the light of captioned media report of oil leak in Tamil Nadu along the coast on 02.03.2023 in District Nagapattinam, Tamil Nadu. Team of Indian National Centre for Ocean Information Services (INCOIS) undertook study about the incident and found that the spill could spread another 2 kms. Spread of oil spill could be seen along Nagapattinam beach, Keechankuppam and further south. There was apprehension that pollutants will spread further south. By March 6, 10.91 km of the coast was affected. The leak took place from 9 km long 20 inch diameter pipeline from Chennai Petroleum Corporation Limited (CPCL) CBR crude storage tanks at Nagapattinam to Karaikal Port. It was apprehended that the oil spill could extend to 12 kms by March 8.

2. On 15.03.2023, the Tribunal sought response of the State PCB, Tamil Nadu Coastal Zone Management Authority (TNCZMA), CPCL, National Centre for Sustainable Coastal Management (NCSCM) and Indian Coast Guard (ICG).

3. In pursuance of above, CPCL CBR has filed site investigation and sampling activity completion report dated 25.03.2023 as follows:

“Summary

Chennai Petroleum Corporation Limited (CPCL), Karaikal unit used to carry crude oil from CPCL CBR crude storage tank from Nagapattinam to Karaikal port. The crude oil leakage which occurred in the nine km long, 20" crude oil pipeline from CPCL CBR Crude Storage Tanks at Nagapattinam to Karaikal Port on March 2, 2023. The M/s CPCL with the help of coast guard the pipeline leak was arrested on 4 March 2023. The dispersants have been applied to clean the sea surfaces. TERI has been invited to undertake the assessment of environmental quality of surrounding vegetation in the vicinity area of CPCL CBR - Nagapattinam Crude Oil Pipeline Leak near Nagore sea shore. TERI has undertaken environmental assessment and sampling activities on 22nd March, 2023. The initial reconnaissance survey has been conducted with M/s CPCL to understand the environmental conditions and selection of sampling locations. The standard field log sheet has been used to record the location coordinates and other field conditions. The field survey consists of interaction with stakeholders, and public people. The field survey includes observation of visible observations, type of vegetation, cattle grazing and nearby surrounding biodiversity area and distance from oil leak area. The detailed sampling has been carried out from 4 km radius covering sea, coastal line and surrounding terrestrial environment. TERI carried out the detailed mapping of environmental impact including impact on vegetation, water and other coastal environment. The type of samples includes sea water, sediment and fish. All the sampling process has been carried out as per the standard sampling guidelines and will be analyzed as per the Indian standard methods. The collected samples have been preserved and transported-to NABL accredited laboratory for the analysis. The detailed final report will be submitted after completion sample analysis during the first week of April 2023. The report will consist of findings from field visit, sample analysis and baseline details as per the field visit by the expert team in above CPCL CBR - Nagapattinam Crude Oil Pipeline Leak near Nagore sea shore. As a quality control, the sampling activities have been documented with photos.

The sampling and site investigation findings showed that there is no visible contamination in and around sampling site was observed.”

4. Report has also been filed by the ICG to the effect that it is the central coordinating agency for combating oil spill in Indian waters and undertaking oil spill prevention and control. National Oil Spill Disaster Contingency Plan (NOSDCP) has been promulgated in July 1996 to respond to oil spill disaster. With regard to the present case, it is stated that oil pollution has taken place from onshore oil terminal which is a secondary refinery at Cauvery Basin at Nagore, Nagapattinam District. ICG has ascertained the factual situation and found that 01 KL of crude oil spilled in area around 50-60 meters till early hours of 3 March, 2023. ICG has taken measures as follows:

“Action initiated by Indian Coast Guard – ICGS Karaikal

Sl. No.	Action Taken	Remarks
Day-01 (03 Mar 23)		
(i)	<i>ICGS C-436 sailed with dispatch 0800-1400 h and 1500-1900 h for assessment in area.</i>	<i>ICGS C-436 reached off Pattanachcheri coast, Nagore 0830 and carried out close coast assessment till 0.8 Nm from shoreline and reported nil oil spillage along the coast up to Nagapattinam.</i>
(ii)	<i>ICG personnel carried spill assessment at the scene of incident from 0830 hrs.</i>	<i>ICG team reported that there was a minor leakage which was spread in 50-60 mtrs inter-tidal area.</i>
(iii)	<i>Oil spill incident reported to this Headquarters.</i>	<i>ICGS Karaikal reported Oil Spill incident vide fax 704/3 dated 03 Mar 23.</i>
(iv)	<i>Brought to the notice of M/s CPCL telephonically about the incident and requested to institute mandatory obligatory measures i.a.w NOSDCP. In addition M/s CPCL was also requested to arrest the leakage and to contain & recover spilled including shoreline cleanup.</i>	<i>M/s CPCL staff reached the scene of incident with JCB and the pipeline repair works team.</i>
(v)	<i>ICGS Karaikal intimated District Administration Nagapattinam and the adjoining District of Karaikal to ensure necessary shoreline</i>	<i>District Administration, Nagapattinam reps alongwith State and CSG police personnel had visited to the scene of incident and</i>

	<i>cleanup notice of oil including measures.</i>	<i>established staging area.</i>
<i>(vi)</i>	<i>(aa) M/s CPCL requested 600 Ltrs of OSD from ICGS Karaikal at 1800 hrs on 03 Mar 23. (ab) M/s CPCL requested permission for applying OSD.</i>	<i>(aa) The OSD was provided by ICGS Karaikal. (ab) M/s CPCL had been intimated that usage of OSD to be undertaken as per norms promulgated vide CNA letter EP/0720/Circular dated 21 Sep 2017.</i>
<i>(vii)</i>	<i>Coast Guard Dornier flight carried our aerial recce.</i>	<i>On 03 Mar 23, Coast Guard Dornier flight carried out the aerial recce from 1030-1200 hrs.</i>
Day – 02 (04 Mar 23)		
<i>(i)</i>	<i>(aa) ICGS C-436 carried out enroute oil spill assessment during sortie scheduled 1100 h (ab) ICGS C-435 carried out enroute oil spill assessment on return passage from Palk Bay AM 04 Mar 23.</i>	<i>Both units reported nil oil spill towards sea.</i>
<i>(ii)</i>	<i>ICG team ex-ICGS Karaikal continuously maintained patrolling in the scene of incident (Pattanachcheri coast) for timely appraisal assessment of any escalation in spillage.</i>	--
<i>(iii)</i>	<i>M/s CPCL was requested to undertake shore line cleanup i.a.w Appendix-T to NOSDCP 2015.</i>	--
<i>(iv)</i>	<i>Coast Guard Dornier flight carried out aerial recce at around 1030- 1200 hrs.</i>	<i>Traces of Oil near shore around position 100 49.37 N, 0790 50.58 E extended up to 2 Km along the Coastline South of Karaikal was reported.</i>
Day-03 (05 Mar 23)		
<i>(i)</i>	<i>ICGS C-436 carried out oil spill assessment during return passage from Palk Bay.</i>	<i>Nil oil spill reported.</i>
<i>(ii)</i>	<i>ICG team monitored ongoing process.</i>	<i>ICG team, ex-ICGS informed M/s CPCL and Collector, Nagapattinam that usage of OSD Will not be effective and instead, advised to obtain Sorbent boom of M/s KPPL.</i>
Day-04 (06 Mar 23)		
<i>(i)</i>	<i>ICG team carried out visual survey along the coast.</i>	<i>Observed nil traces of oil sheen along the coast.</i>

5. It is further stated that leakage occurred due to crack in pipeline from CPCL. CPCL undertook cold repair of the crack with the help of steel clamp and rubber. Majority of spilled oil remained in inter tidal area. However, oil traces were spread in area of 2 km along the coast. Oil emulsified with water and oscillated in the inter tidal area. Core content of oil was reduced on 4.3.2023. Continuous monitoring and assessment of the situation was carried out by deploying ICG ships and aircrafts. There was nil oil spill beyond area of baseline of Nagore. Due to timely intervention and monitoring, oil leakage has been contained without causing any damage to the flora and fauna. Relevant extracts from the report are reproduced below:

“xxxxxx.....xxx

7. *It is submitted that the incident of oil leakage from pipeline of M/s CPCL, Nagore laid ashore at Pattanachcheri, Nagore (0.7 NM South from SBW Karaikal Port) was reported by Pattanachcheri fishing village personnel. On initial assessment it was understood that leakage had occurred due to crack in pipeline (20" API 5L Gr. B, 6.35 mm thickness) laid from M/s CPCL Nagore, Nagapattinam to Karaikal Port. On 03 Mar 23, M/s CPCL undertook cold repair on pipeline crack with the help of steel clamp with rubber pad during low tide and due to persistent efforts, the leakage was fully arrested at 0230 hrs on 04 Mar 23.*
8. *Indian Coast Guard Station Karaikal, after an assessment of the situation had also confirmed that the majority of spilled oil remained in the inter tidal area and the core content of escaped oil is spread out at the scene of incident covering 2 Cable (around 370 mtrs) along the coast and 1 Cable seaward side. However, oil traces were spread in area approx. 2 km. along the coast (Southerly direction) and 1 cable (around 185 mtrs) seaward side. On 03 Mar 23, the spilled oil emulsified with water and oscillated in the inter tidal area, However, on 04 Mar 23 the core content of oil was reduced due to evaporation process.*
9. *A perusal of action taken by ICGS Karaikal as given at para 6 above, clearly reveals that continuous monitoring and assessment of the situation was carried out from 03 Mar 23 till 06 Mar 23 through regular deployment of both ICG Ships and Aircrafts. As per the regular situation reports provide by the ICG assets there was nil oil spill at any point of time beyond the area of baseline of off Nagore, Pattinacherry Coast in Nagapattinam Dist., Tamil Nadu.*

10. *It is further submitted that due to timely intervention and continuous monitoring of the situation by Indian Coast Guard Station, Karaikal the oil leakage was contained without causing any damage to the flora and fauna of that area and further spread of the oil to seaward side was also prevented effectively.*
11. *In view of the above mentioned averments, it is humbly submitted that Indian Coast Guard being the responsible agency to respond to any kind of oil spills, undertook all timely and proactive measures to contain the subject spillage and effectively ensured that it is not spread to the seaward side of the affected area.”*

6. We have duly considered the matter to consider whether intervention of this Tribunal is required for protection of environment. While it is true that as per stand of the ICG and CPCL, there is not much damage to the water due to incident of oil spill, we find it necessary to direct investigation to ascertain whether any further remedial measures are required.

7. Accordingly, we direct constitution of a joint Committee comprising CPCB, State PCB, District Magistrate, Nagapattinam, INCOIS and NCSCM. NCSCM will be the nodal agency for coordination and compliance. First meeting of the joint Committee may be convened within two weeks and proceedings concluded within two months. It will be open to the Committee to consider the studies already undertaken and also to take assistance from any other expert/institution, undertake site visit and interact with other stakeholders. In particular, the Committee may undertake safety audit and examine the pipeline in question to find out whether the crack was due to corrosion on account of non-maintenance. The Committee may give its report to his Tribunal on or before 31.07.2023 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. It may simultaneously give a copy of the report to CPCL who may file its

response, if any, before the next date. In the light of recommendations, the CPCL may take remedial measures, except and to the extent it has objections to the recommendations which can be considered by this Tribunal on the next date.

List for further consideration on 11.08.2023.

A copy of this order be forwarded to CPCB, State PCB, District Magistrate, Nagapattinam, INCOIS and NCSCM by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 28, 2023
Original Application No. 205/2023
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