

Item No.1:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Original Application No.180 of 2023 (SZ)

IN THE MATTER OF:

Tribunal on its own motion SUO MOTU based on the Visual media titled Chennai Rains : மக்களை வதைக்கும் Oil Companies - Shocking Story - Michaung Ground Report covered by on VIKATAN TV Chennai dt. 06.12.2023.

The District Collector
Chennai District and Ors.

With

...Respondent(s)

Date of hearing: 09.12.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant (s): Suo Motu.

For Respondent(s): Dr. D. Shanmuganathan for TN State.
Mr. S. Sai Sathya Jith for TNPCB.
Mr. Abdul Saleem, Sr. Adv. a/w.
Mr. S. Saravanan for CPCL and IOCL.

Officials present: Mr. D. Vasudevan, JCEE, TNPCB.
Mrs. S. Indira Gandhi, DEE, TNPCB.
Mr. G.R. Radhakrishnan, EE, WRD.
Mr. Rajasekaran, G.M. (Environment), CPCL.
Mr. Prasanna Kumar, G.M. (Operation), IOCL.

ORDER

1. Incessant rain, due to the Michaung Cyclone, has caused the tragedy of oil spillage on the Buckingham Canal leading to substantial damage to marine life. There were several video clippings surfacing on the media, where the public really expressed their concern and safety, as the oil spillage has caused health hazards.
2. Even when the matter is being heard, today's newspapers also go to say that there was oil spillage mainly on the banks and it had also reached the nearby residential area viz., Thiruvotriyur. There have also been pictures shared in the media that in Nettukuppam and Ennorekuppam area, the oil has travelled and reached the sea, of which, the fishermen of the area are totally concerned.
3. In this regard, notice was issued to the Government of Tamil Nadu as well as the Tamil Nadu Pollution Control Board (TNPCB) on 07.12.2023, after registering the case Suo Motu.
4. Today, the TNPCB through its Joint Chief Environmental Engineer has filed its report. As per the report, there was some stagnant storm water along with oil, adjoining the storm outlet

near the South Gate of Chennai Petroleum Corporation Limited (CPCL) which had contributed to the oil traces. The report further states that the unprecedented rainfall in Chennai and surrounding areas resulted in the inundation of industries in the Manali area, including CPCL. The CPCL was not accessible due to inundation and the stagnated water was pumped outside in order to safeguard the refinery during the rainfall. The TNPCB has further observed that stagnant oil can reach the Buckingham Canal through the culvert and that the CPCL was directed to remove the said floating oil using the gully sucker and they immediately got into action. The TNPCB had directed the CPCL also to provide boomer arrangements at the location where the storm water is reaching the drain, leading to the Buckingham Canal. It is further stated in the report that the action of removal of stagnated storm water containing oil through the gully sucker near the south gate would eliminate the oil reaching the Buckingham Canal. Further, the inspecting team had found that there are slight traces of oil coming from the upstream of the CPCL from Kodungaiyur and Tondiarpet areas from IOCL, Tondiarpet Terminal and container terminal. Admittedly, it is reported that there is an oily odour during the afternoon, when the climate was sunny, due to the volatilization of the hydrocarbon present in the oil traces. The report also says that the oil samples have been taken from various points and sent for analysis and they are awaiting the report.

5. The Water Resources Department (WRD) also has filed its report through the Executive Engineer who has categorically stated that there is a serious threat to the life of the people and the marine

organisms, aqua culture by loads of chemical effluents and waste oil spills which are clandestinely discharged into the Buckingham Canal at various places like Nethaji Nagar, IOCL Sadayankuppam and Kattukuppam fishing hamlet at Ennore. The inspection was conducted by the WRD Team with Field Engineers and Staffs, and it was observed that the huge amount of oil spill mixed with Buckingham Canal on the same day that Chennai was inundated by heavy rains triggered by Michaung Cyclone. The top of water surface was filled with a thick oily substance and it is visible all along the Buckingham Canal for more than 5 Kms and also spread to Ennore Creek and Kosasthalaiyar River Mouth and Bay of Bengal. The notices seem to have been issued to the industries dealing with oil and petroleum to stop their illegal discharge into the Buckingham Canal immediately. The report further categorically stated that *"it is seen visibly that the oil spill or intentional letting of waste soil in the Buckingham Canal and Ennore Creek affected the Flora and Fauna."*

6. The learned Senior Advocate for the CPCL & IOCL was also heard who also reported that they have not stopped their functioning even for a day during the above referred cyclonic storm. The unit was run only to cater the fuel to the rescue operations. They have also stated that as per the directions issued by the TNPCB, they have started using absorbent pads, boomers, oil scrubbers, skimmers, etc. to prevent further travelling of oil and to retrieve the oil mixed with the water.

7. Even going with the report of the WRD, the oil has travelled already for 5 Kms, it cannot be short of reaching the sea, in which event, it will be absolutely difficult to remove the oil from the water. Therefore, the learned counsel for the CPCL suggested that the operations can start from the mouth of the river.
8. In the above context, considering the health of the residents, and also the flora and fauna and aquatic life, it would be appropriate for us to constitute a High Level Committee.
9. The learned Senior Counsel appearing for the CPCL requested to include the Secretary of the Manali Industries Association in the committee to be constituted.
10. Accordingly, we constitute a High Level Committee comprising of:
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| 1) | Additional Chief Secretary to Government/ Commissioner of Revenue Administration - Revenue Administration, Disaster Management and Mitigation Department | Chairperson |
| 2) | Additional Chief Secretary to Government, Department of Environment, Climate Change and Forests | Member |
| 3) | Chairman, TNPCB | Member |
| 4) | Chief Engineer - Water Resources Department, Chennai Region | Member |
| 5) | District Collector - Chennai District | Member |
| 6) | District Collector - Tiruvallur District | Member |

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|----|--|--------|
| 7) | Director - Department of Fisheries | Member |
| 8) | Member from NCSCM | Member |
| 9) | Secretary of the Manali Industries Association | Member |

11. If the committee constituted requires any other expert opinion, it is at liberty to co-opt any other experts/organization in this regard.

12. As immediate action, the above said committee has to ensure that

- (I) Oil spread has to be arrested by taking necessary measures particularly in the water flowing towards the North Gate of the Ennore Creek area where spread of oil has to be arrested by the methods as suggested by the TNPCB
- (II) Between the creek area and the North Gate
- (III) As there is a backwater flow, the Buckingham Canal area also has to be addressed immediately to remove the oil.
- (IV) Other affected areas.

13. Let the committee meet on 11.12.2023. The Committee is directed to

- I. Monitor the above measures for preventing the spread of oil into the creek and the sea
- II. Recover the oil floating on the water surface
- III. Ensure that the health of the people in the area is protected.
- IV. The committee shall also get the damage assessment

undertaken and arrive at the funds required for remediation as well as compensation, if any.

- V. The committee should also suggest measures for strengthening emergency response system.
14. The report of the TNPCB seeks time up to 20.12.2023, which according to us, would be too longer period, as already in a last few days, it has travelled about 5 Kms and it is based on the wind flow. Nevertheless, the learned counsel appearing for the TNPCB assured that he would give us everyday report regarding the progress shown.
15. It is stated that there is a Manali Industries Association in which most of the industries are members and they may be impleaded as party respondent.
16. So, we implead them as additional Respondent No.11 and they are directed to file an affidavit in this regard, suggesting the recovery of the oil already floating and also the future measures which might stop such kind of spillage.
17. Post the matter on **12.12.2023**.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.180/2023 (SZ)
09th December, 2023. Mn.