

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE AT CHENNAI
MEMORANDUM OF APPLICATION**

**(Under Sections 14, 15 read with 18(1) of the National Green Tribunal
Act, 2010)**

Application No. 183 of 2023

R.L. Srinivasan

....Applicant

Vs.

TNSCZMA & Ors

... Respondents

MEMO FILED BY THE APPLICANT

The applicant submits as follows:

Responding to the oil spill requires interventions of different kinds at multiple levels – a) containment; b) removal and safe disposal; c) treatment and restoration; d) local participation; e) compensation; f) deterrent action.

A. Containment

Immediate response is to contain the spread of the oil spill by preventing the egress of the slick at the river mouth. Also, the oil that continues to be discharged from the Manali petrochemical area should be contained by appropriate methods at or near the Manali road bridge over the Buckingham Canal.

Appropriate arrangements, such as by deployment of a boom, may also be made to prevent the escape of oil from Buckingham canal into the Kosathaliayar river at places where it interacts with the river such as in Sadayankuppam and at Pathu Kannu (ETPS intake).

Equipment and expertise for containment may be sourced from M/s Kamarajar Port Ltd. Post the disastrous 2017 oil spill at the port, as part of the proceedings, it was reported that necessary equipment was made available at the port.

B. Removal and Safe Disposal

Removal of contamination will need to address the oil/hydrocarbons present in

- a) the water and sediment media in the canal, backwaters and estuary
- b) homes and residential areas
- c) sea and beaches

Materials required for clean-up may be sourced from the port and put to immediate use.

CPCL, as responsible party, must present a clear plan for collection, quantification, tracking and safe disposal of collected toxic wastes, and such a plan must be in line with the Hazardous Wastes Rules, 2016. The process of hazardous waste remediation must proceed only with a Hazardous Waste Authorisation that is obtained after due process is followed diligently.

Tamil Nadu Pollution Control Board must ensure that the scheduled forms to be submitted under Hazardous Waste Rules are prepared with integrity and submitted in a timely manner.

The Board must report to the Hon'ble Tribunal on the status of collection and disposal of hazardous wastes.

C. Treatment and Restoration

After removal of the visible contamination, sediment and beaches need to be subjected to restoration and remediation using appropriate measures. Experts in treating petrochemical pollution such as Dr. Indumathi Nambi, IIT-Madras, is/was involved in the ongoing clean-up of petroleum contamination in Thondiarpattinam, may be recruited to advise on the matter.

A near- to medium term post-remediation monitoring program should be put in place to ensure the recovery of the sediment and water body.

D. Compensation

Compensation needs to be estimated and paid under different heads:

a1) Loss of Livelihood (Fishers): November-January is the most productive season of prawn fisheries in the Ennore wetlands. Income earned during this period usually keeps the families going during lean summer months.

- Damage to craft; gear
- Lost work days
- Diminished returns from fishing
- A committee headed by Assistant Director (Fisheries), and other experts such as marine biologists (Dr. Deepak Samuel, Scientist D, National Centre for Sustainable Coastal Management, Govt of India, Chennai) may be formed to carry out the above assessment in a time-bound manner. The committee must hold consultations with affected fishers, and carry out field research for assessing damage with the help of fisher representatives.

a2) Loss of Livelihood and other damage (non-fishers)

- Damage to place of work, including home as place of work, and equipment (home-based entrepreneurs like tailors, cooks – fishing and non-fishing communities)
- Damage to gear essential for job/livelihood – such as vehicle, tailoring machine, grinding machine, carpentry kit etc
- Lost work days; lost contracts
- Diminished productivity or returns as a result of oil pollution.
- Damage to home and loss of household items
- Lost work days as a result of recovery and repair of home/restoration of normal life.

b) Exposure to Toxins and Health damage

- Residents exposed to toxic fumes from the petroleum wastes need to be compensated on the basis of risk and hazard assessment.
- Hospitalisation or medical costs, if any, must be calculated and compensated for.
- A health assessment expert team, including experts in medical (Dr. Amalorpavanathan Joseph) and risk assessment (Dr. Indumathi Nambi), must be constituted and empowered to co-opt other members as required to carry out above assessments in a timebound manner.

c) Loss of Ecology: Sum to be recovered for long-term monitoring and restoration of ecology (habitat, flora and fauna) and payable to the fund maintained by TNPCB.

E. Local Participation

To build confidence among affected persons, and in particular to harness the experience and knowledge of fishers, the Hon'ble Tribunal may create a Local Area Monitoring Committee headed by the Fisheries Department with representatives of fishers from Kattukuppam, Ennore Kuppam, Sivanpadaiveethi and Mugatwarakuppam, and resident representative(s) from Ernavur to oversee and flag issues arising from the containment, removal, restoration processes.

Dated this the 12th day of December, 2023 at Chennai



Counsel for the Applicant