

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, CHENNAI**

Original Application No. 71 of 2021 (SZ)

IN THE MATTER OF

Tribunal on its own motion-SUO MOTU based on the News items in The New Indian Express Newspaper, dated 10.02.2021, "Oil leak from titanium factory hits Thiruvananthapuram coast, public barred from affected stretch"

...Applicant

Versus

The Chief Secretary, Govt. of Kerala & Others

... Respondents

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Place: Bengaluru

Date: November 14th, 2022


Counsel for CPCB


(J. Chandra Babu)



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CLARIFICATION SUBMITTED BY THE JOINT COMMITTEE TO THE OBSERVATIONS MADE BY THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI VIDE ORDER DATED 14.10.2022 IN THE MATTER OF O.A. NO. 71/2021 - TRIBUNAL ON ITS OWN MOTION-SUO MOTU BASED ON THE NEWS ITEMS ON OIL LEAK INTO SEASHORE FROM M/S. TRAVANCORE TITANIUM (P) LTD.

1.0 Background:

The Joint Committee appointed by the Hon'ble National Green Tribunal (NGT) Southern Zone (SZ) Bench, Chennai in OA No. 71 of 2021 related to Oil leak from M/s. Travancore Titanium Products Ltd. (TTPL), Thiruvananthapuram had submitted its report before the Hon'ble Tribunal on 19.02.2022, after conducting the site visit, collection of samples and reviewing the documents and records made available. Further, in compliance to the directions given by the Hon'ble Tribunal, an additional report was also filed by the Joint Committee on 18.07.2022 with respect to the Environmental Compensation imposition.

The Hon'ble Tribunal had taken the reports filed on record and vide order dated 14.10.2022 has made the following observation;

“The Central Pollution Control Board can take the “Rupee Factor” from 100 to 500, the Central Pollution Control Board has used only „100” for computing the compensation, as it is a rising out of an accident. Therefore, whether the accident was due to the negligence of the 10th respondent has to be looked into.”

The Joint Committee would like to offer the following clarification on the basis of estimation of Environmental Compensation and Rupee Factor.

2.0 Environmental Compensation Assessment:

It is primarily submitted that the reports filed in the matter, including estimation of Environmental Compensation were prepared by the Joint Committee and were filed on behalf of the Committee by Central Pollution Control Board (CPCB), being the nodal agency. In the initial report submitted, the assessment of Environmental compensation was not attempted by the Committee due to the reasons detailed in the

report. However as per the directions given by the Hon'ble Tribunal in continuation and on the basis of the analysis results of sea shore samples collected afterwards, the Joint Committee estimated the Environmental Compensation, based on the formula developed, depending on the period of noncompliance to specified environmental norms and standards.

In the assessment of Environmental Compensation, **EC (Rs.) = PI x N x R x S x LF**, where 'R' the "Rupee Factor" can vary in the range '100-500' based on the magnitude and impact of non-compliance, was kept as '100', as decided by the Joint Committee members, after considering the following aspects;

- The incident has to be considered as a onetime accident, which happened due to a mechanical failure in one of the overhead pipelines carrying furnace oil, which was coincidentally located above the open drain reaching to sea shore.
- The quantity of furnace oil leaked and reached the seashore was comparatively less and some quantity of the oil and oil contaminated sand from the sea shore and drains were already removed and sent for safe disposal, as detailed in the report.
- As per reports available from Indian Coast Guard and District administration, oil spill was limited to shore line only and direct impact such as fish kill etc. was not reported.
- District administration had fixed a compensation for the fishermen on account of loss of livelihood, due to the advisory issued after the incident and disbursement was under progress.

As far as the negligence by M/s. TTPL is concerned, it has to be inferred that due importance was not given to ensure the routine checks for the pipe integrity and strength of the pipeline carrying furnace oil, which has resulted in the incident. The Joint Committee had made the following recommendations in this regard in the original report, as reproduced below;

"With respect to the incident of oil leakage which happened due to negligence in assessing the pipeline for damages, as part of routine safety audits, the following steps needs to be implemented by the unit to avoid such incidents in future;

- The periodic assessment of Pipe Integrity (including internal crack, corrosion and erosion) has to be made at least once in five years, so that the

status of the pipeline shall be known and accordingly replacement period for the pipe shall be decided.

- The onsite emergency plan needs to be revisited to incorporate such scenarios of leakages of furnace oil or other chemicals into the seashore considering the proximity of the unit to the sea shore and existence of effluent drain.
- The unit shall install automatic leak detection and cut-off systems to avoid such leakages and should implement the recommendations made by the Committee constituted by Govt. of Kerala, without further delay.”

The Joint Committee is of the opinion that the Hon'ble Tribunal may kindly take an appropriate decision regarding enhancement of Environmental Compensation to be imposed on the Unit, based on the observations and recommendations made in the reports. The Committee shall abide by any directions given by the Hon'ble Tribunal.



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