

**IN THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH, CHENNAI
ORIGINAL APPLICATION No. 70 of 2020**

IN THE MATTER OF:-

**Tribunal on its own SUO MOTO based on the News item in The New
Indian Express, Chennai edition dated 16.05.2020 Applicant(s)**

Vs.

Union Of India & Ors.

.... Respondent(s)

**AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,
FOREST and CLIMATE CHANGE, RESPONDENT NO. 1.**

**Ms. M. Sumathi,
Standing counsel for MoEF&CC**

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

O.A.No.70 of 2020 (SZ)

IN THE MATTER OF:

Tribunal on its own SUO MOTO

based on the News item in The New Indian Express,

Chennai edition dated 16.05.2020

...Applicant(s)

Vs.

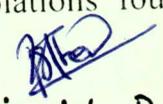
Union of India & Ors.

...Respondent(s)

**AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,
FOREST and CLIMATE CHANGE, RESPONDENT NO. 1.**

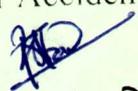
I, Dr.R.Sridhar S/o P. Rengarajan aged about 41 years, presently working as Scientist 'D', in the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEF& CC)do hereby, in my official capacity, solemnly affirm and state on oath as follows:-

1. That I am duly authorized by the Ministry of Environment, Forest and Climate Change (Respondent No. 1) to swear this affidavit and I am conversant with the facts and circumstances of the present case and am thereby competent to depose as under:
2. That the Hon'ble National Green Tribunal vide order dated 19/05/2020 had taken cognizance on the basis of the paper reports reported in the New Indian Express, Chennai Edition, dated 16.05.2020 under the caption "Ammonia leak from Madras Fertilizers Limited worries residents in Chennai's Manali.". That the Hon'ble Tribunal had constituted a joint committee comprising of a Senior Officer of Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office, Chennai, Senior Officer of Central Pollution Control Board, Regional Office, Chennai, Senior Officer of Tamil Nadu Pollution Control Board and District Collector, Thiruvallur to inspect the area in question and submit a factual and action taken report, if there is any violations found


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especially regarding the compliance of the provisions of Hazardous Waste (Management & Transboundary Movement) Rules, 2016 and whether the machineries are in order and the pollution control mechanism provided are working properly.

3. It is submitted that Regional Office MoEF&CC has nominated Dr. R. Sridhar, Scientist C, as a member of the committee vide dated 05.08.2020. It is submitted that the said Joint committee has filed its final report before the Hon'ble Tribunal.
4. That MoEF&CC is the nodal Ministry under Govt. of India mandated to take steps for pollution control and environmental conservation, among other things. To achieve its mandate, the MoEF&CC administers various acts including Environment (Protection) Act, 1986.
5. That two sets of rules have been notified to put in place a regulatory mechanism aimed at avoiding chemical accidents in industrial units viz. Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 [MSIHC Rules, 1989] and Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996 [CAEPPR Rules, 1996]. Key responsibilities have been assigned to various State Government/ Central Government Departments under the provisions of MSIHC Rules, 1989 and CA (EPPR) Rules, 1996 with the objective to prevent major chemical accidents arising from industrial activities and limiting the effects of such accidents on human health and environment. **[Refer Annexure-A and Annexure-B]**
6. That the MSIHC Rules, 1989 require the occupier to provide necessary information that is likely to cause major accidents and affect general public during a major accident at the site which include submission of information on usage/ storage/ manufacture of hazardous chemicals, seek approval of sites, prepare on-site emergency plan and safety reports, undertaking safety audits and mock-drills etc. The occupier is required to comply with above mentioned rule provisions with concerned authorities designated under Schedule-5 of the rules.
7. That to complement the provisions of MSIHC Rules, 1989, the CAEPPR Rules, 1996 provide statutory backup for setting up a Crisis Management framework and associated organizational support in the country. The Chemical Accidents


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(EPPR) Rules, 1996 envisage a Four-tier Crisis Management System in the country at the Central, State, District and Local levels. A Central Crisis Group has been constituted in compliance with Rule 3 under the chairmanship of Secretary (EF&CC). A Central Crisis Group Alert System I.e. Red Book has also been brought in compliance with Rule 4 to facilitate quick information exchange during chemical emergencies. The Red Book contains name, address and contact details of Central and State Nodal authorities, relevant national agencies/ institutes pertaining to chemical (industrial) disaster management. The Red Book is hosted on the website of MoEF&CC and updated annually. The last update was done in November, 2019. A virtual crisis control room is also set-up in the MoEF&CC to coordinate with State Authorities during chemical (industrial) accident emergencies.

8. That various provisions of the CA(EPPR) Rules, 1996 are briefly described as follows:

Rule	Heading	Description
Rule 1	Short Title And Commencement	Manufacture, Storage and Import of Hazardous Chemical Rules, 1989
Rule 2	Definitions	Various terms used in the rules like Hazardous Chemical, industrial activity, isolated storage, import, importer, export, exporter, isolated storage, major accident, major accident hazard etc. have been defined.
Rule 3	Duties of Authorities	Duties of authorities are specified in Schedule 5.



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Rule 4	General Responsibility Of The Occupier During Industrial Activity	Responsibility of MAH occupier defined such as: (a) identify the major accident hazards; and (b) take adequate steps to - (i) prevent such major accidents and to limit their consequences to persons and the environment; (ii) Provide to the persons working on the site with the information, training and equipment including antidotes necessary to ensure their safety.
Rule 5	Notification Of Major Accident	Occupier should notify about the major chemical accident to concerned authority and concerned authority shall undertake full analysis of accident report and sent to MoEF&CC as prescribed.
Rule 6	Industrial Activity To Which Rules 7 To 15 Apply	Defined industrial activity, isolated storage, new industrial activity, existing industrial activity are mentioned in rules for application of Rules 7 to 15
Rule 7	Approval and Notification Of Sites	Occupier should not undertake any industrial activity without approval of concerned authority (as per Schedule 5) and submit a written report as per the particulars specified in Schedule 7 at least 3 months before commencing the


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		activity.
Rule 8	Updating of the site notification following changes in the threshold quantity	Any change in details submitted by occupier as per Schedule 7 is required to be updated by the way of submission of an updated report to the concerned authority.
Rule 9	Transitional Provisions	Modus of applicability of various rule provisions in respect of units operating prior to these rules as well as new industrial activity/ isolated storages
Rule 10	Safety Reports [And Safety Audit Reports]	Occupier to conduct safety audit for new and existing industrial activity and prepare a safety reports as per Schedule 8 and submit it to concerned authority
Rule 11	Updating of reports under rule 10	Occupier required to make prior reporting of the proposed modifications in an industrial activity as prescribed
Rule 12	Requirement for further information to be sent to the authority	Concerned authority may ask from occupier for additional information in industrial activity.
Rule 13	Preparation to on-site emergency plan by the	Occupier should prepare and keep up-to-date 'on-site emergency


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	occupier	plan' as specified in schedule 11. The occupier required to ensure that a mock drill of the 'on-site emergency plan' is conducted every six months and report submit to concerned authority as per Schedule 5
Rule 14	Preparation of off-site emergency plan by the authority	District collector/ District authority should prepare and keep up-to-date 'off site emergency plan' as per format specified in schedule 12.
Rule 15	Information to be given to persons liable to be affected by a major accident	Occupier should inform public of the adjoining areas about the nature of the major accident hazard; and the safety measures and the "Do's' and 'Don'ts" which should be adopted in the event of a major accident as prescribed
Rule 16	Disclosures of Information	Provisions on disclosure of information by concerned authority
Rule 17	Collection, Development and Dissemination of Information	The occupier should prepare and develop a safety data sheet as specified in Schedule 9 in respect of a hazardous chemical handled by him and ensure that the information is recorded accurately and reflects the scientific evidence used in making the hazard determination. Container of hazardous chemical


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		should be clearly labelled as specified under rule.
Rule 18	Import of Hazardous Chemicals	Any person responsible for importing hazardous chemicals in India should provide prior-information specified under the rule to the concerned authorities prescribed under the rules. Any person importing hazardous chemicals should maintain the records of the hazardous chemicals imported as specified in Schedule 10 and the records can be checked by the concerned authority
Rule 19	Improvement Notices	Concerned authority may serve the improvement notice to occupier in case of violation of rules
Rule 20	Power of the Central Government to modify the schedules	The Central Government may, at any time, by notification in the Official Gazette, make suitable changes in the Schedules.

8. That various provisions of the CA(EPPR) Rules, 1996 are briefly described as follows:

Rule	Heading	Description
Rule 1	Short Title And Commencement	Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996
Rule 2	Definitions	Various definition viz. Chemical accident, industrial pocket, major


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		chemical accident, industrial activity, hazardous chemical etc. has been given in the mentioned rule.
Rule 3	Constitution Of Central Crisis Group	Provision of constitution of CCG for management of chemical accident and functions.
Rule 4	Setting up of Crisis Alert System	Provision of setting up a functional crisis control room, information net working system with the State Governments under Crisis Alrest System.
Rule 5	Functions of the Central Crisis Group	Defined responsibilities of CCG/provide expert guidance for handling chemical accidents.
Rule 6	Constitution Of State Crisis Group	Provisions enabling the State Government to constitute a State Crisis Group for management of chemical accidents
Rule 7	Functions of the State Crisis Group	Defined responsibilities of SCG/ to deal with chemical accidents and coordinate efforts in planning, preparedness and mitigation of a chemical accident
Rule 8	Constitution of the District And Local Crisis Group	The State Government constitute a District and Local Crisis Group for management of chemical accidents
Rule 9	Functions Of The District Crisis Group	Apex body in the district to deal with major chemical accidents and to provide expert guidance for handling chemical accidents
Rule 10	Functions Of The	To deal with chemical accidents and


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	Local Crisis Group	coordinate efforts in planning, preparedness and mitigation of a chemical accident
Rule 11	Powers of the members of the Central, State And District Crisis Groups	The Members of the Central Crisis Group, State Crisis Groups and District Crisis Groups shall be deemed to be persons empowered by the Central Government in this behalf under sub-section (1) of section 10 of the Environment (Protection) Act, 1986
Rule 12	Aid And assistance for the functioning of the District and Local Crisis Groups	Major Accident Hazard installations provide aid, assist and facilitate functioning of the District Crisis Group and Local Crisis Group.
Rule 13	Information to the Public	CCG, SCG, LCG provide information on request regarding chemical accident prevention, preparedness and mitigation in the country, state and industrial pocket respectively.

9. That to prevent chemical (industrial) accidents in the country, the concerned Central/ State authorities have been delegated responsibilities as per Schedule 5 of the MSIHC Rules, 1989 wherein Petroleum and Explosives Safety Organization (PESO), has been made the nodal agency to approve and notify the sites of pipelines carrying hazardous chemicals including inter-state pipelines. The PESO has also been mandated to accept On-site Emergency Plans, review the safety reports and safety audit reports submitted by occupiers.


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PESO is also mandated to enforce directions and procedures under the Explosives Act, 1884 as well as the Petroleum Act, 1934.

10. That the PESO, while giving approvals to industrial units, transportation pipelines and isolated storage are expected to ensure preparation of on-site emergency plans & safety reports by units, reviewing the details of mock-drills conducted and implementation of Standard Operating Procedures (SOPs) of industrial operation by the unit from industrial safety point of view.

11. It is respectfully submitted that in view of the above submissions, this Hon'ble Tribunal may pass such order(s) as deemed fit and proper in the facts and circumstances of the case.


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VERIFICATION:

Verified at Chennai on this 10th day of February 2021 that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.


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Standing counsel for MoEF&CC**