

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

Original Application No.73 of 2021 (SZ)

IN THE MATTER OF:

Visakha Pawan Praja Karmika
Sangham, Andhra Pradesh

...Applicant

:Vs:

1. Union of India
Rep. by its Secretary,
Ministry of Environment, Forest & CC
Indira Paryavaran Bhavan,
Jorbagh, NewDelhi-110 003
2. Union of India
Rep. by its Secretary
Ministry of Petroleum & Natural Gas,
Sastry Bhavan, New Delhi-110 001
3. Central Pollution Control Board
Rep. by its Chairman
Parivesh Bhavan,
East Arjun Vihar, New Delhi-110 032
4. State of Andhra Pradesh
Rep. by its Chief Secretary,
Government Complex,
Velagapudi, Guntur District
Andhra Pradesh-522 503
5. Andhra Pradesh Pollution Control Board
Rep. by its Member Secretary,
D.No.33-26-14/D2
Near Sunrise Hospital, Pushpa Hotel Center
Chalamvari Street, Kasturibaipet
Vijayawada, Andhra Pradesh-520 010
6. District Collector and Magistrate
Main Road, Krishna Nagar,
Maharani Peta, Vishakhapatnam
Andhra Pradesh-530 002.
7. M/s.Hindustan Petroleum Corporation Limited
Rep. by its Chairman & Managing Director
Malkapuram Post, Visakhapatnam
Andhra Pradesh-530 011

...Respondents


जी. भगवान
Dy. General Manager-Technical
एच.पी.सी.एल. - विशाख रिफाइनरी
H.P.C.L - Visakh Refinery

**REPLY AFFIDAVIT FILED ON BEHALF OF HINDUSTAN PETROLEUM
CORPORATION LIMITED – 7th RESPONDENT TO REPLY FILED BY
THE APPLICANT**

I, Gudala Bhagavan, S/o Gudala Appanna (late), aged about 52 years, Deputy General Manager -Technical in Visakh Refinery, Hindustan Petroleum Corporation Limited, Malkapuram Post, Visakhapatnam, Andhra Pradesh-530 011, do hereby solemnly affirm and sincerely state as follows:

1. I am Deputy General Manager - Technical in Visakh Refinery, Hindustan Petroleum Corporation Limited (“**HPCL-VR / this Respondent**”) and as such I am well acquainted with the facts and circumstances of the case. It is submitted that HPCL-VR have already filed a reply dated 12.04.2021 to the main application which is prayed to be read as a part and parcel of this affidavit. Additionally, HPCL-VR also filed a report dated 24.06.2021 on fire incident on 25.05.2021 in compliance with order dated 27.05.2021 of this Hon’ble Tribunal. I am filing this reply-to-Reply Affidavit filed by Applicant dated 25.07.2021 (“**Applicant Affidavit**”) on reply filed by HPCL-VR dated 12.04.2021 and report submitted by HPCL-VR dated 24.06.2021. Respondent hereby denies the entire contents of the Reply Affidavit filed by Applicant dated 25.07.2021 and nothing be deemed to be admitted by the Respondent unless specifically done so.

2. At the outset, it is submitted that this Respondent has not received a copy of the Collectors Enquiry Committee Report dated 07.07.2021. However, the same has been annexed by the Applicant in the Applicant Affidavit, and this Respondent is placing reliance on the same without admitting to the findings and recommendations therein and reserve its right to deal with it elaborately and file its detailed submissions as and when the need for the same is felt in this proceedings or as and when the Hon’ble forum directs it to do so.

3. With regard to para 2 of the Applicant affidavit, it is submitted that the Joint committee appointed by the Hon’ble Tribunal has also confirmed

in para 5 of their report dated 19.07.2021 that there was no significant damage to the surrounding environment, injury or casualties reported due to the fire incident.

Quote

*The quantities of pollutants emitted were in considerable quantity, but, there was **no significant damage to the environment, injury or casualties reported.***

Unquote

4. With regard to para 3 of the Applicant affidavit, it is submitted that the Applicant has extracted portions of the Collectors Enquiry Committee Report dated 07.07.2021 ("**Collector's Report**"), and has cherry-picked portions without disclosing the context of the statements. Hence, this Respondent denies the allegations raised by the Applicant and strongly objects to the same. Each portion of the extracts of the Collectors Enquiry Committee Report dated 07.07.2021 is dealt with point-wise below:

- a. The Applicant has extracted Para 1.0 at Page 3 of the Collector's Report, without disclosing the context of the statement. In the subsequent para 2.0, Page No.5, the Collector's Report state that "*The district administration has conveyed the public around HPCL that the fire incident was limited to Crude Distillation Unit (CDU-III) only and there is no necessary for evacuation*". Further, the said report also confirms the immediate action of the district officials as well as fire team of HPCL due to which duration of the fire was drastically reduced, and this showed efficacy of the collective effort and capability/readiness of HPCL to deal with any such eventuality effectively.
- b. With regard to para 4.0 and 6.0 of the Collector's Report extracted by the Applicant, it is submitted that the hydro-test and other testing activities are usually carried out during unit shutdown period which normally stretches about one month. During the said shutdown, each equipment will be dismantled, tested and refitted and thereafter Hydro-testing will be conducted. For carrying out these activities, more

than 1000 workers have to be assembled and they are required to work round the clock for about one month.

In view of nationwide lockdown due to unprecedented COVID situation prevailing during the mentioned period, the above said activities could not be taken up as a planned activity since there were restrictions on travel, mobility and assembly of people in large numbers coupled with risk of spreading of infection due to such large gathering. Thus, it is beyond the control of HPCL refinery to carry out the hydro-testing as scheduled in August, 2020. However, UTG (Ultrasonic Thickness Gauging) of the pipelines was initiated in 2020 by placing order on Xtechs Testings Private Limited and the same was in progress till the onset of the COVID lockdowns. UTG of the balance pipelines which also slowed down during the lockdown and hydro-test of all the pipelines were completed during the shutdown.

In addition to the above, various established alternate testing methods such as on-stream inspections (OSI), Visual Inspection (VI) and in-house Remaining Life Assessment (RLA) were carried out for all hydrocarbon (HC) circuits to ensure healthiness of the pipelines. It is submitted that, various statutory authorities such as PESO & IBR also gave relaxation on statutory obligations during the lockdown period. Thus, HPCL took all efforts to ensure sound and safe working of the unit and personnel/public involved.

- c. With regard to para 7.0 of the Collector's Report extracted by the Applicant, it is submitted that detailed metallurgical / microstructural analysis has been carried out for the failed pipeline elbow through M/s TCR Advanced Engg. Solutions. The failure is due to combined effect of sulphidic and naphthenic acid corrosion.
- d. With regard to para 8.0 of the Collector's Report extracted by the Applicant, it is submitted that PM10 value is more than the maximum prescribed limit in the entire city of Visakhapatnam and during the fire incident, there was only a minor increase. It is submitted that the

maximum value prescribed for PM2.5 is 60 µg/m³. The observed value is less than the maximum prescribed value. There was no increase in ambient temperature (around 35°C) recorded at weather monitoring station in South Gate CAAMS which is located in the downwind direction during the fire incident.

- e. With regard to para 9.0 of the Collector's Report extracted by the Applicant, it is submitted that, after the hydrotest in August 2012, the hydrotest of the pipe lines was also conducted in August 2016 and the next cycle due for hydrotest was in August 2020. As submitted earlier, the hydro-test and other testing activities are carried out during unit shutdown period stretching about one month. During the shutdown, each equipment will be dismantled, tested and refitted and thereafter Hydro- testing will be conducted. For carrying out these activities, more than 1000 workers have to be assembled and they work round the clock for about one month.

In view of nationwide lockdown due to unprecedented COVID situation prevailing during the mentioned period, the above said activities could not be taken up as a planned activity since there were restrictions on travel, mobility and assembly of people in large numbers coupled with risk of spreading of infection due to such large gathering.

However, we reiterate, UTG (Ultrasonic Thickness Gauging) of the pipelines was initiated in 2020 and the same was in progress till the onset of the COVID lockdowns. UTG of the balance pipelines and hydrotest of all the pipelines were completed during the shutdown. Online thickness measurement of the pipeline at vulnerable locations was carried out and the thickness of the pipeline was found to be within allowable limits considering the estimated rate of corrosion. In addition, various established alternate testing methods such as on-stream inspections (OSI), Visual Inspection (VI) and in-house Remaining Life Assessment (RLA) were carried out for all hydrocarbon (HC) circuits to ensure healthiness of the pipelines.

5. With regard to para 4(a), 4(c) and 4(i) of the Applicant Affidavit, it is submitted that the IISc report had not recommended HPCL-VR to install any odour testing equipment or conduct any odour study. HPCL-VR was directed at a later date by APPCB task force to conduct odour study. Accordingly, purchase order was placed on M/s Glens Innovation Labs Pvt Limited and work was to commence in April 2021. However, due to onset of COVID second wave and resultant situations of lockdown and panic created due to the same and also due to shut-down of certain other units in the refinery, the odour study could not commence. In case odour study is conducted when units are under shutdown, study will be incomplete and will not give correct results. Hence, odour study will commence once all units are functioning. However, the kick-off meeting for the study was held on 21.06.2021, and the final report is likely to be submitted by March 2022. Further, it is clarified that in reply dated 12.04.2021, HPCL-VR has only informed regarding tentative plan for commencement of odour study and not about installation of any odour testing equipment.

6. With regard to para 4(b), 4(h) & 5 of the Applicant Affidavit, the Extract of Para 9(ix) of HPCL-VR Reply is below:

“As there is shortage of space in refinery, for this shortfall in greenbelt, tree plantation on a massive scale has been carried out in various locations of Visakhapatnam under “Green Visakha” program. The Green Visakha and Vanam Manam programs were taken up by Respondent’s Visakh Refinery as per the directives of APPCB”.

It is submitted that it was communicated to MoEF that a plantation of 4,50,000 saplings out of targeted plantation of 6,50,000 saplings were completed in the year 2015 as part of “Green Visakha” program. The balance 2,00,000 saplings plantation was completed in the year 2016 as recommended in Visakh Refinery Modernisation Project (VRMP) CFE. Above plantation measures provide a green cover more than the present shortfall of greenbelt within the refinery. Further, greenbelt is being developed in a vacant land in the vicinity of refinery under VRMP.

It is further submitted that, even though there is shortage of space, HPCL-VR has planted 6,50,000 plantations covering an area of approximately 700 acers of Plantation. Approximately Rs 25 crores were incurred for greenbelt development during 2011-2018 by HPCL-VR. The compliance of HPCL greenbelt condition has been confirmed as achieving 100% target by APPCB in their action taken report dated 10.11.2021. Further, HPCL-VR has planted 10,000 saplings under Vanam Manam program during 2018-19.

Hence, it is clear that the Applicant is making baseless allegations that the terms of the EC with respect to Greenbelt are not being complied with by this Respondent.

7. With regard to para 4(d), of the Applicant Affidavit, it is submitted that the applicant has completely ignored the mitigation measures taken by HPCL-VR to reduce PM levels in Ambient Air. Further, it is submitted that PM values most of the time exceed the maximum limit in the entire Visakhapatnam city and therefore, HPCL refinery is not responsible for the same. Needless to state, various causes are attributable such as vehicular pollution, Port activities, Construction works, industrial activity etc., in Visakhapatnam city for the increase in PM values.

8. With regard to para 4(e) of the Applicant Affidavit, it is submitted that the total quantity of raw material (crude oil) processed by Respondent's Visakh Refinery on annual basis is always within the consented quantity of 10 MMTPA only. The variation in quantities of lighter, middle and heavier distillates (products) varies depending on the type of crude processed and varies as per market demand, and hence such variations can't be considered as violation of the CFO conditions.

9. With regard to para 4(f) and 4(j) of the Applicant Affidavit, in Para 16(iv) HPCL-VR submitted that

"Smokeless flare stack is maintained by ensuring complete combustion all the times. Black smoke is observed only during upset scenarios for very short durations. It is submitted that such short-term scenarios are always monitored and remedial measures are immediately taken."

It is submitted that Applicant has cleverly and maliciously quoted the phrases in between the sentences, which do not give clear understanding and intent of HPCL-VR unless read in full.

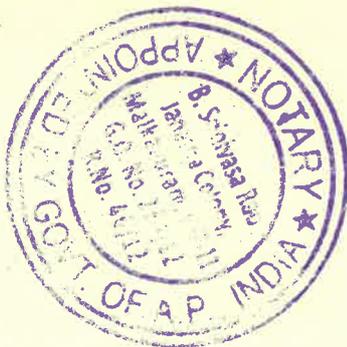
10. With regard to para 4(g) of the Applicant Affidavit, this Respondent denies the allegation of the Applicant that stripped sour water has not been recycled. As stated in reply dated 12.04.2021, the recycling of stripped sour water is done to the maximum possible extent. It is to be noted that the requirement is only to explore the possibility of recycling part of the effluent discharges to conserve water resource. Accordingly, this Respondent was recycling the stripped sour water to the maximum extent possible. The treated water will be recycled fully after the implementation of new modernization project (VRMP).

11. With regard to para 4(k) of the Applicant Affidavit, it is denied that there was a fire incident in December 2020 as alleged by the Applicant. The Applicant appears to be deliberately misleading this Hon'ble Tribunal by making baseless allegations that there was a fire incident in December 2020. As mentioned by this Respondent in reply 12.04.2021, the incident in December 2020 is a one of its kind case due to power failure in the refinery operations and not a fire incident.

It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to take this Respondent's reply on record and dismiss the above application as against the 7th Respondent and thus render justice.

Solemnly affirmed at Visakhapatnam on this twenty fourth day of December, 2021 and signed his name in my presence


जी. भगवान
G. BHAGAVAN
मकुपबंधक - तकनीकी
य. General Manager Technical
एच.पी.सी.एल. - विशाख रिफाइनरी
H.P.C.L - Visakh Refinery



ATTESTED
NOTARY
MALKAPURAM
VISAKHAPATNAM-11
A.P. INDIA

BEFORE ME

NOTARY: VISAKHAPATNAM

BATCHU SRINIVASA RAO
M.Com., B.L.,
ADVOCATE & NOTARY
D.No.: 60-31-56, Janatha Colony,
Malkapuram (Post),
VISAKHAPATNAM-530 011 (A.P.)
Call No.: 9353120901

NOTE: This attestation is only with reference to the signature or thumb impression of the deponent. NOTARY bears no responsibility for the contents of this affidavit