

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

Original Application No. 71 of 2021

Tribunal on its own motion-SUO MOTU

Versus

Govt. of Kerala and Ors.

...Respondents

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Place: Bengaluru
Date 05/07/2021

S. Suresh
5/7/2021
(S Suresh)

Regional Director
Central Pollution Control Board
Regional Directorate, Bengaluru



Filed through Counsel

S. SURESH
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB : 9480672128

**BEFORE THE NATIONAL GREEN TRIBUNAL, CHENNAI.
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MEMO FOR MODIFICATION OF THE ORDER DATED 17.02.2021

It is respectfully submitted on behalf of the Central Pollution Control Board, that the Hon'ble Tribunal on suo-moto registered case number, OA No. 71 of 2021 based on the News item published in Mathrubumi, English Newspaper Edition dated 10.02.2021, under the caption "Glass furnace pipe bursts at Titanium factory in Thiruvananthapuram, oil leaked to sea".

The Tribunal vide its order dated 17.02.2021 appointed a Committee consisting of Five Members to ascertain the real nature of issue and damage caused to the environment w.r.t the glass furnace pipe burst and oil leakage to sea shore, happened at Titanium factory in Thiruvananthapuram, Kerala.

The Committee consists of the District Collector, Thiruvananthapuram District and senior officials from Kerala State Pollution Control Board (KSPCB), Tamil Nadu Coastal Zone Management Authority (TNCZMA),

Central Pollution Control Board (CPCB) and National Institute of Ocean Technology (NIOT), Chennai al. The Tribunal appointed CPCB as the nodal agency for co-ordination.

After receiving the NGT order on 23.02.2021, CPCB, Regional Directorate Bangalore nominated concerned official for the Joint Committee and nominations were sought from the other institutes/organizations on 02.03.2021 by speed post & e-mail and reminder mails were also issued on 11.03.2021 & 20.03.2021. Copies are attached as **Annexure 1 & 2 respectively.**

However, nominations were received from KSPCB and NIOT. The TNCZMA vide letter dated 17.03.2021 and received by CPCB on 23.03.2021 informed that they have been constituted to implement CRZ notifications pertaining to State of Tamil Nadu. Since the matter pertains to Kerala State, it may be replaced with Kerala Coastal Zone Management Authority in the said Committee. The copy of the letter is placed at **Annexure 3.**

It is humbly submitted that the District Collector, Thiruvananthapuram has not yet responded, or nominated a representative despite multiple reminders and continuous follow up over phone.

Under these circumstances, it is humbly requested before the Hon'ble Tribunal, that the order dated 17.02.2021 may be modified by;

- Replacing Kerala Coastal Zone Management Authority in place of Tamil Nadu Coastal Zone Management Authority
- Directions may be given to the District Collector, Thiruvananthapuram to nominate or participate in the Committee or replace the District Collector with any other competent official.

CPCB will take all its endeavor to complete the inspection as directed by the Hon'ble Tribunal at the earliest.

It is therefore respectfully prayed that the above submissions may be considered and the order may be modified for early completion of inspection/site visit as per order dated 17.02.2021 or any other directions this Hon'ble tribunal may deem fit may be issued.

Place: Bengaluru
Date 05/07/2021

S. Suresh
(S Suresh) 5/7/2021

Regional Director
Central Pollution Control Board
Regional Directorate, Bengaluru



S. SURESH
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB : 9480672128

Annexure 1

Speed post/emailNGT Matter (Time Bound)

No. F.Tech39/Legal/RDS/2020-21/ 1241-1244

Dt: 02-03-2021

To,

1. The District Collector Thiruvananthapuram 2nd Floor Civil Station Building, Civil Station Road, Thiruvananthapuram, Kerala 695043	2. The Member Secretary Kerala State Pollution Control Board Plamoodu Jn., Pattom Palace P.O. Thiruvananthapuram-695 004
3. The Member Secretary, TNSCZMA & Director Department of Environment No.1, Jeenis Road, Panagal Building, Ground Floor, Saidapet, Chennai-600 015	4. The Director National Institute Of Ocean Technology Velacherry-Tambaram Main Road, Narayanapuram, Pallikaranai Chennai - 600 100

Sub: Nomination to the Joint Committee appointed by Hon'ble NGT vide directions in OA. No. 71 of 2021 (SZ)

Sir,

Your attention is invited to the OA. No. 71 of 2021 (SZ) moved by Hon'ble NGT (SZ) on its own motion-SUO MOTU related to newspaper report on "Glass furnace pipe bursts at Titanium factory in Thiruvananthapuram, oil leaked to sea". The Tribunal vide its order dated 17.02.2021 (copy enclosed) constituted a Committee comprising of the following members to ascertain the nature of damage caused by the incident, impact on environment and other related aspects and to submit report;

1. The District Collector, Thiruvanthapuram District
2. Senior Scientist from Kerala State Pollution Control Board (KSPCB)
3. Senior Officer from Tamil Nadu Coastal Zone Management Authority (TNCZMA)
4. Senior Scientist from Central Pollution Control Board (CPCB), Regional Office, Bangalore &
5. Senior Scientist from National Institute of Ocean Technology (NIOT), Chennai

The Hon'ble Tribunal has appointed CPCB as the nodal agency for co-ordination in the matter. In this regard, Sh. Vivek. K, SEE/Sc D (contact details given below) shall be the CPCB representative & nodal officer in the aforementioned Committee. It is requested that concerned senior official may be nominated to the Committee in compliance to the Hon'ble Tribunal's directions. The details shall be communicated to this office and to Sh. Vivek. K by 09th March, 2021 for completion of the entrusted work in a timely manner.

Ph - O: 08023233739 – 230, M: 9990300758
e-mail - vivekpcb@gmail.com, vivek.cpcb@gov.in

Yours faithfully,

S. Suresh
21/3/2021
(S. Suresh)

Regional Director9480672128, ssuresh.cpcb@nic.in

Encl: As above

o/c

in:sent

CPCB Regiona...Bengaluru

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**Reminder - NGT Matter OA-71 of 2021(SZ) - Request for nomination to the Joint Com**

From: CPCB Regional Directorate Bengaluru

To: tndoe District Collector

Cc: Suresh S Mrs. anjanakumari v vivekcpcb

Sir/Madam,

With reference to the trailing mail, the required nominations sought are yet to be received by this office. Considering the urgency of the matter and time constraints in complying with Hon'ble NGT direction, it is once again appointed by the order of Hon'ble NGT .

Regards

From: "CPCB Regional Directorate Bengaluru" <zobangalore.cpcb@nic.in>**To:** "Sreekala S" <ms.kspcb@gov.in>, "tndoe" <tndoe@tn.nic.in>, postmaster@niot.res.in, "District Collector" <dc
<ramadass.niot@gov.in>, pcbrotvm@gmail.com**Cc:** "Suresh S" <ssuresh.cpcb@nic.in>, "Mrs. anjanakumari v" <anjana.anupama@gmail.com>, "vivekcpcb" <viv
Cell" <law.cpcb@gov.in>**Sent:** Tuesday, March 2, 2021 4:14:38 PM**Subject:** Urgent NGT Matter OA-71 of 2021(SZ) - Request for nomination to the Joint Committee

Sir/Madam,

A letter regarding nomination to the committee appointed by the order of Hon'ble NGT in the matter of OA-71 of 2021(Hon'ble NGT order is attached for your perusal and further actions.

Matter may be treated as most urgent please.

Email

CPCB Regional Directorate Bengaluru

2nd Reminder - NGT Matter OA-71 of 2021(SZ) - Request for nomination to the Joint Committee

From : CPCB Regional Directorate Bengaluru <zobangalore.cpcb@nic.in> Sat, Mar 20, 2021 04:56 PM
Subject : 2nd Reminder - NGT Matter OA-71 of 2021(SZ) - Request for nomination to the Joint Committee
To : tndoe <tndoe@tn.nic.in>, District Collector <dctvm@kerala.nic.in>
Cc : Suresh S <ssuresh.cpcb@nic.in>, Mrs. anjanakumari v <anjana.anupama@gmail.com>, vivekcpcb <vivekcpcb@gmail.com>

Sir/Madam,

With reference to the trailing mail, the required nominations sought are yet to be received by this office.

Considering the urgency of the matter and time constraints in complying with Hon'ble NGT direction, it is once again requested to provide the nomination to the committee appointed by the order of Hon'ble NGT.

Matter may be treated as most urgent.

Regards

From: "CPCB Regional Directorate Bengaluru" <zobangalore.cpcb@nic.in>
To: "tndoe" <tndoe@tn.nic.in>, "District Collector" <dctvm@kerala.nic.in>
Cc: "Suresh S" <ssuresh.cpcb@nic.in>, "Mrs. anjanakumari v" <anjana.anupama@gmail.com>, "vivekcpcb" <vivekcpcb@gmail.com>
Sent: Thursday, March 11, 2021 4:58:27 PM
Subject: Reminder - NGT Matter OA-71 of 2021(SZ) - Request for nomination to the Joint Committee

Sir/Madam,

With reference to the trailing mail, the required nominations sought are yet to be received by this office.

Considering the urgency of the matter and time constraints in complying with Hon'ble NGT direction, it is once again requested to provide the nomination to the committee appointed by the order of Hon'ble NGT .

Regards

From: "CPCB Regional Directorate Bengaluru" <zobangalore.cpcb@nic.in>
To: "Sreekala S" <ms.kspcb@gov.in>, "tndoe" <tndoe@tn.nic.in>, postmaster@niot.res.in, "District Collector" <dctvm@kerala.nic.in>, ramadass@niot.res.in, "ramadass niot" <ramadass.niot@gov.in>, pcbrotvm@gmail.com
Cc: "Suresh S" <ssuresh.cpcb@nic.in>, "Mrs. anjanakumari v" <anjana.anupama@gmail.com>, "vivekcpcb" <vivekcpcb@gmail.com>, "Vivek K" <vivek.cpcb@gov.in>, "CPCB Law Cell" <law.cpcb@gov.in>
Sent: Tuesday, March 2, 2021 4:14:38 PM

DEPARTMENT OF ENVIRONMENT



From
Thiru K.V. Giridhar, I.F.S.,
Member-Secretary, TNSCZMA &
Director of Environment,
Ground Floor, Panagal Building,
Saidapet, Chennai 600 015

To
Dr. V.R. Thirunarayanan,
Standing Counsel for Govt. of
Tamil Nadu,
Law Officer's Block,
High Court, Chennai - 600 104.

R.C.No.P1 / 372 / 2021 dated 16.03.2021

Sir,

Sub.: DoE - Original Application No.71 of 2021 - Filed by NGT (SZ) on Suo Motu based on the news item in the New Indian Express Newspaper dated 10.02.2021, "Oil Leak from Titanium factory hits Thiruvananthapuram coast, Public barred from affected stretch". News item in the Hindu, dt:10/02/2021, "Furnance oil from Titanium factory spills into sea" News item in Mathrubumi, English edition dt:10/02/2021, "Glass furnace pipe bursts at Titanium factory in TVM, Oil leaked to Sea" - Regarding

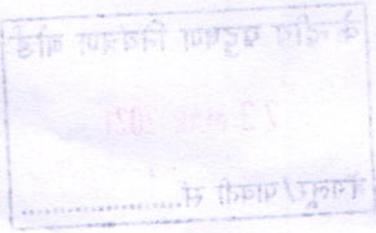
Ref.: 1)E.Mail received from CPCB Regional Directorate Bengaluru dated:11/03/2021.

2)The Hon'ble NGT(SZ) order dated:17/02/2021 downloaded from website

The Hon'ble NGT (SZ) has filed an O.A. No. 71 of 2021 as Suo Motu based on the news item in the New Indian Express, Newspaper dated 10.02.2021, "Oil Leak from Titanium factory hits Thiruvananthapuram coast, Public barred from affected stretch". News item in the Hindu, dt: 10/02/2021, "Furnance oil from Titanium factory spills into sea" News item in Mathrubumi, English edition dt: 10/02/2021, "Glass furnace pipe bursts at Titanium factory in TVM, Oil leaked to Sea".

2) The Hon'ble NGT(SZ) has appointed a Joint Committee vide order dt:17/02/2021 comprising of (1) the District Collector, Thiruvanthapuram district, (2) a Senior Scientist from Kerala State Pollution Control Board (KSPCB) (3) a Senior Officer from Tamil Nadu Coastal Zone Management Authority (TNCZMA) (4) a Senior Scientist from Central Pollution

nb
23/3/2021
Sh. V. K. V. -



Control Board (CPCB), Regional Office, Bangalore & (5) a Senior Scientist from National Institute of Ocean Technology (NIOT), Chennai. The Central Pollution Control Board (CPCB), Regional Office, Bangalore is the nodal Agency.

3) In this connection, it is informed that the Tamil Nadu State Coastal Zone Management Authority (TNSCZMA) is constituted by the Ministry of Environment, Forest and Climate Change, Government of India for the implementation of CRZ notifications in the Tamil Nadu Coastal Zone Area. The Original Application No: 71/2021 is related to Oil Spill at Thiruvananthapuram (Kerala) Coastal Area. It is also informed that the Kerala State also having Kerala Coastal Zone Management Authority for implementing the CRZ notifications in the Coastal Area of Kerala state.

4) Hence, it is requested to appear before the Hon'ble NGT (SZ) on behalf of Tamil Nadu Coastal Zone Management Authority and explain the above fact and get the necessary amendment in order for changing the member as Kerala Coastal Zone Management Authority instead of Tamil Nadu Coastal Zone Management Authority.

5) Kindly treat this as **MOST URGENT**

Yours faithfully,
Sd./- K.V. Giridhar,
Member Secretary,
Tamil Nadu State Coastal Zone Management Authority
& Director of Environment

Copy to
The Regional Directorate (RD), Bengaluru,
Nisarga Bhawan, A-Block, 1st & 2nd Floors,
Thimmaiah Road, 7th Domain, Shivanagar,
Bengaluru - 560079.

//forwarded by order//


For Director of Environment


17/3/21