

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE PUNE**

ORIGINAL APPLICATION NO. 73 OF 2021

IN THE MATTER OF:

BRACKISH WATER RESEARCH CENTRE & ANR.

APPLICANT

VERSUS

MoEF&CC & ORS.

RESPONDENT(S)

INDEX

S. No.	Particulars	Page No.
1.	Reply Affidavit of Respondent No. 5 – Central Pollution Control Board (CPCB)	1 - 8
2.	Annexure R5-I: Copy of Office Memorandum issued by Ministry of Petroleum and Natural Gas Exploration whereby constituted 11-member Committee to study surfacing of tar balls on beaches of Goa.	9
3.	Annexure R5-II: Copy of the letter dated 28.08.2020 written by CPCB, Delhi to Director (Environment), Indian Coast Guard, Ministry of Defence.	10

P. Gargava

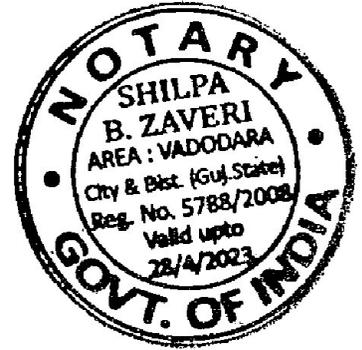
Prasoon Gargava
Regional Directorate, Vadodara
Central Pollution Control Board (CPCB)

Vadodara
Date:

Sr. No..... 2885.....
Date: 04/04/2022

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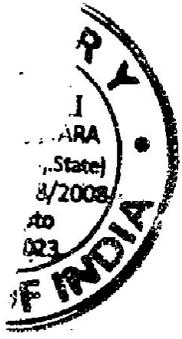
REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5, CENTRAL
POLLUTION CONTROL BOARD (CPCB)

I, Prasoon Gargava, aged about 49 years and having office at the Regional Directorate Vadodara, Near VMC Ward office No. 10, Subhanpura, Vadodara, Gujarat – 390023, do hereby solemnly affirm and sincerely state as follows: -

1. I am presently working as Scientist 'E' & Regional Director, Central Pollution Control Board (CPCB), Regional Directorate Vadodara. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present Reply Affidavit as under:
2. That averments made in the Paras 1 to 3 are about the information of the Applicant & Respondents and about the information of formation of Tar ball, and hence needs no reply from this Answering Respondent.
3. That averments made in Para 1 under the heading 'facts of case' relates to information about the Applicant and hence needs no reply from this Answering Respondent.

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4. That averments made in Paras 2 to 5 relates to information about the Respondent No. 1 to 4 and hence needs no reply from this Answering Respondent.
 5. That averments made in Para 6 relates to information about this Answering Respondent i.e. CPCB and hence needs no reply from this Answering Respondent.
 6. That averments made in Paras 7 to 20 relates to information about the Respondent No. 6 to 19 and hence needs no reply from this Answering Respondent.
 7. That averments made in Para 21 relates to information on formation of tar balls from crude oil spill and hence needs no reply from this Answering Respondent.
 8. That averments made in Para 22 relates to complaint made by Applicant to the Respondent No. 2 i.e. Indian Coast Guard, other Respondent Agencies and Collector of Valsad about heavy oil spills along the Navsari Districts in South Gujarat was noticed in August, 2009. With respect to the said complaint, it is to submit that the complaint was not addressed to this answering respondent hence no comment from this Answering Respondent.
 9. That averments made in Para 23 relates to reoccurrence of tar ball in the beaches of Gujarat and Maharashtra and communication between the State PCBs of Gujarat and Maharashtra. Further, Maharashtra Pollution Control Board constituted five-member Committee in 2014 in which CPCB was one of the committee members. The joint committee meeting was convened in Maharashtra and minutes of the meeting is on record along with the application.

This Answering Respondent submits that recently, Ministry of Petroleum and Natural Gas, Government of India, Exploration Division has set up a Committee to study surfacing of tar balls in March, 2021. A copy of the



constitution of Committee is annexed herewith and marked as 'Annexure R5-I'.

The Commandant, Indian Coast Guard is a Chairman of the Committee, comprising members from Oil and Natural Gas Corporation (ONGC), Maharashtra Pollution Control Board (MPCB), Gujarat State Pollution Control Board (GSPCB), CPCB, National Institute of Oceanography (NIO), National Remote Sensing Agency, INCOIS Hyderabad, Ministry of Earth Science, Directorate General of Shipping. Indian Coast Guard is responsible agency to tackle this issue. It is to further submit that as per the "National Oil Spill Disaster Contingency Plan" (NOS-DCP), the Indian Coast Guard, being the agency responsible for overseeing response action for oil spills, beyond baseline and also designated as the Central Coordinating Authority for combating oil spills in Indian Waters and under taking oil spill prevention. Further, as per the NOS-DCP, the responsibility for clean-up of pollution on the water and at jetties wharves/structure within jurisdiction, and at beach/shoreline owned by the port authority, whatever the source of the pollution, lies with the port authority. Clean-up of shoreline (including land exposed by falling tide) beyond port jurisdiction vests with the Local Administration.

10. That averments made in Para 24 relates to complaint made by Applicant to the Respondent No. 1, 2, 5, 12 to 16 about similar incident of Oil and Tar Ball Pollution (hereinafter referred as 'OTBP') spread took place in 2017. In the month of August 2018, the Applicant No. 1 made a detailed complaint to the Respondents bringing to their attention the persistent deterioration of beaches and Coastal Regulation Zone (hereinafter referred to as 'CRZ') due to reoccurrence of OTBP on the coast of Umbergaon and Nargol in the Valsad District. This Answering Respondent states that from time to time this respondent pursued the complaint with the state authority.
11. That averments made in Para 25 relates to the reply dated 16.08.2018 sent to Applicant by this Answering Respondent, based on inspection carried out by RD Vadodara, CPCB and its action taken report (hereinafter referred as 'ATR') was prepared. The said inspection report and ATR jointly prepared by CPCB with Gujarat PCB are already on record with

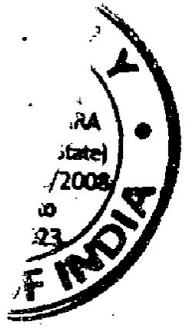


- original application (at Annexure A/6), and in furtherance of the same, this Answering Respondent submits that the State PCB participated in the visits wherein it was recommended to clean up the beaches and dispose the tar balls to Common Hazardous Waste Treatment, Storage and Disposal Facility (CHWTSDF) and also suggested for Indian Coast Guard to find out the sources and prevention of such oil spills as per the “National Oil Spill Disaster Contingency Plan”.
12. That averments made in Para 26 relates to the several RTI’s and RTI appeals filed by Applicant to Indian Coast Guard and MoEF&CC, to enquire about the measures taken by Indian Coast Guard, in furtherance of Committee report and CPCB’s ATR. This needs no reply from this Answering Respondent.
 13. That averments made in Para 27 pertains to the brief report sent by this Answering Respondent to Applicant via email dated 10.08.2018, is a matter of record and hence needs no reply from this Answering Respondent.
 14. That averments made in Para 28 & 29 pertains to the representation made by Applicant to Respondents thereby requesting for proper enquiry and investigation of the source of OTBP, and for the lifting of Tar Balls and oil contamination from the shores. In reply to this, this Answering Respondent conducted meeting on 30.07.2019 with Respondent authorities to discuss the roles, responsibilities and coordination amongst agencies and authorities to deal with OTBP, scope of finger print analysis of tar balls and cleaning mechanism and disposal of tar balls. The same being a matter of record requires no further reply from this Answering Respondent.
 15. That averments made in Para 30 pertains to the impacts of oil debris on fragile local coastal ecology, fisheries, etc., and this Answering Respondent submits that study may need to be carried out to ascertain such impact in the area due to occasional appearance of tar ball.



16. That averments made in Para 31 pertains to National Oil Spill Disaster Contingency Plan (hereinafter referred to as 'NOS-DCP') is a matter of record and hence needs no reply from this Answering Respondent.
17. That averments made in Para 32 pertains to letter dated 28.08.2020, written by this Answering Respondent to the GPCB and Indian Coast Guard for overseeing response action for oil spills as per Contingency Plan and take necessary action under intimation of this Answering Respondent. The same being matter of record and hence no reply from this Answering Respondent.
18. That averments made in Paras 33 to 35 pertains to occurrence of OTBP, in July-August, 2021, in the coastal areas of Daheri-Dahanu in Maharashtra to Navsari coast, Gujarat. Subsequently, the incidence of sinking a cargo ship MV Kanchan on 21.07.2021 off the coast of Valsad -Palghar Coast and the Study "How Vulnerable is the Indian Coast to Oil Spills? Impact of MV Ocean Seraya Oil Spill" published by the Scientists from the National Institute of Oceanography. These all are a matter of record and therefore no reply from this Answering Respondent.
19. That averments made in Para 36 pertains to study conducted by Respondent No. 16 i.e. National Institute of Oceanography (NIO) to identify the source of tar balls using fingerprinting coupled with transport modelling. The said study is matter of record and hence no reply from this Answering Respondent.
20. That averments made in Para 37 pertains to incidents of tar ball deposition on Goa beaches in August - September, 2021 as reported in an article on 13.09.2021 and on Ratnagiri Coast, Maharashtra on 15.09.2021, is a matter of fact and hence needs no reply from this Answering Respondent.

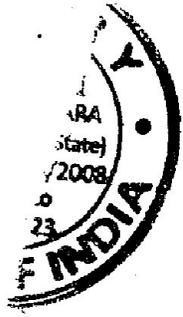
Further, it is humbly submitted that CPCB has received copy of representation vide email dated 18.10.2021 from Vanshakti (NGO) regarding deposition/dumping of non-biodegradable waste and plastic which is coated with huge amount of tar balls in the floor, roots and base of mangrove patches, located at Carter Road, Bandra, Mumbai,



- Maharashtra. In this regard, CPCB accordingly pursued and followed-up with MPCB to take necessary action.
21. That averments made in Para 38 pertains to correspondence between Applicant and Respondent No. 2, hence does not attract any comments from this Answering Respondent.
 22. That averments made in Para 39 pertains to filing of the present application by Applicant and hence no reply from this Answering Respondent.
 23. That averments made in Para A in Grounds for Relief with Legal Provisions pertains to NOS-DCP and this Answering Respondent submits that as the oil fields are located beyond 12 nautical miles from the offshore, hence, doesn't come under the purview of CPCB & SPCBs. Indian Coast Guard is responsible agency to tackle this issue. As per the "*National Oil Spill Disaster Contingency Plan*", the Indian Coast Guard, being the agency responsible for overseeing response action for oil spills, beyond baseline and also designated as the Central Coordinating Authority for combating oil spills in Indian Waters and under taking oil spill prevention. This Answering Respondent has sent a letter to Director (Environment), Indian Coast Guard, Ministry of Defence vide letter dated August 28, 2020. Further the Joint Secretary, Ministry of Petroleum and Natural Gas Exploration Division has set up a Committee to study surfacing of tar balls in March 2021. The Comandant, Indian Coast Guard is a Chairman of the Committee, comprising members from Oil and Natural Gas Corporation (ONGC), Maharashtra Pollution Control Board (MPCB), Gujarat State Pollution Control Board (GSPCB), CPCB, National Institute of Oceanography (NIO), National Remote sensing agency, INCOIS Hyderabad, Ministry of Earth Science, DG Shipping.

A copy of the letter dated 28.08.2020 issued by CPCB to Director (Environment), Indian Coast Guard, Ministry of Defence is annexed herewith and marked as '**Annexure R5- II**'.

24. That averments made in Para B in Grounds for Relief with Legal Provisions pertains to Respondent No. 6, 10 and 15 having regard to



- monitoring and compliance of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, and hence no reply from this Answering Respondent.
25. That averments made in Para C in Grounds for Relief with Legal Provisions pertains to the duties of Respondent No. 2, the Indian Coast Guard and hence no reply from this Answering Respondent.
 26. That averments made in Para D in Grounds for Relief with Legal Provisions pertains to effects of Hydrocarbons including pulmonary arterial hypertension (PAH) on human health and same attracts no reply from this Answering Respondent.
 27. That averments made in Para E in Grounds for Relief with Legal Provisions pertains to United Nation Convention on the Law of the Sea (UNCLOS) and same needs no reply from this Answering Respondent.
 28. That averments made in Para F in Grounds for Relief with Legal Provisions pertains to the observations from the Order of Hon'ble National Green Tribunal (Principal Bench) in Original Application No. 24 of 2011 titled as Samir Mehta Vs Union of India and Ors. The same being the matter of court record and hence needs no reply from this Answering Respondent.
 29. That averments made in Para G in Grounds for Relief with Legal Provisions pertains to The International Convention on Civil Liability for Bunker Oil Pollution, the Merchant Shipping Act, 1958, International Convention for the Prevention of Pollution from Ships, 1973. The same being the matter of record requires no reply from this Answering Respondent.
 30. That averments made in Paras H & I in Grounds for Relief with Legal Provisions pertains to provisions of the NGT Act, 2010, and hence no reply from this Answering Respondent.
 31. That the averments made in Paras 'Limitations' and 'Prayers' needs no reply from this Answering Respondent.



In light of the aforesaid submissions, it is respectfully prayed that, this Answering Respondent No. 5 i.e. CPCB, shall abide by all Orders or directions passed by this Hon'ble Tribunal

P. Gargava

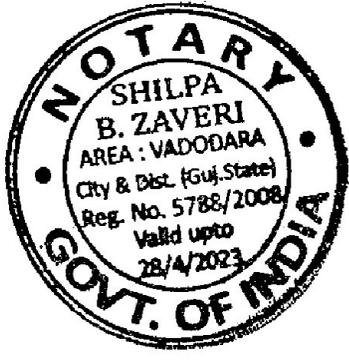
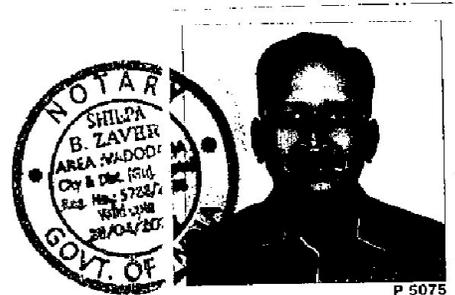
DEPONENT

VERIFICATION

I, Prasoon Gargava, working as Scientist 'E' & Regional Director, Central Pollution Control Board, the Respondent No. 5 herein, do hereby declare that, the contents of this Reply Affidavit which is based on official record and information available in the office are true to the best of my knowledge and belief.

Verified at Vadodara on this the ___ day of April, 2022.

COUNSEL FOR RESPONDENT No. 5



DEPONENT

P. Gargava

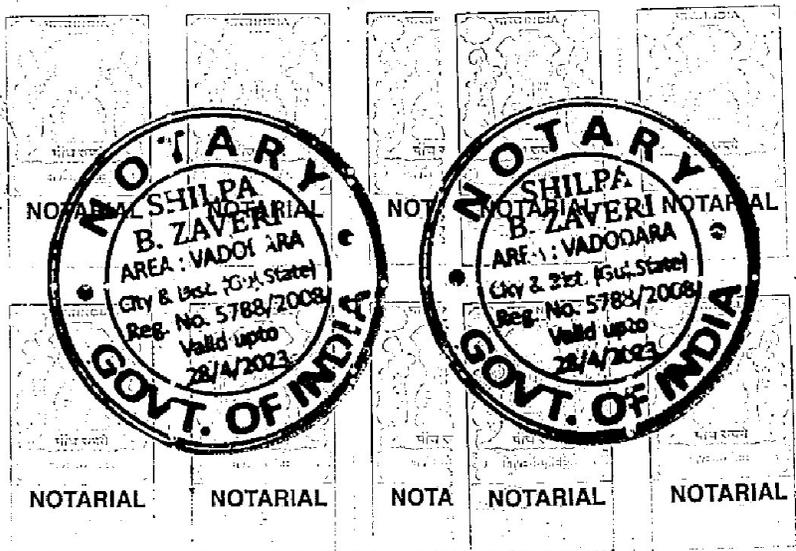
प्रसून गार्गव / PRASOON GARGAVA
क्षेत्रीय निदेशक / REGIONAL DIRECTOR
केन्द्रीय प्रदूषण नियंत्रण बोर्ड/Central Pollution Control Board
(पर्यावरण, वन एवं ज.प. मंत्रालय, भारत सरकार)
(Ministry of Environment, Forest & Climate Change, Govt. of India)
क्षेत्रीय निदेशालय (पश्चिम), वडोदरा-390023.
Regional Directorate (West), Vadodara-390023.

Solemnly Affirmed/Declared Sworn Before me by... *Prasoon Gargava*

S. B. Zaveri

SHILPA. B. ZAVERI, NOTARY

04 APR 2022



My Commission expires on 28-4-2023
Shilpa B. Zaveri
NOTARY

I/113/2021

MINISTRY OF PETROLEUM & NATURAL GAS
EXPLORATION DIVISION

Shastri Bhwan , New Delhi
Dated, March, 2021

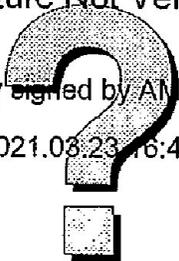
OFFICE MEMORANDUM

It has been reported that tar balls are surfacing on the beaches of Goa. The origin of such tar balls is not known. Therefore, it has been decided to set up a Committee comprising representatives of ONGC, Officials of State of Goa, Indian Coast Guards and other concerned departments/organization, to study surfacing of tar balls on the beaches of Goa and find out the causes of origin of tar balls on the coasts of Goa. The Committee will suggest measures for cleaning up of the area.

2. The composition of the Committee is as under:
 - i. Indian Coast Guard: Comdt. R K Shrivastava, Chairman
 - ii. DG Shipping: Member (to be nominated)
 - iii. Central Pollution Control Board: Mr. Dinabandhu Gouda, Member
 - iv. Govt.of Goa : Mr. Kunal, Secretary Environment, Member
 - v. Govt. of Goa: State Pollution Control Board to nominate Member
 - vi. Maharashtra Maritime Board: Member (to be nominated)
 - vii. Gujarat Maritime Board: Member to be nominated
 - viii. National Institute of Oceanography : Mr. S K Singh, Director, NIO, Member
 - ix. ONGC: Mr. Sunder Iyer, ED-Chief HSE, Member-cum Convenor
 - x. INCOIS, Hyderabad, Ministry of Earth Science: Member to be nominated
 - xi. National Remote Sensing Agency, Govt. of India: Member to be nominated
3. Committee may co-opt any other Member for discharge of their duties.
4. Committee shall deliberate the issues and submit its report to the Ministry within a period of one month from the date of issue of this OM.

Signature Not Verified

Digitally signed by AMAR
NATH
Date: 2021.03.23 16:49:51 IST



(Amar Nath)
Joint Secretary (Exploration)
Ph. No. 23381832

ANNEXURE: R5-II

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
 CENTRAL POLLUTION CONTROL BOARD
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
 MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

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SPEED POST

August 28, 2020

B-29016/04/07/IPC-II

To

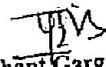
Shri. AA Hebbar
 Deputy Inspector General
 Director (Fisheries & Environment)
 DIRECTORATE OF FISHERIES & ENVIRONMENT
 COAST GUARD HEADQUARTERS
 NEW DELHI 110 001

Sub: Appearance of tar balls on western coast during monsoon season- reg.

Sir,

Reference is invited to the repeated incidences of appearance of Tar balls on the beaches of Gujarat and Maharashtra observed especially during monsoon season. As per the "National Oil Spill Disaster Contingency Plan", the Indian Coast Guard, being the agency responsible for overseeing response action for oil spills, beyond baseline and also designated as the Central Coordinating Authority for combating oil spills in Indian waters and undertaking oil spill prevention and control, is requested to take necessary action under intimation to CPCB for further appraisal of MoEF&CC.

Yours faithfully,


 (Prashant Gargava)
 Member Secretary

Copy to:

The Regional Director:
 Regional Directorates,
 Central Pollution Control Board
 Parivesh Bhawan, Opp VMC Ward office no 10
 Subhanpura, Vadodara-390 003

requested to follow up with concerned SPCB's


 (Prashant Gargava)

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032
 22305792, वेबसाइट/Website: www.cpcb.nic.in